

**IN THE HIGH COURT OF JUSTICE  
KING'S BENCH DIVISION**

**CLAIM NO.**

**B E T W E E N :**

**TELEDYNE UK LIMITED**

**Claimant**

**-and-**

**(1) JULIAN ALLEN GAO**

**(2) RUBY HAMILL**

**(3) DANIEL JONES**

**(4) NAJAM SHAH**

**(5) RICKY SOUTHALL**

**(6) AMAREEN AFZAL**

**(7) SERENA FENTON**

**(8) PERSONS UNKNOWN WHO ARE WITHOUT THE CONSENT OF THE  
CLAIMANT ENTERING OR REMAINING ON LAND AND IN OR ON  
BUILDINGS ON ANY OF THE SITES LISTED IN SCHEDULE 2 TO THE  
CLAIM FORM, THOSE BEING:**

- A. THE 'SHIPLEY SITE' (TELEDYNE UK LIMITED, AIREDALE  
HOUSE, ACORN PARK, SHIPLEY BD17 7SW);**
- B. THE 'LINCOLN SITE' (TELEDYNE UK LIMITED, 168 SADLER  
ROAD, LINCOLN LN6 3RS);**
- C. THE 'WIRRAL SITE' (TELEDYNE UK LIMITED, UNIT A, 6 TEBAY  
ROAD, BROMBOROUGH, BIRKENHEAD, WIRRAL CH62 3PA);**
- D. THE 'CHELMSFORD SITE' (TELEDYNE UK LIMITED, 106  
WATERHOUSE LANE, CHELMSFORD CM1 2QU);**
- E. THE 'PRESTEIGNE SITE' (TELEDYNE UK LIMITED, BROADAXE  
BUSINESS PARK, PRESTEIGNE LD8 2UH); AND**
- F. THE 'NEWBURY SITE' (TELEDYNE UK LIMITED, REYNOLDS  
NAVIGATION HOUSE, CANAL VIEW ROAD, NEWBURY RG14  
5UR).**

**(9) PERSONS UNKNOWN WHO FOR THE PURPOSE OF PROTESTING ARE OBSTRUCTING ANY VEHICLE ACCESSING THE ‘SHIPLEY SITE’ (TELEDYNE UK LIMITED, AIREDALE HOUSE, ACORN PARK, SHIPLEY BD17 7SW) FROM THE HIGHWAY**

**(10) PERSONS UNKNOWN WHO FOR THE PURPOSE OF PROTESTING ARE OBSTRUCTING ANY VEHICLE ACCESSING THE HIGHWAY FROM THE ‘SHIPLEY SITE’ (TELEDYNE UK LIMITED, AIREDALE HOUSE, ACORN PARK, SHIPLEY BD17 7SW)**

**(11) PERSONS UNKNOWN WHO FOR THE PURPOSE OF PROTESTING ARE CAUSING THE BLOCKING, SLOWING DOWN, OBSTRUCTING OR OTHERWISE INTERFERING WITH THE FREE FLOW OF TRAFFIC ON TO, OFF OR ALONG THE ROADS LISTED AT SCHEDULE 3 TO THE CLAIM FORM**

**Defendants**

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**FIRST WITNESS STATEMENT OF MANAN SINGH**

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I, **Manan Singh**, of Keystone Law, 48 Chancery Lane, London WC2A 1JF will say as follows—

1. I am a Partner at Keystone Law. Keystone Law represents the Claimant in these proceedings, Teledyne UK Limited (company no. 00432014). I am authorised to make this statement on behalf of the Claimant. The Claimant is a global leader in specialised components and subsystems for innovative solutions in medical, science, aerospace, defence and industrial applications. Specifically, the Claimant is known for its innovation in semi-conductors, high power RF, imaging and precision timing and engineered systems.
2. I make this witness statement in support of the Claimant’s Claim for final injunctive relief and its Application for interim injunctive relief and an alternative service order. The Claim and Application is brought (at this time) against 7 Named Defendants and four defined categories of Persons Unknown who the Claimant reasonably apprehends will (i) trespass on the Claimant’s land, (ii) interfere with the Claimant’s (and their licensees’ rights) to access the public highway from the Claimants’ land, and (iii) cause a public nuisance by obstructing the highway.

3. The facts and matters set out by me in this witness statement are either known by me directly and are true, or are known by me indirectly and are believed to the best of my knowledge to be true. In relation to matters falling into the latter category, I have set out the source of my knowledge and belief. This statement was prepared through video calls, telephone calls and email correspondence with officers and employees of the Claimant, and the Claimant's external legal representatives.
4. I exhibit to this witness statement a bundle of documents marked **MS1**. All references to that exhibit are in the format **MS1/page number**.
5. I understand that the factual background to these proceedings shall be set out in the witness statement made by Mr Nicholas James Wargent, also in support of the Claim and Application. I will not repeat any of that content here. Rather, in this witness statement I shall address:
  - i. Why the Application for interim relief is made on short notice;
  - ii. The need for a 'Persons Unknown' injunction;
  - iii. The need for interim injunctive relief, by reference to the *American Cyanamid* and *Vastint* tests (in relation to the named Defendants);
  - iv. The need for injunctive relief against Persons Unknown, by reference to the *Wolverhampton* test;
  - v. The prohibitions sought;
  - vi. The need for alternative service orders;
  - vii. Full and frank disclosure.

### **Background**

6. The land that the Claimant is seeking to protect by way of injunctive relief is land on which it operates its business. Those sites are:
  - i. The '**Shipley Site**' (Teledyne UK Limited, Airedale House, Acorn Park, Shipley BD17 7SW);
  - ii. The '**Lincoln Site**' (Teledyne UK Limited, 168 Sadler Road, Lincoln LN6 3RS);

- iii. The **‘Wirral Site’** (Teledyne UK Limited, Unit A, 6 Tebay Road, Bromborough, Birkenhead, Wirral CH62 3PA);
  - iv. The **‘Chelmsford Site’** (Teledyne UK Limited, 106 Waterhouse Lane, Chelmsford CM1 2QU);
  - v. The **‘Presteigne Site’** (Teledyne UK Limited, Broadaxe Business Park, Presteigne LD8 2UH); and
  - vi. The **‘Newbury Site’** (Teledyne UK Limited, Reynolds Navigation House, Canal View Road, Newbury RG14 5UR).
7. As explained in the witness statement of Mr Wargent, each of the above six sites is owned by the Claimant, Teledyne UK Limited. Whilst the Claimant owns and/or operates its business from other sites throughout the county, injunctive relief is sought only in relation to these six sites; of the Claimant’s sites, only these six addresses have been published on the ‘targets’ section of the ‘Palestine Action’ website: <https://elbitsites.uk/company/2/>. Further, as Mr Wargent explains in his witness statement, the ‘Underground Manual’ produced by Palestine Action encourages those who wish to take direct action to select a target for that action from the ‘targets’ section of the website (and contains a link to the same), and again expressly refers to the Claimant in the ‘targets’ section of the manual: <https://elbitsites.uk/manual.pdf>.
8. The Claimant seeks injunctive relief to restrain trespass in relation to each of the six sites. The Claimant has taken a measured and proportionate approach to this Claim and Application and, at this time, seeks injunctive relief to restrain interference with the common law right to access the highway obstruction of the highway in relation to the Shipley site only.

### **Short notice**

9. Following the Supreme Court's decision in *Wolverhampton City Council & Ors v London Gypsies and Travellers & Ors* [2024] 2 WLR 45, injunctive relief against newcomer persons unknown is always made on a 'without notice' basis (see paras 139, 142 ad 143).
10. As against the Named Defendants in this Claim, the interim relief will be sought on a short notice basis (although the Claimant of course accepts that it is still subject to the same duty of full and frank disclosure as it would be if the Application was made without any notice). Specifically, it is proposed that within the 24 hours before the hearing, notice of the Claim, Application and hearing will be given by email to the email addresses set out in paragraph 3(ii) of the draft Order (those being the known addresses of the relevant protest group).
11. It is proposed to give only short notice of the Application hearing because:
  - i. If full notice was given to the Named Defendants and relevant protest groups, the unlawful acts of protest and resulting harm apprehended by the Claimant could be accelerated and occur before injunctive relief is in place. Direct-action protest tactics are crude, and easily done with minimal planning, yet can have extremely disruptive and harmful effects. For example, a handful of protestors (or even just a single protestor) attending a site and locking on to an entrance gate can cause access to a site to be blocked, affecting (and event halting) operations at the site. Such actions can be undertaken with minimal planning, and it is clear (as will be explained in the evidence in support of this Claim and Application) that the Palestine Action cause has a large following that can be mobilised to undertake such actions (and possibly at short notice).

Further, as shall also be explained in the course of the evidence, historic acts of protests at the Claimant's sites have been incredibly destructive – if further similar acts were accelerated and undertaken upon notice of the Application being given, the Claimant could again suffer significant property damage and financial loss. The losses already incurred have been significant and are unsustainable. It is submitted that the Claimant should not be exposed to the risk of further losses being incurred prior to the securing on injunctive relief; relatedly

- ii. There has been an increased frequency in incidents of alleged unlawful protest at the Shipley Site in recent weeks, such that it is clear that there is a group of protestors who are actively interested in engaging in such acts. It is reasonable to believe that these people could mobilise at short notice and cause further disruption to access to the Shipley Site;
- iii. The Claimant apprehends further acts of protest over the Christmas period when, typically, people (including protestors) are not at work and have time at their disposal. To that end, the court will see from the witness statement of Mr Wargent that an arson attack did in fact occur on 26 December 2023 at the Shipley Site. Consequently, the Claimant has needed to move to secure this relief before the end of the court term. Further, it is notable that the incident at the Shipley Site on 2 April 2024 took place during the Easter school vacation (and the day after Easter Monday), and the incident at the Shipley Site on 30 October 2024 occurred during the October half-term school vacation.

### **Persons Unknown**

- 12. The Claimant seeks relief against various categories of Persons Unknown, as well as relief against Named Defendants (who have been identified by reason of their arrests at the Shipley Site throughout the course of 2024; as explained in the witness statement of Mr Wargent, efforts to identify those arrested at the Wirral Site are ongoing).
- 13. The Claimant understands that it must use reasonable endeavours to identify, name and serve individual defendants to the Claim. I understand from Counsel that, in other recent injunctions that have been granted by the Courts to restrict unlawful protest activity, the naming of defendants is often achieved in collaboration with the Police upon the arrest of protestors for related offences (such as public nuisance, aggravated trespass and public order offences).
- 14. The Claimant is also aware that where an alleged wrongdoer is identified, but remains anonymous, the Claimant will be expected to join this person as a defendant to the proceedings and identify them by way of photograph or description, and ascribe that person a cipher.

### ***The need for a Persons Unknown injunction***

15. In the circumstances of this Claim, a Persons Unknown injunction is required as it is not possible to name and identify at this time all those who may attend the Claimant's sites and engage in unlawful acts of protest.
16. As Mr Wargent sets out in his witness statement, the primary group associated with the threatened protest (Palestine Action) is actively recruiting and seeking new members, is hosting several workshops and direct action training days,<sup>1</sup> and is encouraging like-minded people to engage in such acts (and instructing them how to do so) by way of the aforementioned Underground Manual. The group clearly has a fluctuating membership. It is impossible to identify all those persons who are associated with cause and who will engage acts of unlawful protest (with identification typically occurring once a protestor is arrested), or those persons who are not yet associated with the cause but who will come to be so and engage in acts of unlawful protest.
17. The movement is clearly gaining momentum at this time (as evidenced by the increasing frequency of attacks on the Claimant's sites), and it is a sad reality that the situation in the Middle East continues to deteriorate, which may encourage those who are sympathetic to the Palestine Action cause to join in and engage in direct-action protest. Further, it is likely that there will be other people sympathetic to the cause, but who are not members of a specific group, that engage in direct-action and acts of protest. Where 'new-recruits' attend the Claimant's sites and engage in unlawful protest, the Claimant would be unprotected from such unlawful activity if there was not a Persons Unknown injunction in place.
18. As Mr Wargent also explains in his witness statement, the Palestine Action Underground Manual instructs those who engage in direct action how to keep their identity concealed (including by the use of facial coverings, loose clothing, burner phones, various ways of reducing or eliminating digital footprint, and also by suggesting various tactics to evade arrest); if these instructions are followed, it will be difficult for individuals to be identified.

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<sup>1</sup> Mr Wargent exhibits to his witness statement the 'workshops' page of the Palestine Action Website, accessed on 27 November 2024 and 1 December 2024, which details upcoming workshops on direct action: <https://palestineaction.org/training/>.

19. Even once the pool of named and identified defendants is settled for the purposes of a final hearing of the Claim, the nature of the protests and the above observations mean that continuing injunctive relief against the defined categories of Persons Unknown is also required. It is inevitable that there will be persons who are both unknown and unidentified (ie. ‘newcomers’) when final relief (if any) is granted against the Named Defendants, who will later commit the wrongs complained of in these proceedings. The grant of final relief against Named Defendants will do nothing to deter Persons Unknown.
20. Overall, and for the reasons that I have set out above, it is highly likely that there will be protestors that attend the Claimant’s sites for the first time, and undertake unlawful protest and engage in the conduct complained of, including *after* the granting of any final injunctive relief against the Named Defendants. If the Claimant did not benefit from a Persons Unknown injunction that captures these newcomers, the Claimant would not be protected against the unlawful conduct.

#### **The need for interim relief: the Named Defendants**

21. Mr Wargent, in his witness statement, has explained how and why the Claimant has named the Named Defendants to this Claim and Application, and the ongoing efforts to name further defendants. I will not repeat the same here.
22. The Claimant seeks interim injunctive relief against the Named Defendants, pursuant to CPR 25.1(1)(a) in the form set out in the Draft Order annexed to the Application Notice. Therefore, I shall address in brief the test for such injunctive interim relief, as set out in *American Cyanamid Co v Ethicon Ltd* [1975] AC 396 (HL), that being:
- i. Is there a serious question to be tried; if yes
  - ii. Would damages be an adequate remedy for a party injured by the court’s grant of, or its failure to grant, an injunction; and
  - iii. If not, where does the balance of convenience lie?
23. Counsel will of course make full submissions on the test, and how it is met in this Application, during the course of submissions.



24. I understand that Counsel will also deal with the test for precautionary relief, as found in *Vastint Leeds BV v Persons Unknown* [2019] 4 WLR 2, during the course of submissions (with reference to the relevant evidence). The relevant evidence to which Counsel will direct the court is contained primarily in Mr Wargent's witness statement, but also in part this witness statement. As the court will be aware, the *Vastint* test requires the following two questions to be asked and answered in the affirmative: (i) is there a strong probability that unless restrained by injunction the defendant will act in breach of the claimant's rights? and (ii) if the defendant did act in contravention of the claimant's rights would the resulting harm be so irreparable that, notwithstanding the grant of an immediate interim injunction (at the time of the actual infringement of the claimant's rights) to restrain further occurrence of the acts complained of, a remedy in damages would be inadequate?

***Serious issue to be tried***

25. I submit that there is a serious issue to be tried in these proceedings. It is clear from the evidence that has been submitted in support of the Claim and the Application that the Claim is neither frivolous or vexatious. The evidence provided by the Claimant makes a strong (and not merely a *prima facie*) case on the causes of action pursued.

26. Significant harm has already been suffered by reason of acts of unlawful protest that have occurred at the Claimant's Presteigne, Chelmsford, Wirral and Shipley Sites – and specifically by reason of acts of trespass with significant aggravating features (including as recently as 2 October 2024). Further, protestors attended the Shipley Site as recently as 28 November 2024, and blocked access to the site by forming a human barrier at the entrance gate.

27. Furthermore, to the extent that the Claimant is seeking *quia timet* relief (i.e. for acts that it apprehends, as opposed to acts that it has already experienced), that relief is sought on the basis there has already been a significant increase in the frequency of acts of unlawful protest at the Claimant's sites, it is likely that protestors minded to engage in such action will have more time at their disposal over the Christmas holiday period, and the unfortunate continuing and deteriorating situation in the Middle East is likely to continue to fuel the cause of this protest movement. Further, the addresses of the six sites that the Claimant

seeks to protect are published and branded as ‘targets’ on the Palestine Action website, with the Claimant also referred to as a target in the ‘Underground Manual’ which instructs protestors in how to carry out direct action protest.

### *Adequacy of damages*

28. In the first instance, I submit that the granting of the interim relief sought would not cause the defendants to suffer any inconvenience or injustice for which they might be entitled to be compensated, as the interim relief sought seeks to restrain and prohibit only unlawful conduct. It follows that the defendants will not suffer any financial loss which would be required to be compensated by way of an award of damages.
29. In the event that the Court does not agree with me on the above, I submit that there is no loss, damage, injustice or prejudice that could not be compensated by way of an award of damages, if necessary; there is no irreversible or irremediable harm that would be suffered by the Defendants.
30. On the other hand, the Claimant would suffer prejudice and inconvenience should the grant of interim relief be refused, which prejudice and inconvenience cannot be adequately compensated by way of damages (or at least an award of damages in a sum that the Defendants are likely to be able to meet). In particular, as explained by Mr Wargent in his statement:
- i. To date, the cumulative loss suffered by the Claimant by way of repair and clean-up costs following acts of trespass by protestors is currently in excess of £2.25 million (and is expected by the Claimant to rise as certain repairs are ongoing);
  - ii. There has been significant disruption to operations and productivity at sites by reason of sites being shut down because of trespassers being on site, and disruption to access at sites. For example, the business was unable to ship approximately US\$1m of sales by reason of the incident at the Presteigne Site in December 2022, and loss of revenue in excess of £300,000 was suffered by reason of the incident at the Shipley Site in April 2024. These are just two examples, with Mr Wargent giving others in his statement;

- iii. The Claimant continues to incur increasing costs of security at its sites, as well as the costs of repairing the damage caused by protestors in the course of acts of trespass. As set out by Mr Wargent in his witness statement, the cost of the additional security put in place at the Claimant's sites is in the sum of US\$2.7m for 2024 alone.
- iv. The Claimant's sites form a critical part of the UK defence supply chain. Disruption to production can weaken the UK's ability to protect its security and can place serving personnel at increased risk of shortages and equipment failure;
- v. Three of the Claimant's sites have Facility Security Clearance status, and hold assets that are classified as SECRET or above. If unauthorised persons, such as trespassing protestors, accessed these assets, that cannot be adequately compensated for by way of damages;
- vi. The continued targeting of the Claimant and its sites risks (unfair) reputational damage to the Claimant.

31. I respectfully urge the Court not to forget that the interim relief is sought, in large part, to restrain dangerous activities. The primary cause of action is trespass, and the acts of trespass that have already occurred included significant aggravating factors such as climbing on buildings, arson, the smashing of windows and skylights, and entering the buildings on sites. As Mr Wargent explains in his statement, many of the Claimant's sites house hazardous and sensitive materials and equipment. The protestors put themselves and others at physical risk by such actions; physical risk cannot be adequately compensated for by way of damages.

32. It is not just the Claimant who will suffer harm and loss as a result of the apprehended unlawful protest activity. Disruption to the highway outside of the Shipley Site could have a particular impact on surrounding businesses – these sites and their neighbours are served by single (and effectively a dead-end) road, such that access to these sites could also be compromised by disruption on the highway. Further, if mass disruption was caused, such

that the access roads to either of these sites was completely blocked, that could have an adverse impact on the A6038 (at the Shipley Site).

33. It is also impossible for an undertaking in damages to be obtained from Persons Unknown. Further still, even where the Claimant has been able to identify the Defendants, there is no guarantee that they would be able to meet an award of damages or be able to give the necessary undertaking. In fact, I would suggest that it is incredibly unlikely that any Defendant could meet such an award or give such an undertaking, given the value of the losses apprehended by the Claimant.
34. Therefore, I submit that whilst no harm would be suffered by the Defendants, for which they might be entitled to be compensated, if they did in fact suffer any harm, damages would be an adequate remedy for the same. Conversely, the Claimant, if interim relief was refused, would suffer harm which could not be adequately be compensated by way of damages and, even if it could be so compensated, it is not clear whether the Defendants could even make good on the remedy.

### ***Balance of convenience***

35. The Claimant is not trying to prohibit or restrain peaceful and lawful protest. What the Claimant seeks to prohibit and restrain is protest activity that goes beyond what is peaceful and lawful.
36. I submit that the balance of convenience lays firmly in favour of granting the interim relief sought. In particular:
- i. The relief sought does not interfere with the Defendants' right to protest peacefully and lawfully – they may still attend the Claimant's sites and protest, but must do so without trespassing and, in the case of the Shipley Site, without obstructing the highway or interfering with the Claimant's common law right to access the highway;
  - ii. The relief sought only seeks to restrain unlawful conduct (such as obstruction of the highway, trespass and interference with access rights);

- iii. Without the grant of the relief sought, the Claimant and its business will experience significant disruption and financial loss.

37. On the whole, I submit that the relief sought represents a fair balance between the rights of the Defendants (including their Article 10 and Article 11 rights, where applicable, which are qualified rights), and the rights of the Claimant. The relief sought by the Claimant seeks to provide boundaries within which the protestors may engage in meaningful protest, whilst safeguarding the Claimant's rights.

### ***Section 12 Human Rights Act 1998***

38. The Court is reminded that it must consider section 12 of the Human Rights Act 1998, which provides that:

- (1) This section applies if a court is considering whether to grant any relief which, if granted, might affect the exercise of the Convention right to freedom of expression.*
- (2) If the person against whom the application for relief is made ("the respondent") is neither present nor represented, no such relief is to be granted unless the court is satisfied—*
  - (a) that the applicant has taken all practicable steps to notify the respondent; or*
  - (b) that there are compelling reasons why the respondent should not be notified.*
- (3) No such relief is to be granted so as to restrain publication before trial unless the court is satisfied that the applicant is likely to establish that publication should not be allowed.*

39. Counsel will make submissions on the relevance and application of section 12 at the hearing of the Application.

### ***Undertaking in damages***

40. I am instructed that the Claimant can and does offer an undertaking in the sum of £50,000, and that the Claimant is able to meet this undertaking. I note from the accounts filed by the Claimant at Companies House that it recorded profits after tax for the year ended 31 December 2023 in excess of £29.7 million.

***Necessary and proportionate***

41. Finally, I submit that the interim relief sought strikes the right balance between the rights of the Defendants to protest, and the rights of the Claimant. The relief sought will allow the defendants to exercise their Article 10 and Article 11 rights and engage in meaningful protest, whilst also ensuring that the Claimant is able to go about its day-to-day business with only minimal disruption, and to be protected from avoidable damage to its property and financial risk and, in some cases, dangerous activity.

**Persons Unknown: the *Wolverhampton* test**

42. Counsel will of course in submissions deal with the *Wolverhampton* test and guidance in relation to the Claim and Application against Persons Unknown, and how the same is met in this case.

43. For the purposes of this witness statement, I highlight that the test to be applied when considering and granting relief against newcomer Persons Unknown is, in effect, a higher threshold than is applied under *American Cyanamid* (which does not apply in such cases). Namely, there must be a ‘compelling justification’ for the order sought (para 167).

44. Further, as required by the *Wolverhampton* guidance, the order sought at the return date will be temporally limited to five years, and will be subject to an annual review. I understand that this is the same Order than has been made in relation to Persons Unknown in many recent protestor injunctions. For example, I exhibit the Orders made in:

- i. *Arla Foods Limited & Anr v Persons Unknown & Ors* [2024] EWHC 1952 (Ch) MS1/1 – 23;

- ii. *Thurrock Council & Anr v Adams & Ors* [2024] EWHC 2576 (KB) **MS1/24 – 61**;
- iii. *London City Airport Limited & Anr v Persons Unknown* [2024] EWHC 2557 (KB) **MS1/62 – 77**; and
- iv. *Heathrow Airport Limited v Persons Unknown & Ors* [2024] EWHC 2599 (KB) **MS1/78 – 89**.

### **The prohibitions sought**

45. The prohibitions in the draft Order have been crafted as they have to (i) match the causes of action that have been pleaded, (ii) respond to the specific unlawful acts of protest that have been experienced and which are apprehended and (iii) ensure that lawful acts of protest are not captured. Accordingly, it is submitted that the prohibitions sought are proportionate.
46. There have, in recent years, been several high-profile direct action protest campaigns (including, but not limited to, those conducted by groups such as Just Stop Oil and Animal Rising – formerly known as Animal Rebellion). Those groups and protest movements have by now a well-known arsenal of direct action tactics, which include (but are not limited to):
- i. Entering oil terminals, fuel refineries or dairy and dairy distribution sites (depending on the protest movement). Extensive acts of criminal damage have often been caused when protestors enter and occupy the sites and/or protestors often lock onto infrastructure at the sites (including in the roofs and at height);
  - ii. Sitting or standing on roads to obstruct the same and/or obstructing access to specific sites;
  - iii. Protestors gluing themselves, or otherwise ‘locking on’, to roads, road furniture, private land and fencing, each other and vehicles (including HGVs which they have ‘on-boarded’) – often with the intention to obstruct roads or accessways;
  - iv. Tunnelling under the highway.

47. To date, protestors operating under the banner of Palestine Action and other related groups have deployed some (but not all) of these tactics, and the prohibitions in the draft order have been crafted accordingly.
48. Prohibitions against the interference with the Claimant's common law right to access the highway and obstruction of the highway are sought in relation to the Wirral and Shipley Sites. As is explained in Mr Wargent's statement, acts of protest of this nature are becoming increasingly common at the Shipley Site; incidents have occurred on 30 October and 20 and 28 November 2024 in which access to the site was blocked, and the location and single access points to the site makes it especially vulnerable to such a blockade. Further, it is known that blocking access and obstruction of the highway is a key feature of direct action protest. If the Claimant sought only a prohibition against trespass and interference with the common law right to access the highway, it is entirely likely that the protest would just be moved from the gates of the site and further down the carriageway of the highway, such that it would have the same effect, and would not be caught by the injunction and prohibited.
49. In summary, it is submitted that the Claimant has taken a proportionate approach and sought only the prohibitions that are necessary at this time (that being trespass prohibitions at all six sites, and the additional common law right and public nuisance prohibitions for the Shipley Sites). If it transpires that further and additional relief is required, the Claimant understands that it would need to make a variation application to seek the same.

### **Alternative service**

50. Finally, the Claimant seeks alternative service orders for service of the Claim Form, Application for an Interim Injunction, the supporting documents relied on in this Claim, and this Order. The terms of the order sought is set out in the draft Order annexed to the Claim Form and Application Notice. I shall not repeat the same here, but refer the Court to the Draft Order.



51. I submit that the order sought is such that the measures can be reasonably expected to bring the proceedings and injunction to the Defendants' attention (as per *Cameron v Liverpool Victoria Insurance Co Ltd* [2019] UKSC 6). In particular:

- i. It can be reasonably expected that placing clear and unequivocal signs on the perimeter of the Claimant's Sites, which advise of the existence of the injunction and provide the link and QR code by which the injunction and Claim documents may be accessed, will ensure that anyone who attends the Claimant's Sites to protest will become aware of the injunction and the proceedings. I exhibit at **MS1/90** a draft of the sign that the Claimant proposes to place on the access points to, and around the perimeter of, its sites. The sign reads:

WARNING INJUNCTION

This area is subject to a High Court injunction which places restrictions on some protest activities. You must not enter this site.

Breach of the injunction could lead to imprisonment.

For details, please see: [insert link and QR code]

By the time the Application for interim relief is heard, these signs will already be in production to ensure that they can be distributed to the Claimant's sites and erected to ensure that any injunction is served in good time before the Christmas holiday period.

- ii. The groups that have so far identified themselves as being interested in acts of protest at the Claimant's Sites are Palestine Action, Bradford Friends of Palestine and the Palestine Solidarity Campaign (specifically the Chelmsford Branch). It can be reasonably expected that by sending the injunction and Claim documents to the email addresses that the Claimant has been able to find for those groups, including the applicable regional branches, the injunction and proceedings will come to the attention of that group and its membership (who are the persons likely to engage in acts of protest). To that end, the proposed email addresses are:

<a href="mailto:info@palestineaction.org">info@palestineaction.org</a> ;	<a href="mailto:actions@palestineaction.org">actions@palestineaction.org</a> ;
<a href="mailto:media@palestinecampaign.org">media@palestinecampaign.org</a> ;	<a href="mailto:branches@palestinecampaign.org">branches@palestinecampaign.org</a> ;
<a href="mailto:info@palestinecampaign.org">info@palestinecampaign.org</a> ;	<a href="mailto:palestinesolidaritybradford@gmail.com">palestinesolidaritybradford@gmail.com</a> ;
<a href="mailto:pscchelmsford@gmail.com">pscchelmsford@gmail.com</a> ;	<a href="mailto:lincolnpalestine@gmail.com">lincolnpalestine@gmail.com</a> ;
<a href="mailto:liverpoolfopal@gmail.com">liverpoolfopal@gmail.com</a> ;	<a href="mailto:pscshrop@gmail.com">pscshrop@gmail.com</a> ;
<a href="mailto:bfdfriendsofpalestine@yahoo.com">bfdfriendsofpalestine@yahoo.com</a> ;	

- iii. It can be reasonably expected that a person who is intending to protest at the Claimant's sites would have an interest in the Claimant and its business and visit the Claimant's website. Therefore, placing a copy of the injunction and Claim documents on the website can be reasonably expected to bring the injunction and proceedings to the Defendants' attention. In practice, a link to a webpage that has been set up for the specific purpose of making the documents available will be provided on the Claimant's main website; finally
- iv. Where addresses for a Defendant (for which, see below) are known, it can be reasonably expected that delivering the injunction and Claim documents to those addresses will bring the injunction and the proceedings to the Defendant's attention.

52. In any event, the above clauses are to be read conjunctively and not disjunctively. The Claimant is aware that personal service of any injunction order would of course be preferable; the alternative service provision does not oust the possibility that personal service could still be effected if and when a protestor attends one of the Claimant's sites, and it is safe to effect service in that manner.

53. Finally, where a Defendant requests service by email, or where a solicitor is instructed, service by email or by service on the solicitor respectively can be reasonably expected to bring the injunction and proceedings to the defendant's attention.

54. As Mr Wargent has explained in his witness statement, the Claimant does not (at the time of finalising this statement) have addresses for any of the Named Defendants. However, to obtain addresses in order to be able to assist with service, disclosure applications pursuant to CPR 31.17 are being made, with the Respondents to those Applications being West

Yorkshire Police and Merseyside Police. It is hoped that the necessary data will be obtained in time for any return date hearing in this Application.

### **Full and frank disclosure**

55. Both I and the Claimant acknowledge that, following *Wolverhampton*, the relief against Persons Unknown is always without notice. Further, the interim relief is being sought against the Named Defendants on a short notice basis. Accordingly, a duty of full and frank disclosure arises.

56. With that in mind, I should emphasise the following:

- i. None of those persons who have attended and blocked access to the Shipley Site on have been named as Defendants. No arrests were made by West Yorkshire Police, such that the identities of these persons are not known. The incidents were not documented on the Palestine Action website (the protest appears to have been organised by the Bradford Friends of Palestine group), nor were any photographs captured by the Claimant. In relation to 30 October 2024, there is a very short video on the Bradford Friends of Palestine Instagram page, to which Mr Wargent has referred in his witness statement, which shows the protestors outside the gate to the site. However, they all appear to be wearing either face coverings or hoods/hats (or both), or are facing away from the camera as it pans around, such that identification of these persons is impossible.

The quality of the Claimant's CCTV imaging also does not assist with identification. For example, a still CCTV image has been obtained of a female protestor, but she is wearing a black face covering and loose-fitting black clothing with no distinctive markings. Her only distinguishing feature is that she appears to have blonde hair. The Claimant has taken the view that the image is not of sufficient quality to enable the female to be given a cipher and added to the proceedings as a named defendant (with the image attached to the Claim Form). It would be impossible to tell if any other female who attended the Claimant's sites, and who happened to have blonde hair, was in fact the woman in the image;

- ii. The Claimant has named as defendants only those persons who have been arrested whilst protesting at the Claimant's site throughout 2024 (i.e. it has not named those who were arrested throughout 2022 and 2023). The Claimant has taken that approach as those arrested in 2022 and 2023 have not re-attended the Claimant's sites. The Claimant does not know anything of the current status of these persons (including whether they continue to engage in acts of direct action protest under the banner of Palestine Action or similar), and therefore does not at this time apprehend their return to the Claimant's sites. In contrast, those arrested during 2024 are clearly still active direct action protestors, with an interest in protesting against the Claimant's business, and a tendency to engage in unlawful acts of protest;
- iii. Four protestors were arrested at the Shipley Site on 15 May 2024. Only three of those persons have been named as Defendants. The fourth has been remanded into custody as they were involved in another Palestine Action protest at Barclays Bank (which has been the target of repeated protests that includes actions such as spray painting and the smashing of windows). As that person remains in custody, the Claimant does not reasonably apprehend that they will re-attend the Claimant's sites and engage in acts of unlawful protest at this time;
- iv. On 11 May 2024, an incident occurred at one of the Claimant's sites in Scotland in which four people attended the site. Some windows were broken and there was some spray painting. The incident has not been linked to the Palestine Action group. Further, as this incident occurred at a site in Scotland, relief would not be sought in relation to this site in this Claim.
- v. The Claimant is not yet able to fully consider its position in relation to the Wirral Site, it not having received necessary information from a third-party to enable it to do so. The Claimant intends to keep the relief sought in relation to the Wirral Site under review in advance of the return date.

## **Conclusion**

57. It is clear that the threat of criminal prosecution alone is not sufficient to protect the Claimant's rights and guard against the acts of unlawful protest (especially aggravated

trespass) that have been suffered by the Claimant. Therefore, and for the reasons set out in this witness statement, I respectfully ask the Court to:

- i. Grant interim injunctive relief against the Named Defendants, with a return date set for mid-January;
- ii. Grant interim injunctive relief against Persons Unknown until the return date (at which a five-year order with an annual review will be sought);
- iii. Make the alternative service order sought.

**Statement of truth**

I believe that the facts set out in this Witness Statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

*Man Singh*  
.....

Manan Singh

Dated this 13<sup>th</sup> day of December 2024