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Maduro's removal from power in Venezuela and international law*

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ABSTRACT

This article examines the legality of regime change in international law through the 2026 US operation that removed President Nicolás Maduro from power in Venezuela. It argues that the operation was unlawful under multiple branches of international law, regardless of the nature of the undemocratic character of Maduro's government, which is responsible of serious violations of human rights. First, the regime change violated the prohibition of the use of force established by the UN Charter, as it was neither authorised by the Security Council nor justified by self-defence. Second, the regime change breached the principles of non-intervention and self-determination of peoples by coercively interfering in Venezuela's political system and pursuing control over its natural resources. Finally, Maduro's abduction could not be justified as a law enforcement measure: international law prohibits states from enforcing criminal jurisdiction on foreign territory without consent and protects sitting heads of state through immunity and inviolability.

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KEYWORDS regime change; Venezuela; non-intervention; use of force; self-determination of peoples; head of state immunity

1. Introduction

This article explores the issue of regime change in international law using the US Operation Absolute Resolve against Venezuela in 2026 as a case study. Notwithstanding the presence of contrary forces and trends,¹ international law is, has been, and will be in the foreseeable future, a largely state-centric project. However, states do not exist in the real world, but they are legal fictions operating through individuals. This paradox was solved in

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¹See e.g. Ruti Tietel, *Humanity's Law* (OUP 2011); Antonio Cassese (ed), *Realizing Utopia* (OUP, 2012); Antônio Augusto Cançado Trindade, *A humanização do direito internacional* (2nd edn, Del Rey, 2015).

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the past by creating an almost perfect equation between specific individuals in apical positions within a state (the monarchs, who claimed that their legitimacy derived from divine authority) and the state itself. In contemporary international law, the situation has changed slightly, with a shift from the one individual at the summit of the state to an apparatus of individuals in apical positions, the government, with a particular role for heads of state and heads of government.² Unsurprisingly, international law places enormous emphasis on the protection of state sovereignty and on the protection of these individuals exercising it.

Regime change, for the purposes of this article, can be defined as the forceful removal of an individual or of individuals who have ultimate responsibilities for the exercise of state sovereignty within one state. Regime change is what happened in January 2026 in Venezuela, when the US forcibly removed President Nicolás Maduro as the head of state of Venezuela, although the Maduro cabinet largely remained in power. After around 35 strikes against foreign boats suspected to be involved in drug trafficking in the Caribbean and Eastern Pacific in late 2025,³ on 3 January 2026 the USA attacked Caracas and abducted Maduro and his wife Cilia Flores. The operation involved explosions in densely populated areas of the city, with multiple casualties reported.⁴ As happened in relation to the strikes against the aforementioned boats,⁵ international law scholars have been exceptionally unanimous in declaring the US operation to be unlawful under international law.⁶

This article contributes to the legal debate on regime change in international law, employing the US intervention as a case study. The article focuses on three legal points: the legality of the US use of armed force

²See generally Joanne Foakes, *The Position of Heads of State and Senior Officials in International Law* (OUP, 2014).

³Data from <<https://www.justsecurity.org/124002/timeline-vessel-strikes-related-actions/>>.

⁴Cuba Says 32 of Its Citizens Died in Venezuela, Including Military Personnel', *The New York Times* (4 January 2026), <<https://www.nytimes.com/2026/01/04/world/americas/cubans-killed-venezuela.html>>; 'Militares heridos relatan cómo fue el ataque de EEUU en La Carlota este 3 de enero: conoce los detalles', *2001Live* (4 January 2026), <<https://2001online.com/nacionales/militares-heridos-relatan-como-fue-el-ataque-de-eeuu-en-la-carlota-este-3-de-enero-conoce-los-detalles-20261323360>>; 'The US Weapons that Stole Maduro's Power', *The Telegraph* (9 January 2026), <<https://www.telegraph.co.uk/world-news/2026/01/09/us-weapons-destroyed-maduro-caracas/>>; .

⁵Geoffrey Corn and Ken Watkin, 'Attacking Drug Boats: Bending or Breaking the Law?', *War on Rocks* (3 December 2025), <<https://warontherocks.com/2025/12/attacking-drug-boats-bending-or-breaking-the-law/>>..

⁶Institut de Droit International, *Declaration of the Institute of International Law on the Challenges to the International Legal Order Following the Military Operation in Venezuela*, 18 January 2026, <<https://www.idi-iil.org/app/uploads/2026/01/20260118-Declaration-of-the-Institute-of-International-Law-on-the-Challenges-to-the-International-Legal-Order-Following-the-Military-Operation-in-Venezuela-EN.pdf>>. See also Justina Uriburu and Julian Arato, 'Trump's Illegal Attack on Venezuela and Its Consequences', *EJIL:Talk!* (5 January 2016), <<https://www.ejiltalk.org/trumps-illegal-attack-on-venezuela-and-its-consequences/>>; Michael Schmitt, Ryan Goodman and Tess Bridgeman, 'International Law and the U.S. Military and Law Enforcement Operations in Venezuela', *Just Security* (5 January 2026) <<https://www.justsecurity.org/127981/international-law-venezuela-maduro/>>; Manuel Becerra Ramírez, 'La legalidad del operativo de Estados Unidos contra Venezuela', *Bridge Watch* (6 January 2026), <<https://eurolatinstudies.com/es/la-legalidad-del-operativo-de-estados-unidos-contra-venezuela/>>.

against Venezuela; the legality of the removal of Maduro in light of the principle of non-intervention and the principle of self-determination of peoples; and the legality of Maduro's arrest as a law enforcement operation. The article concludes that regime change in Venezuela is unlawful from all these perspectives. The point is not whether Maduro was a good president of Venezuela or not – it is without any doubt that his government is responsible for serious violations of human rights that might amount to international crimes;⁷ the point is that international law does not permit another state to use armed force to remove a foreign head of state in similar circumstances.

2. Regime change and the rules on the use of force (*Jus ad Bellum/Jus Contra Bellum*)

If regime change occurs because of an unlawful use of armed force, then regime change is always unlawful.⁸ After World War Two, the international community decided to build a new international law system based on the ban on the use of armed force in international law, now enshrined in Article 2(4) of the Charter of the United Nations (UN). Even though it has been decades since scholars have decried the death of this prohibition, Article 2(4) is still considered the cornerstone of so-called *jus ad bellum* or *jus contra bellum*, that is, the rules of international law that limit the lawful situations in which a state can use armed force.⁹ The UN Charter contemplates only two exceptions: use of armed force by the UN Security Council (UNSC) under Article 42 (through the practice of authorising the use of armed force) and individual and collective self-defence 'if an armed attack occurs' under Article 51.

In relation to the Operation Absolute Resolve, which has as its main goal and effect the removal of Maduro from power, the first question to be asked is whether it amounts to a use of force prohibited under Article 2(4). While 'force' is not defined, usually this expression is interpreted as referring only to the use of 'armed force'.¹⁰ President Trump, in the aftermath of the

⁷See the reports of the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela (A/HRC/45/33, 25 September 2020; A/HRC/48/69, 16 September 2021; A/HRC/51/43, 20 September 2022; A/HRC/54/57, 20 September 2023; A/HRC/57/57, 17 September 2024; A/HRC/60/61, 10 September 2025). See also Situation in the Bolivarian Republic of Venezuela I, Pre-Trial Chamber I, Decision authorising the resumption of the investigation pursuant to article 18(2) of the Statute, ICC-02/18-45, 27 June 2023.

⁸Christine Gray, *International Law and the Use of Force* (4th edn, OUP, 2018) 64-69.

⁹Compare Thomas M. Franck, 'Who Killed Article 2(4)? or: Changing Norms Governing the Use of Force by States' (1970) 64 *AJIL* 809 and James Crawford and Rowan Nicholson, 'The Continued Relevance of Established Rules and Institutions Relating to the Use of Force' in Marc Weller (ed), *The Oxford Handbook of the Use of Force in International Law* (OUP, 2015) 96.

¹⁰See, generally, Erin Pobjie, *Prohibited Force: The Meaning of 'Use of Force' in International Law* (CUP, 2024).

operation, declared that the USA ‘has successfully carried out a *large scale strike against Venezuela* and its leader, President Nicolas Maduro, who has been, along with his wife, captured and flown out of the country’.¹¹ All the available reports agree that weapons were used to cover the landing of US troops, disabling the Venezuelan defences and killing Maduro’s Cuban bodyguards.¹² There is no doubt that the Operation Absolute Resolve amounts to an international use of armed force.¹³

Was the Operation Absolute Resolve grounded in any exception to the ban on the use of armed force? It is patent that the US did not act upon any authorisation by the UNSC, which has not been invested with the question. Self-defence remains thus the only potential justification. However, self-defence is only available if an armed attack occurs against a state or – according to a contested reading that will be accepted here only for the purposes of this analysis – if an armed attack is proved to be imminent. The US claims to be a victim of an armed attack in the form of drug trafficking, ‘based on the cumulative effect of these hostile acts against the citizens and interests of the United States and friendly foreign nations’.¹⁴ Obviously, drug trafficking has a negative impact on society and is often considered to be criminal under domestic law, but is it an ‘armed attack’ under Article 51 of the UN Charter?

It is well-known that there is no definition of an armed attack in the UN Charter.¹⁵ The International Court of Justice (ICJ) has considered that not every use of armed force is an armed attack, but only those episodes that go beyond frontier incidents because of their scale and effect.¹⁶ The ICJ pointed to the UN General Assembly Definition of Aggression – codified to guide the UNSC in exercising its responsibility under Article 39 of the UN Charter – as a source of examples that could be helpful in identifying an armed attack.¹⁷ Although the ICJ affirmed this only in relation to sending armed groups against another state, and although you won’t find two international lawyers agreeing on the relationship between ‘armed attack’ and ‘aggression’, it is clear that drug trafficking is unsuitable to be considered an armed attack. Simply, no armed force of any kind was used by Venezuela against the US in the framework of drug trafficking.¹⁸

¹¹Donald J Trump, 03 January 2026, <<https://truthsocial.com/@realDonaldTrump/posts/115830428767897167>> (emphasis added).

¹²See above (n 4).

¹³Apparently, the US administration agrees: US Department of Justice, Office of Legal Counsel, Memorandum, 23 December 2025, 6, <<https://www.justice.gov/olc/media/1423306/dl?inline>>.

¹⁴UNSC, S/PV.10015, 10 October 2025, 13.

¹⁵See generally Tom Ruys, *‘Armed Attack’ and Article 51 of the UN Charter Evolutions in Customary Law and Practice* (CUP, 2011).

¹⁶[CJ, *Military and Paramilitary Activities in and against Nicaragua* (*Nicaragua v. United States of America*), Judgment, [1986] ICJ Reports 14, para 195 [hereinafter: ‘*Nicaragua v USA*’].

¹⁷*Ibid.*

¹⁸Schmitt, Goodman and Bridgeman (n 6).

Accordingly, the US invocation of self-defence does not hold water, but rather, it is pure word salad intended to blur the boundaries between self-defence and national interests. But the defence of national interests is not an autonomous legal basis for the use of armed force by a powerful state against another in the UN Charter era.¹⁹ Nor is it regime change in itself: while regime change might be in certain truly exceptional circumstances the only way to achieve lawful objectives of self-defence or of an action authorised by the UNSC, it is never in itself a lawful objective that justifies the legality of an otherwise illegal operation, regardless of how undemocratic the regime at hand is.²⁰

Finally, for reasons of space, further potential legal bases cannot be analysed here. Suffice it to say that the regime change was not justified by the US on alleged humanitarian purposes,²¹ nor could it be considered to be based on the invitation of the Venezuelan opposition²² since the US did not support the efforts of the opposition to become the government of Venezuela after Maduro was abducted.

Accordingly, it is easy to conclude that the US had no legal basis for Operation Absolute Resolve, and that the regime change that followed the operation is unlawful as well. The operation constitutes an act of aggression²³ and an armed attack against Venezuela, which would be entitled to individual and collective self-defence as a matter of law (but as a matter of policy, it is clear that Venezuela has no appetite for this).

3. Regime change, the principle of non-intervention and the principle of self-determination of peoples

Jus contra bellum is not the only field of international law governing the legality of regime change. It is possible that a lawful use of armed force results in an unlawful regime change because of the violation of other rules of international law. For instance, the contested 2011 intervention in Libya was, in principle, lawful because it was based on the authorisation of the UNSC, but the resulting regime change with the brutal killing of Ghaddafi was, according to some, a violation of international law because it wasn't

¹⁹Corfu Channel case, Merits [1949] ICJ Reports 4, 35.

²⁰W Michael Reisman, 'Assessing Claims to Revise the Laws of War' (2003) 97 AJIL 82, 89; Gregory H Fox, 'Regime Change' in *Max Planck Encyclopedia of Public International Law* (January 2013) paras 34-36; Michael Wood, 'The Iraq Inquiry: Some Personal Reflections' (2016) 87 BYIL 149, 155.

²¹For the view that humanitarian reasons cannot be the sole legal basis for regime change, see Marco Longobardo, 'Legal Perspectives on the Role of the Notion of «Denazification» in the Russian Invasion of Ukraine under *Jus contra Bellum* and *Jus in Bello*' [2021] 54 RBDI 209, 218-225.

²²The ICJ considered interventions in support of the opposition to be unlawful in *Nicaragua v USA*, para 206. See also Marco Roscini, *International Law and the Principle of Non-Intervention* (OUP, 2024) 186-94.

²³UN General Assembly Resolution 3314 (XXIX), 14 December 1974, Definition of Aggression, Article 3(a), 3(b), 3(d) at the very least.

explicitly authorised by the Council.²⁴ Similarly, for the UK government, which – erroneously – supported the lawfulness of the 2003 war against Iraq, it has always been clear that regime change was not a legitimate objective of the invasion.²⁵ Indeed, other rules besides those concerning *jus contra bellum* can play a role in this field, particularly the principle of non-intervention and the principle of self-determination of peoples.²⁶

A regime change such as the removal of Maduro as the president of Venezuela is unlawful as a matter of the principle of non-intervention in the affairs of another state.²⁷ According to the ICJ, the principle of non-intervention ‘forbids all States or groups of States to intervene directly or indirectly in internal or external affairs of other States’, that is, ‘on matters in which each State is permitted, by the principle of State sovereignty to decide freely. One of these is the choice of a political, economic, social and cultural system, and the formulation of foreign policy.’²⁸ Clearly, the removal of Maduro from his role as president of Venezuela, and the alarming demands made by the US administration to allow US access to natural resources in Venezuela²⁹ significantly affects areas of sovereignty that are exclusively within the domain of Venezuela.

The US used force to intervene in the domestic affairs of Venezuela. According to the ICJ, ‘[i]ntervention is wrongful when it uses methods of coercion in regard to [sovereign] choices, which must remain free ones. The element of coercion, which defines, and indeed forms the very essence of, prohibited intervention, is *particularly obvious in the case of an intervention which uses force*, either in the direct form of military action, or in the indirect form of support for subversive or terrorist armed activities within another State’.³⁰ Thus the coercive way in which the US demands were imposed on Venezuela, through the actual use of force and threats of future force, is per se a violation of the principle of non-intervention.³¹

The principle of self-determination of peoples also contributes to the illegality of the intervention too. Pursuant to the 1970 Declaration on Friendly

²⁴Natalino Ronzitti, ‘Intervento in Libia, cosa è permesso e cosa no’, *Affari Internazionali* (20 March 2011), <<https://www.archivio-affarinternazionali.it/archivio/2011/09/quale-legittimita-per-le-operazioni-nato-e-italiane-in-libia/>>; Ugo Villani, ‘Aspetti problematici dell’intervento militare nella crisi libica’ (2011) 5 *Diritti Umani e Diritto Internazionale* 369; Roscini (n 22) 372. For a different position see Dire Tladi, ‘Security Council, the Use of Force and Regime Change: Libya and Cote d’Ivoire’ (2012) 37 *South African Yearbook of International Law* 22.

²⁵The Report of the Iraq Inquiry, Executive Summary, July 2016, para 25.

²⁶Longobardo (n 21) 314–8.

²⁷Fox (n 20) para 12.

²⁸*Nicaragua v USA*, para 205.

²⁹Marko Milanovic, ‘Some Further Thoughts on the Illegal US Attack on Venezuela: Self-Defence, Cyber, and Continuing Coercion’, *EJIL:Talk!*, 7 January 2026, <<https://www.ejiltalk.org/some-further-thoughts-on-the-illegal-us-attack-on-venezuela-self-defence-cyber-and-continuing-coercion/>>.

³⁰*Nicaragua v USA*, para 205 (emphasis added).

³¹On coercion and the principle of non-intervention, see Marko Milanovic, ‘Revisiting Coercion as an Element of Prohibited Intervention in International Law’ (2023) 117 *AJIL* 601; Roscini (n 22) 144–95.

Relations among States, ‘all peoples have the right freely to determine, *without external interference*, their political status and to pursue their economic, social and cultural development’.³² The ICJ has recently emphasised that the management of natural resources³³ and the possibility to freely determine a people’s political status and to pursue its economic, social and cultural development without foreign interference³⁴ are key components of the principle of self-determination. Accordingly, regime change that is the product of external interference and includes concerning plans for the exploitation of natural resources, such as in the case of Maduro’s removal, is a breach of the principle of self-determination.

This conclusion stands firm even when a regime, like that of Maduro, is not supported by the people of that state: it’s the coercive external interference that violates the principle of self-determination, not the regime change in itself, which would be lawful if based on a genuine internal action. Indeed, outside the colonial context, the fight against occupation, and the struggle against a racist regime, attempts to justify forceful regime changes as necessary external measures to ensure the self-determination of a people have so far met with stark condemnation by states and international organisations.³⁵

4. Regime change and the legality of Maduro’s arrest as a law enforcement operation

Finally, the removal of Maduro is an unlawful regime change also in light of the rules of international law pertaining to the possibility of arresting Maduro in a transnational law enforcement operation.

The US justified the arrest of Maduro on the basis of the need to execute an arrest warrant against him for a series of domestic crimes connected to drug trafficking.³⁶ These are ordinary crimes under domestic US law, rather than international crimes under international law,³⁷ although their transboundary character makes them suitable to be regulated as a matter

³²UN General Assembly, Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, A/8082, 24 October 1970, Principle 5 (emphasis added). See also Final Act of the Conference on Security and Cooperation in Europe, Declaration on the Principles Concerning Mutual Relations of the Participating States, 1 August 1975, Principle VIII.

³³*Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, Advisory opinion, 19 July 2024, para 240.

³⁴*Ibid.*, para 241.

³⁵James Crawford, ‘The Right to Self-Determination in International Law: Its Development and Future’ in Philip Alston (ed), *Peoples’ Rights* (OUP 2001) 7, 40–47; Roscini (n 22) 309–336.

³⁶See Attorney General Pamela Bondi, 3 January 2026, <<https://x.com/AGPamBondi/status/2007428087143686611>>; UNSC, S/PV.10085, 5 January 2026, 13–15; US District Court, Southern District of New York, USA v Maduro et al, S4 11 Cr. 205 (AKH) <<https://www.justice.gov/opa/media/1422326/dl>>.

³⁷These are, traditionally, genocide, war crimes, crimes against humanity, and aggression.

of international cooperation by transnational criminal law conventions.³⁸ Under international law, states can prescribe the criminalisation of conduct that occurred in foreign territory, particularly if the alleged perpetrators are their nationals (active nationality jurisdiction); states can also prescribe the criminalisation of conduct that is committed by foreigners if at least part of the crime occurs on their territory (territorial jurisdiction) or if the victims are their nationals (passive nationality jurisdiction).³⁹ However, states cannot enforce their criminal jurisdiction in the territory of another state without its consent. This applies to international crimes – as famously demonstrated by the unlawful abduction of Adolf Eichmann in Argentina by Israel⁴⁰ – and, even more, to domestic crimes. Since Venezuela did not consent to the enforcement of US criminal jurisdiction in the territory of Venezuela, said enforcement is unlawful.

Maduro, as any head of state, is also protected by immunity from foreign jurisdiction. Before an international criminal court, such immunity may not be applicable because of a waiver by the state through the court's statute, because of the need to respect a binding decision of the UN Security Council, or because of other reasons that are related to the international nature of the institution at hand and of international crimes.⁴¹ The ICJ has confirmed that head of state immunity covers alleged international crimes if the charge comes *from a domestic court*.⁴² In the case of Maduro, not only is he prosecuted by a US court rather than an international one, but also the charges invoked by the US do not pertain to international crimes, but only to crimes under US law. Accordingly, there is no doubt that Maduro enjoys immunity before US courts and could not be lawfully arrested. Moreover, from immunity from prosecution stems inviolability, which protects a head of state from detention by foreign authorities.⁴³

In this regard, the fact that the US did not recognise Maduro as the president of Venezuela is entirely irrelevant. The quality of government in international law, and attached rights and duties, stem from effectiveness rather

³⁸Cecily Rose and Rafael Ruschel, 'Transnational Organized Crime' in *Max Planck Encyclopedia of Public International Law* (August 2025).

³⁹See, generally, Darryl Robinson and others, *An Introduction to International Criminal Law and Procedure* (5th edn, CUP, 2024) 49–68.

⁴⁰UN Security Council, Res 138 (1960), 23 June 1960. In relation to Venezuela, see again Schmitt, Goodman and Bridgeman (n 6).

⁴¹See the controversial decision in *The Prosecutor v Al Bashir*, Appeals Chamber, Judgment in the Jordan Referral re Al-Bashir Appeal, ICC-02/05-01/09-397, 06 May 2019, paras 106 and 114.

⁴²*Arrest Warrant of 11 April 2000 (DRC v Belgium)*, Judgment, [2002] ICJ Reports 3, para 58.

⁴³Sixth report on immunity of State officials from foreign criminal jurisdiction / Concepción Escobar Hernández, Special Rapporteur (2018) paras 69-72; Institute de Droit International (n 6); Adrián Agenjo, 'Which Immunity for Nicolás Maduro? Personal Immunity, Inviolability, and the Implausible Exceptions the US Might Claim', *EJIL:Talk!* (22 January 2026) <<https://www.ejiltalk.org/which-immunity-for-nicolas-maduro-personal-immunity-inviolability-and-the-implausible-exceptions-the-us-might-claim/>>.

than from recognition.⁴⁴ Domestic case law in civil law states has confirmed this conclusion, by assessing immunity of states and of organs irrespective of recognition, on the basis of factual considerations.⁴⁵ While common law courts have been more prone to defer to the recognition of their own government,⁴⁶ nothing suggests that the determination of the latter government should be detached from effectiveness. Scholarship usually agrees with the civil law approach, because it is the only one that does not make the immunity of heads of state dependent on the arbitrary acts of recognition issued by the forum state.⁴⁷

Domestic laws and judicial orders of the US do not amount to legal sources under international law. International law usually regards domestic legislation and domestic judicial decisions as facts attributable to a certain state.⁴⁸ Accordingly, the US legislation on drug trafficking and related US arrest warrants cannot be invoked to justify violations of international law.⁴⁹ Unequivocally, the 1969 Vienna Convention on the Law of Treaties affirms that ‘a party may not invoke the provisions of its internal law as justification for its failure to perform a treaty.’⁵⁰ Likewise, the 2001 Articles on the Responsibility of States for Internationally Wrongful Acts provide that ‘the characterization of an act of a State as internationally wrongful is governed by international law. Such characterization is not affected by the characterization of the same act as lawful by internal law’, and that ‘[t]he responsible State may not rely on the provisions of its internal law as justification for failure to comply with its obligations under this part.’⁵¹

⁴⁴*Aguilar-Amory and Royal Bank of Canada claims (Great Britain v Costa Rica)*, 18 October 1923, I RIAA 369, 381–2.

⁴⁵See e.g. Italy, Corte di cassazione, Penale, decision no 49666 of 28 December 2004 (on the irrelevance of the lack of recognition of a state to grant to its leader head of state immunity); France, Cour de cassation, Assemblée plénière, 25 juillet 2025, 24-84.393, paras 16–19.

⁴⁶See the practice analysed by International Law Commission, Immunity of State officials from foreign criminal jurisdiction, Memorandum by the Secretariat, A/CN.4/596, 31 March 2008, paras 105–109.

⁴⁷Chimène Keitner, ‘Head of State Immunity and Maduro on Trial’, *Just Security*, 6 January 2026, <<https://www.justsecurity.org/128073/head-of-state-immunity-maduro-trial/>>; Harold Bertot Triana, ‘El derecho internacional y la inmunidad personal en el caso de Nicolás Maduro’, *El País*, 13 January 2026, <<https://elpais.com/america/iberoamerica-democracia/2026-01-13/el-derecho-internacional-y-la-inmunidad-personal-en-el-caso-de-nicolas-maduro.html>>; Agenjo (n 43); Göran Sluiter, ‘The Abduction and Criminal Prosecution of Maduro: A Few Observations from an International and Criminal Law Perspective’, *Hague Journal on the Rule of Law* (2 February 2026) 3. See also Margaret E McGuinness, ‘Non-Recognition and State Immunities: Toward a Functional Theory’ in Władysław Czapliński & Agata Kleczkowska (eds), *Unrecognized Subjects in International Law* (Scholar Publishing 2019) 283.

⁴⁸PCIJ, *Certain German Interests in Polish Upper Silesia*, 1926, 16; ICJ, *Jurisdictional Immunities of the State (Germany v Italy: Greece intervening)*, Judgment, [2012] ICJ Reports 99, para 55.

⁴⁹Yusra Suedi, ‘When Power Replaces Law: Venezuela, the United States, and the Fragility of the International Legal Order’, 15 January 2026, <<https://www.manchester.ac.uk/about/news/when-power-replaces-law-venezuela-the-united-states-and-the-fragility-of-the-international-legal-order/>>.

⁵⁰Vienna Convention on the Law of Treaties, 26 May 1969, Art 27.

⁵¹International Law Commission, *Articles on Responsibility of States for Internationally Wrongful Acts with Commentaries*, in [2001] *Yearbook of the International Law Commission*, vol II, Part Two, 31, Art 3 and Art 32.

Accordingly, the removal from power of Maduro is a violation of international law even if it is presented as justified by the need to arrest him for drug trafficking, because the US could not execute an arrest warrant in Venezuela without the consent of the Venezuelan government, and because Maduro enjoys immunity and inviolability as a head of state before US courts for domestic crimes.

5. Conclusions

Regime change in Venezuela, with the US forcible removal of Maduro from power, is clearly unlawful. Despite the fact that Maduro governed in a brutal way with scant regard for human rights, *jus contra bellum*, the principles of non-intervention and self-determination of peoples, and the rules on enforcing domestic criminal jurisdiction abroad and immunities make the regime change unlawful. While forcible regime change by the US is not new, Maduro's removal from power is a dangerous message pointing towards a complete disregard of international law. Furthermore, the removal of Maduro did not end Maduro's government and did not lead to a full transition or new elections. While certain recent developments such as the amnesty for political crimes⁵² are welcome measures for human rights in Venezuela, at the moment, it looks like the unlawful regime change has brought positive results mainly for the wrongdoer, the US, and its corporations.

Disclosure statement

No potential conflict of interest was reported by the author(s).

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⁵²Venezuelan Parliament Approves Amnesty Law, Rodríguez Calls for "Peace and Tolerance", *Venezuelan analysis*, 23 February 2026, <<https://venezuelanalysis.com/news/venezuelan-parliament-approves-amnesty-law-rodriguez-calls-for-peace-and-tolerance/>>.