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**Legality of the Use of Force in International Law:  
Analysing the US Attack on Venezuela**

**Ms Sharmistha Barai**

**Research Associate (International Law),  
Tillotoma Foundation**

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# Legality of the Use of Force in International Law: Analysing the US Attack on Venezuela

Sharmistha Barai<sup>1</sup>

## INTRODUCTION

On the third of January, 2026, the United States of America executed a military operation in Venezuela, wherein they launched a military strike, bombed the capital city of Venezuela and abducted President Nicolas Maduro and his wife, Cilia Flores.<sup>2</sup> The US operation which was codenamed Operation “Absolute Resolve”, commenced on an early Saturday morning, wherein explosions were reported at the military stations in Carcas, Miranda, Aragua, Nueva Esparta and La Guaira. After 2 AM, flights, explosions, fires, and power outages were reported in some areas of Caracas, including at the La Carlota air base, i.e., the heart of Caracas.<sup>3</sup> The operation involved 150 aircraft from the United States Navy, Air Force, and Marine Corps. Maduro and Flores were flown to New York to face trial there, on the charges related to narcoterrorism, though both Maduro and Flores have pleaded not guilty to the charges.<sup>4</sup> Not just the abducting of an incumbent president and first lady, but the operation remains eccentric in the particularity of the military operation and the strikes.

Operation Absolute Resolve is one of the first military operations which used a long-range, one-way drone attack, by reportedly using Japanese Kamikaze drones for the bombings, strikes and explosions in different areas and military stations in Venezuela.<sup>5</sup> The

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<sup>1</sup> Ms Sharmistha Barai is a Research Associate at the Tillotoma Foundation, working on International Law. She is a student of law at the National Law School of India University.

<sup>2</sup> Garcia Cano, Regina; Toropin, Konstantin; Tucker, Eric, *US plans to ‘run’ Venezuela and tap its oil reserves, Trump says, after operation to oust Maduro*, Associated Press, (accessed 7<sup>th</sup> January, 2026).

<sup>3</sup> *U.S. media say Donald Trump ordered attacks “on sites within Venezuela”*, NTN24 Newsroom (in Spanish) <https://www.ntn24.com/noticias-actualidad/medios-de-estados-unidos-afirman-que-trump-ordeno-ataques-dentro-de-venezuela-598514> (accessed 5<sup>th</sup> January, 2026).

<sup>4</sup> *ibid.*

<sup>5</sup> Joseph Trevithick, *Did the U.S. Use Kamikaze Drones to Strike Venezuela*, TWZ, <https://www.twz.com/air/u-s-kamikaze-drones-look-to-have-been-used-in-strikes-on-venezuela> (accessed 5<sup>th</sup> January, 2026).



U.S. Armed Forces bombed military infrastructure across northern Venezuela to suppress the Venezuelan air defences as an apprehension force attacked Maduro's compound in Caracas. Maduro and Flores were transported to New York City by US forces to face trial there.<sup>6</sup> The US government claims that Maduro and Flores had been indicted on several charges related to narcoterrorism. Venezuelan officials said at least 23 Venezuelan security officers were killed during the attack.<sup>7</sup> The Cuban government said that 32 members of the Cuban military and intelligence agencies were killed.<sup>8</sup>

Though there have been differing opinions and reactions from various corners of the world, the illegality of this attack of the United States of America under the presidency regime of Trump on Venezuela, in relation to the international law of armed attack and combat, looms over the current global political diaspora and has far reaching impact on the validity of the international law regime, on a global scale.

This paper primarily focuses on analysing the illegality of this attack on Venezuela by the United States of America and the larger implications of international law on illegality of military combat and armed attacks. The research work will primarily focus on how the military strike through drones in the attack on Venezuela by US treads on the lines of illegality by breaching customary international humanitarian law related to use of weapons in military operations.

## **PRELIMINARY ANALYSIS OF ILLEGALITY OF THE ATTACK**

On a preliminary analysis, this attack was in violation of Article 2, paragraph 4 of the United Nations Charter<sup>9</sup>. The United Nations Charter, henceforth referred to as UN Charter, is the

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<sup>6</sup> Barnes, Julian E.; Pager, Tyler; Schmitt, Eric, *Inside 'Operation Absolute Resolve,' the U.S. Effort to Capture Maduro*, The New York Times (accessed 5<sup>th</sup> January, 2026).

<sup>7</sup> *U.S. media say Donald Trump ordered attacks "on sites within Venezuela"*, NTN24 Newsroom (in Spanish) <https://www.ntn24.com/noticias-actualidad/medios-de-estados-unidos-afirman-que-trump-ordeno-ataques-dentro-de-venezuela-598514> (accessed 5<sup>th</sup> January, 2026).

<sup>8</sup> *ibid.*

<sup>9</sup>U.N. Charter art. 2, para. 4 (U.N. Charter, 1945).



founding document of the United Nations, signed on June 26th of 1945 in San Francisco, when all the member States of the United Nations concluded the United Nations Conference on International Organisation.<sup>10</sup> The UN Charter is an instrument of international law, and all United Nations member states are bound by it.<sup>11</sup> Thus, both the United States of America and Venezuela are bound by the UN Charter, by the virtue of being members of the United Nations. The UN Charter essentially codifies all the major principles of international relations. One of such principles that constitutes the cornerstone of the international law regime that has been codified in the UN Charter is the prohibition of use of force against sovereign states.

This principle formulates the preliminary analysis of the illegality of the attack of United States of America on Venezuela. This principle of prohibition of use of force has been codified in paragraph 4 of Article 2 of the UN Charter, which states:

“The Organization and its Members, in pursuit of the Purposes stated in Article 1, shall act in accordance with the following Principles:

...(4) All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.”<sup>12</sup>

This paragraph essentially prohibits all member States from using armed force against other sovereign states. Thus, the US’ attack on Venezuela, which constitutes an instance of use of armed force against the territorial sovereignty of Venezuela, because of the drone attacks which targeted multiple military stations within the territory of Venezuela, would be in violation of this article. The attack would also be considered to be an instance of use of force against the political independence of Venezuela, since the US military forces kidnapped the incumbent President of Venezuela, who is the Head of the State of Venezuela.

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<sup>10</sup> United Nations Charter <<https://www.un.org/en/about-us/un-charter>> accessed 7<sup>th</sup> January, 2026.

<sup>11</sup> *ibid.*

<sup>12</sup> U.N. Charter art. 2, para. 4 (U.N. Charter, 1945).



However, the prohibition of use of force, as laid down in Article 2(4) is not absolute. There are two exceptions, stated in the UN Charter, to this principle. The first exception is Chapter VII of the UN Charter, which essentially holds that the member States can use armed force against the territorial integrity and political independence of sovereign States, only in a situation where such an attack is authorised by the Security Council. As stated in Article 41 and Article 42 of Chapter VII of the UN Charter:

“Article 41: The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.<sup>13</sup>

Article 42: Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.<sup>14”</sup>

The essence of both these Articles is that the first step to be taken by the Security Council is measures which do not involve the use of armed force, however, in instances of its failure, the Security Council can authorise for measures to be taken against the State which involve use of force and armed attack.

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<sup>13</sup> U.N. Charter art. 41 (U.N. Charter, 1945).

<sup>14</sup> U.N. Charter art. 42 (U.N. Charter, 1945).



The second exception to Article 2(4) translates the US's attack on Venezuela into a gray zone of illegality. The second exception, as laid down in Article 51, states that:

“Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.”<sup>15</sup>

This exception postulates that member States can use force against other sovereign nations, only if the use of force is an act of self-defence, i.e., to protect their own territorial integrity from an armed attack. However, there are multiple limitations that apply to this exception. As stated in the Caroline test<sup>16</sup>, the act of self-defence and all actions taken in self-defence must be proportional to the necessary, i.e., there is no other measure to deal with the armed attack. Along with that, as laid down in multiple cases by the International Court of Justice, i.e., *Nicaragua v. USA*, Oil Platforms case, etc., the armed attack by the State, against whom the act of self-defence is being claimed, must be an imminent threat, for the member State to use force in self-defence.<sup>17</sup>

Now, in the current diaspora, the United States of America claims that the attack on Venezuela was done in exercise of this exception of self-defence, and therefore the attack was not a violation of Article 2(4), and thus not illegal. The United States of America is basing its claim on allegations of narcoterrorism in Venezuela and is claiming that the networks participating in narcoterrorism in Venezuela constitute an armed attack on US and thus, the US' use of force on Venezuela was legal, and also given the fact that a security

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<sup>15</sup> U.N. Charter art. 51 (U.N. Charter, 1945).

<sup>16</sup> Carolina Affairs, 1837.

<sup>17</sup> *Nicaragua v. USA* 1986 I.C.J. 14 (June 17); *Iran v. USA* [2003] ICJ Rep 161 (6 November, 2003).



council meeting followed right after the attack. Though none of these has been proved in front of the International Court of Justice, even if they are taken into consideration then the military operation exists in a gray zone of legality and illegality unless the claims of narcoterrorism are proven to be true and the military strike and the kidnapping of the President is proven to be in exercise of self-defence, as stipulated under Article 51 of the UN Charter. However, keeping this preliminary gray zone of illegality aside, the military strike itself, involving the drone attacks, contravenes multiple customary international humanitarian law related to use of weapons during military operations/use of force.

#### **ANALYSIS OF THE MILITARY OPERATION AND VIOLATION OF CUSTOMARY INTERNATIONAL HUMANITARIAN LAW**

To deal with the illegality of this attack, what is required to be considered is whether the particularities of this attack meet the international standards of legality of military combat, use of armed attack and weapons in an armed conflict.

In the military operation “Absolute Resolve”, at least seven explosions were reported on third of January, and low-flying aircraft were seen, predominantly in La Guaira, Higuero, Meseta de Mamo, Baruta, El Hatillo, Charallave, and Carmen de Uria, most of which are in or near the capital city Caracas.<sup>18</sup> The operation reportedly used one-way attack drones, which is believed to be the first such operational usage by the US military. Most of the explosions targeted antennas and active military bases.<sup>19</sup> Early reports suggested that the explosions were at Generalissimo Francisco de Miranda Air Base (La Carlota) and Fort Tiuna, two military installations in Caracas.<sup>20</sup> Large explosions were also reported at Higuero Airport, on the Venezuelan coast. The FBI personnel, including the Hostage Rescue Team,

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<sup>18</sup> *U.S. media say Donald Trump ordered attacks “on sites within Venezuela”*, NTN24 Newsroom (in Spanish) <https://www.ntn24.com/noticias-actualidad/medios-de-estados-unidos-afirman-que-trump-ordeno-ataques-dentro-de-venezuela-598514> (accessed 5<sup>th</sup> January, 2026).

<sup>19</sup> *ibid.*

<sup>20</sup> *ibid.*



had accompanied the military to arrest Maduro at his compound.<sup>21</sup> The strikes lasted half an hour. The strikes were also assisted by the US military's disruption of power in the city of Caracas. Multiple shipping containers were destroyed and damaged in the La Guaira port strikes. Satellite imagery from Vantor showed at least five destroyed warehouses, burned vehicles, and a blown-up security post. Venezuelan officials have stated that 80 people were killed in the raid, while American officials assess that number to be about 75.<sup>22</sup>

The military strike carried out by the US military was primarily through drone attacks, wherein most explosions occurred at antennas and active military bases.<sup>23</sup> Now, use of armed drones in an instance of use of force is not per se illegal as per international law of use of force and armed attack, since use of armed drones are not expressly prohibited under any existing treaty or customary international humanitarian law. Armed drones are legally comparable to weapons launched from manned aircraft such as helicopters or other combat aircraft. However, similar to all other modes of use of force, the use of armed drones for military strikes or operations must also comply with the same rules that apply to all weapons during armed conflict. As per the International Committee of the Red Cross, the rules on the use of weapons during armed conflict are decided and established by international humanitarian law.<sup>24</sup> International humanitarian law, specifically customary international humanitarian law governs the weapon choices and how the weapons are to be used during an armed attack or any use of force.<sup>25</sup> For any use of force, including but not limited to use of armed drones, as was the case in the US attack on Venezuela, to be considered to be “legal” in the eyes of the international law regime of use of force, the use of weapons must align with customary international humanitarian law. The customary international humanitarian law has been codified into 161 rules and identified in the database of the International Committee of

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<sup>21</sup> Barnes, Julian E.; Pager, Tyler; Schmitt, Eric, *Inside 'Operation Absolute Resolve,' the U.S. Effort to Capture Maduro*, The New York Times (accessed 5<sup>th</sup> January, 2026).

<sup>22</sup> *U.S. media say Donald Trump ordered attacks “on sites within Venezuela”*, NTN24 Newsroom (in Spanish) <https://www.ntn24.com/noticias-actualidad/medios-de-estados-unidos-afirman-que-trump-ordeno-ataques-dentro-de-venezuela-598514> (accessed 5<sup>th</sup> January, 2026).

<sup>23</sup> *ibid.*

<sup>24</sup> ICRC Database, **Customary IHL**, Rules - Customary IHL - ICRC, <https://ihl-databases.icrc.org/en/customary-ihl/v1> (accessed 9<sup>th</sup> January, 2026).

<sup>25</sup> *ibid.*



the Red Cross' study, originally published by the Cambridge University Press in 2005. However, this study is not an exhaustive assessment of customary international humanitarian law.

As per the ICRC study's database, any use of force involving use of arms must meet the three principles of customary international humanitarian law, codified in Chapter 2, 3, and 4 of "Rules" in the ICRC database:<sup>26</sup>

Chapter 2: Distinction between Civilian Objects and Military Objectives.

Chapter 3: Indiscriminate Attacks.

Chapter 4: Proportionality in Attack.

This paper shall deal with each of the limitations of use of armed drones, as laid down in the three chapters of customary international humanitarian law.

Rule 7, Chapter 2 of the customary international humanitarian law lays down:

"The parties to the conflict must at all times distinguish between civilian objects and military objectives. Attacks may only be directed against military objectives. Attacks must not be directed against civilian objects."<sup>27</sup>

This principle of distinction is a cardinal principle that forms a crucial section of the cornerstone of customary international humanitarian law. The International Court of Justice considers it a 'cardinal' and 'intransgressible' principle that forms part of the 'fabric' of IHL.<sup>28</sup> It applies only in the context of an armed conflict and prohibits directing attacks against civilians and civilian objects. A "civilian object" is defined to be any object which is not a military objective, whereas a "military objective" is an objective that, by its nature,

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<sup>26</sup> ICRC Database, **Customary IHL**, Rules - Customary IHL - ICRC, <https://ihl-databases.icrc.org/en/customary-ihl/v1> (accessed 9<sup>th</sup> January, 2026).

<sup>27</sup> ICRC Database, **Customary IHL**, The Principle of Distinction between Civilian Objects and Military Objectives, <https://ihl-databases.icrc.org/en/customary-ihl/v1/rule7> (accessed 9<sup>th</sup> January, 2026).

<sup>28</sup> ICJ, Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion, 1996, paras 78–79.



location, purpose or use, fabricates an effective contribution to military action, and the destruction of that objective offers a definite military advantage to the State using force/armed attack.<sup>29</sup>

Analysing the present attack of the US on Venezuela in light of this customary international humanitarian law, it can be concluded that the attack violated the principle of distinction between civilian objects and military objectives. Though the primary targets of the drone strikes have been military bases, there has been certain civilian infrastructure where the explosions occurred, like the Higuero Airport on the Venezuelan coast. The Higuero Airport, popularly known as the La Isabela International Airport is a civilian international airport in Venezuela where one of the targeted explosions occurred. As per customary international humanitarian law, the assumption regarding the status of an objective is always that the targeted infrastructure is a civilian object, unless it is proved that it is a military objective. Following the presumption, the Higuero Airport will be considered to be a civilian object, unless proven otherwise. Thus, the use of armed drones in the military strikes by the US on the Higuero Airport, Venezuela will be considered to have violated the customary international humanitarian law of distinction between civilian objects and military objectives, and therefore, illegal.

Rule 11, Chapter 3 of the rules of customary international humanitarian law states that: “Indiscriminate attacks are prohibited”.<sup>30</sup>

Rule 12, Chapter 3 of the rules of customary international humanitarian law states that:

“Indiscriminate attacks are those:

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<sup>29</sup> Additional Protocol I (1977), Article 52(2); ICRC, Study on Customary International Humanitarian Law, 2005, Rules 8 and 9.

<sup>30</sup> ICRC Database, **Customary IHL**, Indiscriminate Attacks, <https://ihl-databases.icrc.org/en/customary-ihl/v1/rule11> (accessed 9th January, 2026).



- (a) which are not directed at a specific military objective;
- (b) which employ a method or means of combat which cannot be directed at a specific military objective; or
- (c) which employ a method or means of combat the effects of which cannot be limited as required by international humanitarian law; and consequently, in each such case, are of a nature to strike military objectives and civilians or civilian objects without distinction.”<sup>31</sup>

Rule 13, Chapter 3 of the rules of customary international humanitarian law states that:

“Attacks by bombardment by any method or means which treats as a single military objective a number of clearly separated and distinct military objectives located in a city, town, village or other area containing a similar concentration of civilians or civilian objects are prohibited.”<sup>32</sup>

These customary international humanitarian laws essentially prohibit indiscriminate attacks while sovereign states use force against other States. Indiscriminate attacks have been classified into 3 types: firstly, attacks which are not directed at a specific military objective are prohibited; secondly, attacks that employ a method of combat that cannot be directed at a specific military objective is prohibited; thirdly, attacks which may cause incidental damage to civilian objective, and the effect thus produced by the attack cannot be limited by international humanitarian law.

Applying this principle of customary international humanitarian law to the current attack of the US on Venezuela, it can be postulated that the attack was in violation of the

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<sup>31</sup> *ibid*, Definition of Indiscriminate Attacks, <https://ihl-databases.icrc.org/en/customary-ihl/v1/rule12> (accessed 9th January, 2026).

<sup>32</sup> *ibid*, Area Bombardment, <https://ihl-databases.icrc.org/en/customary-ihl/v1/rule13> (accessed 9th January, 2026).



customary principle of prohibition of indiscriminate attack. As already stated, this particular attack has not yet been proved to have targeted any specific military objective and has also caused incidental damage to civilian objectives. Thus, the attack was in violation of Rules 11 and 12 of customary international humanitarian law, and thus, illegal. Along with that, the bombardment executed by the US armed drones in the military strikes have also not been established to have a distinct military objective, and has led to explosions in civilian infrastructures like antenna areas, airports, etc. Even if the claims of US are considered to be true, there seems to be multiple objectives to this attack, including but not limited to, abduction of the Heads of the State to bring them under trial, self-defence against narcoterrorism, bombardment of multiple incidental and non-essential areas and military stations, etc. Thus, this attack treats a number of clearly separated and distinct military objectives as a single military objective, and is thus illegal, since it is in violation of Rule 13 of customary international humanitarian law.

Rule 14 of customary international humanitarian law states that:

“Launching an attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated, is prohibited”<sup>33</sup>

This rule codifies the principle of proportionality that sovereign states must abide by when using armed forces against other nations. Applying this principle to the present scenario, it can be argued that the US’ attack on Venezuela is in violation of this principle of customary international humanitarian law as well. In the military strikes by the US, firstly no proper military objective has been identified, and secondly, there has been multiple civilian

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<sup>33</sup> ICRC Database, **Customary IHL**, Proportionality in Attack, <https://ihl-databases.icrc.org/en/customary-ihl/v1/rule14> (accessed 9th January, 2026).



casualties and other casualties reported by the Venezuelan authorities. A day later after the attack, Venezuela's interior minister had claimed that 100 persons died during the bombings by the US armed drones.<sup>34</sup> Along with that, independent press had reported that Venezuelan military casualties had been estimated at 42, along with 32 Cuban military personnel and 2 civilians.<sup>35</sup> Thus, the US had launched an evidently disproportionate attack on Venezuela which had caused injury to civilians, civilian objectives and multiple military objectives in an excessive manner, as compared to the singular military objective that the US claims to have sought through these military strikes, i.e., self-defence against narcoterrorism. Therefore, the attack of US on Venezuela also violated the principle of proportionality, i.e., Rule 14 of customary international humanitarian law, and hence, illegal.

## CONCLUSION

Thus, in conclusion, the USA violated the core principles of customary international humanitarian law regarding use of force, including principles of distinction between military and civilian objective, prohibition of indiscriminate attacks and bombardment, and proportionality between civilian casualties and the aimed military objective.

Now, the illegality of this attack has certain implications on the general illegality of use of force by States on other sovereign nations in the current international law regime. The general law on illegality of use of force is that use of force against any sovereign state is prohibited by Article 2(4) of the UN Charter, subject to the two exceptions laid down in Chapter VII, i.e., with the authorisation of the Security Council, and Article 51, i.e., for the purpose of self-defence. However, even if use of force is considered to be legal as under the two stated exceptions, there are limitations to the use of force, wherein, the instance use of

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<sup>34</sup> *Venezuela's interior minister says 100 people died in U.S. attack*, Reuters <https://archive.ph/20260108021055/https://www.reuters.com/world/americas/venezuelas-interior-minister-says-100-people-died-us-attack-2026-01-08/> (accessed 8<sup>th</sup> January, 2026).

<sup>35</sup> *77 deaths identified in US attacks: 43 Venezuelan soldiers, 2 civilian women, and 32 Cubans among the victims*, El Pitazo, (in Spanish) < <https://web.archive.org/web/20260107201933/https://elpitazo.net/politica/55-muertos-identificados-en-ataques-de-ee-uu-21-militares-venezolanos-2-mujeres-civiles-y-32-cubanos-entre-las-victimas/>> (accessed 6<sup>th</sup> January, 2026).



force on another sovereign state must abide by the certain principles of customary international humanitarian law. The customary international humanitarian law includes the principles of distinction, and proportionality. This implies though there is no general prohibition on armed drones because they are not considered inherently indiscriminate or of a nature to cause superfluous injury or unnecessary suffering, , there are certain limitations to drone operations, i.e., they must comply with customary international humanitarian law at all times. This means that attacks may only be directed at combatants and military objectives, indiscriminate and disproportionate attacks are prohibited, and along with that, all feasible precautions must be taken to avoid or minimize civilian harm. These customary rules apply whether a weapon is launched from a drone or from a crewed aircraft, or involves any other use of force.

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