

December 16, 2025 10:08AM EST | Q & A

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Q&A: US Military Operations in the Caribbean, Pacific



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This document analyzes the legality of these strikes under international law and explains why international human rights law—rather than international humanitarian law (“the laws of war”)—governs that analysis. More specifically, it provides answers to the following questions:

1. [How many individuals have been killed by the US military in this campaign?](#)
2. [Are these US military strikes lawful under international law?](#)
3. [Does the “war on drugs” create legal authority for the United States to use lethal force?](#)
4. [Are the boat strikes lawful if the Trump administration says they have only killed members of designated foreign terrorist organizations?](#)
5. [What rules apply if this is not an armed conflict?](#)
6. [Has the United States demonstrated an imminent threat justifying the killings?](#)
7. [Could these killings be considered war crimes?](#)
8. [Are US military personnel responsible for these extrajudicial killings?](#)
9. [Are other countries that cooperate with the US military complicit in these extrajudicial killings?](#)
10. [What obligations does the United States have toward the families of those killed and survivors of the strikes?](#)
11. [Have other US presidential administrations carried out analogous extrajudicial killings?](#)
12. [What should the United States government do now?](#)

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people who are a legitimate military target. Accordingly, US obligations in this context are elaborated under international human rights law, which governs countries' use of lethal force outside of armed conflict.

The United States has a legitimate interest in preventing drug trafficking into its territory, but this is a matter of law enforcement. Under international [human rights standards](#), law enforcement officials can only deliberately use lethal force when strictly unavoidable to protect lives. The fact that the US government is using military personnel to carry out what should be law enforcement efforts does not make this framework any less applicable.

The deliberate killing of criminal suspects under any other circumstances, and certainly as a deterrent or simply as a convenient alternative to arrest and prosecution, is a grave human rights violation. The US boat strikes constitute extrajudicial killings—unlawful killings carried out by state authorities without any legal justification or process.

That conclusion has also been advanced by the Office of the [UN High Commissioner for Human Rights](#), and [Inter-American Commission on Human Rights](#). In an earlier statement, the [UN special rapporteur on counterterrorism and human rights](#), the UN special rapporteur on extrajudicial, summary, or arbitrary executions, and the independent expert on the promotion of a democratic and equitable international order pointed to the same conclusion.

3. Does the “war on drugs” create legal authority for the United States to use lethal force?

No. The Trump administration asserts that [Operation Southern Spear](#)—the US military name for the operation targeting boats—is part of an armed conflict governed by the laws of war.

For decades, US officials have sometimes referred to efforts to combat the trade in and consumption of illegal narcotics as a “war on drugs.” This is a rhetorical construct and not evidence that the US is

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4. Are the boat strikes lawful if the Trump administration says they have only killed members of designated foreign terrorist organizations?

No. Labeling groups as [designated foreign terrorist organizations](#) does not change US obligations under international law. Applying this label has no bearing on the baseline question of whether the United States is engaged in an armed conflict that these strikes might be a part of. In the absence of an armed conflict, designation as a foreign terrorist organization cannot make individuals legitimate military targets. Instead, that framework has other implications under US law and policy [such as permitting the use of asset freezes, visa bans, and limits on material support](#) from US people.

5. What rules apply if this is not an armed conflict?

International human rights law governs the US government's confrontations with suspected drug trafficking boats in the Caribbean and Pacific. These encounters should be—and until very recently had been—approached using a law enforcement paradigm. Prior to the initiation of these lethal strikes, US efforts focused on interdiction, arrest, and prosecution.

International human rights law protects the rights to life and due process, including under the [International Covenant on Civil and Political Rights](#), which the US has ratified. The [UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials](#) offer clear guidance on when the use of lethal force and weaponry is permissible under international human rights law. That framework makes clear that in the context of any law enforcement effort, the intentional lethal use of force is permissible only when strictly unavoidable in order to protect life.

Nothing in US statements or reported facts about these strikes suggests that the deliberate lethal use of force is even arguably appropriate under this framework. US officials have in fact made no effort to justify the killings in these terms. US officials have partly justified the strikes with reference to the

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no indication that the boats or those on board posed an imminent threat to US forces or anyone else.

On September 2, the US military [conducted](#) a follow-up strike on the wreckage of a boat that was left helpless after a first strike that left two survivors—a decision on which officials recently briefed Congress. Based on media reports, including by [The Intercept](#) and [The Washington Post](#), on the briefings, Admiral Frank Bradley—who oversaw the September 2 operation—said that he believed drugs remained on the boat.

Some officials reportedly argued that survivors might have been trying to “stay in the fight” and could have flipped the boat over and transported the drugs into the United States by getting to land or connecting with another vessel. None of this points to any conceivable argument that it could have been lawful to deliberately kill the two defenseless men. The extrajudicial killing of those two people was instead a particularly egregious violation that should be investigated and punished.

7. Could these killings be considered “war crimes?”

No. [War crimes](#) are serious violations of [international humanitarian law](#)—the “laws of war”— which is an international legal regime only applicable to situations of armed conflict. Calling these strikes “war crimes” wrongly accepts the administration’s narrative that the United States is engaged in some form of armed conflict against alleged drug traffickers. That narrative is not only erroneous but dangerous—the administration is deploying it in an attempt to give itself greater latitude to summarily execute people who should be arrested and tried under criminal law.

These killings are extrajudicial executions committed by the United States.

8. Are US military personnel responsible for these extrajudicial killings?

Maybe. The primary responsibility lies with officials who ordered, authorized, and legally justified the

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The International Law Commission, a United Nations expert body mandated to advance the development of international law, in 2001 adopted the Articles on State Responsibility for Internationally Wrongful Acts. [The articles](#), which are widely accepted as reflecting customary international law, provide that a country bears responsibility under international law if it “aids or assists” another country to commit an internationally wrongful act “with knowledge of the circumstances.” It also provides that “the assisting State will only be responsible to the extent that its own conduct has caused or contributed to the internationally wrongful act.”

At this point, it would be hard to claim that participants in Campaign Martillo or [Operation Caribe](#)—Canada’s contribution to US counternarcotics efforts in the Caribbean and eastern Pacific—do not have knowledge of the broader circumstances, including the 21 strikes on vessels killing 83 people. If the intelligence they share is being used by the US military to help identify strike targets, these governments [may be complicit](#) in the Trump administration’s extrajudicial killings. Countries should perform due diligence in their maritime cooperation with the United States to ensure that this is not the case.

Nations should publicly state that all nations are bound by international human rights law and call for and support independent investigations into the boat strikes by UN human rights mechanisms and regional bodies. They should make clear that the “war on drugs” framing does not create a battlefield or lawful targetability. Nations should also press the United States to disclose the legal basis for the operations, the criteria used for targeting, the identities and nationalities of those killed, and the findings of any internal investigations.

10. What obligations does the United States have toward the families of those killed and survivors of the strikes?

Under international [human rights standards](#), the United States should identify every person suspected to have been killed in an extrajudicial killing, investigate to determine the circumstances of their death,

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11. Have other US presidential administrations carried out analogous extrajudicial killings?

Yes. Alongside other nongovernmental organizations, Human Rights Watch has been documenting civilian harm and other abuses by US military forces and the Central Intelligence Agency (CIA) [for more than three decades](#), including under Presidents George W. Bush, [Barack Obama](#), Donald Trump (1st term), and Joe Biden.

Under President Bush, the United States dramatically [expanded](#) the use of lethal force outside traditional battlefields as part of the “global war on terror” targeting al-Qaeda, the Taliban, and “associated forces.” The administration refused to acknowledge specific strikes and rarely investigated deaths. This approach facilitated claims that the US could lawfully target individuals far from active hostilities, even when they posed no imminent threat and were not directly participating in hostilities at the time of the strike.

President Obama [expanded lethal drone operations](#) in Pakistan, Yemen, and Somalia. His administration introduced internal policy constraints like a preference for capturing rather than killing suspects and a requirement of “near certainty” that civilians would not be harmed but Human Rights Watch investigations showed that these standards were not consistently met..

During both administrations, Human Rights Watch [warned](#) that those legal frameworks risked normalizing lethal force outside war zones and setting dangerous global precedents. President Trump’s first term [accelerated](#) this trajectory by loosening targeting constraints, reducing transparency around drone operations, and removing Obama-era reporting requirements for transparency.

The current Trump administration’s boat strike operations mirror these earlier abuses in some ways, but they break new ground in pushing the United States away from even the credible pretense of respect for international law.

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under US law.

Congress should intervene urgently. The administration's lethal boat strikes, conducted without a clear legal basis and outside any armed conflict, demand immediate congressional scrutiny.

Congress should:

1. **Require the administration to disclose the full legal and factual basis for the strikes.** This includes the statutory authority the president claims to rely on, the intelligence underpinning specific targeting decisions, the identities of those killed, whether non-lethal alternatives were considered and why non-lethal alternatives were not used.
2. **Hold public hearings and demand testimony** from the Department of Defense and the Justice Department.
3. **Establish a Select Committee with full investigative and subpoena authority** to investigate legal and operational decisions behind the strikes and propose statutory safeguards to prevent the manufacturing armed conflicts to justify unlawful killings.
4. **Mandate independent investigations into all deaths caused by these strikes.** Statutes or reporting requirements can compel the Pentagon or an inspector general to conduct credible, transparent reviews and report findings publicly.
5. **Reaffirm that the United States is bound by international human rights law in all counter-narcotics operations.** Formal statements or resolutions should make clear that the United States rejects extrajudicial executions and understands that labels like "narco-trafficker" do not create a legal battlefield.
6. **Set aside funds to compensate** the families of victims and survivors.

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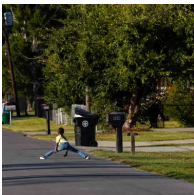
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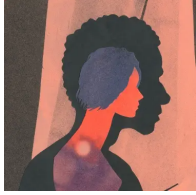
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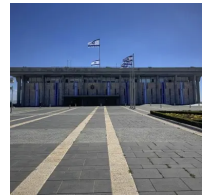
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