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October 14, 2025

Office of Foreign Assets Control
U.S. Department of the Treasury
Treasury Annex / Freedman's Bank Building
1500 Pennsylvania Avenue NW
Washington, DC 20220

To whom it may concern,

The Knight First Amendment Institute at Columbia University represents the Middle East Studies Association of North America ("MESA"). MESA intends to invite Francesca Albanese, an individual on the Specially Designated Nationals and Blocked Persons List (the "SDN List"), to be the keynote speaker in a virtual event currently planned for January 28, 2026. We are writing to seek confirmation that MESA would not violate U.S. sanctions law by including Ms. Albanese as a speaker in the planned event and by taking the actions incident to facilitating her participation, and that MESA's members would not violate U.S. sanctions law by participating in the event in the ways described below. We would appreciate a response by November 14, 2025, to ensure that MESA can make the adequate preparations for the event.

I. Background

MESA is a 501(c)(3) nonprofit membership association of faculty, students, and researchers interested in the study of the Middle East, including Southwest Asia, the Arab world, and North Africa. Founded in 1966, MESA's mission is to foster the study of the Middle East, promote high standards of scholarship and teaching, and encourage public understanding of the region and its peoples. Its members include both U.S. and non-U.S. citizens.

MESA accomplishes its goals through a dual commitment to scholarship and advocacy. It provides its members with programs, publications, and services that enhance education, further intellectual exchange, recognize professional distinction, and defend academic freedom. As part of its programming, MESA regularly invites experts to speak to members on issues relevant to its mission and its members'

interests. These events offer members the opportunity to learn from speakers with different insights and perspectives, and they serve as valuable forums for scholarly and political exchange. Through its events and other activities, MESA frequently engages in public advocacy concerning issues of academic freedom, intellectual exchange across borders, and civil and human rights.

II. MESA's Planned Event

MESA intends to invite Francesca Albanese, the United Nations Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, to deliver a keynote address over Zoom to its members on January 28, 2026. Ms. Albanese's mandate and her work as a special rapporteur are of significant interest to many of MESA's members, and directly implicate MESA's core mission. MESA anticipates that the event will proceed in the following format:

First, Ms. Albanese will deliver remarks on a range of issues relevant to her mandate, including the current conditions in the West Bank and Gaza, Israel's conduct since October 7, 2023, and her recommendations for advocacy directed at states and organizations she believes to be complicit in the occupation of the Palestinian territories and in human rights violations against Palestinians. She will also discuss the investigations she has conducted as a special rapporteur, and the evidence she has gathered and the reports she has prepared in connection with those investigations. She will discuss her work related to the International Criminal Court ("ICC"), including any work supporting the ICC's efforts to investigate or pursue charges against U.S. and Israeli citizens.

Second, Ms. Albanese will participate in a moderated conversation with an interlocutor from MESA. The interlocutor will focus the conversation on the overlap between Albanese's work and MESA's mission, and facilitate a conversation about how MESA's members can support Ms. Albanese's mandate and her goals of ending the occupation and protecting the human rights of Palestinians.

Third, MESA's members will be invited to engage with Ms. Albanese directly during an open-ended Q&A. Many of MESA's members work on scholarship and advocacy relevant to Ms. Albanese's mandate, and their questions to Ms. Albanese will reflect their knowledge and

expertise. As part of the discussion, members will be encouraged to share their own research and findings with Ms. Albanese both to support the general goals of ending the occupation and protecting human rights and to aid Ms. Albanese in her work as a special rapporteur.

MESA does not intend to offer Ms. Albanese an honorarium for her participation in the event, and she will not incur any reimbursable expenses for her virtual participation.

The event described above will advance MESA's mission in a number of ways. Ms. Albanese is uniquely positioned to share important information and perspectives about issues relevant to MESA and its members. Engaging and associating with Ms. Albanese will support MESA's scholarly goal of advancing knowledge on current conditions in the Palestinian territories. And holding the event will advance MESA's advocacy goals of defending academic freedom; of preserving the right to access and exchange ideas, particularly for MESA members studying and conducting research on Palestine; and of protecting the human rights of Palestinians, including MESA's Palestinian and Palestinian–American members.

III. U.S. Sanctions Laws

Ms. Albanese was added to the SDN List on July 9, 2025 pursuant to Executive Order 14,203, 90 Fed. Reg. 9369 (2025), which authorized sanctions on foreign individuals involved in the ICC's efforts to investigate, arrest, or prosecute certain "protected persons," including U.S. or Israeli citizens. Executive Order 14,203 relies on the International Emergency Economic Powers Act ("IEEPA"), which authorizes the President to impose economic and trade sanctions to address "unusual and extraordinary threats" posed by national emergencies declared by the President. OFAC subsequently promulgated the ICC-related sanctions regulations. *See* 31 CFR § 528. These regulations prohibit "the making of any contribution or provision of funds, goods, or services by, to, or for the benefit of any person whose property and interests in property are blocked pursuant to [E.O. 14,203]," as well as "the receipt of any contribution or provision of funds, goods, or services from any such person." E.O. 14,203 §§ 2, 3, 90 Fed. Reg. at 9370; 31 CFR § 528.201(a). Neither OFAC's regulations nor IEEPA define the term "services."

MESA does not believe that the event described above would violate OFAC's ICC-related sanctions regulations, or that OFAC has the authority to prohibit MESA from including Ms. Albanese in it. In another context, OFAC took the position that including designated individuals as speakers at a conference is a "service," because it amounts to "the provision of a platform for them to speak." Letter from Nikole Thomas, Assistant Director, Licensing Division, to Joshua Andresen (Dec. 6, 2022), https://knightcolumbia.org/documents/9o19ay739f. After the Foundation for Global Political Exchange filed suit challenging that determination, however, OFAC clarified that the Foundation's inclusion of designated individuals in its events was "not a service prohibited by U.S. sanctions and thus no authorization is necessary." Letter from Lisa M. Palluconi, Acting Director, to Joshua Andresen (Nov. 8, 2024), https://knightcolumbia.org/documents/h6fexgrmd3.

MESA's planned event differs in a number of ways from the Foundation's events, but MESA believes that its planned event falls outside the scope of OFAC's sanctions regime for essentially the same reasons that the Foundation's events did. First, the inclusion of a designated individual in political and academic exchange does not involve the provision or receipt of a "service" within the meaning of OFAC's regulations. Second, the planned event will also fall within clear statutory and regulatory exemptions that were specifically intended to protect the exchange of information and ideas. *See* 50 U.S.C. § 1702(b)(1), (3) (expressly forbidding the President from relying on IEEPA to regulate "personal communication" or "information or informational materials"); 31 CFR § 528.205(a) (incorporating these statutory exemptions into the ICC-related sanctions regulations). Third, organizing and participating in MESA's planned event is speech and association protected by the First Amendment, and enforcing OFAC's sanctions regulations to prohibit MESA from including Ms. Albanese in the event would not be sufficiently tailored to any legitimate government interest.

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In light of the uncertainty around how OFAC interprets its sanctions authority and given the serious penalties associated with violations of OFAC's sanctions regulations, MESA seeks confirmation that it would not violate U.S. sanctions law by including Ms. Albanese as a speaker in the planned event and by taking actions incident to facilitating her

participation, and that MESA's members would not violate U.S. sanctions law by participating in the event in the ways described above.

We appreciate your prompt attention to this matter.

Sincerely,

/s/ Xiangnong Wang

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