

**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 ELIZABETH EVENSON ON BEHALF OF
HUMAN RIGHTS WATCH
IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

I, Elizabeth Evenson, hereby declare as follows:

1. I make this declaration on behalf of Human Rights Watch ("HRW"), plaintiff in the above-captioned action.

2. I am currently international justice director at HRW and have worked at the organization since September 2006.

3. I am a citizen of the United States.

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

I. Background on Human Rights Watch

5. HRW is a non-profit research and advocacy organization founded in 1978. Headquartered in New York, HRW operates in over 100 countries, investigating and reporting on violations of human rights.

6. HRW employs approximately 500 people worldwide, including researchers, advocates, lawyers, and other professionals who document human rights abuses, engage with governments and international institutions concerning human rights, and advocate for policy reforms to protect human rights. The reports HRW produces documenting human rights abuses serve as contributions to the public record and resources for domestic and international criminal tribunals, including the International Criminal Court (“ICC”).

7. HRW has long championed international criminal justice as a means of ensuring accountability for the most serious violations of international law, including war crimes, crimes against humanity, and genocide. Accountability for such violations is not only a legal imperative but an essential element of sustainable peace and the prevention of future atrocities.

8. HRW was a leading advocate for the establishment of the ICC. HRW actively participated in the diplomatic negotiations concerning the Rome Statute of the International Criminal Court, contributing policy analysis and legal expertise, and advocating for the creation

of a permanent international criminal court with the capacity to hold individuals accountable for genocide, war crimes, and crimes against humanity. Since the creation of the ICC, HRW has supported its mission as a critical court of last resort to obtain justice for victims of serious international crimes and remains strongly committed to advancing this mission.

9. Through its research and advocacy, HRW has long worked and remains strongly committed to strengthening human rights protection in many countries, including notably Israel and Palestine.

II. HRW's Engagement with the ICC Prior to the Issuance of EO 14,203

10. From the ICC's establishment in 2002 until Executive Order 14,203 was issued on February 6, 2025, HRW has carried out research and advocacy with the aim of supporting the delivery of independent, impartial, and meaningful justice by the ICC. This has included publications on issues related to the Court's policies and practice, including the Office of the Prosecutor's approach to case selection, the ICC's engagement in specific country situations, and the court's needed investment in holistic strategies to deliver on its mandate.

11. Prior to February 6, 2025, HRW engaged with the Court and its four constituent organs: the Office of the Prosecutor ("OTP"), the Registry, the Judicial Divisions, and the Presidency. HRW also engaged with two other bodies created by the Court's Rome Statute, the Trust Fund for Victims and the Assembly of States Parties ("ASP").

12. HRW was an active participant in proceedings of the ICC's ASP, including its annual meetings. Among other things, HRW staff attended the ASP working groups; held meetings with representatives of ICC States Parties; participated as an invited speaker during ASP plenary sessions; organized panel discussions in the margins of ASP sessions; and prepared and disseminated briefing notes containing HRW's policy recommendations to the Court and its States

Parties. HRW carried out a focused advocacy campaign concerning the ASP's 2020 Independent Expert Review, aimed at strengthening the Court's performance; this included policy papers and statements—including jointly with other non-governmental organizations; participating in strategy and coordination meetings with other non-governmental organizations; and engaging directly with States Parties and the expert panel in charge of the process.

13. HRW engaged in advocacy directed at European Union ("EU") Member States, including through the ICC sub-group of the European Council's Working Party on Public International Law, briefing representatives of the now 27 EU Member States on issues related to the ICC.

14. HRW is a founding member of the Coalition for the International Criminal Court ("CICC"), a broad network of civil society organizations established in 1995 dedicated to the fair, effective, and independent functioning of the ICC. HRW also participates in 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 ICC.

III. HRW's Relationships with Specially Designated Nationals Prior to EO 14,203 and Their Designations Thereunder

A. ICC Office of the Prosecutor

15. Prior to EO 14,203 and the designations thereunder, HRW regularly engaged in dialogue with staff members of the OTP, including regarding the OTP's investigations. These interactions fulfill HRW's core responsibilities and objectives for the protection of human rights. Among other things, this activity included:

- a. Engaging in consultations with OTP staff members and the Prosecutor's special advisors for the development of thematic policies. This included participating in meetings or submitting comments on draft OTP policy papers, including,

most recently, the OTP's *Policy on Children* (2023), *Policy on Complementary and Cooperation* (2023), and *Policy on Cyber-Enabled Crimes under the Rome Statute* (2025).

- b. Communicating with OTP staff to, *inter alia*, receive updates and share information relevant to the OTP's investigations and preliminary examinations and discuss the OTP's investigative priorities.
- c. Participating in joint NGO meetings with OTP staff, including periodic roundtables organized for NGOs and ICC staff, including from the OTP, to share information and discuss topics of mutual interest. Topics covered in such meetings included, *inter alia*, the work of the OTP in specific investigations and preliminary examinations, cooperation on arrests, and the ICC's budget.

B. ICC Judges

16. In furtherance of its core responsibilities and objectives of advancing the protection of human rights, prior to the designation of nine of the Court's judges pursuant to EO 14,203, HRW interacted with ICC judges, including by, among other things:

- a. Participating in periodic roundtables organized for NGOs and ICC staff, including judges, to share information and discuss topics of mutual interest.
- b. Submitting *amicus curiae* briefs in ICC proceedings. These included, *inter alia*, an *amicus* brief in the *Situation in Afghanistan* in November 2019 and an *amicus* brief in the *Situation in Palestine* in August 2024.
- c. Organizing, participating in, or attending panel discussions or other events that include ICC judges among the speakers.

C. Human Rights Organizations

17. Prior to the designations of Al-Haq: Law in the Service of Man (“Al-Haq”), Al Mezan Center for Human Rights (“Al Mezan”), and the Palestinian Centre for Human Rights (“PCHR”) pursuant to EO 14,203, HRW maintained close relationships with each organization. HRW’s interactions with them were critical to fulfilling HRW’s core responsibilities and objectives for the protection of human rights, including, among other things, the following activities:

- a. Working in partnership with all three designated NGOs, as fellow members of the CICC, to advocate for policy and practical changes relevant to the Court’s operations and strengthened support for the ICC from its State Parties.
- b. Participating in joint strategic meetings with the designated NGOs and other partners in the movement, coordinating advocacy efforts with them, as well as promoting each other’s work on social media, and appearing together at private and public events.
- c. Liaising with, and obtaining information, including local insights and victim interviews, from all three designated NGOs, to facilitate HRW’s reporting and on-the-ground research on human rights issues in the Occupied Palestinian Territory.

D. United Nations Special Rapporteur Francesca Albanese

18. Prior to the designation of Francesca Albanese, the United Nations Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied since 1967, pursuant to EO 14,203, HRW maintained ongoing relationships with Ms. Albanese and her predecessors. HRW’s interactions with the U.N. Special Rapporteur were critical to meeting

HRW's core responsibilities and objectives for the protection of human rights. These interactions included, among other things:

- a. Briefing Ms. Albanese and her predecessors on HRW's research to inform their reports to the UN Human Rights Council.

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

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

20. Executive Order 14,203 and the subsequent designations of ICC judges, OTP officials, designated NGOs, and UN Special Rapporteur Francesca Albanese have significantly impaired HRW's ability to carry out its core organizational mission. In particular, the threat of enforcement of IEEPA's civil and criminal penalties has caused HRW to discontinue activities it was previously performing before the designations and to abandon or reconsider future activities that HRW planned to undertake.

21. Acts that HRW had planned to undertake, but which it discontinued, abandoned, or reconsidered in light of Executive Order 14,203 and the designations thereunder, include:

- a. Engaging substantively with OTP staff on its investigations and preliminary examinations, including those unrelated to the situations in Palestine or Afghanistan.
- b. Accepting invitations to events hosted by the OTP (e.g., in the context of its structured dialogue with NGOs) and the three designated NGOs or that include among the panelists representatives of the designated NGOs, designated Court officials, or Ms. Albanese.

- c. Hosting side events at the annual session of the ICC Assembly of States Parties in December 2025 or attending side events where representatives of any of the designated NGOs or designated individuals could be present. HRW's reputation among stakeholders who attended the session, including representatives of other human rights organizations and States Parties, suffered as a result of the foregoing.
- d. Briefing UN Special Rapporteur Francesca Albanese on HRW's research to inform her reports to the UN Human Rights Council.
- e. Attending joint meetings described above in paragraphs 14-16. During the June 2026 ICC-NGO roundtable, HRW's representatives were unable to attend sessions concerning the substantive work of the OTP or in the presence of designated ICC officials; or coordinate advocacy in advance of or during the roundtable with representatives of the three designated NGOs, which also limited opportunities to coordinate with other organizations, all of which would have been routinely part of HRW's participation in past roundtables.
- f. Collaborating with the three designated NGOs, including undertaking joint research and coordinating victim/witness interviews, joint statements, advocacy meetings, and public appearances.
- g. Obtaining the designated NGOs' assistance in facilitating HRW's research.
- h. Participating in activities where OTP staff members participate, including strategy discussions with other human rights organizations, on topics including campaigns for the arrest of individuals sought by the ICC;

- i. Participating in other activities where the designated NGOs participate, including strategy discussions during the ASP annual sessions and advocacy meetings coordinated by the CICC. This continues to materially detract from the collective discussions and advocacy work in which HRW has historically engaged as a member of the CICC, and which it seeks to resume pending injunction of the Executive Order and the designations thereunder.

22. Actions described above would have been performed by HRW while some of their staff were located in the United States and their speech would have been communicated to recipients in other countries via the Internet or telephonically.

23. In addition, HRW has diverted resources from planned programming to instead focus on advocacy and compliance related to the imposition of sanctions pursuant to EO 14,203 and subsequent designations thereunder. This includes, for example, suspending the conduct of research on the interaction between the court and domestic judicial authorities for the purpose of publishing findings and recommendations aimed at addressing shortcomings and maximizing the positive impact of the ICC on national justice efforts.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed in Accokeek, Maryland on August 28, 2026.



Elizabeth Evenson