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## The Principle of Proportionality in Practices of International Court of Justice (ICJ)

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### Abstract

One of the general principles of international law, is The principle of proportionality. This principle is taken from the article 38 in charter of international court of justice which shows the importance of legal principles. The function of these principles, though vague, is established by ICJ importance of legal procedure. The principle of proportionality is accepted in legal procedure and concerns the right to war. The principle of proportionality is a principle which is used to evaluate the legality of mutual actions and functions as a break on the enhancement of the chain of brutality and mutual hostility. Legitimate defense is an action permitted by international law. Other mutual actions are not permitted by international law, unless it is the principle of proportionality. The principle of proportionality functions on two layers:

1. The right to war (legitimate defense): are we entitled to use force, based on article 51, if we want to defend ourselves?
2. The principle of proportionality in humanitarian law: i.e. observing humanitarian law during of war (right in war). In this paper we have tried to look at the function of the principle of proportionality with an eye to the procedure which the international criminal court has adopted in the following cases.

**Keywords:** The principle of proportionality, ICJ, Use of force.