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VENEZUELA AND THE U.S.A. OIL, DRUGS, AND A FLAWED (IN)JUSTICE SYSTEM

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The U.S. capture of Nicolas Maduro and his wife over the weekend has triggered reactions ranging from tearful relief and exuberant hope on one extreme, to violent outrage towards the U.S.A. on the other.

US President Donald Trump has cited the Monroe Doctrine in justifying the invasion of Venezuela, based on accusations of Venezuela's complicit if not active role in human rights violations, organized crime, and the trans-shipment of illegal drugs into the U.S.A.

"This is an illegal invasion of a sovereign country" and "This is a criminal dictatorship that should be brought to justice" are both held as the truth, at the same time.

But I feel like we are missing the point. I think the real question we should be asking is **where is the domestic and international / multilateral justice system in all of this?**

"This is a criminal dictatorship that should be brought to justice" is a valid argument, but almost nothing was done for decades to stop the regime's human rights abuses against innocent Venezuelan people. So here we are now with "This is an illegal invasion of a sovereign country" even though accountability for Venezuela's criminal regime is largely welcomed in principle.

One would think that we must already have in place, internationally and domestically, justice and accountability mechanisms to address these and any illegality or wrongdoing of this magnitude and over such an obscenely extended period. In fact, we do have an international justice system based on (most) countries' signing treaties on how they will treat each other and their people. But when ('leaders' of) countries breach these international treaties and agreements which govern how ('leaders' of) countries should behave, what happens then, and what are the consequences?

Venezuela - Oily-garchy extraordinaire

Indeed, as I had written here back in 2023, the international community has been complicit in Venezuela's illegal activities for decades, including many Caribbean member states who have immorally bathed in Venezuela's subsidized oil via PetroCaribe for years, while Venezuelans perished and / or fled their country. Of course PetroCaribe member states will defend Maduro and his regime, and rail against Trinidad and Tobago's decision to cooperate with the U.S.A.; back in 2012 I calculated that Caribbean debt to Venezuela ranged from USD91 million by Dominica to USD11billion by the Dominican Republic, then exceeding 20%/GDP for all PetroCaribe member states except Suriname.

Published in the IFC Review in 2023, "Google 'oligarch' and the results reflect the prevailing narrative that they are largely Russian/Soviet. But oily-garchies are everywhere, because the Paradox of Plenty predisposes resource-rich countries to subpar socio-economic outcomes, mainly because their extractive institutions promote corruption and kleptocracy (oligarchy's jealous lover)."

"The resource curse's poster child has to be Venezuela - likely at once the world's most resource-rich country (with the world's largest proven reserves of oil, and vast deposits of gold, bauxite, iron ore and coal), and possibly the world's most decayed, into a narco-terrorist oligarchy."

"The Global Organized Crime Index reports "The Venezuelan state is accused of involvement in contraband, cocaine smuggling, money laundering, patronage, the illegal exploitation of natural resources, exchange-rate manipulation, and corruption schemes related to the distribution of food and medicine." Hezbollah allegedly "helped to turn Venezuela into a hub for the convergence of transnational organized crime and international terrorism…has facilitated Iran's cooperation with the Maduro regime."

"Venezuela has been mortgaging its oil to China and Russia and maintains significant ties including weapons manufacturing deals with the latter. Venezuela's (oil-for-diplomacy) PetroCaribe deal affects China's (indirect) political influence across the Caribbean."

"But while tiny Caribbean countries are indefensibly blacklisted by the EU et al, and pressured constantly by the OECD and FATF, Venezuela's feet have somehow never been held to that fire, despite evidence of widespread state-sanctioned criminal activity."

"Indeed, several individuals and entities in Venezuela have been sanctioned/banned by the US, UK, EU, Canada, Mexico, Panama, Switzerland, and Colombia, for terrorism, human rights abuses, corruption, drugs, weapons and human trafficking, etc. In 2009 the FATF reported "Venezuela has been classified as a transit country for illicit drugs…which account for the largest proportion of money laundering activities…corruption, which accounts for the largest number of cases analysed by the FIU, after…drug trafficking."

"In 2021 the OECD published "Gold Flows From Venezuela" highlighting significant illicit financial flows and "actual or potential risks of severe human rights abuses, conflict financing and other financial crimes". Otherwise, Venezuela appears to be invisible to the OECD, with no evidence of peer reviews or presence on OECD lists. And despite EU sanctions, Venezuela has never been EU-blacklisted. Venezuela's enormous natural resource endowment has made it invisible to the FATF, OECD and EU, and this invisibility cloak is likely to remain intact."

Despite all this US, United Nations (UN), and European reporting of state-sponsored criminality in Venezuela, and US, EU, Canada, Swiss and Latin American sanctions against Venezuela, only in August 2025 did the EU include Venezuela in its AML/CFT blacklist. And only on Monday 5th January 2026, did the Swiss authorities freeze assets linked to Nicolas Maduro.

Let that sink in.

The International (in)Justice System and Venezuela

The International Criminal Court (ICC) is a criminal tribunal that will prosecute individuals for genocide, war crimes, crimes against humanity, and aggression, while the The International Court of Justice (ICJ or World Court) is a civil tribunal that hears disputes between countries. Both courts are bodies of the UN.

Only in 2021 did the ICC commence its investigation on Venezuela, and there are those who assert that Nicolas Maduro and associates should be tried at the ICC and not via the U.S. court system, citing that the U.S. has no jurisdiction in matters concerning Venezuela or any other sovereign nation. And there are those who believe that the U.S. President Donald Trump and his people should also be brought to justice at the ICC for war crimes and acts of aggression for illegally invading a sovereign country and capturing its (illegitimate) leader. What is likely to come out of this, from a legal standpoint?

In 2021 the ICC opened an investigation into possible crimes against humanity in Venezuela, initiated via referral by Argentina, Chile, Colombia, Paraguay, Peru, and Canada. In June 2023, the ICC authorized the investigation after Venezuela's national proceedings were found insufficient. **The ICC opened an office in Caracas** to support this investigation, but this office was closed in late 2025 based on a lack of cooperation from the Venezuelan authorities, though the ICC investigation itself continues.

I had a look at the cases underway at the ICC, which triggered severe EU Blacklisting flashbacks; the list of ICC cases seems rather dark to me.

Apart from Israel (which the US protested) and Russia, there is not a single ICC case against any Global North country. Below is a list of arrest warrants issued by the ICC, and the countries these individuals are from:

Country / Territory	Individuals with ICC Arrest Warrants
Uganda	Joseph Kony, Vincent Otti, Raska Lukwiya, Dominic Ongwen
Democratic Republic of the Congo	Thomas Lubanga Dyilo, Bosco Ntaganda, Sylvestre Mudacumura
Sudan	Omar al-Bashir, Ahmad Harun, Abdel Raheem Muhammad Hussein, Abdallah Banda Abakaer Nourain, Ali Kushayb
Libya	Muammar Gaddafi, Saif al-Islam Gaddafi, Mahmoud al-Werfalli, Abdelrahim al-Kani, Makhlouf Douma, Nasser al-Lahsa, Mohammed Salheen, Abdelbari al-Shaqaqi, Fathi al-Zinkal
Central African Republic	Mahamat Nouradine Adam
Russia	Vladimir Putin, Maria Lvova-Belova, Viktor Sokolov, Sergey Kobylash, Sergei Shoigu, Valery Gerasimov
Israel / Palestine	Benjamin Netanyahu, Yoav Gallant, Mohammed Diab Ibrahim Al-Masri (Deif)

Source: The International Criminal Court (ICC)

The fact there have been no ICC arrest warrants or convictions of US, UK, or European nationals (apart from Russia) is not accidental - it is predictable because of how this system is designed. The international justice system is at once completely embedded in existing global power structures which favour the Global North, and reinforces existing power dynamics specifically and deliberately at the expense of weaker countries. Now, this is not to say that criminals in the Global South should go unpunished, but why are they punished disproportionately vs those in the Global North?

How the ICC Works (and Doesn't)

Globally, 125 countries are States Parties to the Rome Statute of the ICC. The countries that are NOT State Parties to the ICC include the U.S.A., China, Russia, India, and Israel, for example.

1. Firstly, and most notably, the ICC does not have universal jurisdiction. It can only prosecute if at least one of the following conditions are met:
a.The accused is a national of a State Party of the ICC
b.The crime occurred on the territory of a State Party
c. Members of the United Nations Security Council (UNSC) formally complain to the ICC

2. The ICC was designed to coexist with the UNSC, the members of which are the USA, Russia, China, France, and the UK. Yes, you read correctly, **only the UK and France are both permanent members of the UNSC and State Parties to the ICC**.

3. UNSC members can refer non-State Party countries to the ICC if the crime occurred in the territory of a State Party (which is how arrest warrants were issued against Russians as Ukraine is a State Party).

4. **Each UNSC member country has veto power over who gets referred to the ICC**.

5. The UNSC could (under Article 16) also completely block (under UNSC Resolutions 1422 (2002) and 1487 (2003) which granted peacekeeping personnel temporary immunity from ICC prosecution from non-State Parties) or defer ICC investigations for 12 months (which is renewable). It should be noted that Article 16 was never successfully invoked, however.

6. If at least one of the conditions under point 1 above are met, and the UNSC members do not veto (e.g. as Russia and China did when Syria and Myanmar were referred to the ICC), then the ICC can proceed.

7. Complimentarity - the ICC is a court of last resort. Under Article 17 of the Rome Statute, a case is inadmissible if a state is investigating or prosecuting the same conduct, even if those proceedings are weak or symbolic. So countries can (and do) open their own domestic inquiries and close cases without prosecution. Now, recall that in June 2023, the ICC authorized the resumption of the investigation on Venezuela's regime after Venezuela's national proceedings were found insufficient. There are only two other cases in which the ICC has found domestic proceedings insufficient and has gone ahead with its own investigation, or determined the case remained admissible despite national action, based on this principle of complementarity: against Simone Gbagbo (Côte d'Ivoire) and Saif al-Islam Gaddafi and Co-Accused (Libya). It is important to note that conversely, the ICC decided to close its Iraq/UK preliminary examination - even when there was a reasonable basis to believe war crimes were committed in Iraq - because the UK was conducting its own domestic investigations. This clearly demonstrates that powerful states with (in) credible domestic legal proceedings can, in practice, preclude ICC action.

8. The ICC has no police. Even if ICC jurisdiction exists and an arrest warrant is issued, the **ICC cannot arrest anyone** and it depends entirely on state cooperation and enforcement.

All of the above explains why:

1. No arrest warrant has ever been issued by the ICC for a U.S. citizen, given that the U.S.A. is not a state party to the ICC and has veto power at the UNSC.

2. International arrest warrants for Europeans have only been issued when the UNSC created a bespoke tribunal (not the ICC) under exceptional geopolitical conditions, as in the case with the former Yugoslavia.

3. The only time an arrest warrant was ever issued by the ICC for Europeans was in March 2023 for various Russian officials including President Vladimir Putin (as outlined in the table above) because Ukraine is a State Party to the ICC and the crimes occurred within its territory.

4. Coinciding with the ICC's first ever issuance of arrest warrants for Europeans (Russians specifically) is the EU's first ever blacklisting of a predominantly white country, being Russia, on February 14th 2023. **This demonstrates the hypocrisy and convenience with which these institutions claim jurisdiction and impose sanctions.**

5. This was also the first time that arrest warrants had been issued by the ICC for citizens of a permanent member of the UNSC.

6. In the case of Israel / Palestine, while there was no collective UNSC pushback per se, the U.S.A. and U.K. exercised political pressure on the ICC independently, and ultimately unsuccessfully.

7. The ICC's jurisdictional map covers far more of **the Global South than it does the Global North**.

In summary therefore :

Country group	UNSC status	ICC outcomes
U.S.A.	Permanent member (veto)	No cases
Russia	Permanent member (veto)	Arrest warrants issued, no trials
China	Permanent member (veto)	No cases
France	Permanent member (veto)	No cases
U.K.	Permanent member (veto)	No cases
Non-UNSC states	No veto	**Majority of ICC cases & ALL ICC convictions**

Is Russia truly an exception, given the ICC arrest warrants?
- It is not a State Party to the ICC
- It is a UNSC member and veto holder
- It holds massive military and trade leverage

Although warrants were issued, there have been no arrests (recall that the ICC has no police of its own), therefore no trials have been held and as such there have been no convictions.

International arrest warrants mean little in practical terms, except perhaps travel restrictions, as the case of former Suriname President Desi Bouterse suggests. Indeed, this list of international fugitives which includes Vladimir Putin and Benjamin Netanyahu who maintain active leadership of their countries, demonstrates the practical limitations and arguably symbolic nature of (certain) ICC arrest warrants.

All of the above demonstrates clearly that the **international judicial system operates within global power hierarchies** - not above them. The ICC is **law constrained by geopolitics**, not law transcending it. This global legal and judicial structure therefore reinforces existing global power dynamics' social and political-economy implications for SIDS and the Caribbean as highly open trade and aid dependent economies.

Bottom line - the U.S. will likely never face the ICC for this or any action taken against another state, including Venezuela. And while Venezuela is currently under investigation by the ICC, the fact that decades passed from the time evidence of wrongdoing first surfaced internationally until the ICC investigation began, is grossly unsatisfactory to say the least.

We can't slowly and selectively (and therefore hypocritically) pursue justice - it must be applied swiftly and universally. As Martin Luther King Jr. famously lamented, "injustice anywhere is a threat to justice everywhere".

Apart from this current U.S. action against Venezuela's regime, which country ever attempted to hold the Venezuelan regime accountable for its criminal actions against its own people? How can anyone truly have faith in a system that was complicit, until the U.S. stepped in (whether legally or otherwise)? And how can anyone completely condemn the U.S.'s actions if it frees the Venezuelan people from a criminal regime, even if the US ultimately cares about Venezuela's natural resources more than innocent Venezuelans? And if Venezuela did not have any natural resources… well, one just has to look north to Haiti to see what's possible. **At the end of it all, the international legal / judicial systems failed the people of Venezuela, for decades, and we need to start there.**

Finally, unless there is universal enforcement of laws and agreements, and independent universal accountability, there is nothing stopping the powerful and / or the criminal from doing whatever they want to, with impunity. The system must create a mechanism whereby sanctions can be imposed and effected swiftly and universally against individual criminal 'leaders' otherwise the incentive structure supports ongoing wrongdoing.

Where does that leave us

This is the hard part.

Reforming the international justice system, which at once is underpinned by and reinforces the existing global power structure, is as near impossible as one can imagine.

Problem	Reform Options
UNSC referral power embeds veto politics into criminal justice	· Automatic jurisdiction for core crimes (no UNSC gatekeeping · Supermajority override of veto in atrocity situations · Time-limited UNSC deferral (non-renewable)
Powerful states block ICC cases with minimal domestic action	· Require substantive prosecutions, not nominal investigations · Independent ICC review of domestic good-faith proceedings · Clear evidentiary thresholds for admissibility challenges
Decouple ICC cooperation from trade and aid conditionality	· Explicit prohibition on using aid/trade as ICC enforcement tools · Uniform compliance mechanisms (or none at all) · Transparency rules on diplomatic pressure related to ICC cases
ICC has no police, but unequal political costs	· Automatic legal consequences for non-cooperation by any state · Equal reporting and naming mechanisms for powerful states · Treaty-based sanctions triggered by non-compliance, not politics

Source: Author's research

Where is BRICS on this matter?

If the BRICS institution is serious about defending and strengthening its position in the shifting world order, it must push as a matter of urgency for comprehensive reform or replacement of the current international justice framework, which at once supports and is reinforced by the existing international economic system and global power dynamics, dominated by the Global North. Correcting this structural imbalance is crucial. Otherwise, how will BRICS ever become truly relevant to the rest of the Global South members which are currently marginalized by the Global North? Alternatively, it may appear more beneficial for weaker nations to yield 'sovereignty' and align with stronger Global North countries that promise to protect them, and this will only weaken BRICS.

What can ordinary people of the Caribbean expect and do now?

As long as regional and international travel and shipping are interrupted, there will be negative socio-economic impacts for us in the Caribbean. Confidence however, will take even longer to return, as uncertainty is currently at levels never seen before (including during the pandemic).

Making sure you have enough supply of important medications and necessary imported food items (not toilet paper!) is advisable therefore. Oil prices are already inching higher, and this could have broad-based inflationary impacts. Furthermore, governments should move to insulate their populations from potential retail price gouging which we know accounted for at least 50% of price increases during and post-pandemic.

And speaking of Caribbean leaders, some of them may be subject to U.S. indictment as well, OR the U.S. may be able to use this as an opportunity to negotiate their cooperation - "Through this drug trafficking, NICOLAS MADURO MOROS, the defendant, and corrupt members

of his regime enabled corruption fueled by drug trafficking throughout the region. The transshipment points in Honduras, Guatemala, and Mexico similarly relied on a culture of corruption, in which cocaine traffickers operating in those countries paid a portion of their own profits to politicians who protected and aided them. In turn, these politicians used the cocaine fueled payments to maintain and augment their political power. So, too, were politicians along the "Caribbean route" corrupted by cocaine traffickers, who would pay them for protection from arrest and to allow favored traffickers to operate with impunity as they trafficked cocaine from Venezuela north towards the United States. Thus, at every step-relying on the producers in Colombia, transporters and distributors in Venezuela, and recipients and re-distributors on transshipment points north-the traffickers enriched themselves and their corrupt benefactors who protected and aided them."

This announcement should come as no surprise given, for example, the 1987 Scott Drug Report based on a commission of enquiry in T&T which highlighted the involvement of corrupt officials at the highest levels, through to the 2024 U.S. conviction of the former Premier of the British Virgin Islands, who proudly boasted "this is not my first rodeo" as he unwittingly negotiated with U.S. undercover agents.

Drug trafficking and all its attendant nastiness has been a chronic malignancy rotting the institutional structures and sabotaging the socio-economic journey of Caribbean people for at least a generation. The Caribbean could now possibly hope to be rid of any or all such criminal elements, again via the U.S. court system, as shamefully, **no Caribbean official has ever been convicted of drug trafficking in Caribbean courts** - only in U.S. courts, which is something we as Caribbean people need to hold our own judiciaries to account for.

We can expect some nervousness and disruption in the Caribbean and Latin America more broadly, at the political level at least. Maybe some corrupt and criminal agents will go down, but I anticipate that many if not all Caribbean leaders will quickly align with the U.S. on this matter of prosecuting Maduro and his regime, Caribbean PetroCaribe and Chinese alliances notwithstanding, particularly where the U.S. has any evidence of wrongdoing on the part of (former) Caribbean and Latin American officials and politicians, and their allies. Watch this space.

Finally, in keeping with the Serenity Prayer, and in the interest of our mental health, perhaps we should focus on the things we can control within our own lives, and do our best to be kind to one another as we 'wet our own houses'.

And above all, we hope and pray that this all results in stability and a better quality of life towards true freedom for the innocent people of Venezuela, both at home and abroad.

"Some will eat and drink with you
Then behind them su-su 'pon you
Only your friend know your secrets
So only he could reveal it"
- Who the Cap Fit,
Bob Marley and the Wailers

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