



Claim No: KB-2024-BHM-000107

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
BIRMINGHAM DISTRICT REGISTRY

B E T W E E N

THE UNIVERSITY OF NOTTINGHAM

Claimant

and

(1) JOEL BUTTERWORTH (also known as RIVER BUTTERWORTH (they/them))

(5) "Non students" PERSONS UNKNOWN, BEING PERSONS IN AN ENCAMPMENT
OCCUPATION OF LAND ON THE JUBILEE CAMPUS AT THE UNIVERSITY OF
NOTTINGHAM WHO ARE NOT CURRENTLY STUDENTS, STAFF OR
EMPLOYEES OF THE CLAIMANT

(6) "Students" PERSONS UNKNOWN, BEING PERSONS IN AN ENCAMPMENT
OCCUPATION OF LAND ON THE JUBILEE CAMPUS AT THE UNIVERSITY OF
NOTTINGHAM WITHOUT THE CLAIMANT'S LICENCE OR CONSENT WHO ARE
CURRENTLY STUDENTS, STAFF OR EMPLOYEES OF THE CLAIMANT

Defendants

SECOND STATEMENT OF RIVER BUTTERWORTH

I, RIVER BUTTERWORTH, OF 9 FREDERICK GROVE, NOTTINGHAM NG7 1SG, WILL
SAY AS FOLLOWS:

1. I am the first defendant in this matter. I make this additional statement in relation to the Claimant's claim for possession of the Jubilee Campus. In particular, I wish to respond to some of the comments and allegations made about me and my fellow protestors in the Statement of Paul Greatrix dated 14 June 2024.
2. Since the submission of my first statement, there have been further developments that I set out below.

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Update on efforts to engage with the University

3. My statement dated 11 June 2024 outlined the steps taken to engage with the University since 12 May 2024.
4. At the point of signing the statement the position was that a meeting had been arranged at 9.30 on 11 June 2024. I was not attending the meeting, but I was privy to the discussions about it. Three student representatives of the camp had volunteered to attend. As they had expressed concern about the repercussions of being identified in the course of attending that meeting, the University of Nottingham Student Union (UoNSU) had agreed to verify the attendees' student status and the University had agreed to that plan.
5. I wish to set out in this statement why that meeting did not go ahead, as this is not set out in any detail in Paul Greatrix's statement.
6. The University asked whether it was our intention to be masked during the meeting and if we required "*any written assurances from the University in advance regarding anything*" by email from UoNSU at 6.42pm on 5 June 2024. We responded at 8.07pm on 5 June 2024 that the reason we wished for the meeting to take place sooner than 10 June 2024 was because the court order asked us to identify ourselves by that date. We explained that, given the University's past actions, we were not comfortable with doing that because we feared serious repercussions.
7. The UoNSU representative responded at 6.06pm on 6 June 2024 that it was not possible to meet before the court order and proposing that the UoNSU checked our identities in advance of the meeting.
8. In the meantime, we learnt that the University were applying to court for a variation of the order of Mr Justice Ritchie dated 20 May 2024 (as amended on 22 May 2024), to remove the requirement that the students identified themselves. We therefore confirmed the date offered – 9.30am on 11 June 2024 – in our response at 1.45pm on 9 June 2024. We wrote again at 7.08pm on 9 June 2024, confirming that we would be comfortable with the Community Officer checking our ID if needed.
9. The UoNSU Activities Officer Dan Haq responded at 10.23am on 10 June 2024. He asked again whether we would be masked for the call. We had understood that issue to be resolved as the University appeared content with the proposed arrangements for us to provide our identities to the UoNSU representative in advance of the call. It seemed to us, therefore, that the University no longer required to see our faces.
10. We responded at 10.56am on 10 June 2024 confirming that it was our intention to cover our faces. We explained that we were aware of students who had entered into meetings with other universities and were facing disciplinary issues after being identified from their faces being visible.
11. The UoNSU Community Officer Poppy Read-Pitt responded to us at 21.57 on 10 June 2024 expressing sympathy, saying: "*we absolutely understand your hesitations around*

this and appreciate that, given these hesitations, you have been open to engaging with us and the university. ... As I've said, I see no reason to collect or document this information, hopefully me just seeing the information should be satisfactory for all parties."

12. At 1.14pm on 10 June 2024, Dan Haq responded that the University were happy with the arrangements in respect of ID but were insistent that representatives should be unmasked during the meeting, so the conversations could happen face to face. They confirmed that the University had agreed to provide written assurances that students would not be disciplined "*due to attending the meeting as representatives*".
13. We responded at 4.53pm that we were already providing ID so the University could confirm that we were students with the UoNSU. We explained that the written assurances would not be enough to reassure us, especially with a court case and potential legal fees against us. We asked why the University wanted to meet face-to-face despite our concerns as we did not understand why it was necessary given that the ID issue had been resolved.
14. Dan Haq responded at 5.20pm on 10 June 2024 that he would explain our position to the University. He wrote again at 7.31pm the same day, explaining that the University would not negotiate on the requirement that we be unmasked for the meeting, saying that not unmasking would undermine the spirit of open dialogue and foster an environment of distrust.
15. We responded at 10.44pm on 10 June 2024, explaining that we were not convinced that showing our faces would not have consequences for the future. We explained that: "*[we] know that the reason provided is that this would undermine building trust, but for us it would be a big step in the right direction for the university to listen to our valid concerns and allow us to be masked during this meeting, especially since were already having to put trust into the SU by providing our IDs before hand. It would also be important to highlight that had the university engaged with us to begin with instead of taking us to court, we would be much more trusting.*"
16. At 8.34am the following morning, 11 June 2024, Poppy Read-Pitt emailed asking how we would like to proceed if the University would not change their position on masks. We responded at 8.48am that we would not be putting anyone at risk in this manner and we strongly encouraged Paul Greatrix, the University Registrar, to reconsider. We asked Poppy to remind Dr Greatrix that the judge at the hearing on 20 May 2024 had made clear that he did not consider it necessary for the students to have to identify themselves. We asked if the University would take this first step to help build trust.
17. It should be clear from this that our particular concerns were:
 - a) The University had ignored our communications for three weeks, choosing instead to issue court proceedings against us without warning, and only eventually entered into a dialogue with us after Mr Justice Ritchie had made clear at the hearing on 20 May 2023 that he expected the parties to explore mediation. This had caused upset and eroded our trust in the University as it seemed wholly

contrary to its own policies on encouraging and tolerating the expression of free speech.

- b) The University seemed to accept our reasons for wanting to provide ID to the UoNSU officer. They did not seem to recognise that requiring us to unmask would wholly undermine the purpose of that arrangement. It seemed underhand and in keeping with the way in which the University had responded to us to date.
 - c) The University had offered written assurances that students would not be disciplined "*due to attending the meeting as representatives*". This did not preclude the University disciplining people for participating in the camp and the University had already made clear in its legal documents that it considered participation to be in breach of its Code of Conduct.
 - d) Nor did the written assurances offered provide any reassurance that the University would not add those individuals to the claim for possession and pursue them for costs.
18. Having heard nothing further from either the University or the UoNSU we sent a suggested agenda and relevant documents to UoNSU at 09:13am on 11 June 2024.
19. At 09:24am on 11 June 2024, six minutes before the meeting was scheduled to take place, Poppy Read-Pitt informed us that the meeting was cancelled. They said that Paul Greatrix was willing to "*send an email confirming in writing his position on this as well as his assurances that students will not be penalised for attending the meeting*". Poppy expressed their hope that the meeting could be rescheduled.
20. At 09:37am, we replied enquiring if we could join the meeting masked, in order to discuss unmasking with the University, as it may be easier to understand each other that way. We said that we could then consider unmasking during the call and in future and explained that: "*It is not that we are unwilling to comply, we are just genuinely scared not just from the University repercussions through the mistrust built up from the court proceedings but future employment and government repercussions so Paul's written assurances are not enough for the moment. Could the University respect that international students could be deported if there is any chance the government found out about them so how can we trust the University to keep us safe when they haven't done so thus far.*" We received no response to this email.
21. The above correspondence is appended to my first statement, as **Exhibit RB/11**.
22. I believe that even a short initial meeting over video to introduce the parties would have helped rebuild the relationship. I hoped that had the meeting gone ahead in any form, for any amount of time, it would have been a crucial first step in normalising communications.
23. I also believe that it was unhelpful that the University would not directly communicate with us and we had to rely on a third party to pass on our emails. This had the effect of making the communication between us more distant and less effective.

Letter from the Registrar

24. On Tuesday 11 June 2024, at 05:20pm, we received an email with a letter attached from Paul Greatrix. This letter is exhibited to Paul Greatrix's statement dated 14 June 2024.
25. The letter explained why the University had cancelled the meeting. It started: "*I am sorry you did not feel able to meet on Teams with myself and Professor Linehan today.*" I found this unhelpful. We had made clear that we did feel able to meet, but we were scared to do so unmasked.
26. The letter went on to assert: "*We would have had no means of establishing anyone's identity from seeing people on screen, nor would we want to.*" I do not understand this. The only way this could make sense is if the two representatives for the University, Dr Greatrix and Professor Katherine Linehan, Pro-Vice Chancellor for People and Culture, were confident that they would not know or recognise any of the participants. There is no way that they could know this.
27. The letter went on: "*There are no plans to take further action, provided your participation remains lawful and you observe the University's Code of Conduct.*" Given the University's position in the legal papers that participants in the camp have breached the University's Code of Conduct, this indicates that we were right to be mistrustful. The University had only offered us written assurances that students would not be disciplined "*due to attending the meeting as representatives*". Dr Greatrix's letter indicates that the University did indeed wish to keep the option of disciplining us for perceived breaches of the Code of Conduct while participating in the protest camp.
28. While breaching the Code of Conduct is not the purpose of our protest, there are certain acts of protest that we wish to undertake which are not disruptive but could be considered breaches of the Code of Conduct, such as displaying posters about our cause. Clause 8.3(14) ("*placing posters, signs or notices on any surfaces other than authorised notice boards...*") is expressly referred to in Paul Greatrix's witness statement. He goes on to assert: "*The Defendants have failed to comply with the above-referenced Code of Practice*". This confirms that the University does consider that this would be a disciplinary offence, for which the students could be pursued, despite the assurances offered to us.
29. The letter continued: "*This is aside from the continuation of the court process to extend the Order for possession to include all involved in the occupation. With no indication from you that you intend to vacate the site and end the encampment we have to continue with formal legal action in order to resolve the situation and to address the impact of the protest on others.*" This further indicates that we were right to be worried; it seems that their assurances deliberately excluded the possibility of adding us to the court proceedings.
30. The letter went on to list conversations that the University had been having with the UoNSU, and "*with staff and students through our Muslim, Jewish, Palestinian, Israeli and Arab communities and societies*". Our protest encampment was notably not

included on this list, presumably because the University has not sought to engage with us.

31. The letter then described a paper put forward to the University by the UoNSU on issues relevant to our campaign. Dr Greatrix said that the University it would take this paper seriously and would consider its response carefully. It concluded: *“Given the clear alignment with your own objectives I would strongly urge you to engage with the Students’ Union in considering the way forward from here. I would also ask that you move rapidly to end your encampment at Jubilee in order to avoid the need for legal action”*. I do not understand why engaging with the Students’ Union should preclude us from continuing our protest camp, as long as it is not disruptive to the University.

Our Response

32. At 09:08am on Wednesday 12 June 2024, we responded to Dr Greatrix and the University’s senior leadership team. We stated our disappointment about the meeting being cancelled, reiterated our hope to engage in constructive discussions, and emphasised we hoped to meet as soon as possible. We also explained in further detail why students at this point felt it was necessary to wear masks.
33. At 5:16pm on the same day, Dr Greatrix replied thanking us for our email and for highlighting our concerns. He stated he was still very happy to meet with us and confirmed that it would be acceptable to wear a face covering for religious, cultural, or health reasons. He also raised the option of employing a formal mediator, which I am keen to discuss with the Camp.
34. On Thursday 13 June at 12:40pm, we replied to Dr Greatrix’s email saying we would very much like to meet as soon as possible, and suggested the following day (Friday 14 June) from 3pm onwards, either in person or online.
35. Dr Greatrix did not respond to this email but Poppy responded on his behalf and a meeting was arranged and took place on Tuesday 18 June at 1pm.
36. Following that meeting we wrote to Dr Greatrix requesting a further meeting as soon as possible and setting out the commitments that we are seeking in detail.
37. A further meeting took place on 26 June 2024.
38. Dr Greatrix emailed the camp on 28 June 2024 assuring us that the University understood the issues we protesting about and the strength of feeling and confirming that the discussions had been useful. He promised to update us on the progress with the actions agreed at the last meeting. He said that it would be disappointing if we felt the need to intensify our protests while discussions were ongoing and reminded us of the University policy on advance permission for events on campus.
39. This further correspondence is now shown to me marked **Exhibit RB/2**.

Response to Points in the Witness Statement of Paul Greatrix

40. On 8 June 2024 I attended and spoke at a demonstration organised by People for Palestine Nottingham at the University's Park Campus. This demonstration was not organised by the encampment, but by a separate independent community group, People for Palestine Nottingham. I only attended for the first 40 minutes as I had to visit a relative in hospital. I left before any handprints were made. I was not "the speaker" referred to at paragraph 27 of Paul Greatrix's statement.
41. I am aware that on 12 June 2024, a separate organisation to the encampment, Demilitarise UoN, organised a protest at the Engineering Centre. I did not attend this protest.
42. Both of these protests took place at a different campus to where the encampment is located and many more people attended those protests than are involved in our camp. I do not understand why those protests should have any bearing on whether our protest encampment is allowed to continue. In any event, we have not used paint on any buildings in our encampment, nor have we disrupted the work going on at the Advanced Manufacturing Building or any other building in the Jubilee Campus.
43. The bike shelter has been used continuously by people parking their bikes since the encampment was established. I have seen bikes regularly parked in the shelter. Bikes can be seen in the photo shown to me at **Exhibit RB/2(a)**.
44. Students regularly affix posters and signs to University property advertising student-run events or as part of the annual Student Union elections. This is tolerated by the University as it is an important aspect of student life on campus. Unauthorised posters and signs placed by students are routinely taken down by the University, but I am not aware of any students facing disciplinary action as a result of placing unauthorised signs or posters on University property.
45. Posters were placed on one of the Advanced Manufacturing Building's signs to symbolically rename the building after Dr Said Al Zebdad, a University of Nottingham alumni killed in Gaza. The posters are affixed with a non-permeant adhesive. Students have left flowers at the sign, and it has become a site of mourning. A photograph of the poster is shown to me marked **Exhibit RB/1**.
46. It is correct that I have taken part in previous protests and occupations, as mentioned in my first statement.
47. I am aware that students regularly run events without submitting the Event Notification Pro Forma. I am not aware of any disciplinary action being taken by the University as a result.

Photos evidencing the non-disruptive nature of the camp

48. Since my first statement I and my fellow protestors have had the opportunity to take photographs and gather documents relating to various issues mentioned in that statement, which I exhibit to this statement:
- a) Photographs of the camp; showing no obstruction, signs put up, students studying, and our efforts to protect of the environment are shown to me marked **Exhibit RB/2**;
 - b) Photographs of two pre-existing firepits are shown to me marked **Exhibit RB/3**;
 - c) The fire risk assessment is shown to me marked **Exhibit RB/4**; and
 - d) An open statement in support of the camp by 169 members of staff at the University is shown to me marked **Exhibit RB/5**.
49. I also exhibit two articles relating to the position that the University has taken in relation to protest and taking a political stance in response to war crimes in the recent past:
- a) Press release on the University's website dated 19 October 2021 on the impact of Nottinghamshire students and residents against apartheid South Africa is shown to me marked **Exhibit RB/6**; and
 - b) News article on the University's website dated 10 March 2022 declaring the University's condemnation of the Russian government's actions in Ukraine, announcing that it will end ties with Russian universities and stating that the University is bound by human rights and international law, is shown to me marked **Exhibit RB/7**.

My status in the University

50. Paul Greatrix asserts that I am a former student of the University. This is incorrect. Section One of the Statutes of the University of Nottingham defines "students" as "any current student of the University or Sabbatical Officer of the Students' Union". This is shown at **Exhibit RB/9**.
51. In addition, I am a Student Member of the Senate of the University of Nottingham, of which Paul Greatrix is the Secretary. The Senate is the governing body of the University of Nottingham which oversees education, teaching, research, is responsible for the academic quality and standards of the University. The membership of the Senate is shown at **Exhibit RB/10**.
52. As Postgraduate Officer, I am a Student Member of UoNSU. This is confirmed in the Student Union's Memorandum and Articles of Association, at 9.1.2. Student Members are defined as "*Students at the University of Nottingham as further defined in Article*

9.1.1 and the byelaws and the Sabbatical Officers" (56.1.38). This document is shown at **Exhibit RB/8**.

53. I enjoy privileges only available to members of the University. For example, I have been issued with a current and active University of Nottingham ID card. I am also allowed to access restricted buildings in the University, which only students and staff may enter,
54. As such, I consider myself to be a student and that is why I asserted at paragraph 3 of my statement that "*I am one of a number of students taking part in an occupational protest...*"
55. Paul Greatrix also asserts that I have been suspended from my role as Postgraduate Officer of the Student's Union, and provides a link to a post on Instagram in which I say that I have been suspended. It is correct that I am engaged in a separate and ongoing employment dispute with my employer, the UoNSU, as a result of attending a vigil for people killed in Palestine. As a result of this dispute, at the time of making the post I believed that I had been suspended. I have since learned that only a student referendum may remove an elected sabbatical officer from their role. This is set out in the UoNSU Memorandum and Articles of Association, at 26.2, at **Exhibit RB/8**. I remain the UoNSU Postgraduate Officer and a trustee of the Student Union.
56. The UoNSU continues to promote me as the current Postgraduate Officer and a Trustee of the Union. <https://su.nottingham.ac.uk/make-change/your-officers>
57. The UoNSU Memorandum and Articles of Association of Nottingham Students Union, showing I remain the Postgraduate Officer and cannot be removed without a vote of students is shown to me marked **Exhibit RB/8**.

The legal relationship between UoNSU and the University of Nottingham

58. UoNSU is a separate, independent organisation to the University of Nottingham. It is a registered charity (1136986) and a registered company (07229624).
59. It is described in the Articles of Association as follows:

"A. The University of Nottingham Students' Union (the "Union") is a students' union within the meaning of the Education Act 1994. The Union is devoted to the educational interests and welfare of its Student Members."

"D. Under the Education Act 1994, the University of Nottingham has a statutory duty to ensure that the Union operates in a fair and democratic manner and is held to proper account for its finances. The Union therefore works alongside the University of Nottingham in ensuring that the affairs of the Union are properly conducted and that the educational and welfare needs of the Union's Student Members are met."
60. Section 10 of The Statutes of the University of Nottingham state:

“1. Ordinances shall prescribe the constitution, functions, privileges and other matters relating to the Students' Union.

2. In accordance with the Education Act 1994, Part II, the Council is responsible for taking such steps as are reasonably practicable to ensure that the Students' Union operates fairly and democratically and is accountable for its finances.

3. The constitution of the Students' Union must be reviewed by the Council every five years, and any changes to the constitution must be approved by the Council.”

Statement of truth

61. I believe that the facts 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.

Signed  J Butterworth

Dated 01/07/2024