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According to this principle, no person can be transferred ^[1] to a country where he or she would be in danger of being subjected to torture ^[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 ^[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 ^[4].

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

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

See Refugees ^[10]; Displaced persons ^[11]; Transfer ^[11]; Deportation (Forced Displacement) ^[12];

OUTLINE

Chapter 8, III. Refugees and Displaced persons in IHL ^[13]

LEGAL SOURCE

GCIV, 45/4 ^[7]

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Armed Conflicts in the former Yugoslavia (16) ^[14]

Armed Conflicts in the Great Lakes Region (Part I. D.) ^[15]

Eritrea/Djibouti: Repatriation of POWs ^[16]

BIBLIOGRAPHIC RESOURCES

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