It refers to the use of force to repel an attack or imminent threat of attack directed against oneself or others or a legally protected interest.

Self-defense in international law refers to the inherent right of a State to use of force in response to an armed attack. Self-defense is one of the exceptions to the prohibition against use of force under article 2(4) of the UN Charter and customary international law. However, whether the armed attack that gives rise to self-defense should originate from another state (as opposed to an armed group) and whether the attack should actually materialize to lawfully invoke self-defense are ongoing conundrums for scholars.

The concept of self-defence and defence of others is also used in criminal law as a defence to justify a necessary and proportionate use of force against an unlawful attack. Such conduct by civilians does not constitute direct participation in hostilities.

See Ius ad bellum [1];
in State responsibility [3]

OUTLINE

Chapter 13, IX. 2. c) cc) but self-defence is not a circumstance precluding wrongfulness [4]

DOCUMENT

France, Accession to Protocol I (Part B., Para. 11) [5]

CASES

International Law Commission, Articles on State Responsibility (Part A., Arts 21, 26 and Para. 3 of the commentary of Art. 21) [6]

ICJ/Israel, Separation Wall/Security Fence in the Occupied Palestinian Territory (Part A., Paras. 138-139) [7]

ICTY, The Prosecutor v. Martic (Part C., Para. 268) [8]

ICTY, The Prosecutor v. Kupreskic et al. (Paras. 511-520) [9]
ECHR, Jaloud v. The Netherlands

in criminal law

OUTLINE

Chapter 13, X. 3. (introductory text, Para. 6)

Chapter 13, X. 3. a) self-defence?

CASES

The International Criminal Court (Part A., Art. 31(1)(c))

International Law Commission, Articles on State Responsibility (Part A., Para. 3 of the commentary of Art. 21)

ICTY, The Prosecutor v. Martic (Part C., Para. 268)

BIBLIOGRAPHIC RESOURCES

Suggested readings:


Source URL: https://casebook.icrc.org/glossary/self-defence

Links
[12] https://casebook.icrc.org/law/criminal-repression#iii_a