Questions for the Record from Representative Darrell Issa (R-CA) to Abraham Bell
The International Criminal Court's Threat to the Sovereignty of the United States and Its Allies
Tuesday, September 15, 2026

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1. In my opening statement, I noted that Article III of the Constitution vests the judicial power of the United States in the Supreme Court and the inferior courts Congress establishes. Can you briefly outline why subjecting a U.S. citizen to the International Criminal Court's jurisdiction for conduct abroad raises concerns under Article III, or under the Fifth and Sixth Amendments, given that the ICC provides neither grand jury indictment nor trial by jury?

    a. Do the ICC's procedures raise other due process concerns?

2. In your written testimony, you contrasted two parts of the ICC Prosecutor's October 30, 2023 statement in Cairo. On crimes by Palestinian nationals on Israeli territory, the Prosecutor said the Office's jurisdiction applied "if that is proven." On Israel, he said Israel would need to demonstrate that any attack affecting civilians or protected objects was lawful, and that the burden of proof rests with those who fire the weapon.

    a. Article 66 of the Rome Statute presumes the accused innocent and places the burden on the Prosecutor, and Article 67(1)(i) prohibits any reversal of the burden of proof. Is the Prosecutor's statement consistent with those provisions?

    b. Would U.S. servicemembers face the same presumption in a revived Afghanistan investigation or any future investigation involving U.S. military operations?

3. You were responding to Ambassador Rapp's testimony when your time expired. Please complete that response.

4. Ambassador Rapp described complementarity as the "magic bullet" protecting U.S. interests, citing the court-martial of Staff Sergeant Robert Bales and the ICC prosecutor's de-prioritization of the investigation of U.S. and allied personnel in Afghanistan. Is the principle of complementarity a sufficient safeguard against ICC intrusions upon U.S. sovereignty?

5. You recommended several tools for dismantling the ICC, including diplomatic pressure on state parties, criminalizing cooperation with ICC activity directed towards protected persons, broadening sanctions to reach the ICC itself, and creating civil remedies for victims of wrongful international prosecution. Which of these tools would be most effective, and which would require action by Congress rather than the Executive?

6. In my opening statement, I noted the arrest of former Philippine President Rodrigo Duterte on an ICC warrant by the government of his political rival, President Ferdinand Marcos Jr., nearly six years after the Philippines' withdrawal from the Rome Statute took

effect. Please describe what this case illustrates about how the ICC can be used as a tool of lawfare in domestic politics, including in the United States.

7. You testified that domestic political figures, including Mayor Zohran Mamdani—and other members of the Democrat Socialists of America—have invoked ICC warrants to justify arresting visiting foreign officials, such as former Israeli Prime Minister Benjamin Netenyahu. What legal authority, if any, would a state or local government have to detain a sitting foreign head of government on the basis of an ICC warrant?