

Exhibit 3

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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 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.*¹

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

DECLARATION OF NAOMI ROHT-ARRIAZA

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, Naomi Roht-Arriaza, hereby declare as follows:

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

3 2. I serve as a Distinguished Professor of Law at the University of California, Hastings
4 College of the Law. I reside in Berkeley, California and am a citizen of the United States.

5 3. I am a leading proponent of an international human rights movement that seeks
6 accountability for high-level officials' systemic and widespread "grand corruption" resulting in or
7 contributing to genocide, war crimes, and crimes against humanity (collectively known as "atrocities
8 crimes"), and have published academic research on this subject.

9 4. I have worked on issues related to the International Criminal Court ("ICC") since 1998,
10 when the international community convened a diplomatic conference—the Rome Diplomatic Conference
11 for an International Criminal Court—that resulted in the ICC's founding.

12 5. In 2018, alongside various Venezuelan civil society groups, I began working on a campaign
13 to use the mechanisms of international justice, including the ICC, to address the intersection of grand
14 corruption and atrocity crimes, including by urging the ICC's Office of the Prosecutor ("OTP") to address
15 the role of grand corruption by state and illicit non-state actors in its preliminary examinations and
16 investigations.

17 6. In particular, as part of this campaign, in June 2018 I travelled to The Hague, The
18 Netherlands, where I met with OTP personnel responsible for conducting the preliminary examination
19 into the situation in Venezuela, including Fabricio Guariglia, the Director of the OTP's Prosecutions
20 Division, who reports to Fatou Bensouda, the Prosecutor of the ICC and the head of the OTP. In a series
21 of meetings, I urged the OTP staff to broaden the scope of the Venezuela preliminary examination—which
22 focuses on alleged excessive force, detention, and abuse to suppress demonstrations and alleged violence
23 by certain demonstrators—to include the role of grand corruption in atrocity crimes committed in that
24 country. Among other things, I expressly urged the OTP to investigate patterns of murders tied to illicit
25 mining and natural resources extraction operations benefitting both state and non-state actors in
26 Venezuela.

1 7. The threat of enforcement of civil and criminal penalties under the International
2 Emergency Economic Powers Act (“IEEPA”) for violations of the Executive Order and Regulations has
3 caused me to cease engagement with the OTP and to abandon plans for future services and advocacy that
4 I would have performed but for the designations of Ms. Bensouda and Phakiso Mochochoko, the Director
5 of the OTP’s Jurisdiction, Complementarity, and Cooperation Division.

6 8. In particular, due to the threat of enforcement of IEEPA penalties, I abandoned plans to
7 arrange further meetings in the summer of 2020 with OTP personnel to gauge the status of the OTP’s
8 work on the situation in Venezuela and to educate the OTP about the relevance of grand corruption to the
9 preliminary examination. I also abandoned plans for other future advocacy and academic work, including
10 communication with the OTP and others, to urge the OTP to address grand corruption in its preliminary
11 examinations and investigations of other situations in Latin America.

12 9. If not for the Executive Order, Designations, and Regulations, I would have performed
13 these actions both in the United States and abroad, and in the process would have communicated and
14 exchanged materials with people in other countries via the Internet or telephonically. I intend to
15 immediately resume engaging with the OTP if the Executive Order, Designations, and Regulations are
16 enjoined or rescinded.

17 I declare under penalty of perjury under the laws of the United States of America that the foregoing
18 is true and correct. Executed in Berkeley, California on March 12, 2021.

19 /s/ Naomi Roht-Arriaza

20 Naomi Roht-Arriaza

21
22 **FILER’S ATTESTATION**

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

25
26 Dated: March 12, 2021

27 By: /s/ Trisha B. Anderson

28 Trisha B. Anderson