

**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 JAMES A. GOLDSTON ON BEHALF OF
THE OPEN SOCIETY INSTITUTE
IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

I, James A. Goldston, hereby declare as follows:

1. I make this declaration on behalf of the Open Society Institute ("OSI"), plaintiff in the above-captioned action.

2. Since 2003, I have served as the Executive Director of the Open Society Justice Initiative (“OSJI”), a program of OSI.

3. I am a citizen of the United States.

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

I. Background on the Open Society Institute

5. OSI is a 501(c)(3) private foundation and charitable trust organized in 1979 under the laws of New York and headquartered in New York. Founded by George Soros, for more than four decades, OSI has provided funding and direct support to charitable endeavors at home and abroad, aiming to build vibrant and inclusive democracies whose governments are accountable to their people. Its philanthropic projects have long sought to foster open societies, protect free inquiry and debate, and advance human rights, including through the spread of information and knowledge.

6. OSI operates through its programs, which engage in grant-giving, strategic litigation, research, advocacy, and organization of convenings.

7. OSI awarded more than \$142 million in grants in 2024 alone.

8. OSJI was created in 2003 and acts as a United States-based public interest law center dedicated to advancing human rights and the rule of law around the world through litigation, advocacy, grant-giving, and convening. OSJI’s work focuses on promoting international justice, deepening democratic practice, and addressing the threats that economic power may pose to open societies. OSJI litigates on behalf of itself and others to provide justice to victims and survivors of transnational and international legal violations; provides grants and technical assistance to

individuals and organizations engaged in strategic litigation and associated activities; consults with interested parties about issues of international concern, such as international justice for the commission of grave crimes; and speaks publicly about these international issues including through participation in letter-writing campaigns, appearances in the media, and the publication of articles and op-eds. OSJI undertakes a range of activities to promote international justice and accountability in a variety of locations, both within and outside the United States including, *inter alia*, the Netherlands and the United Kingdom.

9. OSJI is a member of and participates in the broader advocacy efforts of the Coalition for the International Criminal Court (“CICC” or “Coalition”) as well as the Washington Working Group of the ICC (“WICC”), an informal network of non-governmental organizations and individuals that promotes U.S. engagement and cooperation with the International Criminal Court (“ICC” or “the Court”).

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

10. As part of its work combatting international crimes, OSJI (as a program of OSI) has engaged with the ICC on a broad range of issues since the Court’s founding. Over the years and in compliance with applicable law, OSJI has provided advice to various organs of the ICC, including the Presidency of the Court, the Office of the Prosecutor (“OTP”), and the Registry. OSJI has also undertaken advocacy directed at, and provided recommendations to, States Parties to the Rome Statute of the ICC (“Rome Statute”), which is the treaty that established the ICC. These activities have addressed issues including, *inter alia*, prosecutorial strategy, the implementation of ICC arrest warrants, witness protection, the development of performance indicators, and revisions to the process for judicial elections.

11. Prior to the issuance of Executive Order 14,203, OSJI's work required regular engagement with the ICC and its officials, including Judges, the OTP, and the Registry, as well as with local and international civil society organizations working on the same issues. Specific examples of OSJI's engagement with the ICC over the years and in compliance with relevant law include:

- a. Advising the OTP on prosecutorial strategy and the use of emerging technologies to analyze evidence of international crimes. This included convening meetings with experts in various fields and OTP staff, and supporting the establishment and operationalization of a technical advisory board for the OTP.
- b. Organizing meetings with ICC judges and other officials to advise on the development of performance indicators for the ICC, and issuing a briefing paper on the topic.
- c. Meeting with ICC staff, including from the OTP and judicial chambers, to assist the ICC in improving its communications to strengthen its effectiveness and public support.
- d. Contributing to the process known as the "ICC review," organized by the Assembly of States Parties ("ASP"), aimed at improving the Court's operations and effectiveness. This involved organizing expert gatherings, drafting position papers and recommendations, and engaging with States Parties and the expert panel in charge of the process.
- e. Engaging in discussions with ICC officials and civil society partners about ICC arrest warrants, including making public statements regarding the issuance of

arrest warrants and publishing a briefing paper calling on States to promote cooperation with the ICC through multilateral bodies.

- f. Filing a brief as *amicus curiae* in August 2024 in ICC proceedings in the *Situation in the State of Palestine* (“*Situation in Palestine*”) regarding the ICC’s jurisdiction.
- g. Engaging with the OTP regarding its investigation into the *Situation in the State of Afghanistan* (“*Situation in Afghanistan*”), with a specific focus on the Taliban’s systematic perpetration of crimes against Afghan women and girls.
- h. Attending and actively participating in roundtables organized by the ICC, including the annual ICC-NGO Roundtables, as well as roundtables organized by others about the activities and policies of the ICC, which included members of the OTP and/or ICC judges.
- i. Participating in the ASP annual meeting, including co-sponsoring side-events and engaging in civil society strategy meetings among other activities.

12. Historically, OSJI has also advised civil society organizations on topics such as the documentation of evidence of international crimes, filing communications with the ICC, and strategic engagement with the Court. OSJI’s role as an adviser to and convenor of civil society over the years has included:

- a. Contributing to the development of the OTP’s *Documenting International Crimes and Human Rights Violations for Accountability Purposes: Guidelines for Civil Society Organizations*, including through participation in an expert consultation. OSJI had previously trained civil society actors and gathered

feedback on NGO documentation through a series of workshops held in Africa, Asia, Central America, and the Middle East.

- b. Organizing an expert gathering on international crimes committed in the Occupied Palestinian Territory which brought together Palestinian civil society organizations, including two of the human rights organizations that have since been designated under Executive Order 14,203 (Al-Haq: Law in the Service of Man (“Al-Haq”) and the Palestinian Centre for Human Rights (“PCHR”)), and international law experts and professors, as well as staff from the OTP.
- c. Organizing gatherings involving civil society organizations from different regions to enable experience-sharing about their engagement with different organs of the ICC.
- d. Facilitating participation of representatives from civil society organizations from various ICC situation countries in the annual ICC-NGO Roundtables.
- e. Providing strategic advice on ICC procedures to civil society organizations and facilitating contacts with ICC officials working on Rome Statute crimes concerning various countries.
- f. Training and supporting civil society organizations that assisted victims in making submissions to the ICC regarding the opening of an investigation into the *Situation in Afghanistan*.
- g. Hosting a fellow in The Netherlands from Afghan civil society to facilitate learning about, and engaging in exchanges with, the ICC.
- h. For more than a decade, operating an initiative known as the “International Justice Monitor,” which provided regular and balanced monitoring of select

trials in the ICC with an aim to expand public awareness and make ICC trials more accessible to local media and affected communities.

- i. For a period of time in 2022 following Russia's full-scale invasion of Ukraine, co-hosting the Ukraine Accountability Collaboration Platform, which brings together Ukrainian and international civil society organizations to coordinate and exchange information on the documentation of crimes committed in Ukraine, with a view to support case-building for prosecution domestically in Ukraine, at the ICC, and in third states under the principle of universal jurisdiction.
- j. Participating as an active member of CICC and attending events led by CICC, including for the purpose of advocacy coordination with other members of the Coalition.

13. OSJI regularly published articles, op-eds, briefing papers, and other publications pertaining to ICC procedures, situations, and specific cases. This included publishing, in connection with the International Justice Monitor, briefing papers related to trials, judgments, or appeals in some of the cases before the ICC.

14. OSJI also conducted advocacy for recommended improvements to the ICC election processes for judges and the Prosecutor, including through the publication of a report and several briefing papers on the topic.

15. OSJI has engaged in direct speech that has been critical of the ICC, in particular by publishing several op-ed articles. This work has, for example, addressed the importance of avoiding applying double standards that have plagued international courts in the past and

safeguarding the ICC's moral authority in the context of misconduct allegations against the former ICC Prosecutor.

16. OSI has also given grants to organizations that independently collect information from, *inter alia*, victims of international crimes to present to the ICC or other international bodies, as well as to organizations that assist victims participating in proceedings that affect them or presenting their cases to the ICC.

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

17. As an entity engaged in grant-making operations around the world, OSI takes seriously its obligation to comply with all applicable law, including U.S. sanctions. OSI enlists attorneys and specialists well-versed in sanctions compliance to vet potential grantees.

18. Since the beginning of its work in the Middle East and North Africa in 2001, OSI has prioritized support for accurate, field-based documentation and legal analysis of human rights violations across the region. This includes support to Israeli and Palestinian organizations documenting Israel's violations of Palestinian rights as well as human rights abuses committed by the Palestinian Authority and Hamas.

19. Among the many entities to which OSI has given philanthropic grants are Al Mezan and PCHR, both of which have since been designated under Executive Order 14,203. These two entities, as well as Al-Haq (together, the "three designated organizations"), are widely recognized and respected human rights organizations dedicated to advancing the cause of justice and international human rights, including through the documentation of human rights abuses in the Occupied Palestinian Territory. Some of these grants enabled Al Mezan and PCHR to document international crimes and, among other activities, advocate for accountability, including—but not only—at the ICC. As with all other entities to which OSI makes grants, this support was issued

only after completion of OSI's rigorous vetting process, designed to ensure compliance with all applicable laws.

20. In connection with these grants, and more generally, programs of OSI routinely engaged with representatives of the three designated organizations, including through bilateral meetings and larger convenings.

21. In or about 2015, I and another OSJI colleague travelled to Ramallah, met with local civil society organizations, and conducted a training with the staff of Al-Haq about the Rome Statute, ICC procedures, strategic choices facing NGOs engaging with the ICC, and methodology to document atrocities. In or around 2017, OSJI provided input on one of Al-Haq's submissions to the OTP regarding alleged crimes committed in the West Bank.

22. Starting in approximately 2023 and until the three organizations were designated in September 2025, OSJI held ongoing discussions with Al-Haq as part of its exploration of potential strategic litigation concerning alleged crimes committed in the Occupied Palestinian Territory. In 2024, during the ASP session, OSJI also participated in a strategy session focused, in part, on the possibility of securing legal redress for these alleged crimes. All three designated organizations were present. At the time and subsequently, OSJI was actively considering partnering with Al-Haq and Al Mezan on litigation opportunities not involving the ICC, which could have included funding to pursue such work.

23. OSJI has also engaged with Francesca Albanese as the mandate holder of the United Nations Special Rapporteurship on "the situation of human rights in Palestinian territory occupied since 1967." This engagement included a call with Ms. Albanese in January 2025 to discuss potential strategic litigation opportunities to address human rights abuses in the Occupied Palestinian Territory.

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

24. OSI is committed to maintaining compliance with applicable U.S. sanctions requirements. EO 14,203 and the designations directly impact OSI's U.S. sanctions compliance requirements and severely constrain OSI's ability to carry out its core responsibilities and objectives for the protection of human rights.

25. OSI has been severely impaired by the promulgation of EO 14,203 and the designations thereunder. The threat of enforcement of civil and criminal penalties under IEEPA has caused OSI to discontinue 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.

26. *First*, due to the threat of enforcement of civil and criminal penalties arising from the designation of the former ICC Prosecutor, the two Deputy Prosecutors, the one senior trial prosecutor, and the nine ICC judges, OSI has discontinued, abandoned, or reconsidered the following activities, which it had planned to undertake through OSJI:

- a. Initiating or accepting meetings with the former ICC Prosecutor or the Deputy Prosecutors or anyone operating directly under their control or acting for them or on their behalf.
- b. Taking part in meetings between civil society and the ICC, including at the annual ICC-NGO Roundtables, when those are likely to lead to substantial interactions with the ICC Deputy Prosecutors, or anyone operating directly under their control or acting for them or on their behalf.
- c. Participating in full in the annual session of the ASP, including abstaining from attending any side events that could involve a significant number of staff

operating directly under the control or acting for or on behalf of a designated individual.

- d. Sharing legal resources and analysis with lawyers and local civil society groups for the purpose of facilitating implementation of ICC arrest warrants.
- e. Participating in and supporting local partners in making submissions to the OTP regarding alleged atrocity crimes.
- f. Providing strategic advice on victim participation and support to victim lawyers regarding certain situations under ICC investigation.
- g. Filing briefs as *amicus curiae* in ICC proceedings relating to any ICC situations.

27. *Second*, due to the threat of enforcement of civil and criminal penalties arising from the subsequent designations of Al-Haq, Al Mezan, and PCHR, in accordance with the Executive Order and its implementing regulations, OSI severed its connections to, and communications with, the three designated organizations.

28. The acts which OSI, including through OSJI, had planned to undertake, but which it discontinued, abandoned, or reconsidered in light of the designations include:

- a. Recommending potential grants to Al-Haq and Al Mezan.
- b. Engaging in discussions with Al-Haq about potential collaboration on strategic litigation opportunities concerning the Occupied Palestinian Territory and potential related funding.
- c. Engaging with Al-Haq and Al Mezan on advocacy related to accountability for human rights violations occurring in the Occupied Palestinian Territory.
- d. In the context of the ASP annual session, attending and speaking at strategy sessions and events involving representatives from the designated

organizations, including any events sponsored by those organizations or convened by the CICC.

- e. Participating in advocacy meetings or activities under CICC that require or may require interaction with the designated entities.

29. OSJI's participation in meetings convened by the CICC has been significantly hampered and OSJI has declined several invitations to attend such meetings and to participate in CICC advocacy. This continues to materially detract from the collective discussions and advocacy work in which OSJI has historically engaged as a member of the Coalition, and which it seeks to resume pending injunction of the Executive Order and the designations thereunder.

30. Also, due to the threat of enforcement of civil and criminal penalties arising from the designations of Al-Haq, Al Mezan, and PCHR, OSJI canceled, at great financial cost, a convening of civil society groups working on strategic litigation concerning the Occupied Palestinian Territory—including in forums other than the ICC—that included representatives from the three designated organizations among the invited participants. OSJI subsequently rescheduled the convening and excluded those organizations from participating, which deprived OSJI and other participants of those organizations' unique expertise and ability to incorporate the views of affected communities into strategic planning.

31. *Third*, upon the designation of Ms. Albanese, OSI discontinued any engagement with her. The acts which OSI had planned to undertake, but which it discontinued, abandoned, or reconsidered in light of her designation, include engaging in communications or meetings with Ms. Albanese.

32. OSI has suffered reputational harm as a result of its withdrawal from the forums and spaces it regularly occupied before EO 14,203 was issued. OSJI's absence from these spaces

has diminished its visibility and influence within the international justice community. It has deprived it of access to timely information concerning ICC cases and institutional developments, and undermined its ability to produce informed analysis and strategies and carry out effective advocacy on issues core to its mandate. The disruption of relationships with ICC staff and officials as well as civil society partners has further weakened OSI's network and reduced its capacity to both benefit from and contribute to collective knowledge and advocacy efforts.

33. Finally, OSI's programmatic resources have been diverted as result of the sanctions. OSJI, in particular, has dedicated resources to responding to the Executive Order, including by serving as *pro bono* counsel to plaintiffs in two different cases. OSI has thus expended, and continues to expend, significant time and resources that might otherwise have been dedicated to addressing other urgent human rights crises around the world.

34. Actions described above would have been performed by OSI 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 in New York, New York on August 27, 2026.



James A. Goldston