

Mandates of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Independent expert on the promotion of a democratic and equitable international order

Ref.: AL USA 30/2025
(Please use this reference in your reply)

10 September 2025

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; Special Rapporteur on extrajudicial, summary or arbitrary executions and Independent expert on the promotion of a democratic and equitable international order, pursuant to Human Rights Council resolutions 58/14, 53/4 and 57/7.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning (1) an order reportedly signed by the United States President in August 2025 authorizing the U.S. Department of Defense to use military force, in foreign territory or international waters, against Latin American drug cartels recently designated by the U.S. Government as foreign terrorist organizations; and (2) the apparent U.S. military operation targeting a vessel carrying 11 people in international waters, allegedly for carrying illicit narcotics from Venezuela towards the U.S., reportedly killing all 11 people aboard. We are concerned that these measures may involve serious violations of the right to life under international human rights law, and potentially of other international obligations.

According to information received:

On 28 February 2025, the U.S. Department of State designated eight organized criminal groups (gangs and drug cartels) as Foreign Terrorist Organizations (FTOs) and Specially Designated Global Terrorists (SDGTs).¹ The U.S. listings indicated that six of the groups are based primarily in Mexico, one originated in Venezuela, and one originated in the U.S. but has expanded to Central America. The U.S. alleges that some of these groups are present in several countries in Latin America, which indicates the potentially broad application of the U.S. President's recent reported authorization to use force. In parallel, the U.S. Secretary of Defense had reportedly replaced senior legal advisers, claiming unsuitability to provide recommendations.

On 25 July 2025, the U.S. designated the Cartel de los Soles (a.k.a. Cartel of the Suns) as a Specially Designated Global Terrorist entity under executive order 13224, alleging that it is a "Venezuela-based criminal group headed by Nicolas Maduro Moros and other high-ranking Venezuelan individuals in the Maduro regime that provides material support to foreign terrorist organizations

¹ Tren de Aragua (TdA), Mara Salvatrucha (MS-13), Cártel de Sinaloa, Cártel de Jalisco Nueva Generación (CJNG), Cártel del Noreste (CDN), La Nueva Familia Michoacana (LNFM), Cártel de Golfo (CDG), and Cárteles Unidos (CU). See [https://www.state.gov/designation-of-international-cartels#:~:text=Today%2C%20the%20Department%20of%20State.as%20Foreign%20Terrorist%20Organizations%20\(FTOs\).](https://www.state.gov/designation-of-international-cartels#:~:text=Today%2C%20the%20Department%20of%20State.as%20Foreign%20Terrorist%20Organizations%20(FTOs).)

threatening the peace and security of the United States, namely Tren de Aragua and the Sinaloa Cartel”.²

Subsequently, in August 2025, the U.S. President reportedly signed a classified order authorising the U.S. Department of Defense to use military force against Latin American drug cartels. Such order also raises the possibility that the U.S. may use force against foreign State officials. In parallel, on 7 August 2025, the U.S. doubled the reward for information leading to the arrest or conviction of the President of Venezuela to US\$50 million, citing his alleged leadership role in the Cartel de los Soles, related to criminal charges raised in 2020 in the U.S. related to drug trafficking.³

On 2 September 2025, the U.S. President announced a “kinetic strike against positively identified Tren de Aragua narco-terrorists” aboard a vessel in international waters, in the Caribbean Sea, allegedly transporting illegal narcotics to the U.S., killing all 11 people on board. The President also posted a video of the strike online and noted that Tren de Aragua had previously been designated as a foreign terrorist organization. The U.S. Secretary of State indicated the U.S. could have intercepted the vessel but chose to destroy it in order “to send a deterrent message to traffickers”, and he threatened to conduct similar operations in the future, also stating: “What will stop them is when we blow up and get rid of them”. The Secretary of Defense committed the U.S. to “fighting decisively [... for] maximum lethality, not tepid legality”.⁴

The U.S. has reportedly deployed considerable naval, air and land forces in the region for the stated purpose of deterring illicit narcotics trafficking and what the Government has termed “narco-terrorism”. The situation appears to be escalating, with reports indicating that the U.S. Government is actively considering military strikes against alleged cartel targets within Venezuelan territory. Allegedly, fighter jets have been deployed to Puerto Rico in preparation for such operations, raising serious concerns about the potential use of force without meaningful oversight from Congress or the Supreme Court.

Without prejudging the accuracy of the information received, we express serious concern that, if confirmed, the reported incidents would constitute actual and potential serious violations of the right to life under article 6 of the ICCPR, triggering duties to prevent, investigate, ensure accountability, and provide remedies, and other international law obligations.

Concerns about the reported Presidential order

We are concerned that such an order, should it exist, could raise serious questions about the U.S.’ compliance with its international legal obligations, including under human rights law. We emphasize that article 2(4) of the United Nations Charter and customary international law prohibits the U.S. from the threat or use of armed force against the territorial integrity or political independence of any State, whether such

² <https://home.treasury.gov/news/press-releases/sb0207>.

³ [Reward Offer Increase of Up to \\$50 Million for Information Leading to Arrest and/or Conviction of Nicolás Maduro - United States Department of State](#)

⁴ <https://www.instagram.com/reel/DORfD-JAW-P/>

force is targeting State or non-State actors. We note further that under article 51 of the United Nations Charter and customary international law, the U.S. may only exercise the right of self-defence in foreign territory where it is necessary and proportionate in response to an armed attack committed by a foreign State, whether directly by State forces or where the State sends non-State forces to carry out the attack.⁵ The activities of organized criminal groups listed by the U.S. as terrorists do not constitute armed attacks giving rise to self-defence under international law.

To our knowledge, none of the States potentially affected by the reported order has given consent to the U.S. using military force against organized criminal groups on their territories in the manner envisaged.

We are particularly concerned that the reported order may be aimed not only at non-State criminal groups in foreign territory, but in the case of Venezuela, against foreign government officials, including the head of government. We note that the U.S. previously used illegal force in 1989 to arrest Panama's head of government, who had been indicted in the U.S. on drug trafficking charges, an action condemned as a violation of international law by the United Nations General Assembly.

The unlawful use of force is consequently also a violation of the right to life under article 6 of the International Covenant on Civil and Political Rights, ratified by the U.S. in 1992. States parties engaged in acts of aggression as defined in international law, resulting in deprivation of life, violate ipso facto article 6 of the Covenant (Human Rights Committee, general comment No. 36, para. 70). We affirm that the obligation to respect the right to life applies whenever the State's military activities have a direct and reasonably foreseeable impact on the right to life of individuals outside the State's territory (*ibid*, paras. 22 and 63). This includes on foreign territory not under the State's control, as well as on the high seas.

The use of force to apprehend individuals on foreign territory, without the consent of that State, would further violate the right to liberty and security of a person under article 9 of the ICCPR, in addition to violating the foreign State's sovereignty, and constitute illegal abductions or kidnapping and rendition outside extradition processes authorized by law and applying due process and judicial safeguards.

There is no right to unilaterally use military force or conduct law enforcement operations in foreign territory in order to counter terrorism or organized crime, including illicit narcotics trafficking.

We note further that the illegal use of force on foreign territory would also constitute a violation of the foreign State's sovereignty and the duty of non-intervention in a foreign State.

Any use of force on the high seas must also comply with the international law of the sea, including as regards the rules on the interception and boarding of foreign-flagged and flagless ships (see the United Nations Convention on the Law of the Sea, articles 110–111, reflecting customary international law), and a law enforcement not military paradigm governing the use of force, which requires the graduated use of force

⁵ *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States)*, Merits, Judgment, ICJ Reports 1986, p. 14.

and the use of lethal force only in self-defence or defence of others.

Special Procedures mandate holders have previously expressed concerns about the U.S.' designation of organized crime groups as terrorist organizations (see communications [USA 14/2025](#) and [USA 25/2025](#)). These concerns are being made the basis that terrorism and organized crime are distinct phenomena to which different legal frameworks should apply. In these communications, the terrorist listings were used to apply the Enemy Aliens Act to carry out unjustified deportations in contravention of international law. We are concerned that in the present case, terrorist listings are against being used as a first step towards justifying other illegal measures, namely the illegal use of force.

The order may also raise questions of domestic legality in the U.S., including under the law against murder and the executive ban on assassinations. The Congressional authorization to use force against Al Qaeda since 2001, which is also invoked to authorize detention, does not extend to the unassociated criminal groups in the present case. We are also concerned that the U.S. Government may not be receiving adequate advice in relation to the reported order, particularly given recent changes of senior legal personnel within the Department of Defense.

Concerns about the attack on the vessel

We are concerned that the attack on the vessel violated the right to life of the 11 victims. The vessel did not appear to pose an imminent threat to life so as to justify any use of force by law enforcement authorities. The attack did not appear to comply with the above-mentioned requirements for the interception of vessels on the high seas, with the U.S. admitting that it chose to attack rather than intercept the vessel, and no information being publicly provided about any lawful grounds for interception or the use of force. The vessel was not apparently committing an armed attack on the U.S. so as to justify the right of self-defence under international law. The U.S. is not involved in an armed conflict with Tren de Aragua so as to engage the rules on the conduct of hostilities under international humanitarian law.

Under international law the U.S. must investigate these apparent extrajudicial killings in line with international standards, in accordance with international standards, including the Minnesota Protocol. Where evidence supports criminal responsibility, it must prosecute the perpetrators (including those who ordered the attacks) for crimes (such as murder) reflecting the seriousness of the attacks, provide effective remedies and reparations to the victims, and guarantee non-repetition of such attacks.

We emphasize that the appropriate, human rights-compliant response to the challenge of transnational organized crime is to make effective use of multilateral law enforcement cooperation tools, including the United Nations Convention against Transnational Organized Crime, as well as bilateral mechanisms of cooperation, by building relationships of mutual trust and shared benefit with other States. In this respect, we note the U.S. longstanding history of law enforcement cooperation with affected States, including through efforts to build the capacity of foreign law enforcement partners and preventively addressing the root causes of violence and drug use.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please indicate whether the U.S. President has issued an order authorizing the use of military force against organized crime groups designated as terrorist organizations under U.S. law.
3. If such order exists, please indicate whether and when it will be published and outline its scope and terms, including the nature and limits of any force authorized.
4. Please explain how actions taken pursuant to such order would comply with (a) the international prohibition on the use of force and consequently (b) the rights to life and security of person under international human rights law; (c) the right to liberty in the case of any extraterritorial detention of individuals; and (d) the U.S.' obligations under the customary international law of the sea in relation to force used on the high seas; and (e) respect for foreign sovereignty and the duty of non-intervention in a foreign State.
5. Please indicate why dedicated U.S. and international legal frameworks are considered insufficient to address organized criminal groups, and whether the U.S. will review and consider de-listing these groups as terrorists.
6. Please explain the circumstances of the attack on a vessel on 2 September 2025, which reportedly killed 11 people. Please indicate whether an independent investigation in line with international law and the international standards outlined in the Minnesota Protocol has been undertaken, and the results of such investigation. Please explain what steps have been taken to ensure accountability and reparation.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government to clarify the issue/s in question.

Please be informed that a copy of this letter has also been sent to the Bolivarian Republic of Venezuela, Mexico, and the Republic of Panama

Please accept, Excellency, the assurances of our highest consideration.

Ben Saul

Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

Morris Tidball-Binz

Special Rapporteur on extrajudicial, summary or arbitrary executions

George Katrougalos

Independent expert on the promotion of a democratic and equitable international order

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the principles and international standards applicable to this communication.

Right to life

Article 3 of the Universal Declaration of Human Rights and article 6 of the ICCPR enshrine the right to life and security of the person. According to the Human Rights Committee's general comment No. 36, in order not to be qualified as arbitrary under article 6, the application of potentially lethal force by a private person acting in self-defence, or by another person coming to his or her defence, must be strictly necessary in view of the threat posed by the attacker; it must represent a method of last resort after other alternatives have been exhausted or deemed inadequate; the amount of force applied cannot exceed the amount strictly needed for responding to the threat; the force applied must be carefully directed, only against the attacker; and the threat responded to must involve imminent death or serious injury (para. 12). The use of potentially lethal force for law enforcement purposes is an extreme measure that should be resorted to only when strictly necessary in order to protect life or prevent serious injury from an imminent threat (ibid).

States parties are expected to take all necessary measures to prevent arbitrary deprivation of life by their law enforcement officials, including soldiers charged with law enforcement missions (ibid, para. 13). All operations of law enforcement officials should comply with relevant international standards, including the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (ibid).

Investigations and prosecutions of potentially unlawful deprivations of life should be independent, impartial, prompt, thorough, effective, credible and transparent and undertaken in accordance with relevant international standards, including the Minnesota Protocol on the Investigation of Potentially Unlawful Death. Investigations must be aimed at ensuring that those responsible are brought to justice, at promoting accountability and preventing impunity, at avoiding denial of justice and at drawing necessary lessons for revising practices and policies with a view to avoiding repeated violations. In the event that a violation is found, full reparation must be provided, including, in view of the particular circumstances of the case, adequate measures of compensation, rehabilitation and satisfaction (Human Rights Committee, general comment No. 36).