

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MAINE**

MATTHEW SMITH and AKILA
RADHAKRISHNAN,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity as
President of the United States; U.S.
DEPARTMENT OF STATE; MARCO RUBIO, in
his official capacity as Secretary of State; U.S.
DEPARTMENT OF THE TREASURY; SCOTT
BESSENT, in his official capacity as Secretary of
the Treasury; U.S. DEPARTMENT OF JUSTICE;
PAMELA BONDI, in her official capacity as
Attorney General; OFFICE OF FOREIGN ASSETS
CONTROL; and LISA M. PALLUCONI, in her
official capacity as Acting Director of the Office of
Foreign Assets Control,

Defendants.

Civil Case No.: 1:25-cv-00158-NT

**DECLARATION OF AKILA
RADHAKRISHNAN**

I, Akila Radhakrishnan, hereby declare as follows:

1. I am a plaintiff in the above-captioned action.
2. I am a leading proponent of gender justice and women's rights, and an expert in international human rights and criminal law. I currently serve as an independent consultant and as a Legal Advisor for the End Gender Apartheid Campaign, which focuses on sexual and gender-based rights violations and crimes in Iran and Afghanistan.
3. I reside in Long Island City, New York and am a citizen of the United States.
4. I have worked with the International Criminal Court ("ICC") and the Office of the Prosecutor ("OTP") as an external advocate and expert consultant since around 2014, when I served as Legal Director for the Global Justice Center.
5. My work with the OTP and ICC focuses on matters involving sexual and gender-based violence. It has included preparing and filing Article 15 submissions with the OTP, advising victim communities on possible legal recourse before the ICC, arguing as an amicus in connection with ICC prosecutions, facilitating discussions between OTP personnel and victim communities, advising the OTP on the investigation and prosecution of sexual and gender-based crimes, and consulting with the OTP on its internal policies. In this work, I regularly collaborate with partner organizations to develop evidence, support victims, and prepare Article 15 submissions.
6. For example, in 2017, I prepared a filing to the OTP urging it to investigate the Islamic State of Iraq and Syria's ("ISIS") genocide against the Yazidi people, in support of a submission to the court from two Yazidi partner organizations, the Free Yezidi Foundation and Yazda. I engaged in direct advocacy with the OTP on the filing and supported the Yazidi partners in their own advocacy.

7. Since November 2019, I have supported the engagement of Rohingya partner organizations and experts with the OTP in order to contribute to the Prosecutor's investigation of the situation in Bangladesh/Myanmar. For instance, in December 2022, I organized and spoke on a panel during the ICC's Assembly of States Parties with Prosecutor Karim Khan on justice options for Myanmar. In January 2025, following the Prosecutor's statement that he was seeking an arrest warrant for Senior General Min Aung Hlaing, I moderated a discussion on justice for the Rohingya that included the OTP's International Cooperation Officer on the Bangladesh/Myanmar matter.

8. Recently, in December 2024, I accompanied a group of eight Afghan women to The Hague. There, we met with the OTP's Afghanistan situation team, as well as other relevant OTP staff, with whom we discussed the status and scope of the Prosecutor's investigation into systematic violations of women's rights and gender-based crimes committed by the Taliban. We discussed with the OTP staff ways in which civil society participants, including me and the women accompanying me, could support the OTP through providing documentation, evidence, and legal expertise.

9. I have also provided expert advice to the OTP on its ongoing development of policies relating to gender justice, as well as its development of policies relating to gender persecution (2022), gender-based crimes (2023), and slavery crimes (2024). In doing so, I have regularly engaged with OTP staff, including a Deputy Prosecutor, staff focused on sexual and gender-based violence, and multiple Special Advisors to the Prosecutor.

10. I argued before the ICC as an amicus in *The Prosecutor v. Dominic Ongwen*, regarding the prosecution of a Ugandan war criminal for the crime of forced pregnancy—the Court's first prosecution of that crime.

11. In the course of my work, I have regularly met with ICC and OTP personnel.

12. I have regularly visited the ICC—most recently in December 2024—as part of my advocacy and consulting work, including for meetings and consultations with the OTP. Visiting the ICC in person enhances my work with ICC staff, including at the OTP, as well as my work supporting victims and other organizations that engage with the ICC.

13. Moreover, I have regularly attended the annual meeting of the ICC Assembly of State Parties, where, among other things, I have met in person with OTP staff and have organized discussions of situations within OTP’s remit—including events at which Mr. Khan has spoken.

14. I also sit on the Board of the Women’s Initiatives for Gender Justice (“WIGJ”). Among other things, WIGJ monitors all ICC situations and cases, and engages with the OTP and other arms of the ICC to ensure the effective prosecution of sexual and gender-based crimes. WIGJ also hosts the secretariat of the Coalition for the International Criminal Court (“CICC”), a global civil society network of member organizations ranging from community and grassroots groups in 150 countries to prominent international human rights non-governmental organizations, that led the campaign to set up the International Criminal Court and monitor its current work.

15. When President Trump issued the Executive Order, I was in the midst of working with Afghan partners to provide the OTP with evidence of, and other information relating to, sexual and gender-based crimes perpetrated by the Taliban in Afghanistan—including in the form of an Article 15 submission. Because of the Executive Order, I have had to cease my work on that Article 15 submission; I can no longer assist the Afghan women with whom I had been partnering in submitting evidence to the OTP; and I have been forced to abandon plans to consult with the OTP on using the concept of gender apartheid to frame its potential cases on Afghanistan.

16. The threat of enforcement of civil and criminal penalties under the International Emergency Economic Powers Act (“IEEPA”) for violations of the Executive Order has forced me

to stop ongoing and planned work with the OTP. If not for the Executive Order and Designation, I would have performed these actions both in the United States and abroad, and in the process would have communicated and exchanged materials with people in other countries via the Internet or telephonically. I intend to immediately resume engaging with the OTP if the Executive Order and Designations are enjoined or rescinded.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed in Saratoga, California on April 23, 2025.


Akila Radhakrishnan