

**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; MARCIO 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 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.

No. 26-cv-6830 (JMF)

**BRIEF OF AMICI CURIAE INTERNATIONAL LAW SCHOLARS AND
PRACTITIONERS IN SUPPORT OF PLAINTIFFS' MOTION FOR A
PRELIMINARY INJUNCTION**

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STATEMENT OF INTEREST OF AMICI CURIAE

Amici Curiae respectfully submit this brief, and the accompanying Declaration of Michael R. Noveck (“Noveck Decl.”), in support of Plaintiffs’ Motion for a Preliminary Injunction (ECF No. 40).¹

Amici are law school professors, scholars, and practitioners across thirteen law schools whose teaching, scholarship, and professional engagement focus on international law, international human rights, constitutional law, international criminal law, and related fields. *See* Noveck Decl. ¶¶ 5–20. Many teach doctrinal courses implicating international law in some way; others direct or supervise international human rights law clinics in which students engage directly with international legal institutions and proceedings. *Amici*’s scholarly and professional work involves sustained engagement with numerous international legal institutions, including the International Criminal Court (“ICC”), the United Nations and its associated agencies, and other international and regional tribunals.

Amici have a direct professional and pedagogical interest in the resolution of this case. The Sanctions Regime established under Executive Order 14203, “Imposing Sanctions on the International Criminal Court,” [90 Fed. Reg. 9369](#) (Feb. 6, 2025) (“EO 14203” or “the Executive Order”), directly impairs *Amici*’s ability to teach, conduct research, collaborate within the international legal sphere, and effectively prepare their students for the practice of law.² As well,

¹ This brief is timely filed under the schedule agreed upon by the parties and endorsed by the Court. *See* ECF No. 49. Plaintiffs have consented to the filing of this brief; Defendants take no position on *Amici*’s motion. No party or party’s counsel authored this brief in whole or in part, and no person or entity contributed money to fund the preparation or submission of this brief other than *Amici* and their counsel.

² As Plaintiffs explain, the Sanctions Regime encompasses EO 14203, the designations of sanctioned individuals and entities thereunder, and the EO’s implementing regulations. ECF No. 41 at 1.

the Executive Order chills the academic freedom that lies at the heart of *Amici*'s professional mission and threatens to diminish the quality of the legal education they provide at law schools across the country. *Amici* here seek to apprise the Court of their unique perspective as legal educators as it applies to this matter.

INTRODUCTION AND SUMMARY OF ARGUMENT

On February 6, 2025, President Trump issued Executive Order 14203, “Imposing Sanctions on the International Criminal Court” (“EO 14203”). EO 14203 declared a national emergency under the National Emergencies Act of 1976 (NEA), Pub. L. No. 94-412, [90 Stat. 1255](#) (1976) (codified as amended at [50 U.S.C. §§ 1601–1651](#)), and stated that the International Criminal Court (“ICC”) poses “an unusual and extraordinary threat to the national security and foreign policy of the United States” under the International Emergency Economic Powers Act (IEEPA), Pub. L. No. 95-223, [91 Stat. 1625](#) (1977) (codified as amended at [50 U.S.C. § 1701 et seq.](#)). Exec. Order No. 14203, [90 Fed. Reg. 9369](#) (Feb. 6, 2025). The Executive Order authorized broad sanctions against persons associated with certain investigations by the ICC, targeting ICC judges, prosecutors, a United Nations Special Rapporteur, and human rights organizations. Among other prohibitions, the Sanctions Regime forbids providing “services to, or for the benefit of” these designated persons, under threat of severe criminal and civil penalties. *Id.* § (a).

Amici are law professors whose scholarly and professional work involves engagement within the international legal sphere in numerous ways. The Sanctions Regime strikes at the heart of *Amici*'s academic freedom by chilling their ability to engage with international legal institutions, teach about international law, collaborate with United Nations experts and ICC personnel, including any designated persons or entities, and effectively prepare their students for law careers that may implicate international law.

Amici participate in this case to emphasize two fundamental ways in which the Sanctions Regime undermines their work specifically and, more broadly, eviscerates certain fundamental constitutional protections. *First*, academic and practical engagement with the international legal sphere is an integral part of contemporary American legal education. Law schools across the country offer courses on international law, operate clinics that engage with international tribunals, and depend on faculty collaboration with international legal actors—including ICC officials and United Nations Special Rapporteurs—as essential components of their pedagogical mission. The Executive Order punishes and chills this activity.

Second, the Executive Order impermissibly constrains academic freedom throughout law schools in the United States. The Executive Order constitutes content-based and viewpoint-based discrimination that implicates *Amici*'s rights to speak, to associate, and to pursue their scholarly, pedagogical, and advocacy work. The restrictions prevent *Amici* from inviting ICC officials to speak at their law schools, collaborating with designated persons and entities on scholarly publications, supervising student research involving ICC proceedings, and engaging within other international legal institutions. Indeed, the overbreadth and vagueness of the Executive Order's provisions leave *Amici* unable to determine whether even routine academic activities may expose them to criminal and civil liability.

The practical consequences are manifold and profound. Academics throughout United States law schools cannot speak without the threat of United States government sanctions being imposed upon them, as a result of which a generation of lawyers will lose out on important aspects of their legal education, as well as exceptional career opportunities, and will accordingly be less prepared to participate within the international legal order; less equipped to serve in government positions requiring international law expertise; and ultimately less capable of advancing United

States interests abroad. In particular, the EO threatens to set back progress in advancing international human rights—not only today, but for generations to come. And it does so in a way that violates the First Amendment and Due Process, as embodied in the void-for-vagueness doctrine.

For all the reasons described herein, and in Plaintiffs’ preliminary injunction brief, this Court should grant Plaintiffs’ Motion for a Preliminary Injunction.

ARGUMENT

I. ACADEMIC AND PRACTICAL ENGAGEMENT WITH THE INTERNATIONAL LEGAL SPHERE, INCLUDING THE INTERNATIONAL CRIMINAL COURT, IS AN INTEGRAL PART OF CONTEMPORARY UNITED STATES LEGAL EDUCATION.

Amici’s institutional affiliations span across thirteen law schools in the United States, albeit only a fraction of the vast majority of American Bar Association-accredited law schools that offer courses involving international law. The study and practice of international law—including international criminal law, public international law, international human rights law, refugee and asylum law, the law of armed conflict, and other related fields—has increasingly become a core component of modern legal education in the United States; indeed, many law schools require students to complete a course in international law to graduate. Faculty research and publishing on these topics is robust. And clinical programs increasingly send students to engage with international courts and tribunals, including the ICC, as an indispensable form of experiential learning.

Certainly, the ICC occupies a central place in the international legal ecosystem. Established by the adoption of the Rome Statute in 1998, the ICC exercises jurisdiction over genocide, crimes against humanity, war crimes, and, in a more limited way, the crime of aggression. See Leila Nadya Sadat & S. Richard Carden, *The New International Criminal Court:*

An Uneasy Revolution, [88 GEO. L.J. 381](#), 405 (2000). Understanding the ICC’s jurisdiction, procedures, and jurisprudence is critical for students pursuing careers in international law, human rights, national security, diplomacy, or military justice. *See generally* Mark Weston Janis, John E. Noyes, & Leila Nadya Sadat, eds., *International Law: Cases and Commentary* 565–78 (7th ed. 2025). To be sure, the United States voted against the treaty establishing the ICC and has not ratified the Rome Statute. Sadat & Carden, [88 GEO. L.J. at 384](#). But the U.S. government has itself supported and cooperated with ICC investigations in multiple contexts—including investigations concerning Darfur, Uganda, the Democratic Republic of the Congo, and Ukraine—underscoring the institution’s significance to American foreign policy and national security interests. *See, e.g.*, Leila N. Sadat & Mark A. Drumbl, *The United States and the International Criminal Court: A Complicated, Uneasy, Yet at Times Engaging Relationship* 4–8, Wash. U. in St. Louis Legal Studies Research Paper Series (2016), <https://bit.ly/4hDs7TH>; Lolita C. Baldor, *U.S. doubles effort to search for fugitive warlord Kony*, Associated Press, Mar. 24, 2014, <https://bit.ly/4yQHeyO> (describing United States effort to find Ugandan war criminal who had been indicted by the ICC); Human Rights Watch, *Q&A: The LRA Commander Dominic Ongwen and the ICC*, Jan. 27, 2021, <https://bit.ly/4hG5wFY> (describing United States assistance in arresting Congolese rebel leader for prosecution at the ICC); [S. Res. 546 \(2022\)](#) (resolution expressing sense of the Senate “encourag[ing] member states to petition the ICC or other appropriate international tribunal to take any appropriate steps to investigate war crimes and crimes against humanity committed by the Russian Armed Forces” in Ukraine); Press Release, U.S.

Senate Committee on the Judiciary, *Durbin, Graham, Grassley Meet with ICC Chief Prosecutor* (May 10, 2023), <https://bit.ly/4hHw1Li>.³

Accordingly, academic and practical engagement with ICC officials, United Nations Special Rapporteurs (one of whom is a designated person), and human rights organizations (several of which are designated entities), are not peripheral activities, but instead constitute essential parts of the scholarly mission and pedagogical responsibility of law professors who teach in these fields. *Amici* routinely invite international legal actors to deliver guest lectures, participate in panels, and collaborate on scholarly publications. See Noveck Decl. ¶¶ 6–20. They work with United Nations Special Rapporteurs, ICC personnel, and other human rights organizations in the course of both their research and their clinical teaching. See *id.*

Clinical legal education, in particular, depends on practical engagement within the international legal sphere. Human rights clinics throughout American law schools represent clients before international tribunals, prepare briefs in international legal proceedings, draft witness statements, assist with victim participation applications, and supervise student participation in sessions of the Assembly of States Parties, which is the ICC’s governing body. This type of work is at the heart of experiential learning in this field. See Deena R. Hurwitz, *Lawyering for Justice and the Inevitability of International Human Rights Clinics*, [28 YALE J. INT’L L. 505](#) (2003) (documenting the growth and importance of international human rights clinics in legal education). Not only do these clinics train future lawyers; they also promote United States interests in justice and peace and provide meaningful assistance to victims of war crimes. See, e.g., Jay Milbrandt, *Tracking Genocide: Persecution of the Karen in Burma*, [48 TEX. INT’L L.J. 63](#), 100 (2012)

³ See generally Am. Soc’y of Int’l Law, *ASIL Task Force on Policy Options for U.S. Engagement with the ICC* 13–25 (2001), <https://bit.ly/4yVOJ7S> (discussing history of United States engagement with the ICC).

(discussing work of the International Human Rights Clinic at Harvard Law School in Burma); Alexa Levy, *Rohingya in Myanmar: The United Nations' Failure to Enforce Violations of Crimes Against Humanity and Genocide*, [51 GEO. WASH. INT'L L. REV. 321](#), 324–25 (2019) (discussing work of the International Human Rights Clinic at Yale Law School in Myanmar).

The breadth of academic engagement with the international legal sphere is significant. Law professors across the country collaborate with colleagues at universities abroad, participate in conferences organized by international organizations, contribute to scholarly journals that address—among other things—ICC jurisprudence, and train students to navigate the complex intersections of international and domestic law. *See, e.g.*, Noveck Decl. ¶¶ 6–20. This ecosystem of academic engagement is integral to the mission of American legal education and critical to the nation's ability to produce lawyers capable of operating within the international legal order.

In particular, this engagement is reflected in the varied experiences of *Amici*, whose work is implicated by the Executive Order. For example, *Amici* have held formal positions with the ICC or otherwise directly interacted with the court: Leila Sadat as the Special Adviser on Crimes Against Humanity to two International Criminal Court Prosecutors, and Philip Alston as former United Nations Human Rights Council Special Rapporteur on extrajudicial, summary or arbitrary executions who persuaded the court to take up the cases in Kenya following his mission to the country after the post-election violence in 2007. Noveck Decl. ¶¶ 8, 16. Several *Amici*—Hannah Garry, Michael Scharf, and Milena Sterio—have filed *amicus* briefs and made in-person *amicus* arguments before the ICC. *Id.* ¶¶ 13, 18, 19. Other *Amici*—Susan Akram, Sandra Babcock, Asli Bali, James Cavallaro, Thomas Becker, Hannah Garry, Darryl Li, Michael Scharf, and Milena Sterio—have submitted research briefs and memoranda to the ICC or to other persons or entities sanctioned by EO 14203, often in collaboration with their students. *Id.* ¶¶ 7, 9, 10, 12, 13, 15, 18,

19. These submissions have been sent to the United Nations Special Rapporteur Francesca Albanese (a sanctioned person), the three most prominent Palestinian human rights organizations (sanctioned entities), and the ICC and its staff (also sanctioned persons and entities).

But the EO is interfering with their work. For example, *Amici* have wanted to invite sanctioned individuals to their classes, and to participate in conferences with them, so that students and scholars can learn from them; those efforts are hindered by the Sanctions Regime. *Id.* ¶¶ 6, 10, 14, 15, 16, 17 (discussing experiences of Tendayi Achiume, Asli Bali, Maryam Jamshidi, Darryl Li, Leila Sadat, and Wadie Said in being denied opportunities to appear at conferences with Francesca Albanese, Palestine Centre for Human Rights, and Al-Haq, all of which have been sanctioned). *Amici* Lisa Bhungalia and Chantal Thomas have tried to conduct academic research to avoid conflicts with EO 14203, but Professor Bhungalia’s work was blocked by her employer’s Institutional Review Board, and Professor Thomas has curtailed the activities of the Clarke Initiative for Law and Development in the Middle East and North Africa, where she is the Faculty Director. *Id.* ¶¶ 11, 20. Several *Amici*—Tendayi Achiume, Sandra Babcock, Hannah Garry, Darryl Li, Leila Sadat, Michael Scharf, and Chantal Thomas—have in the past assisted their students to obtain coveted internships and jobs with the ICC and other sanctioned entities. *Id.* ¶¶ 6, 9, 13, 15, 16, 18, 20. The Sanctions Regime has halted all of this activity.

In short, engagement with the ICC, United Nations mechanisms, and the broader international legal sphere is not a marginal aspect of legal education. It is a core component of the curriculum at law schools across the United States, and is essential to the preparation of the next generation of lawyers, diplomats, policymakers, and military officers who will represent and advance American interests within the international legal order. That conduct cannot continue while EO 14203 and the Sanctions Regime remain in place.

II. EO 14203 AND THE SANCTIONS REGIME IMPERMISSIBLY CHILL ACADEMIC FREEDOM THROUGHOUT UNITED STATES LAW SCHOOLS.

A. *Amici's* Experiences Show How EO 14203 and the Sanctions Regime Constitute Retaliatory, Viewpoint-Based Discrimination.

The Sanctions Regime constitutes content-based and viewpoint-based discrimination; it is also unconstitutionally overbroad and vague on its face.

First, the EO discriminates on the basis of content and viewpoint. The EO restricts speech only when it constitutes “services . . . to, or for the benefit of” designated persons. [EO 14203, § 3](#). This determination is inherently content-based, requiring the government to examine the substance and purpose of *Amici's* expression. *Reed v. Town of Gilbert*, [576 U.S. 155](#), 163 (2015) (a regulation is content-based if it “applies to particular speech because of the topic discussed or the idea or message expressed”); *see also Rona v. Trump*, [797 F. Supp. 3d 278](#) (S.D.N.Y. 2025) (Furman, J.) (specifically finding EO 14203’s restrictions on speech to be content-based).

The restrictions are also viewpoint-based. Because the EO prohibits speech that is “for the benefit of” the ICC’s work, it prohibits speech that supports or advances the ICC’s work while permitting speech that opposes it. Thus, for example, a law professor may freely publish an article condemning the ICC’s exercise of jurisdiction, but may not publish one offering legal analysis that could be characterized as a “service” to the ICC or its designated personnel. This is precisely the kind of viewpoint discrimination that the First Amendment prohibits. *See Chiles v. Salazar*, [607 U.S. 627](#), 692 (2026); *Holder v. Humanitarian Law Project*, [561 U.S. 1](#), 26 (2010); *Rosenberger v. Rector & Visitors of Univ. of Va.*, [515 U.S. 819](#), 829 (1995). Thus, the government “must abstain from regulating speech when the specific motivating ideology or the opinion or perspective of the speaker is the rationale for the restriction.” *Rosenberger*, [515 U.S. at 829](#). If the government fails to remain content-neutral, punishment of disfavored viewpoints “can be turned against minority and dissenting views to the detriment of all.” *Matal v. Tam*, [582 U.S. 218](#), 253–54 (2017)

(Kennedy, J., concurring in part and concurring in the judgment); *see also* *W. Va. State Bd. of Educ. v. Barnette*, [319 U.S. 624](#), 642 (1943) (“If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion.”).

Content- and viewpoint-based discrimination are presumptively unconstitutional and must survive strict scrutiny. *Reed*, [576 U.S. at 163](#). To prevail, the Government must demonstrate that there is no “less restrictive alternative” that would achieve a compelling interest. *United States v. Playboy Entm’t Grp., Inc.*, [529 U.S. 803](#), 813 (2000). Even assuming the Government can establish a compelling national security interest in preventing assistance to the ICC, which *Amici* agree with Plaintiffs it has not done, it cannot meet this constitutional standard. That is, even when the government possesses a compelling interest in restricting support to designated entities of national security concern, the Constitution nonetheless permits the Government to ban “only material support” to a sanctioned entity and prohibits regulation of “[i]ndependent advocacy.” *Holder*, [561 U.S. at 31–32](#); *accord id.* at 36, 39. EO 14203 obliterates this distinction between unlawful support and independent advocacy; to the contrary, it prohibits all advocacy, as well as other interactions with designated persons and entities, regardless of the speaker’s coordination with the sanctioned person or entity. Indeed, even benign social relationships may be affected. *See* Noveck Decl. ¶ 15 (discussing how for *amicus* Darryl Li, “[e]ven his personal relationships—expressing concern for families, well wishes for holidays, and so on—have to be managed carefully with an eye to potential IEEPA consequences”).⁴

⁴ The Sanctions Regime, in this and other ways, also infringes *Amici*’s associational rights under the First Amendment. The freedom of association protects the right to join with others in pursuit of shared expressive objectives. *Boy Scouts of Am. v. Dale*, [530 U.S. 640](#), 647 (2000) (“[I]mplicit in the right to engage in activities protected by the First Amendment is a corresponding right to associate with others in pursuit of a wide variety of political, social, economic, educational,

District courts, including this one, have accordingly rejected EO 14203 and the Sanctions Regime on this ground. In 2025, two law professors challenged EO 14203 and its application to their interactions with Karim Khan, the Prosecutor of the ICC, on First Amendment grounds. *Rona*, [797 F. Supp. 3d 278](#). This Court explained that another judge in the Southern District of New York had previously held a similar executive order from President Trump’s first term, EO 13928, unconstitutional under the First Amendment. *Id.* at 283–84 (discussing *Open Soc’y Just. Initiative v. Trump*, [510 F. Supp. 3d 198](#) (S.D.N.Y. 2021)). Analyzing EO 14203, the Court determined that it “regulates speech based on its content” because “whether Plaintiffs may engage in such speech depends on what they say.” *Id.* at 288–89 (citation modified). Applying strict scrutiny, the Court concluded that EO 14203 “unnecessarily circumscribes Plaintiffs’ protected expression,” so it “violates the First Amendment.” *Id.* at 292 (citation modified).⁵

B. *Amici*’s Experiences Show How EO 14203 and the Sanctions Regime Are Unconstitutionally Overbroad.

EO 14203 and the Sanctions Regime also fail constitutional scrutiny because they are overbroad.

A facial overbreadth challenge requires a court to determine whether the law reaches “a substantial amount of constitutionally protected speech.” *Houston v. Hill*, [482 U.S. 451](#), 466

religious, and cultural ends.”). But the Sanctions Regime impairs *Amici*’s ability to associate with students, colleagues, non-governmental organizations, and international actors in pursuit of shared academic and advocacy objectives. It disrupts the collaborative relationships that are the lifeblood of legal scholarship and clinical legal education. For this reason, EO 14203 cannot survive the heightened scrutiny that applies to free association claims, as well as free speech claims. *See id.* at 658–59 (explaining that courts evaluating a free association claim must consider “the associational interest in freedom of expression . . . on one side of the scale, and the State’s interest on the other”).

⁵ In the District of Maine, Judge Torrens found it unnecessary to determine whether to apply strict scrutiny to EO 14203. She concluded that EO 14203 “fails even intermediate scrutiny” and likely violated the First Amendment because it “appears to burden substantially more speech than necessary.” *Smith v. Trump*, [791 F. Supp. 3d 90](#), 97–98 (D. Me. 2025).

(1987). Specifically, a law may be “invalidated on its face,” *Virginia v. Black*, [538 U.S. 343](#), 375 (2003) (quoting *Houston*, [482 U.S. at 458](#)), where it “punishes a substantial amount of protected free speech, judged in relation to the statute’s plainly legitimate sweep.” *Virginia v. Hicks*, [539 U.S. 113](#), 118–19 (2003) (citation modified) (quoting *Broadrick v. Oklahoma*, [413 U.S. 601](#), 615 (1973)). EO 14203 fails this standard.

EO 14203 provides that once a person or entity is designated by the Secretary of State, others cannot engage in any activity “for the benefit of” that person or entity. [EO 14203 § 3\(a\)](#). So conceived, the Executive Order chills a wide range of core academic activities: inviting ICC officials or designated persons to speak at law schools as guest lecturers; collaborating with designated persons on scholarly publications or research projects; presenting research at academic conferences where designated persons or entities participate; engaging with United Nations Special Rapporteurs on matters within their mandates; filing *amicus curiae* briefs in ICC proceedings; and supervising student clinical work that involves interaction with designated persons or entities.

Amici’s experience shows how the overbreadth of the Sanctions Regime affects their routine academic, professional, and personal activities. As described above, *Amici* have been forced to stop filing briefs and presenting oral arguments at the ICC, advising the ICC in other ways, submitting materials to the ICC or other sanctioned persons and entities, interacting with sanctioned persons and entities in academic, pedagogical, and social settings, conducting academic research, and advancing students’ careers in international criminal and human rights law. See *supra* at 7–8.

And, as is also described above, these activities are essential to *Amici*’s academic freedom and to their pedagogical efforts to educate their students. Such activities, of course, enjoy special

First Amendment protection. *See, e.g., Wieman v. Updegraff*, [344 U.S. 183](#), 195 (1952) (Frankfurter, J., concurring) (explaining that “unwarranted inhibition upon the free spirit of teachers” though restrictions on their speech and association “has an unmistakable tendency to chill that free play of the spirit which all teachers ought especially to cultivate and practice”). Indeed, the Supreme Court has identified academic freedom to be “a special concern of the First Amendment.” *Keyishian v. Bd. of Regents*, [385 U.S. 589](#), 603 (1967). As the Court held in *Sweezy v. New Hampshire*, [354 U.S. 234](#) (1957), “[t]eachers and students must always remain free to inquire, to study and to evaluate” without government interference; “otherwise our civilization will stagnate and die.” *Id.* at 250; *see also Heim v. Daniel*, [81 F.4th 212](#), 226–27 (2d Cir. 2023) (“[P]rofessors at public universities are paid—if perhaps not exclusively, then predominantly—to speak, and to speak freely, guided by their own professional expertise, on subjects within their academic disciplines.”).

More generally, though, EO 14203 prescribes draconian punishments based on wholly vague language: it imposes sanctions on foreign persons who are deemed to have “directly engaged” or “materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of,” or were “owned or controlled by, or . . . have acted or purported to act for or on behalf of, directly or indirectly” the ICC’s efforts to “investigate, arrest, detain or prosecute a protected person without consent of that person’s country of nationality.” [EO 14203 § 1](#). When a person is sanctioned under EO 14203, others are prohibited from “making any contribution or provision of funds, goods, or services . . . for the benefit of” the person. *Amici* now must ask themselves questions like: Can we assign a designated person’s published work to students? Can we discuss a designated judge’s rulings in class? Can we supervise a student who wishes to prepare an *amicus* brief in an ICC proceeding? Can we invite

a designated prosecutor to deliver a guest lecture by videoconference? The Executive Order provides inadequate guidance with respect to answering these and other questions.

The First Amendment does not, however, tolerate such ambiguity. “Vague laws force potential speakers to ‘steer far wider of the unlawful zone’ . . . than if the boundaries of the forbidden areas were clearly marked.” *Reno v. ACLU*, [521 U.S. 844](#), 871–72 (1997) (quoting *Baggett v. Bullitt*, [377 U.S. 360](#), 372 (1964)). And the absence of clear boundaries is itself a First Amendment injury, because it “delegates basic policy matters . . . for resolution on an ad hoc and subjective basis.” *Grayned v. City of Rockford*, [408 U.S. 104](#), 108–09 (1972). More fundamentally, Due Process requires “fair notice of what the law demands.” *United States v. Davis*, [588 U.S. 445](#), 451 (2019). The void-for-vagueness doctrine thus prevents “arbitrary or discriminatory law enforcement by insisting that [the Government] provide standards to govern the actions of” government agents. *Sessions v. Dimaya*, [584 U.S. 148](#), 156 (2018). And particularly “in the First Amendment context,” as in this case, the “need for precision” is at its apex. *FCC v. Fox Television Stations, Inc.*, [567 U.S. 239](#), 253–54 (2012); *see also Reno*, [521 U.S. at 870–71](#). By creating an imprecise landscape for compliance, EO 14203 utterly fails these requirements.

The EO’s vague and overbroad scope is only amplified by the severe punishments that attach to it. Indeed, the penalties authorized by EO 14203—asset freezes, transactional prohibitions, and potential criminal liability—are among the most powerful weapons in the Government’s arsenal, typically reserved for individuals who commit acts of terrorism or other serious crimes, not international civil servants and law professors. When the potential consequences for violations are so significant, it causes rational actors to “steer far wider of the unlawful zone” in fear of potential ramification. *Speiser v. Randall*, [357 U.S. 513](#), 526 (1958).

But the Supreme Court has consistently held that government actions producing such chilling effects are as constitutionally impermissible as direct censorship. See *Bantam Books, Inc. v. Sullivan*, [372 U.S. 58](#), 67 (1963). As the Court recognized in *Dombrowski v. Pfister*, [380 U.S. 479](#), 487 (1965), “[t]he threat of sanctions may deter . . . almost as potently as the actual application of sanctions,” and the “chilling effect upon the exercise of First Amendment rights” created by severe penalties demands judicial intervention.

Here, the sanctions’ severity has had a dramatic chilling effect, dissuading faculty and students across the country from engaging in expressive activities constituting the crux of their academic work. Any professor who teaches international criminal law, human rights law, or public international law must now consider whether routine pedagogical activities—assigning readings, inviting guest speakers, supervising clinical work, presenting at conferences—might expose them or their students to sanctions. And the practical consequence of the Sanctions Regime, if left unchecked, is a generation of American lawyers less prepared to participate in the international legal order, less equipped to serve in government positions requiring international law expertise, and less capable of advancing United States interests on the world stage.

For this reason, courts (including this Court) have specifically held EO 14203 (and its predecessor from the first Trump Administration, EO 13928) unconstitutional precisely on First Amendment grounds. In *Rona*, this Court determined that the EO’s “broad scope” encompassed actions that were “indisputably speech,” including interactions between the law professors and Karim Khan, the then-Prosecutor of the ICC, that closely parallel *Amici*’s interactions with sanctioned individuals and entities. [797 F. Supp. 3d at 289](#) (finding that interacting with witnesses and victims of international crimes to support ongoing investigations, submitting *amicus curiae* briefs, and communicating with the SDN with respect to internships and jobs were activities that

fell within the scope of EO 14203); *see also Open Society Justice Initiative*, [510 F. Supp. 3d at 210](#) (noting various speech activities covered by the prior EO 13928). During the *Rona* litigation, the government conceded that under EO 14203, a person who transmitted an *amicus* brief “drafted at the specific request of and in coordination with” a designated person or organization could be subject to sanctions. *See Rona*, [797 F. Supp. 3d at 290](#). That EO 14203 has been found to extend to the preparation and filing of litigation documents—paradigmatic First Amendment activity—exposes the vast extent of its reach. *See Wilmer Cutler Pickering Hale & Dorr LLP v. Exec. Office of the Pres.*, [784 F. Supp. 3d 127](#), 156 (D.D.C. 2025) (“Filing and pursuing lawsuits are forms of protected petitioning.” (citing cases)). The *Rona* Court’s conclusions also illustrate the risks to *Amici* should they test the limits of EO 14203 by interacting with others in the ecosystem of international criminal and human rights law—the very core of *Amici*’s work.

Finally, to whatever extent Defendants argue that they will not apply EO 14203’s provisions to protected activity, that argument also fails to satisfy the overbreadth doctrine. In *United States v. Stevens*, [559 U.S. 460](#) (2010), the Government promised that it would exercise “prosecutorial discretion” and “apply [the statute] far more restrictively than its language.” *Id.* at 480. The Court rejected the argument that these assurances saved the statute. To the contrary, the Court held that the Government’s position was “an implicit acknowledgment of the potential constitutional problems with a more natural reading” of the statute’s terms. *Id.* Thus, governmental “professions of good will” are not enough for EO 14203 to survive constitutional scrutiny. *Rona*, [797 F. Supp. 3d at 289](#).⁶

⁶ Indeed, the Supreme Court has declined to adopt a “fairly possible” reading of a statute to save it from being held unconstitutionally vague. *Davis*, [588 U.S. at 463](#). Specifically, the Supreme Court rejected the Government’s invitation to construe the scope of a statute in such a way that would lead the statute to properly reach certain conduct, solely to prevent it from being held unconstitutional by the Court. *See id.* at 464 (“[A] court may not . . . construe a criminal

In sum, EO 14203 and the Sanctions Regime do not merely restrict the speech of a discrete set of individuals; they reshape the landscape of legal education in the United States by deterring an entire field of scholarly and pedagogical activity that is critical not just internationally but also domestically. Here, the sanctions imposed by EO 14203 silence academic and practical engagement with the international legal sphere through the threat of devastating financial and criminal penalties. These restrictions stifle the continued marketplace of ideas that is critical to the academic setting. Those restrictions are the direct result of the Executive Order's vague and overbroad terms. This Court should not permit the Sanctions Regime to continue casting its shadow over the nation's law school classrooms and clinics. The Court should therefore invalidate EO 14203 as violative of the First Amendment's prohibition on overbroad and vague regulation of protected speech.

CONCLUSION

As scholars, teachers, and practitioners of international law, *Amici* have devoted their professional lives to educating the next generation of lawyers in the principles and practice of international law, human rights, and constitutional governance. The Sanctions Regime established by Executive Order 14203 strikes at the heart of that mission. It chills the academic freedom that the Supreme Court has recognized as “of transcendent value to all of us,” *Keyishian*, [385 U.S. at 603](#), and it threatens to diminish the quality of legal education at law schools across the United States at a time when the need for lawyers trained in international law has never been greater. Accordingly, the stakes of this case extend beyond the individual Plaintiffs. They reach into every law school classroom where international criminal law is taught, every clinic where students

statute to penalize conduct it does not clearly proscribe.”). Accordingly, neither governmental professions of good will nor judicial construction may cure the unconstitutionality of a statute's vague provisions.

engage with international tribunals, and every faculty office where a professor weighs whether an invitation to a guest speaker, a collaborative research project, or the assignment of a published report might expose her to criminal liability. The Court should not permit such a regime to continue.

Dated: September 23, 2026

Respectfully submitted,

s/ Michael R. Noveck

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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;
MARCIO 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 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.

No. 26-cv-6830 (JMF)

**DECLARATION OF
MICHAEL R. NOVECK, ESQ.**

MICHAEL R. NOVECK, ESQ., of full age, hereby declare as follows:

1. I am an attorney-at-law of the States of New Jersey and New York, Partner at FBT Gibbons LLP, and Executive Director of the John J. Gibbons Fellowship in Public Interest and Constitutional Law. I respectfully submit this declaration in support of Proposed *Amici*'s Motion for Leave to Participate as *Amici Curiae* in the above-captioned matter.

2. “Although no rule governs the filing of *amicus* briefs in the Southern District of New York, it is well-settled in this District that resolution of a motion for leave to file an *amicus* brief lies in the firm discretion of the district court.” *United States v. Van Dyke*, No. 26-CR-00156 (MMG), 2026 WL 2475255 (S.D.N.Y. Aug. 24, 2026) (citation modified). “The usual rationale for *amicus curiae* submissions is that they are of aid to the court and offer insights not available from the parties.” *United States v. El-Gabrowny*, 844 F. Supp. 955, 957 n.1 (S.D.N.Y. 1994) (citing *United States v. Gotti*, 755 F. Supp. 1157, 1158–59 (E.D.N.Y. 1991)).

3. “In the absence of concrete directive or procedure, Rule 29 of the Federal Rules of Appellate Procedure and common law prove instructive in deciding whether leave to file such a brief should be granted.” *Police Benevolent Ass’n of N.Y. v. City of New York*, No. 26-CV-3243 (VSB) (KHP), 2026 WL 2111872, at *1 (S.D.N.Y. July 22, 2026). Under FRAP 29, motions to appear as *amicus* should be granted where the movant has shown (1) an adequate “interest” in the case; (2) that their proposed *amicus* brief is “desirable”; and (3) that their proposed *amicus* brief is “relevant to the disposition of the case.” Fed. R. App. P. 29(a)(3); *Neonatology Assocs., P.A. v. C.I.R.*, 293 F.3d 128, 131 (3d Cir. 2002) (Alito, J.) (quoting language currently in Fed. R. App. P. 29(a)(3)).

4. Courts in this District have accepted *amicus* briefs in multiple circumstances: “when a party is not represented competently or is not represented at all”; “when the *amicus* has an interest in some other case that may be affected by the decision in the present case”; and “when the *amicus* has unique information or perspective that can help the court beyond the help that the lawyers for the parties are able to provide.” *Lehman XS Trust, Series 2006-GP2 v. Greenpoint Mortg. Funding, Inc.*, Nos. 12 Civ. 7935(ALC)(HBP), 12 Civ. 7942(ALC)(HBP), 12 Civ. 7943(ALC)(HBP), 2014 WL 265784, at *2 (S.D.N.Y. Jan. 23, 2014) (quoting *Ryan v. Commodity*

Futures Trading Comm’n, 125 F.3d 1062, 1064 (7th Cir. 1997)). In short, *amicus* briefs are desirable where they are “helpful” to the Court. *Neonatology Assocs.*, 293 F.3d at 132-33; *see, e.g., United States v. Yaroshenko*, 86 F. Supp. 3d 289, 290–91 (S.D.N.Y. 2015) (“An amicus curiae proves true to its name as a ‘friend of the court’ when it offers a fresh perspective on an unsettled question of law that the actual parties to the litigation have not fully addressed.”). In this case, the *amicus* brief of *Amici Curiae* International Law Scholars and Practitioners In Support Of Plaintiffs’ Motion For A Preliminary Injunction, filed herewith, satisfies these standards.

5. *Amici* are law school professors, scholars, and practitioners across thirteen law schools whose teaching, scholarship, and professional engagement focus on international law, international human rights, constitutional law, international criminal law, and related fields. Many teach doctrinal courses implicating international law in some way; others direct or supervise international human rights law clinics in which students engage directly with international legal institutions and proceedings. *Amici*’s scholarly and professional work involves sustained engagement with numerous international legal institutions, including the International Criminal Court (“ICC”), the United Nations and its associated agencies, and other international and regional tribunals.

6. *Amicus* **Tendayi Achiume** is Professor of Law at Stanford Law School. She is a former United Nations Human Rights Council Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance. She engages with current and past Special Procedures mandate holders to provide advice based on her experience and expertise, and she seeks to advance the human rights goals of the United Nations system. The Executive Order has chilled her participation in activities in which sanctioned persons may be involved and restricts the opportunities that are available to her students who would wish to

understand the human rights situations that fall under the purview of the sanctioned actors.

7. *Amicus* **Susan M. Akram** is a Clinical Professor and the Director of the International Human Rights Clinic at Boston University School of Law. Professor Akram and her clinic students work with multiple U.N. and regional human rights mechanisms, collaborating with non-governmental organizations and other groups around the world to conduct research and advocate for issues on behalf of client communities. She and her students have submitted reports and briefs on international human rights issues relating to forced displacement, refugees, asylum seekers and stateless persons to U.S. courts, regional courts, and U.N. human rights bodies. Professor Akram's clinic also works extensively with U.N. Special Procedures, including U.N. Special Rapporteurs such as the U.N. Special Rapporteur on Migrants and the U.N. Special Rapporteur on the Situation of Human Rights in the Occupied Palestinian Territories. Professor Akram has also submitted information in connection with the U.N. Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem and Israel. Because of the sanctions placed on United Nations Special Rapporteur Francesca Albanese, the ICC (and its staff), and the three most prominent Palestinian human rights organizations, Professor Akram has had to terminate the clinic's engagement with them and silence all public advocacy on the issues upon which they worked together. Most recently, Professor Akram has had to terminate a research project with a UK-based organization for a submission to the ICC for fear of repercussions for her students from the threat of sanctions against the partner organization for its work in the ICC.

8. *Amicus* **Philip Alston** is the John Norton Pomeroy Professor of Law at New York University School of Law. He is a former United Nations Human Rights Council Special Rapporteur on extrajudicial, summary or arbitrary executions; in that capacity, he led a four-member fact-finding mission to Israel and Lebanon in the immediate aftermath of the 2006 conflict

between Israel and Hezbollah. He interacted with the ICC in persuading the court to take up the cases in Kenya following his mission to the country after the post-election violence in 2007, and has been involved with the court in several other situations. The Executive Order has significantly constrained both the activities in which he can be involved in his capacity as an active member of the international legal community and the opportunities that are available to his students who would wish to familiarize themselves with the various institutional actors that are involved in responding to the situation in the Middle East, which is among the most important challenges to peace in the current era.

9. *Amicus* **Sandra L. Babcock** is a Clinical Professor at Cornell Law School, where she directs the International Human Rights Clinic. She has engaged in human rights advocacy, research, and litigation in thirteen countries around the world, including Israel and Palestine. Together with her students, she represents victims of human rights violations in state, federal, and regional human rights tribunals. She also advocates before United Nations mechanisms such as the U.N. Human Rights Council, the U.N. Treaty Bodies, and U.N. Special Procedures, including thematic and country-specific Special Rapporteurs. In 2025, Professor Babcock's clinic co-authored a human rights report entitled "Apartheid in Israel: An Analysis of Israel's Laws and Policies and the Responsibilities of U.S. Academic and Other Institutions." This report contained numerous recommendations directed to institutional actors, including university administrators, the U.S. Government, the Government of Israel, and the United Nations and human rights bodies. In the months following the publication of the report, Professor Babcock and her co-authors sent the report to a number of international human rights experts and scholars. In August 2025, Professor Babcock considered sending the report to United Nations Special Rapporteur Francesca Albanese given its relevance to her mandate, but was advised that doing so could violate EO 14203.

Because of her uncertainty as to the scope of prohibited conduct under EO 14203, Professor Babcock refrained from sending the report to Ms. Albanese, and has had no contact with her since the issuance of the Executive Order. Professor Babcock has previously supported students seeking employment at the International Criminal Court, but can no longer do so because of the sanctions.

10. *Amicus Asli U. Bali* is Howard M. Holtzmann Professor of Law at Yale Law School. Her research and teaching interests include public international law, particularly human rights law, and comparative constitutional law with a focus on the Middle East. She teaches International Law and International Human Rights Law as doctrinal courses at Yale Law. As a scholar she has written on human rights law issues in the Middle East including in the occupied Palestinian territories. Professor Bali completed her two-year term as President of the Middle East Studies Association of North America (“MESA”) in November 2025. She currently serves on MESA’s National Board as Past-President through November 2026. Professor Bali has interacted with MESA members who conduct research in the Occupied Palestinian Territories and publish scholarship based on their fieldwork and archival work in the region. Professor Bali’s own scholarship has also brought her into meetings, workshops, conferences and webinars that include United Nations and regional human rights institutions, experts and officials. She has previously served as a consultant to the U.N. Special Rapporteur on the Situation of Human Rights in the Occupied Palestinian Territories when that position was held by Professor Richard Falk. Because of the sanctions placed on Special Rapporteur Francesca Albanese and the three prominent Palestinian human rights organizations that were also designated by the U.S. government, Professor Bali has had to advise members of MESA concerning their ability to continue to engage in research and scholarship involving engagement with Special Rapporteur Albanese. She has also had to advise colleagues teaching in legal clinics at law schools across the U.S. concerning

the potential liability they might incur if they continue engaging in public advocacy on issues together with Special Rapporteur Albanese. In her own work, Professor Bali was advised that participating in a conference overseas that included Special Rapporteur Albanese in October 2025 might expose her to liability and was discouraged from attending.

11. *Amicus* **Lisa Bhungalia** is an Associate Professor of Geography and International Studies at the University of Wisconsin-Madison. For over a decade, she has conducted research on the impacts of sanctions on humanitarian aid, NGOs, and human rights work more broadly. Her research had never been infringed upon until EO 14203 was issued. Since then, the Institutional Review Board (IRB) at UW-Madison has, at the time of this writing, blocked her research on the impacts of US sanctions and is requiring extensive reviews by its legal and export control offices. The university's position has directly impeded Professor Bhungalia's ability to undertake research activities involving the exchange of ideas across borders.

12. *Amici* **James Cavallaro** and **Thomas Becker** are the Executive Director and Legal and Policy Director, respectively, of the University Network for Human Rights (UNHR). Cavallaro is also Visiting Professor at Yale Jackson School of Global Affairs and the founder and former director of the human rights clinics at Harvard Law School and Stanford Law School. Becker is a Lecturer in Law at Columbia Law School and previously taught at Harvard Law School's human rights clinic. UNHR engages in teaching students from an array of U.S. schools, including Brown, Columbia, Harvard, Trinity, University of California, Vanderbilt, Wesleyan, Wellesley, and Yale, among others. It also runs a master's program in human rights at the NOVA School of Law in Portugal. UNHR facilitates supervised student engagement in the practice of human rights at colleges and universities in the United States and across the globe. Professors Cavallaro and Becker have shared UNHR's work on Israel and the Occupied Palestinian

Territories with UN representatives, including Special Rapporteur Albanese, who is a designated person under EO 14203. Because of the sanctions, however, they have stopped sending materials to Albanese, and have been reserved about how to engage other U.N. officials. This has a chilling effect on UNHR's work and impacts the educational experience of its students.

13. *Amicus* **Hannah R. Garry** is Clinical Professor of Law, founding Executive Director of the Gilbert Global Justice & Human Rights Center and founding Director of the International Human Rights Clinic at the University of Southern California Gould School of Law. She is an internationally recognized scholar, teacher, and practitioner with over 25 years' experience, spanning more than 25 countries, in international criminal law and transitional justice for war crimes, crimes against humanity and genocide. Professor Garry has been a Visiting Professor at the International Criminal Court providing legal advice to the Presidency and Appeals Chamber, has given oral *amicus* arguments on behalf of victims of atrocity before the ICC, and has served as a judge for the ICC's Moot Court Competition. She has published scholarly works on victims' rights before the ICC and is regularly invited as an expert to speak on academic panels, before national legislatures, and with media outlets on the ICC. Since 2007, Professor Garry has taught an international criminal law course each year to law students and undergraduate students from multiple U.S. universities. Together with student attorneys in the USC International Human Rights Clinic, she has worked with refugees and victims of atrocity since 2020 to meet with the ICC Office of the Prosecutor and provide evidence for ongoing investigations around the world. She has also supervised student attorneys in providing legal research and analysis to support ICC Chambers staff. Professor Garry's academic and clinic work related to the ICC is often conducted in partnership with organizations such as the Plaintiffs in this case. Finally, Professor Garry has assisted several USC law students in securing legal externships with ICC Chambers. In light of

uncertainty as to the scope of prohibited conduct under EO 14203, she has paused engaging in such ICC-related work.

14. *Amicus* **Maryam Jamshidi** is an Associate Professor of Law at the University of Colorado Law School. The ICC sanctions have impacted Professor Jamshidi's advocacy and pedagogical work, particularly her ability to work with Special Rapporteur Albanese. Professor Jamshidi invited Ms. Albanese to speak at Colorado Law School in the fall of 2024; she spoke via remote video to a packed house. After the event, Professor Jamshidi discussed with Ms. Albanese the possibility of bringing her back to the school—this time in-person—in the fall of 2025. Ms. Albanese was enthusiastic about the idea. But as a result of the sanctions, Professor Jamshidi was unable to extend this invitation. Ms. Albanese has now published a book about her work and, while there is interest in hosting a book talk, the sanctions prevent Professor Jamshidi from doing so.

15. *Amicus* **Darryl Li** is an Associate Professor of Anthropology and Social Sciences at the University of Chicago. Professor Li is an anthropologist of the Middle East as well as an attorney and legal scholar; he teaches classes on international human rights law, among others. From 2001 to 2002, Professor Li worked for the Palestinian Centre for Human Rights (PCHR) in Gaza, one of the organizations sanctioned under EO 14203. Since then, he has collaborated with PCHR while working for other human rights organizations (Human Rights Watch and B'tselem) and has advised PCHR on various issues pertaining to U.S.-based advocacy. The sanctions prevent Professor Li from continuing this work, and from engaging in research support or advocacy support for the sanctioned groups and for Albanese. Professor Li also cannot integrate the sanctioned entities into his teaching, such as by having them speak to his classes or referring students to them for internships. Even his personal relationships—expressing concern for families,

well wishes for holidays, and so on—have to be managed carefully with an eye to potential IEEPA consequences.

16. *Amicus* **Leila Sadat** is the James Carr Professor of International Criminal Law at the Washington University School of Law. She served as Special Adviser on Crimes Against Humanity to two International Criminal Court Prosecutors, Fatou Bensouda and Karim A.A. Khan, Q.C., from 2013 to 2023. She has published numerous academic works about the ICC, including *The International Criminal Court in a Nutshell* (2024) and *The Conferred Jurisdiction of the International Criminal Court*, 99 NOTRE DAME L. REV. 549 (2024). Professor Sadat previously participated in conferences with sanctioned persons and entities; she recently turned down the opportunity to appear on a panel with a representative from Al-Haq, one of the sanctioned organizations, due to concerns that her participation could affect her position with her university employer because of the sanctions imposed by EO 14203. She has often placed students in positions at the Court but is no longer able to do so because of the sanctions. She also had to cease her crimes against humanity research project on behalf of the OTP as a result of the sanctions that were previously imposed by the First Trump Administration and has not been able to restart the project due to the current sanctions.

17. *Amicus* **Wadie Said** is the Nicholas Rosenbaum Professor of Law at the University of Colorado Law School, where he teaches various courses in criminal law and procedure, and writes in the areas of criminal law, national security law, immigration law, and international human rights, as well as on Palestine and the law more generally. The effect of the sanctions at issue in this case has been noticeable on his work, as he has refrained from seeking to further collaborate with Al-Haq, a sanctioned organization, despite participating in several seminars and conferences with its personnel prior to their imposition, as well as recommending against extending an

invitation to UN Special Rapporteur for the Palestinian Territories Francesca Albanese for several events, due to her sanctioned status.

18. *Amicus* **Michael Scharf** is the Joseph C. Hostetler—BakerHostetler Professor of Law and Associate Dean for Global Legal Studies at the Case Western Reserve University School of Law and the Managing Director of the Public International Law & Policy Group, a Nobel Peace Prize-nominated NGO. In the past, Professor Scharf submitted two *amicus* briefs and made an in-person *amicus* argument to the ICC. Since EO 14203 was issued, Professor Scharf has stopped his efforts to shape the ICC’s jurisprudence to avoid running afoul of the EO. In addition, his school’s War Crimes Research Office, which was nominated for the Nobel Peace Prize for its assistance to the Special Court for Sierra Leone, has stopped providing research memoranda to the ICC because of the EO. In his capacity as President of the American Branch of the International Law Association, Professor Scharf had invited ICC Judge Kim Prost to deliver the conference’s closing address in New York City last year; she could not participate because of the EO. Finally, Professor Scharf helped a star student obtain her dream job in the ICC Office of the Prosecutor after graduation two years ago. To avoid sanctions, she had to withdraw from the position and return to the United States when the EO was imposed.

19. *Amicus* **Milena Sterio** is the Joseph C. Hostetler – BakerHostetler Professor of Law and Director of LL.M. Programs at the Cleveland State University College of Law and also Managing Director of the Public International Law and Policy Group, a Nobel Peace Prize-nominated NGO. Professor Sterio has previously engaged with the ICC in several ways. First, she submitted two *amicus* briefs to the Court and also appeared in person before the Court. In addition, she assisted the Office of the Prosecutor with the development of its Policy on Prosecuting the Crime of Gender Persecution. Finally, her students in her International War

Crimes class would provide research memos to the Office of the Prosecutor on various topics of interest. Since EO 14203 was issued, Professor Sterio has ceased all of these activities and has had to withdraw her support for the ICC.

20. *Amicus* **Chantal Thomas** is Radice Family Professor of Law at Cornell Law School, where she also serves as Faculty Director of the Clarke Initiative for Law and Development in the Middle East and North Africa. Professor Thomas has had to take care to curtail activities of the Clarke Initiative, and her related research on international and comparative law in the Middle East and North Africa, so as not to run afoul of the sanctions laid out in EO 14203. Additionally, the support that she has traditionally sought to provide to students and recent graduates seeking clerkship opportunities at international bodies such as the ICC has been suppressed. The loss of these opportunities speaks to a wider-ranging question of the general development of international law which is impeded by the EO, and in which Professor Thomas maintains an abiding interest as an international legal scholar, teacher, and practitioner.

21. *Amici* thus all have a direct professional and pedagogical interest in the resolution of this case. The Sanctions Regime established under Executive Order 14203, “Imposing Sanctions on the International Criminal Court,” 90 Fed. Reg. 9369 (Feb. 6, 2025) (“EO 14203” or “the Executive Order”), directly impairs *Amici*’s ability to teach, conduct research, collaborate within the international legal sphere, and effectively prepare their students for the practice of law. As well, the Executive Order chills the academic freedom that lies at the heart of *Amici*’s professional mission and threatens to diminish the quality of the legal education they provide at law schools across the country. *Amici* here seek to apprise the Court of their unique perspective as legal educators as it applies to this matter.

22. As explained in their proposed brief, *Amici* participate in this case to emphasize

two fundamental ways in which the Sanctions Regime undermines their work specifically and, more broadly, eviscerates certain fundamental constitutional protections. *First*, academic and practical engagement with the international legal sphere is an integral part of contemporary American legal education. Law schools across the country offer courses on international law, operate clinics that engage with international tribunals, and depend on faculty collaboration with international legal actors—including ICC officials and United Nations Special Rapporteurs—as essential components of their pedagogical mission. The Executive Order punishes and chills this activity.

23. *Second*, the Executive Order impermissibly constrains academic freedom throughout law schools in the United States. The Executive Order constitutes content-based and viewpoint-based discrimination that implicates *Amici*'s rights to speak, to associate, and to pursue their scholarly, pedagogical, and advocacy work. The restrictions prevent *Amici* from inviting ICC officials to speak at their law schools, collaborating with designated persons and entities on scholarly publications, supervising student research involving ICC proceedings, and engaging within other international legal institutions. Indeed, the overbreadth and vagueness of the Executive Order's provisions leave *Amici* unable to determine whether even routine academic activities may expose them to criminal and civil liability.

24. The practical consequences are manifold and profound. Academics throughout United States law schools cannot speak without the threat of the United States government sanctions being imposed upon them, as a result of which a generation of lawyers will lose out on important aspects of their legal education as well as exceptional career opportunities that may follow and will accordingly be less prepared to participate within the international legal order, less equipped to serve in government positions requiring international law expertise, and ultimately

less capable of advancing United States interests abroad. In particular, the EO threatens to set back progress in advancing international human rights—not only today, but for generations to come. And it does so in a way that blatantly violates the First Amendment and Due Process, as embodied in the void-for-vagueness doctrine. For all the reasons described in Proposed *Amici*'s brief, and in Plaintiffs' preliminary injunction brief, this Court should grant Plaintiffs' Motion for a Preliminary Injunction.

25. This *amicus* motion and brief are timely filed under the Court's September 11, 2026 Order setting the deadline for the filing of *amicus* briefs in support of Plaintiffs' motion for a preliminary injunction. See ECF No. 49.

26. For the foregoing reasons, Proposed *Amici* request that they be permitted to participate as *amici curiae* in this matter. Their proposed brief in support of Plaintiffs' Motion for a Preliminary Injunction (ECF No. 40) is submitted herewith.

Dated: September 23, 2026
Newark, New Jersey

Respectfully submitted,

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