



Legality of Venezuelan president's forced arrest operation by the United States reviewed from international law

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Abstract

The United States' forced arrest of Venezuelan President Nicolás Maduro on January 3, 2026 presents fundamental and unprecedented international legal issues. This article analyzes the legality of the operation using the Doctrinal Legal Research approach by examining three main issues: whether the operation violated Article 2 paragraph (4) of the UN Charter, whether Maduro is entitled to the immunity of the head of state (*ratione personae*) under customary international law, and what are its juridical implications for the rules-based international legal order. The analysis relies on the UN Charter, ICJ jurisprudence, especially the Arrest Warrant case (*RDK v. Belgium*, 2002), UN UN Resolution No. 3314 (1974), and the doctrine of international legal experts. The article concludes that the operation constituted a multi-layered violation: a violation of Article 2 paragraph (4) because there was no authorization of the UN Security Council nor an armed attack that activated Article 51, potentially meet the aggression qualification under Resolution 3314 (1974), and ignoring the immunity *ratione personae* of the incumbent head of state. The United States' argument based on Maduro's non-recognition, domestic law enforcement, and narcoterrorism threat does not qualify for a positive international law exception. The rejection of the majority of the international community, including the 125 countries of the Non-Aligned Movement, reinforces the normative position that these actions are contrary to the foundations of the international legal order.

Keywords: State sovereignty, immunity of the head of state, prohibition of the use of force, aggression, non-recognition

Introduction

In the early morning hours of January 3, 2026, a joint operation unit involving personnel of the United States Special Operations Command (JSOC), Drug Enforcement Administration (DEA) agents, and Central Intelligence Agency (CIA) intelligence assets launched an operation into the Barinas District area of Venezuela. President Nicolás Maduro was forcibly arrested and transferred by air to a United States federal detention facility to face legal proceedings in the Southern District Court of New York on charges of narcoterrorism conspiracy, narcotics smuggling, money laundering conspiracy, and providing material support to a foreign terrorist organization. The operation had no direct precedent in the history of contemporary international relations and instantly triggered a wave of diplomatic responses around the world.

The juridical significance of this event cannot be overstated. In one action, the United States simultaneously challenged three pillars of the international legal order: first, the prohibition of the use of force as enshrined in Article 2 paragraph (4) of the Charter of the United Nations; second, the principle of sovereignty and non-intervention which is the foundation of the international relations system; and third, the doctrine of head of state immunity which has crystallized in customary international law for centuries and was confirmed by the jurisprudence of the International Court of Justice in the case of the Arrest Warrant of 11 April 2000. These three dimensions of the breach are interrelated and reinforce each other in producing a comprehensive assessment of the illegality of the operation. U.S.-Venezuela tensions have been going on for more than a decade. Since 2019, the United States under various successive administrations has recognized Juan Guaidó as the legitimate "Interim President" of Venezuela, implicitly

rejecting the legitimacy of the Maduro government. In March 2020, the U.S. Department of Justice announced federal indictments against Maduro for narcoterrorism conspiracy under 21 U.S.C. § 960a, offering a \$15 million reward for information leading to his arrest. The January 3, 2026 operation constitutes the physical execution of the indictment through a means that is substantively contrary to the basic norms of international law.

Academic debates about the immunity of heads of state, the prohibition of the use of force, and extraterritorial jurisdiction have taken place intensively in the international legal literature. But the unique combination of forced arrest operations by heads of state using military force, based on domestic criminal charges, against heads of state that are not diplomatically recognized by the arresting state, has never been explicitly studied in existing scientific work. This normative lacuna is the main reason for writing this article.

Based on this background, this article formulates three research questions: first, whether the United States operation on January 3, 2026 violated Article 2 paragraph (4) of the UN Charter on the prohibition of the use of force; second, whether Nicolás Maduro is entitled to the immunity of heads of state under international law regardless of the issue of diplomatic recognition; and third, what are the juridical implications and implications for the international order of this operation. The purpose of the research is to provide a systematic, critical, and comprehensive legal analysis of the legality of the operation in question from a positive international law perspective.

This article uses a Doctrinal Legal Research approach, which is by examining primary legal sources including the UN Charter, relevant international treaties, customary international law as reflected in state practice and *judicial* opinions, UN General Assembly resolutions, as well as ICJ

jurisprudence and secondary sources in the form of international law monographs, articles from reputable international scientific journals, and expert doctrines. The analysis is carried out in a descriptive-analytical manner by identifying the applicable norms, evaluating their application to the facts described, and drawing normative conclusions that can be accounted for academically.

Research Methods

This research is a doctrinal law research that systematically examines international legal norms in order to produce normative conclusions on the problems formulated. Four approaches are used in a complementary manner: the legislative approach to review the UN Charter and UN General Assembly Resolution No. 3314 (1974); the case approach to analyze the legal facts of the January 3, 2026 operation; the conceptual approach that relies on the doctrine of international legal experts; and the comparative approach by comparing this case to the Noriega precedent (1989) and the ICJ jurisprudence in the 2002 Arrest Warrant case.

Legal materials consist of primary materials, the UN Charter, international customary law, ICJ jurisprudence, and UN General Assembly resolutions as well as secondary materials in the form of monographs and articles from reputable international journals. The analysis is carried out in a descriptive-analytical manner with deductive reasoning: identifying the applicable norms based on the hierarchy of legal sources in Article 38 of the ICJ Statute, evaluating their application to the facts of the operation under review, and drawing normative conclusions that can be accounted for academically.

Discussion

a. Chronology of Arrest Operations

Relations between the United States and Venezuela have been progressively deteriorating since Nicolás Maduro's rise to power in 2013. Under a series of U.S. administrations, pressure on Venezuela has steadily increased through the expansion of economic sanctions, the freezing of Venezuelan government assets in international financial institutions, and diplomatic campaigns to isolate Maduro from the international community. The height of tensions came in January 2019 when the Trump Administration formally recognized Juan Guaidó, the Speaker of Venezuela's National Assembly who claimed the presidency under a disputed constitutional interpretation as Venezuela's legitimate "Provisional President." The move was followed by about 50 countries, mainly from Latin America and Western Europe, although the majority of the world's countries including Russia, China, and most of Africa still recognize Maduro as Venezuela's legitimate head of state.

In March 2020, the United States Department of Justice took an unprecedented step by announcing federal indictments against Maduro and several senior Venezuelan officials. Maduro was charged under 21 U.S.C. § 960a with narcoterrorism conspiracy, alleging that he collaborated with the FARC group (Fuerzas Armadas Revolucionarias de Colombia) in a scheme to smuggle cocaine into U.S. territory as well as using narcoterrorism as an instrument of state policy. The United States government offered a reward of USD 15 million for information leading to Maduro's arrest, making him the most valuable subject on the DEA's wanted list globally.

In the early morning hours of January 3, 2026, a joint U.S. joint operation unit launched an operation into the Barinas District region of Venezuela, where Maduro was reportedly attending a closed-door meeting. Maduro was forcibly arrested and transferred via a special flight to the territory of the United States. The Venezuelan government immediately announced that the operation constituted an "armed military attack" on Venezuelan sovereignty and called for an emergency meeting of the UN Security Council. The emergency session of the UN Security Council was held on January 4, 2026 but ended without a resolution due to the use of veto power by the United States.

In the Southern District of New York, Maduro faces five separate charges, namely, narcoterrorism conspiracy under 21 U.S.C. § 960a, conspiracy to smuggle cocaine in quantities greater than 250 kilograms, possession of firearms in connection with narcotics crimes, money laundering conspiracy, and providing material support to a terrorist organization designated by the United States government. Prosecutors stated that the actions lasted for more than a decade and directly threatened the national security of the United States. Procedurally speaking, all the formal prerequisites for federal indictments have been met, but the main issue is not the indictment itself, but the manner in which the use of force in foreign territory was used to bring Maduro before a U.S. court.

b. The Legality of the Use of Force: An Analysis of Article 2 paragraph (4) of the UN Charter

Article 2 paragraph (4) of the UN Charter stipulates that all members are obliged to abstain from threats or use of violence against the territorial integrity or political independence of any country. This provision is not only a norm of the treaty that binds 193 member states of the United Nations, but has crystallized into a norm of customary international law that is *jus cogens*, which is inderogatory and binding on all subjects of international law. The ICJ in the case of *Nicaragua v. United States* expressly affirmed the *jus cogens* character of this norm and affirmed that even permanent members of the UNSC are not immune from the obligations arising from it.

The United States' operation on January 3, 2026 *prima facie* violated Article 2 paragraph (4) in three dimensions. First, the operation involved the penetration of armed personnel into Venezuela's sovereign territory without the approval of the Venezuelan government, which is an undeniable violation of territorial integrity. Second, the forced arrest of the head of state by foreign forces is a direct attack on Venezuela's political independence. Third, this operation was carried out unilaterally without authorization from the UN Security Council under Chapter VII of the Charter. There is no international legal instrument that gives any state the right to carry out extraterritorial arrests by force on the territory of another sovereign state without the consent of that state.

International law recognizes only two exceptions to the prohibition of Article 2 paragraph (4), namely, the authorization of the UN Security Council under Chapter VII of the Charter, and the right of individual or collective self-defense under Article 51 which requires the existence of an ongoing or imminent "armed attack". Neither of these two exceptions is met. The UN Security Council has never passed a resolution authorizing the use of force against Venezuela. Claims of self-defense under Article 51 require

an armed attack from Venezuela against the United States, a requirement that is clearly not met because narcoterrorism, however destructive, does not meet the threshold of "armed attack" in ICJ jurisprudence and dominant doctrine. The doctrine of preemptive self-defence based on the threat of transnational crime has not yet gained acceptance as a norm of customary international law.

Furthermore, U.S. operations have the potential to qualify for acts of aggression as defined in UN General Assembly Resolution No. 3314 (1974). Article 1 of the Resolution defines aggression as the use of armed force by a state against the sovereignty, territorial integrity, or political independence of another country. Article 3 identifies several actions that qualify as aggression, including invasions or attacks by a country's armed forces against the territory of another country. The dispatch of armed units to carry out the forcible arrest of heads of state on the territory of the country substantially meets the description of acts of aggression in Resolution 3314. Although Resolution 3314 is not a legally binding instrument, it is widely accepted as a codification of the international customary law on aggression. The United States argues that the operation is a law enforcement operation, not a military operation, and therefore is not subject to the regime of Article 2 paragraph (4). However, this dichotomy is juridically untenable where the penetration of the territory of another country by armed forces without consent constitutes the use of force within the meaning of Article 2 paragraph (4) regardless of the label given.

c. Immunity of the Head of State in International Law

The doctrine of immunity of the head of state is one of the most well-established principles in customary international law. This immunity stems from the broader principle of equality of sovereign states (*par in parem non habet jurisdictionem*). In the international legal literature, immunity is divided into two categories, namely, *ratione personae* which is attached to office and is absolute as long as a person is still in office and *ratione materiae* which is attached to official acts and continues even after the term of office ends.

The most authoritative jurisprudence on the immunity of the head of state comes from the ICJ ruling in the Arrest Warrant case of 11 April 2000 (Democratic Republic of the Congo v. Belgium) (2002). Belgium has issued an international arrest warrant against the incumbent Foreign Minister on charges of war crimes and crimes against humanity. The ICJ ruled that the incumbent foreign minister enjoys full immunity from foreign criminal jurisdiction under customary international law. Most relevant to this case, the ICJ expressly rejected the argument that serious crimes create an exception to this immunity: "The Court has found no rule in customary international law that provides an exception to the principle of immunity *ratione personae*... before foreign criminal courts". This jurisprudence applies a *fortiori* to heads of state who enjoy an immunity status equal to or higher than that of the minister of foreign affairs.

The ICJ's rejection of the crime-based exception to immunity *ratione personae* reflects a balance between the interests of accountability for serious crimes and the interests of the smooth functioning of diplomatic relations. This position of the ICJ is also confirmed in the context of the ICC, Article 27 of the Rome Statute which waives immunity *ratione personae* applies exclusively within the

framework of the ICC's jurisdiction and cannot be extended to the domestic court procedures of other countries. The United States argues that Maduro is not entitled to immunity because he is not recognized as the legitimate head of state. This argument contains fundamental juridical weaknesses. First, immunity *ratione personae* under customary international law is inherent in *de facto* control of the government of a state, not solely in the unilateral diplomatic recognition of a state. Maduro, despite the controversy over the legitimacy of his election, unquestionably controls the Venezuelan state apparatus in the form of the armed forces, police, Supreme Court, and diplomatic representation in multilateral forums including the United Nations. Claims of immunity depend on whether a person performs effective governmental functions, not on whether a particular country recognizes his or her status. The acceptance of this argument would open the door to the systematic abuse of the instrument of non-recognition as a tool to evade international legal obligations.

It is also worth noting that the United States itself has repeatedly been involved in direct diplomatic negotiations with the Maduro government since 2022, including in talks on the release of U.S. citizens detained in Venezuela. This involvement, in the perspective of international law, can be interpreted as an implicit recognition that undermines the consistency of the non-recognition argument put forward by the United States. Wrange argues that non-recognition that is selective and driven by political interests does not produce legitimate legal consequences in the international legal system.

d. The United States' Justification Argument and Its Objections

The United States makes four main arguments. First, the domestic law enforcement argument in which the United States states that the operation is "international law enforcement" based on a legitimate federal indictment, not a military operation, and therefore is not subject to the prohibition of Article 2 paragraph (4). However, as has been analyzed, the label that a country gives to its operations cannot change the legal character of the operation. The use of armed forces to break through the territory of another sovereign state without consent is inherently a use of force within the meaning of Article 2 paragraph (4). The entire spectrum of the use of military force in foreign territories without consent is subject to the restrictions of Article 2 paragraph (4) of the UN Charter.

The United States put forward a second argument, namely non-recognition because the United States does not recognize Maduro as a legitimate head of state, he is not entitled to the immunity of the head of state. In addition to the weaknesses identified in the previous section, it should be added that the acceptance of this argument would create a destructive precedent. If a country can revoke the immunity of a foreign head of state solely by issuing a statement of non-recognition of a political nature, then the immunity of the head of state which serves as a guarantor of the stability of international diplomatic relations loses all its substance and rationality. Consequently, any country with adequate military capabilities can declare non-recognition of any leader as a prelude to conducting a smuggling operation. This is the *reductio ad absurdum* of the United States' argument.

The third argument of the United States is that narcoterrorism is a threat to national security, Maduro's narcoterrorism activities represent a direct threat to the security of the United States that justifies extraterritorial actions. This argument implicitly proposes a kind of preemptive law enforcement doctrine analogous to preemptive self-defense. However, in positive international law, there is no norm that recognizes the right of a state to conduct armed operations on the territory of another country solely to enforce its domestic criminal law, no matter how serious the crime charged. Even the most expansive "unwilling or unable" doctrine requires an active armed military threat, not just criminal activity. Narcoterrorism does not meet this threshold.

The fourth argument of the United States is the Noriega precedent, an analogy to Operation Just Cause in Panama in 1989 that resulted in the arrest of General Manuel Noriega and later his trial in the United States on narcotics charges. However, comparative analysis shows substantial differences. First, Operation Just Cause itself is a full-scale military invasion condemned by the UN General Assembly through a resolution that considers it a violation of international law. Second, Noriega has never been recognized as a legitimate head of state even by countries sympathetic to the interests of the United States. Third, the recurrence of violations does not change the prevailing norms. A precedent of state behavior generated by a powerful state unilaterally cannot constitute international customary law if the majority of the international community consistently opposes it.

e. International Community Response

Within 24 hours of the operation, Venezuela submitted an emergency request to the UN Security Council. The emergency session of the UN Security Council is scheduled for January 4, 2026. Russia and China tabled a draft resolution condemning the operation as a violation of the UN Charter and demanding Maduro's immediate release. The United States vetoed the draft resolution with British support. France issued a statement expressing "deep concern about the precedent-setting implications of this operation for the international legal order." Brazil and Mexico, both elected members of the UN Security Council, declared that the operation was a clear violation of Article 2 paragraph (4) of the UN Charter, although it did not fully support the draft Russia-China resolution.

The Non-Aligned Movement, which has 125 members and represents the absolute majority of U.N. member states, issued a joint statement denouncing the operation as a "flagrant and unacceptable violation of the most fundamental norms of international law, Venezuela's sovereignty, and the basic principles of the UN Charter." The Non-Aligned Movement's statement explicitly identifies three violations namely, the use of force on the territory of a sovereign state without consent, the waiver of the immunity of the head of state and the abuse of domestic criminal law for the purpose of cross-border political intervention. The support of these 125 countries has juridical significance as a reflection of the jurid opinion of the international community in the formation of customary law.

The reaction of key countries confirmed the diplomatic isolation of the United States. Russia and China issued a joint statement calling the operation an "act of state

terrorism" and calling for the United States to be held accountable through international forums. Brazil temporarily recalled its ambassador from Washington and raised the issue to the priority agenda in the Community of Latin American and Caribbean States. The European Union, despite having an ambivalent record of Maduro's legitimacy, issued a statement stating that the use of military force in foreign territories without UN approval or authorization is unacceptable regardless of its targets or objectives, and called for a settlement through international legal channels. The UN Secretary-General issued an official statement affirming that any use of armed force on the territory of another sovereign state without the lawful approval or authorization of the UN Security Council is a violation of the UN Charter and contrary to the commitments of all UN members. This statement has significant moral weight and interpretive authority as the supreme voice of an institution established to safeguard international peace and security. Overall, the international community's response reinforces the normative position that U.S. operations have no legitimate legal basis and represent a serious threat to the rules-based international legal order.

f. Analysis of Layered Violations, Legal Instrumentalization, and Implications

Based on the systematic analysis of the previous sections, it can be identified that three layers of violations reinforce each other. The first layer is a violation of Article 2 paragraph (4) of the UN Charter: military penetration into Venezuelan territory without the consent and without the authorization of the UN Security Council does not meet either of the two exceptions recognized by international law. There is a substantive argument that this operation qualifies as aggression under UN General Assembly Resolution 3314 (1974). The second layer is a violation of the principles of sovereignty and non-intervention enshrined in Article 2 paragraph (1) of the Charter and customary international law: The United States unilaterally straddles the territorial jurisdiction of Venezuela which is the most fundamental attribute of state sovereignty. The third layer is the waiver of the immunity *ratione personae* of the incumbent head of state: there is no crime-based exception to this immunity in the applicable customary international law, as confirmed by the ICJ in the 2002 Arrest Warrant case.

The most dangerous dimension of this operation is the instrumentalization of domestic criminal law as a justification for armed extraterritorial operations. The United States essentially claims the right to impose its domestic criminal jurisdiction around the world through the use of military force as an extreme manifestation of American exceptionalism that tends to impose different legal standards on itself than on other countries. The United States' logic is that the existence of a legally valid domestic criminal indictment can legitimize an inherently exclusive extraterritorial military operation against the head of state where it can only be used by a state with adequate military capabilities, creating a force-based, not rules-based, legal order. Koskeniemi warned of the dangers of "instrumentalizing international law as a tool to justify pre-established political goals".

The implications for the international legal order are systemic and long-term. First, the operation created a precedent that other major powers especially Russia and China could instrumentalize to justify similar operations

against leaders deemed detrimental to their interests, by claiming the same base, namely, legitimate domestic indictments and non-recognition of the legitimacy of the target. The fragmentation of the international legal order accelerated by the unilateral actions of major powers has the potential to irreversibly undermine the capacity of the multilateral system to maintain international peace and security. Second, the operation undermines the multilateral mechanisms of the ICC and the UN Security Council as legitimate forums to deal with heads of state involved in international crimes. Third, he erodes the international community's trust in the United States as a protector of the rules-based order that Washington has been campaigning for.

There is also a dimension of international criminal law that needs to be put forward. The argument that narcoterrorism constitutes an international crime equivalent to genocide or crimes against humanity thus creating universal jurisdiction is not supported by the applicable customary international law. Universal jurisdiction in customary international law is recognized only for a small group of the most serious crimes and does not include indictments unilaterally defined by the domestic law of a country. Therefore, the United States' argument that the United States' federal jurisdiction over Maduro justifies the use of force to carry it out juridically cannot be sustained within the framework of positive international law.

Conclusion

The United States' forced arrest operation on January 3, 2026 conclusively violates Article 2 paragraph (4) of the UN Charter. None of the exceptions recognized to international law are fulfilled where there is no authorization of the UN Security Council under Chapter VII and no "armed attack" from Venezuela can justify self-defense under Article 51. The United States' argument about the dichotomy of "law enforcement" versus "military operation" cannot change the fundamental legal character of the penetration of armed territory without consent. Furthermore, there is a substantive argument that this operation qualifies as an act of aggression under UN General Assembly Resolution 3314 (1974). Nicolás Maduro is entitled to immunity *ratione personae* as a sitting head of state under customary international law, as definitively confirmed by the ICJ in the 2002 Arrest Warrant case. The U.S. argument on non-recognition does not change the fact that Maduro's *de facto* control over the Venezuelan government is the juridical basis for immunity in customary international law. There is no crime-based exception to immunity *ratione personae* in customary international law that applies outside the ICC framework. These operations carry serious and multi-layered juridical implications, including the creation of a dangerous precedent for the instrumentalization of domestic criminal law as a basis for armed extraterritorial operations, significant erosion of the credibility of the United States as a supporter of the rules-based order, the weakening of the multilateral mechanisms of the UN Security Council and the ICC and the destabilization of the core norms of the UN Charter on sovereignty, non-intervention, and the prohibition of the use of force.

Based on this, the UN General Assembly needs to pass a resolution that expressly states that the operation of the use of armed force in foreign territories for the purpose of

domestic criminal law enforcement is unacceptable and is a violation of Article 2 paragraph (4) of the UN Charter. The international community needs to push for reform of the UN Security Council, especially regarding restrictions on the use of the veto power in situations of clear violations of the Charter. The UN International Law Commission needs to develop stricter norms on the immunity of heads of state in the context of charges of transnational organized crime. All countries are encouraged to make use of available multilateral mechanisms, including the ICC for crimes within their jurisdiction, to enforce accountability without compromising the fundamental principles of the international legal order.

References

1. Brownlie I. *International Law and the Use of Force by States*. Oxford University Press, 1963.
2. Broomhall B. *International Justice and the International Criminal Court: Between Sovereignty and the Rule of Law*. Oxford University Press, 2003. Cassese A. *International Law* (2nd ed.). Oxford University Press, 2005.
3. Crawford J. *Brownlie's Principles of Public International Law* (9th ed.). Oxford University Press, 2019.
4. Dinstein Y. *War, Aggression and Self-Defence* (6th ed.). Cambridge University Press, 2017.
5. Fox H, Webb P. *The Law of State Immunity* (3rd ed.). Oxford University Press, 2015.
6. Gray C. *International Law and the Use of Force* (4th ed.). Oxford University Press, 2018.
7. Higgins R. *Problems and Process: International Law and How We Use It*. Oxford University Press, 1994.
8. Kolb R. *Peremptory International Law: Jus Cogens*. Hart Publishing, 2014.
9. Koskeniemi M. *From Apology to Utopia: The Structure of International Legal Argument*. Cambridge University Press, 2005.
10. Lubell N. *Extraterritorial Use of Force Against Non-State Actors*. Oxford University Press, 2010.
11. Malanczuk P. *Akehurst's Modern Introduction to International Law* (7th ed.). Routledge, 1997.
12. Orakhelashvili A. *The Interpretation of Acts and Rules in Public International Law*. Oxford University Press, 2007.
13. Shaw MN. *International Law* (9th ed.). Cambridge University Press, 2021.
14. Simma B, Khan DE, Nolte G, Paulus A, Eds. *The Charter of the United Nations: A Commentary* (3rd ed.). Oxford University Press, 2012.
15. Akande D, Shah S. Immunities of state officials, international crimes, and foreign domestic courts. *European Journal of International Law*, 2011, 21(4).
16. Bassiouni MC. Universal jurisdiction for international crimes: Historical perspectives and contemporary practice. *Virginia Journal of International Law*, 2001, 42(1).
17. Benvenisti E. Reclaiming democracy: The strategic uses of foreign and international law by national courts. *American Journal of International Law*, 2008, 102(2).
18. Bianchi A. Immunity versus human rights: The Pinochet case. *European Journal of International Law*, 1999, 10(2).

19. Byers M. The law and politics of the Pinochet case. *Duke Journal of Comparative and International Law*, 2000, 10.
20. Cassese A. When may senior state officials be tried for international crimes? Some comments on the Congo v. Belgium case. *European Journal of International Law*, 2002, 13(4).
21. De Wet E. The prohibition of torture as an international norm of jus cogens and its implications for national and customary law. *European Journal of International Law*, 2004, 15(1).
22. Deeks AS. "Unwilling or unable": Toward a normative framework for extraterritorial self-defense. *Virginia Journal of International Law*, 2012, 52(3).
23. Fassbender B. The United Nations Charter as constitution of the international community. *Columbia Journal of Transnational Law*, 1998, 36.
24. Gaeta P. Does President Al Bashir enjoy immunity from arrest? *Journal of International Criminal Justice*, 2009, 7(2).
25. Hafner-Burton EM, Victor DG, Lupu Y. Political science research on international law: The state of the field. *American Journal of International Law*, 2012, 106(1).
26. Jennings RY. The judiciary, international and national, and the development of international law. *International and Comparative Law Quarterly*, 1991, 45(1).
27. Koh HH. Why do nations obey international law? *Yale Law Journal*, 1997, 106(8).
28. Kreß C. On the outer limits of crimes against humanity: The concept of organization within the policy requirement. *Leiden Journal of International Law*, 2010, 23(4).
29. Murphy SD. Terrorism and the concept of "armed attack" in Article 51 of the UN Charter. *Harvard International Law Journal*, 2002, 43(1).
30. Nollkaemper A. The internationalized rule of law. *Hague Journal on the Rule of Law*, 2009, 1(1).
31. Ratner SR, Slaughter AM. Appraising the methods of international law: A prospectus for readers. *American Journal of International Law*, 1999, 93(2).
32. Reisman WM. Sovereignty and human rights in contemporary international law. *American Journal of International Law*, 1990, 84(4).
33. Ruys T. The meaning of "force" and the boundaries of the jus ad bellum: Are "minimal" uses of force excluded from UN Charter Article 2(4)? *American Journal of International Law*, 2014, 108(2).
34. Shelton D. Normative hierarchy in international law. *American Journal of International Law*, 2006, 100(2).
35. Tams CJ. The use of force against terrorists. *European Journal of International Law*, 2009, 20(2).
36. Tladi D. The duty on South Africa to arrest and surrender President Al-Bashir under South African and international law. *Journal of International Criminal Justice*, 2015, 13(5).
37. Travalio G, Altenburg J. Terrorism, state responsibility, and the use of military force. *Chicago Journal of International Law*, 2003, 4(1).
38. Watts A. The legal position in international law of heads of states, heads of governments and foreign ministers. *Recueil des Cours de l'Académie de Droit International*, 1994, 247.
39. Wedgwood R. NATO's Kosovo intervention. *American Journal of International Law*, 1999, 93(4).
40. Wrangé P. Non-recognition and the use of force. *New York University Journal of International Law and Politics*, 2019, 51(1).
41. International Court of Justice. Case Concerning Military and Paramilitary Activities in and Against Nicaragua (Nicaragua v. United States of America). *I.C.J. Reports*, 1986.
42. International Court of Justice. Case concerning the arrest warrant of 11 April 2000 (Democratic Republic of the Congo v. Belgium). *I.C.J. Reports*, 2002.
43. International Court of Justice. Legal consequences of the construction of a wall in the Occupied Palestinian Territory. *I.C.J. Reports*, 2004.
44. United Nations. Charter of the United Nations. United Nations, 1945.
45. United Nations General Assembly. Declaration on Principles of International Law Concerning Friendly Relations and Co-operation Among States (Resolution 2625 (XXV)). United Nations, 1970.
46. United Nations General Assembly. Definition of Aggression (Resolution 3314 (XXIX)). United Nations, 1974.