According to this principle, no person can be transferred\textsuperscript{[1]} to a country where he or she would be in danger of being subjected to torture\textsuperscript{[2]} or other form of ill-treatment, arbitrary deprivation of life or persecution on account of his or her race, religion, nationality, political opinion or membership in a particular social group\textsuperscript{[3]}.

The principle of non-refoulement is expressed, with some variation in scope, in a number of international legal instruments, including in IHL, refugee law and international human rights law. It is also, in its core, a principle of customary international law\textsuperscript{[4]}.

It may preclude the Detaining Power from repatriating a prisoner of war\textsuperscript{[5]} or transferring a civilian\textsuperscript{[6]} (expressly provided for in own territories: GC IV, Art. 45(4)\textsuperscript{[7]}). In occupied territory, any transfer\textsuperscript{[1]} of protected persons\textsuperscript{[8]} is prohibited (GC IV, Art. 49\textsuperscript{[9]}).

Common Article 3 is largely considered as incorporating the principle of non-refoulement.

See Refugees\textsuperscript{[10]}; Displaced persons\textsuperscript{[11]}; Transfer\textsuperscript{[1]}; Deportation (Forced Displacement)\textsuperscript{[12]};

**OUTLINE**

Chapter 8, III. Refugees and Displaced persons in IHL\textsuperscript{[13]}
## LEGAL SOURCE

<table>
<thead>
<tr>
<th>Source</th>
<th>GCIV, 45/4</th>
</tr>
</thead>
</table>

## CASES

<table>
<thead>
<tr>
<th>Case</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Armed Conflicts in the former Yugoslavia (16)</td>
<td>14</td>
</tr>
<tr>
<td>Armed Conflicts in the Great Lakes Region (Part I. D.)</td>
<td>15</td>
</tr>
<tr>
<td>Eritrea/Djibouti: Repatriation of POWs</td>
<td>16</td>
</tr>
</tbody>
</table>

## BIBLIOGRAPHIC RESOURCES


---

**Source URL:** https://casebook.icrc.org/glossary/non-refoulement

**Links**

[1] https://casebook.icrc.org/glossary/transfer


