

Exhibit 1

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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

LEILA N. SADAT; K. ALEXA KOENIG; NAOMI
ROHT-ARRIAZA; and STEVEN M. WATT,

Plaintiffs,

v.

JOSEPH R. BIDEN, JR., in his official capacity as
President of the United States; U.S.
DEPARTMENT OF STATE; ANTONY J.
BLINKEN, in his official capacity as Secretary of
State; U.S. DEPARTMENT OF THE TREASURY;
JANET L. YELLEN, in her official capacity as
Secretary of the Treasury; U.S. DEPARTMENT
OF JUSTICE; MERRICK B. GARLAND, in his
official capacity as Acting Attorney General;
OFFICE OF FOREIGN ASSETS CONTROL; and
BRADLEY T. SMITH, in his official capacity as
Acting Director of the Office of Foreign Assets
Control,

*Defendants.*¹

Civil Case No.: 3:21-cv-00416-CRB

DECLARATION OF LEILA N. SADAT

¹ Pursuant to Federal Rule of Civil Procedure 25(d), the Defendants originally named in this action have been substituted with the names of their successors in office.

1 I, Leila N. Sadat, hereby declare as follows:

2 1. I am a plaintiff in the above-captioned action.

3 2. I serve as the James Carr Professor of International Criminal Law and Director of the
4 Crimes Against Humanity Initiative at Washington University in St. Louis School of Law. I reside in St.
5 Louis, Missouri and am a citizen of the United States.

6 3. On December 12, 2012, I was appointed by Ms. Fatou Bensouda, the Prosecutor of the
7 International Criminal Court (“ICC”), to serve as the Special Adviser on Crimes Against Humanity to the
8 ICC Prosecutor. I accepted the appointment of Special Adviser in my personal capacity, and not as a
9 representative of Washington University in St. Louis School of Law or any other institution.

10 4. As Special Adviser, I regularly provide advice to the ICC’s Office of the Prosecutor
11 (“OTP”) on legal issues regarding ongoing cases and proceedings, provide input on OTP policy papers,
12 conduct trainings for the OTP, and deliver lectures on legal issues of ongoing concern at the ICC. For
13 example, I provide legal advice to OTP trial teams on questions relating to crimes against humanity, both
14 remotely and in person at the OTP in The Hague, The Netherlands. These OTP trial teams work under the
15 supervision of Ms. Bensouda. I also advise on matters involving appeals insofar as they relate to crimes
16 against humanity.

17 5. Both before and after my appointment as Special Adviser, I have conducted, at the OTP’s
18 request, “situation analyses” to determine whether communications regarding alleged crimes to the OTP
19 pursuant to Article 15 of the Rome Statute warrant the formal commencement of a preliminary
20 examination. In support of the OTP’s initial assessment of these communications, I review internal
21 documents prepared by the OTP and research and prepare formal legal memoranda for Ms. Bensouda and
22 the OTP. These legal memoranda address whether a specific set of facts gives rise to a crime against
23 humanity and the likelihood that the matter falls within the jurisdiction of the ICC. At the invitation of
24 Ms. Bensouda, I have also periodically attended meetings of the OTP Executive Committee, which is
25 responsible, among other things, for advising the Prosecutor, to discuss these situation analyses and other
26 matters of concern to the OTP.

1 6. Since the spring of 2013, I have taught an annual supervised research seminar at the
2 Washington University in St. Louis School of Law entitled “Crimes Against Humanity Research Project.”
3 In the seminar, I supervise ten to twelve students as they conduct legal research and draft legal analyses
4 in response to specific research questions posed by the OTP to me in my capacity as Special Adviser.
5 During the seminar, I typically meet with students at least every other week and provide regular feedback
6 on their research and writing.

7 7. During my tenure as Special Adviser, I have typically visited the ICC in The Hague each
8 summer. During these visits, I participate in a wide variety of meetings with OTP staff, including Ms.
9 Bensouda, Mr. Phakiso Mochochoko — the Head of the Jurisdiction, Complementarity and Cooperation
10 Division, which sits within the OTP — as well as members of the OTP Executive Committee, trial teams,
11 and appeals teams. I also conduct legal trainings on crimes against humanity for the OTP and other ICC
12 personnel, give public and private lectures, and gather information relating to research projects that form
13 the basis of the Crimes Against Humanity Research Project and my independent academic work. I most
14 recently visited the ICC in The Hague in December 2019.

15 8. The threat of enforcement of civil and criminal penalties under the International
16 Emergency Powers Act (“IEEPA”) for violations of the Executive Order and Regulations has caused me
17 to cease these engagements with the OTP and to abandon plans for future acts that I would have undertaken
18 but for the designations of Ms. Bensouda and Mr. Mochochoko.

19 9. In particular, I have ceased communication with the ICC in connection with my legal work
20 for the OTP, stopped preparing “situation analyses” for the OTP and giving advice regarding ongoing
21 cases and proceedings, abandoned plans to teach the Crimes Against Humanity Research Project in the
22 fall of 2020 and spring of 2021, and abandoned plans to conduct remote legal trainings for the OTP and
23 broader ICC personnel on crimes against humanity, because of a fear that these actions would subject me
24 to penalties under IEEPA. I have also severed my close working relationship with OTP staff, with whom
25 I consulted frequently about my academic work as well as my work for the OTP. If not for the Executive
26 Order, Designations, and Regulations, I would have performed these actions both in the United States and
27 abroad, and in the process would have communicated and exchanged materials with people in other
28

1 countries via the Internet or telephonically. I intend to immediately resume engaging with the OTP if the
2 Executive Order, Designations, and Regulations are enjoined or rescinded.

3 I declare under penalty of perjury under the laws of the United States of America that the foregoing
4 is true and correct. Executed in St. Louis, Missouri on March 12, 2021.

5
6 /s/ Leila N. Sadat

7 Leila N. Sadat

8
9 **FILER'S ATTESTATION**

10 Pursuant to Civil L.R. 5-1(i)(3), I, Trisha B. Anderson, hereby attest that concurrence in the filing
11 of this document has been obtained from the above signatory.

12 Dated: March 12, 2021

13 By: /s/ Trisha B. Anderson

14 Trisha B. Anderson