

The term refers to both the transfer of a person or group of persons from the authority of the Detaining Power <sup>[1]</sup> to another power, and to transfer of a person or group of persons from one physical location to another. Under IHL, the transfer of different categories of persons is subject to different rules. Prisoners of war <sup>[2]</sup> may only be transferred to a transferee Power that is also party to the Third Geneva Convention, provided that the transferee Power is willing and able to respect the Convention. Similarly, protected <sup>[3]</sup> civilians may only be transferred to a transferee Power that is also party to the Fourth Geneva Convention, provided that the transferee Power is willing and able to respect the Convention. Also under The Fourth Geneva Convention, an Occupying Power is prohibited from carrying out individual or mass forcible transfer <sup>[4]</sup> of protected persons <sup>[3]</sup> from the occupied territory to its own territory or to the territory of another country. There are good reasons for considering – and the jurisprudence of international criminal tribunals and the ICC Statute have recognized – that this prohibition applies equally to forcible transfers within an occupied territory. Furthermore, the Occupying Power shall not transfer part of its own civilian population into the occupied territory.

See Settlements <sup>[5]</sup>; Detainees <sup>[6]</sup>; Protected Persons <sup>[3]</sup>; Prisoners of War <sup>[2]</sup>; Deportation (Forced Movement) <sup>[4]</sup>; Non-refoulement <sup>[7]</sup>;

US/Afghanistan, Transfer of Control over Bagram Prison <sup>[8]</sup>

United States, Use of Armed Drones for Extraterritorial Targeted Killings <sup>[9]</sup>

Israel/Palestine, Operation Protective Edge (Gaza, 13 June - 26 August 2014) <sup>[10]</sup>

United States, Jurisprudence Related to the Bombing of the U.S.S. Cole <sup>[11]</sup>

USA, Guantánamo, End of "Active Hostilities" in Afghanistan <sup>[12]</sup>

Colombia Peace Agreement <sup>[13]</sup>

## LEGAL SOURCES

### of POWs

GCIII, 12 <sup>[14]</sup>, 46 <sup>[15]</sup>-48 <sup>[16]</sup>, 97/1 <sup>[17]</sup>, 109 <sup>[18]</sup>-116 <sup>[19]</sup>, 122/5 <sup>[20]</sup>, 126/1 <sup>[21]</sup>, Annex III,  
9 <sup>[22]</sup>

### of own civilian population

GCIV, 49/6 <sup>[23]</sup>

PI, 85/4a <sup>[24]</sup>

CIHL, 130 <sup>[25]</sup>

## of protected persons

GCIV, 49 <sup>[23]</sup>, 136/2 <sup>[26]</sup> and 147 <sup>[27]</sup>

PI, 85/4a <sup>[24]</sup>

CIHL, 129 <sup>[28]</sup>

## of internees

GCIV, 45 <sup>[29]</sup>, 124/1 <sup>[30]</sup>, 127 <sup>[31]</sup>-128 <sup>[32]</sup>, 135/3 <sup>[33]</sup>

## BIBLIOGRAPHIC RESOURCES

DROEGE Cordula, “Transfer of Detainees: Legal Framework, Non-Refoulement and Contemporary Challenges”, in *IRRC*, Vol. 90, No. 871, September 2008, pp. 669-701.

GILLARD Emanuela-Chiara, “There’s No Place Like Home: States’ Obligations in Relation to Transfers of Persons”, in *IRRC*, Vol. 90, No. 871, September 2008, pp. 703-750.

---

**Source URL:** <https://casebook.icrc.org/glossary/transfer>

### Links

[1] <https://casebook.icrc.org/glossary/detaining-power>

[2] <https://casebook.icrc.org/glossary/prisoners-war>

[3] <https://casebook.icrc.org/glossary/protected-persons>

[4] <https://casebook.icrc.org/glossary/deportation>

[5] <https://casebook.icrc.org/glossary/settlements>

[6] <https://casebook.icrc.org/casebook/doc/glossary/detainees-glossary.htm>

[7] <https://casebook.icrc.org/glossary/non-refoulement>

[8] <https://casebook.icrc.org/case-study/usafghanistan-transfer-control-over-bagram-prison>

[9] <https://casebook.icrc.org/case-study/united-states-use-armed-drones-extraterritorial-targeted-killings>

[10] <https://casebook.icrc.org/case-study/israelpalestine-operation-protective-edge-gaza-13-june-26-august-2014>

[11] <https://casebook.icrc.org/case-study/united-states-jurisprudence-related-bombing-uss-cole>

[12] <https://casebook.icrc.org/case-study/usa-guantanamo-end-active-hostilities-afghanistan>

[13] <https://casebook.icrc.org/case-study/colombia-peace-agreement>

[14]

<https://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=24B808D9F30473BEC12563CD0>

[15]

<https://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=A649D1CF505571E3C12563CD0>

[16]

<https://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=A56BBD7C7D4300A7C12563CD0>

[17]

<https://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=0EEA1C526323DD6FC12563CD0>

[18]

<https://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=634B1B4A45B67C30C12563CD0>

[19]

<https://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=6E50EBA6D4F8A494C12563CD0>

[20]

<https://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=D5DB08032EF1E670C12563CD0>

[21]

<https://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=7906C83A016D8A9EC12563CD0>

[22]

<https://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=8AD2950C9FE6D5ADC12563CD0>

[23]

<https://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=77068F12B8857C4DC12563CD0>

[24]

<https://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=73D05A98B6CEB566C12563CD0>

[25] [https://www.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule130](https://www.icrc.org/customary-ihl/eng/docs/v1_rul_rule130)

[26]

<https://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=16DF82C8D0D3E838C12563CD0>

[27]

<https://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=F8D322BF3C0216B2C12563CD0>

[28] [https://www.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule129](https://www.icrc.org/customary-ihl/eng/docs/v1_rul_rule129)

[29]

<https://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=72B1BBCED193E4E4C12563CD>

[30]

<https://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=07ECAC424C01F44EC12563CD>

[31]

<https://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=E0D8424825829E95C12563CD>

[32]

<https://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=609B919A3072904BC12563CD>

[33]

<https://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=81C9ADE197396B8AC12563CD>