

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

AMERICAN FRIENDS SERVICE
COMMITTEE; CENTER FOR
CONSTITUTIONAL RIGHTS; HUMAN
RIGHTS WATCH; and OPEN SOCIETY
INSTITUTE;

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity
as President of the United States; UNITED
STATES DEPARTMENT OF STATE;
MARCO A. RUBIO, in his official capacity
as Secretary of State; UNITED STATES
DEPARTMENT OF THE TREASURY;
SCOTT K. H. BESSENT, in his official
capacity as Secretary of the Treasury;
UNITED STATES DEPARTMENT OF
JUSTICE; TODD BLANCHE, in his official
capacity as United States Attorney General;
OFFICE OF FOREIGN ASSETS CONTROL;
and BRADLEY T. SMITH, in his official
capacity as Director of the Office of Foreign
Assets Control,

Defendants.

Civil Action No. 26-cv-6830-JMF

**DECLARATION OF KATHERINE GALLAGHER ON BEHALF OF
THE CENTER FOR CONSTITUTIONAL RIGHTS
IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

I, Katherine Gallagher, hereby declare as follows:

1. I make this declaration on behalf of the Center for Constitutional Rights (“CCR”), plaintiff in the above-captioned action.

2. I am currently a Senior Staff Attorney at CCR and have worked at the organization since June 2006. I have been a licensed attorney in the State of New York since 2003. I am admitted to practice in numerous federal district courts (including the U.S. District Court for the Southern District of New York) and federal courts of appeals. I am also a member of the Bar of the Supreme Court of the United States.

3. I am a citizen of the United States.

4. The facts I am testifying to on behalf of CCR in this declaration I make either through (a) my personal knowledge, (b) a review of documents in the custody or control of CCR, (c) discussions with CCR staff, or (d) some combination of these sources.

I. Background on the Center for Constitutional Rights

5. CCR was founded in 1966 and is headquartered in New York, New York. CCR is a non-profit legal, educational, and advocacy organization dedicated to advancing and protecting the rights guaranteed by the United States Constitution and international law. It works to advance and defend constitutional and human rights through litigation, advocacy, and narrative communications strategies, and is committed to the creative use of law as a positive force for social change. CCR operates programs designed to address a broad range of constitutional, civil and human rights issues, including: torture, war crimes, and militarism; abusive immigration practices; criminalization of dissent; discriminatory policing; government surveillance; indefinite detention and torture at Guantanamo; LGBTQI persecution; mass incarceration; Muslim profiling; suppression of Palestinian human rights; racial injustice; sexual and gender-based violence; and corporate human rights abuses. Within each programmatic area, CCR undertakes strategic

litigation and complementary advocacy to curtail government abuses and overreach, and to bring justice for, and accountability to, our clients and movement partners.

6. CCR has long advocated for a strong system of accountability for violations of international law, at the domestic, regional, and international levels. CCR participated in the Preparatory Committee on the Establishment of the International Criminal Court through the Coalition for the International Criminal Court (“CICC”), and has been an active member of the CICC for at least the last 15 years. CCR is also currently a member of the Washington Working Group on the International Criminal Court (“WICC”), an informal network of non-governmental organizations and individuals that promote U.S. engagement and cooperation with the International Criminal Court (“ICC”).

7. CCR has a long history of litigating cases on behalf of victims and survivors of international law violations in U.S. courts, including the landmark human rights case, *Filártiga v. Peña-Irala*, 630 F.2d 876 (2d Cir. 1980); in foreign courts, including under the principle of universal jurisdiction; before United Nations treaty bodies; and in regional courts and international tribunals, including the ICC.

II. CCR’s Engagement with the ICC and Specially Designated Nationals at the ICC Prior to the Issuance of EO 14,203 and Designations Thereunder

8. CCR has actively engaged with the ICC and its various organs since at least 2009. CCR’s engagement with the ICC has centered around its representation of victims of international crimes.

9. In 2016—having met the required qualifications, including demonstrated competence in international criminal law with at least ten years of relevant experience and certified as an attorney in good standing in my home jurisdiction of the State of New York, First Judicial Department—I was admitted to the List of Counsel for the ICC, which enables me to practice

before the Court as lead counsel in legal proceedings. I am bound by the ICC's Code of Professional Conduct for Counsel when practicing before the ICC, which requires, *inter alia*, that I act independently and do not allow my integrity or freedom to be compromised by external pressure (article 6); and do not engage in discrimination towards any person, including clients, of any kind, including on the basis of race, ethnicity, ethnic or national origin, or political opinion (article 9).

10. Other attorneys at CCR are also qualified to practice before the ICC and/or have made submissions to that court.

11. At the ICC, attorneys who represent victims are referred to as "Legal Representatives for Victims" or "LRVs." Under Article 68(3) of the Rome Statute of the ICC, where the personal interests of victims are affected, they are permitted to present their views and concerns to the Court, including by and through LRVs, as appropriate. Pursuant to Rules 90 to 93 of the ICC's Rules of Procedure and Evidence, victims may choose their own legal representatives who are able to participate in the relevant proceedings.

12. Beginning in 2011, CCR attorneys have served as counsel to victims of serious international crimes and made legal submissions on their behalf to the ICC's Office of the Prosecutor ("OTP") and before judges of the Court. I have served as an LRV for victims of U.S. torture in the Situation in the Islamic Republic of Afghanistan ("*Situation in Afghanistan*") and for Palestinian victims in the Situation in the State of Palestine ("*Situation in Palestine*"). CCR has generally covered the costs associated with the legal and advocacy work CCR attorneys do on behalf of victims before the ICC, with all such victims being represented on a *pro bono* basis. In the role of LRV, I and other CCR attorneys have:

- a. Met with and exchanged information with victims, including through intermediaries.
- b. Counseled victims on ICC jurisdiction, procedures, opportunities to engage the Court and participate in proceedings, and legal developments.
- c. Gathered factual information from client victims in anticipation of meetings with, or submissions to, the ICC, including the OTP.
- d. Made legal filings and oral submissions on behalf of client victims to the ICC Pre-Trial Chambers and Appeals Chamber, including submissions that support the position of the OTP.
- e. Shared legal analysis and factual information with the OTP to advance preliminary examinations, in support of its investigations and prosecutions, and to advocate for additional investigations.
- f. Met with members of the OTP to discuss its preliminary examinations, investigations and prosecutions.
- g. Discussed, where appropriate, legal arguments and investigations with the OTP, including regarding the facilitation of victim statements or testimony in support of OTP's examinations, investigations and prosecutions.
- h. Advised the OTP, including the Prosecutor, of real-time or time-sensitive developments in potential or ongoing examinations and investigations, in efforts to prompt the issuance of a statement or action seeking to prevent human rights violations or to prompt legal action such as submitting an application for arrest warrants or to preserve evidence. For example, in October 2023, CCR sent an Emergency Legal Briefing Paper to the former Prosecutor Karim Khan,

copying Deputy Prosecutor Nazhat Shameem Khan, regarding the unfolding Israeli genocide against the Palestinian people in Gaza and U.S. failure to prevent, and complicity in, genocide.

- i. Advanced the position of clients or potential clients in public fora where members of the OTP, including the former Prosecutor, were present.
- j. Worked with other LRVs and civil society groups, including by engaging in joint advocacy, to advance the views, concerns, and interests of clients and potential clients.
- k. Advocated for and made factual and legal submissions supporting and calling for the investigation and, where appropriate, the prosecution of U.S. and Israeli citizens for the commission of alleged crimes falling within the jurisdiction of the ICC.

13. On February 6, 2025, when EO 14,203 was issued, CCR attorneys—including myself—were serving as LRVs in the *Situation in Afghanistan* and/or the *Situation in Palestine* on behalf of victims of alleged war crimes, crimes against humanity, and/or genocide.

14. In addition to acting as LRVs, CCR regularly considered or developed potential legal interventions for submission to the ICC, and utilized the ICC as a forum to advance justice for its clients, potential clients, and partners. For example, CCR has made submissions under Article 15 of the Rome Statute—which permits the Prosecutor to examine information sent by individuals, groups, or organizations on alleged or potential crimes within the ICC’s jurisdiction—urging the investigation of international crimes experienced by the victims it represents when national criminal justice systems are unwilling or unable to investigate such crimes. CCR’s Article 15 submissions included the following:

- a. In 2011, CCR—representing the Survivors Network of those Abused by Priests (SNAP)—filed a submission urging the ICC Prosecutor to open an investigation into crimes against humanity arising out of the systemic rape, sexual violence, and torture of children and vulnerable adults by priests and associated members of the Catholic Church committed on the territory of, or by the nationals of, ICC member States.
- b. In 2012, CCR filed a joint submission, with the International Federation of Human Rights (“FIDH”), urging the ICC Prosecutor to open an investigation into the political persecution, extrajudicial killings, forcible transfers, and enforced disappearances of human rights defenders in Honduras, an ICC member State, citing evidence of crimes against humanity.

15. Having previously met with the Office of the Prosecutor on these alleged crimes over the prior four years, in 2018, CCR filed a submission during the preliminary examination stage of the *Situation in Afghanistan* on behalf of two victims detained at Guantánamo Bay, urging the Prosecutor to broaden the scope of investigation to include, *inter alia*, crimes against humanity reflecting attacks against civilian populations. (The representation of those two victims continued through the Pre-Trial Chamber review and Appeals Chamber review of the opening and scope of the investigation, and the deferral request).

16. After Palestine became a State Party to the ICC, CCR intermittently served as a legal advisor and contributed to submissions made by Al-Haq: Law in the Service of Man (“Al-Haq”), Al Mezan, and the Palestinian Centre for Human Rights (“PCHR”) to the OTP during the preliminary examination stage of the *Situation in Palestine*, urging the Prosecutor to open an

investigation into alleged war crimes and crimes against humanity committed by Israeli citizens in Gaza and the West Bank, including East Jerusalem.

17. CCR has also sought leave to submit an *amicus curiae* brief in *Prosecutor v. Jean-Pierre Bemba Gombo*, a case arising out of the *Situation in the Central African Republic*. The brief, which was to be filed on behalf of prominent U.N. experts and human rights organizations, advocated for cumulative charging of both rape and torture as sexual and gender-based violence crimes.

18. To adequately fulfill its duties as a competent LRV, counsel and advocate vis-à-vis the ICC, CCR regularly met with, exchanged information and potential strategies, and partnered with other victims, LRVs, and civil society organizations, including in the context of its work in the *Situation in Afghanistan* and the *Situation in Palestine*.

19. In addition to making formal legal submissions to the ICC, over the last decade, CCR regularly engaged with members of the OTP and judges of the ICC. This included:

- a. Participating in meetings with the Prosecutor and various members of the OTP to advocate for the positions of CCR's clients and other victims in the OTP's preliminary examinations and investigations.
- b. Attending meetings and roundtables, organized and hosted by the OTP, where CCR reviewed and provided expert input on thematic, strategic, and policy documents drafted by the OTP. For example, in 2022, CCR participated in a thematic roundtable organized by the OTP on crimes against and affecting children, and subsequently provided input on the OTP's *Policy on Children*.
- c. Attending roundtables organized by the Court, including the annual ICC-NGOs Roundtable, and participating in the annual Assembly of States Parties to the

Rome Statute (“ASP”) during which CCR engaged in information-sharing and advocacy on behalf of potential or existing client victims, directed at various organs of the ICC. This engagement included participating in panels that included, or were attended by, ICC judges and Prosecutors and participating in strategy meetings with staff of the OTP.

- d. Participating in meetings organized by non-governmental organizations on the activities and policies of the ICC, which included members of the OTP and/or ICC judges, including in The Hague and New York.

III. CCR’s Relationships with the other Specially Designated Nationals Prior to their Designations under EO 14,203

A. *Al-Haq, Al Mezan, and the Palestinian Centre for Human Rights*

20. Prior to the designations of Al-Haq, Al Mezan, and PCHR under EO 14,203, CCR enjoyed a close, trusted, and decades-long relationship with all three designated organizations. These highly-valued relationships were based on CCR’s deep respect, recognition, and appreciation for the leading role that the three designated organizations play in the context of advancing justice, dignity, equality, self-determination, accountability, and non-discrimination within Palestine and globally due to their expertise, extensive field presence, recognized professionalism, and deep knowledge of and commitment to human rights and the rule of law.

21. CCR attorneys regularly met with staff of Al-Haq, Al Mezan, and PCHR to discuss, develop, and execute litigation strategies and joint advocacy to achieve accountability for grave violations of international law using domestic and international fora, including the ICC; on occasion, CCR covered expenses for joint activities. CCR issued joint public statements with all three designated organizations and partnered with them to seek accountability for international crimes. All three designated organizations served as liaisons between CCR and victims to facilitate

CCR attorneys' representation of those victims at the ICC in their capacity as LRVs and, due in part to their skilled and extensive field work and on-the-ground presence, helped CCR in its preparation of submissions in the *Situation in Palestine*. CCR also contributed to, or made joint legal submissions with, all three designated organizations and represented some as legal counsel. For example:

- a. CCR attorneys made joint submissions to the ICC with PCHR attorneys regarding the *Situation in Palestine*, in their respective capacities as LRVs of victims of crimes against humanity and war crimes.
 - b. CCR and PCHR partnered in U.S. federal litigation concerning human rights in the Occupied Palestinian Territory, including *Matar v. Dichter*, in the Southern District of New York (Case No. 05 Civ. 10270 (WHP)) and Second Circuit (Case No. 07-2579-cv); *Abu-Zeineh v. Federal Laboratories, Inc.*, in the Western District of Pennsylvania (Case No. 91-2148); and *Corrie v. Caterpillar, Inc.*, in the Western District of Washington (Case No. C05-5192FDB) and Ninth Circuit (Case No. 05-36210).
 - c. CCR represented Al-Haq *pro bono* as legal counsel in *Defense for Children International-Palestine v. Biden* in the Northern District of California (Case No. 23-cv-05829-JSW) and in the Ninth Circuit (Case No. 24-704).
 - d. Prior to their designations, CCR attorneys—including myself—acted as LRVs for Al-Haq and Al Mezan before the ICC. In this capacity, CCR provided Al-Haq and Al Mezan with *pro bono* legal advice and services.
22. CCR, Al-Haq, Al Mezan, and PCHR have been members of various international human rights networks and coalitions, through which the three organizations and CCR regularly

co-organized and co-sponsored public panels, including related to the work of the ICC. As a fellow coalition member and advocacy partner, CCR solicited support from the three designated organizations to carry out various advocacy initiatives; provided organizational support to the three designated organizations; and reposted, liked, and otherwise sought to amplify social media posts or advocacy from the three designated organizations, in connection with both ICC and non-ICC-related matters. For example:

- a. Al-Haq, Al Mezan, and PCHR signed petitions organized by CCR, and otherwise supported CCR's advocacy, on matters unconnected to the ICC, including efforts to introduce legislation in the U.S. in support of the Black Lives Matter movement.
- b. CCR assisted and supported leaders from Al-Haq and PCHR in carrying out advocacy while visiting the United States, including organizing public events.
- c. Staff from CCR and the three designated organizations spoke on panels together at the ICC Assembly of States Parties, at the United Nations, at the European Parliament, and at numerous public panels in the United States, Europe, and in the Middle East.
- d. CCR and the three designated organizations convened joint litigation strategy sessions.

B. *Francesca Albanese, U.N. Special Rapporteur on “the situation of human rights in the Palestinian territories occupied since 1967”*

23. CCR has long engaged with the United Nations Special Rapporteur on “the situation of human rights in the Palestinian territories occupied since 1967,” as part of its litigation and advocacy strategies. CCR made submissions to, held bilateral meetings with, and appeared

on panels alongside the mandate holder of this Special Rapporteurship. Since her appointment in May 2022, this engagement was with Francesca Albanese.

24. During Ms. Albanese's tenure as Special Rapporteur, CCR engaged with her concerning alleged violations of international law in the Occupied Palestinian Territory, including jointly participating in:

- a. A discussion at Columbia University about Ms. Albanese's report to the U.N. General Assembly in October 2022;
- b. A panel in The Hague alongside representatives from the three designated organizations in December 2022; and
- c. A seminar at the People's Academy of International Law in January 2025.

25. Prior to her designation under EO 14,203 in July 2025, CCR staff made written submissions to Ms. Albanese regarding international crimes allegedly committed in the Occupied Palestinian Territory.

26. CCR includes its work with United Nations experts, including Special Rapporteur Albanese, on its website and is featured in CCR's annual reports.

IV. Impact on CCR of EO 14,203 and the Designations Thereunder

27. Compliance with EO 14,203 and the designations thereunder is a requirement that severely constrains CCR's ability to carry out its core responsibilities and objectives for the protection of human rights.

28. CCR has been severely harmed and its work impaired by the promulgation of EO 14,203 and the designations thereunder. The threat of enforcement of civil and criminal penalties under the International Economic Emergency Powers Act and under Executive Order 14,203 have caused CCR to discontinue many activities it was performing before the Executive Order was

issued and designations made thereunder, and to abandon or to reconsider acts it had planned to undertake, and forego opportunities for new work.

29. First, due to the threat of enforcement of civil and criminal penalties arising from the designation under EO 14,203, CCR has ceased or limited its activities with respect to the ICC, causing it to forego a prominent forum to pursue justice and accountability for victims of human rights violations. Among other impacts, the issuance of EO 14,203 and the designations of the ICC Judges, members of the OTP, and the three designated organizations thereunder have caused CCR's attorneys to withdraw as counsel for two of the designated Palestinian organizations and cease actively representing their clients at the ICC, including as LRVs in the *Situation in Afghanistan* and the *Situation in Palestine*. CCR has also foregone opportunities to represent new clients at the ICC and otherwise expand its work at the ICC, including in relation to new or ongoing international crimes committed on the territory of Palestine, or by U.S. actors on the territory of any of the 125 ICC member states.

30. Due to the threat of enforcement of civil and criminal penalties arising from the designations of former Prosecutor Karim Khan and Deputy Prosecutors Nazhat Shameem Khan and Mame Mandiaye Niang, CCR attorneys have stopped engaging with the OTP, including ceasing attending meetings with OTP staff, providing factual information, or making submissions to or in support of positions taken by the OTP. The designations have prevented CCR from advocating and presenting its viewpoints and expertise vis-à-vis all potential, proposed and ongoing examinations and investigations, including in relation to the *Situation in Afghanistan* and the *Situation in Palestine*, including with respect to ongoing and new alleged international crimes.

31. Due to the threat of enforcement of civil and criminal penalties arising from the designations of Judge Nicolas Guillou, Judge Reine Alapini-Gansou, and Judge Beti Hohler—who

are assigned to and compose Pre-Trial Chamber I, which is adjudicating requests, disputes, and applications concerning the *Situation in Palestine*—CCR’s attorneys have refrained from making submissions as LRVs on behalf of both Al-Haq and Al Mezan (even prior to their designations) and other individual client victims. Following the designations of Al-Haq and Al Mezan on September 4, 2025 and the wind down period, CCR attorneys refrained from seeking leave of the ICC to withdraw as legal representatives of Al-Haq and Al Mezan due to the designations of the organizations, as required by Regulation 82 of the Regulations of the ICC, because the judges in Pre-Trial Chamber I had themselves been designated. The notice of withdrawal explained that the failure to seek leave was due to the extraordinary circumstances created by EO 14,203.

32. Due to the threat of enforcement of civil and criminal penalties arising from the designations of Judge Luz del Carmen Ibáñez Carranza, Judge Solomy Balungi Bossa, Judge Gocha Lordkipanidze, and Judge Erdenebalsuren Damdin—who are assigned to the Appeals Chamber adjudicating the *Situation in Palestine*—CCR’s attorneys have refrained from making any new submissions on matters currently before that Chamber.

33. Due to the threat of enforcement of civil and criminal penalties arising from the subsequent designations of Al-Haq and Al Mezan, CCR attorneys, including myself, withdrew as LRVs for those organizations in the *Situation in Palestine*. Since their withdrawal, CCR attorneys have ceased providing legal counsel, advice, or other services to Al-Haq and Al Mezan.

34. Due to the threat of enforcement of civil and criminal penalties arising from the designations of the ICC Prosecutors, ICC Judges, Al-Haq, Al Mezan, and PCHR, CCR has ceased:

- a. Participating in group discussions, including with other LRVs (including but not limited to PCHR) and the three designated organizations, about legal strategy concerning the representation of victims in the *Situation in Palestine*;

- b. Providing legal advice, analysis, submissions, and evidence related to the work of the OTP to the designated Prosecutors—Karim Khan, Nazhat Shameem Khan, and Mame Mandiaye Niang—and the OTP itself;
- c. Submitting briefs to the ICC, whether as LRVs or *amicus curiae*, that express support for the actions and litigating positions of the OTP; and
- d. Advocating to designated judges and staff of the OTP, including in regard to all situations and the Court’s functioning. For example, CCR attended the ASP in The Hague in December 2025, but, because of the risk of civil or criminal penalties, forewent the meetings it historically held with members of the OTP working on the *Situation in Palestine*—or any other members of the OTP working on other situations and cases. Unlike during past ASPs, no CCR staff member actively participated in any panel or events held in connection with the ASP.

35. Second, due to the threat of enforcement of civil and criminal penalties arising from the designations of Al-Haq, Al Mezan, and PCHR, CCR has ceased engaging with those organizations in ways that it understands may be prohibited by EO 14,203 and no longer works with them to prepare legal cases or represent the organizations as legal counsel. In particular, CCR has, *inter alia*:

- a. Ceased making joint filings with PCHR attorneys as LRVs on behalf of victims at the ICC;
- b. Stopped accepting—and seeking—referrals of Palestinian plaintiffs from the three designated organizations for cases to be litigated by CCR in U.S. courts;

- c. Ended years-long collaborations with the three designated organizations concerning ongoing litigation and advocacy;
- d. Ceased working with the three designated organizations and forewent opportunities to work with them to seek justice and accountability for Palestinian victims of international crimes, including in U.S. courts, at a time when such crimes are being committed on an ongoing basis;
- e. Ceased participating in joint strategy sessions with the three designated organizations.
- f. Ceased inviting the three designated organizations to participate in advocacy efforts on any topic—including those unrelated to the ICC.
- g. Ceased reposting or otherwise amplifying social media posts or advocacy from the three designated organizations, regardless of whether the content is related to the ICC, impairing CCR's ability to contribute to and influence public discourse regarding the human rights situation in Palestine

36. The loss of access to the three designated organizations' valuable and unique insights, trusted partnership, on-the-ground updates and analysis, and expertise, and the rupture to these highly valued relationships, has severely negatively impacted and harmed CCR's broader human rights advocacy and litigation efforts.

37. Moreover, because CCR has ceased engaging with Al-Haq, Al Mezan, and PCHR, each a leading Palestinian human rights organization with which it is known to have maintained long-standing relationships of trust, CCR's long-established reputation and widely recognized work on behalf of Palestinian rights, human rights, and the rule of law more broadly has been

severely and negatively harmed, thereby impeding it from fully fulfilling its mission of supporting justice for victims of serious international crimes and human rights violations.

38. Third, due to the threat of enforcement of civil and criminal penalties arising from the designation of Ms. Albanese, CCR has ceased providing her with information on human rights violations in the Occupied Palestinian Territory.

39. Additionally, CCR's programmatic resources have been diverted as a result of the sanctions, instead focusing on navigating the sanctions regime and advocacy or litigation efforts to challenge it.

40. Had the designations not been issued, CCR would have continued or engaged in these activities in full. Actions described above would have been performed by CCR while some of its staff were located in the United States and their speech would have been communicated to recipients in other countries via the Internet or telephonically.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on August 31, 2026.



Katherine Gallagher