Contents

		nowledgements IX of Abbreviations X			
	Introduction 1				
	I	Setting of the Problem 1			
	II	Purpose and Context of the Study 3			
	Ш	Structure of the Book 6			
1	The	Principle of Non-Refoulement under the ECHR and the CAT 9			
	I	The Protection against Refoulement under the ECHR and			
		the CAT 9			
		I.1 Introduction 9			
		I.2 CAT 10			
		I.3 ECHR 12			
		I.4 Conclusion 21			
	II	The Nature of the Principle of Non-Refoulement 22			
		II.1 CAT 22			
		II.2 ECHR 27			
		II.3 Conclusion 34			
	Ш	The Scope of the Protection against Refoulement under the ECHR			
		and the CAT 35			
		III.1 Introduction 35			
		III.2 Personal Scope 36			
		III.3 Territorial Scope 39			
		III.4 Conclusion 64			
2	The	Content of the Principle of Non-Refoulement 67			
	I	The Treatment from Which the Person is Protected 67			
		I.1 <i>CAT</i> 67			
		I.2 ECHR 82			
		I.3 Conclusion 102			
	H	The Prohibited Conduct under the Principle of			
		Non-Refoulement 105			
		II.1 Form of the Prohibited Conduct 105			
		II.2 Prohibition of Indirect Refoulement 109			
		II.3 Applicability of the Principle of Non-Refoulement to Certain			
		D(R)			

VI CONTENTS

3		Individual Complaints Procedures in the Context of -Refoulement Allegations 155
	I	Interim Measures 155
	1	1.1 ECtHR 155
		1.2 ComAT 159
		1.3 Conclusion 163
	II	Admissibility Criteria 165
		II.1 ECtHR 165
		11.2 ComAT 184
		II.3 Conclusion 193
	III	Standard and Burden of Proof 195
		III.1 ECtHR 195
		111.2 ComAT 199
		III.3 Conclusion 202
		·
4	Asse	ssment of the Risk of being Subjected to Ill-treatment 204
-	I	The Time of the Risk Assessment 204
		I.1 ECtHR 204
		I.2 ComAT 208
		I.3 Conclusion 210
	11	The Assessment of Evidence 211
		II.1 ECtHR 211
		11.2 ComAT 215
		II.3 Conclusion 217
	III	Factors Used to Assess the Risk 218
		III.1 ECtHR 218
		III.2 ComAT 268
		III.3 Conclusion 290
	IV	The National Protection Arguments and Their Effects on the Risk
		Assessment 293
		IV.1 Internal Flight Alternative 293
		IV.2 Prohibition of Torture and CIDTP in the Receiving State's National

- 5 Summary of the Conclusions 338
 - I General Findings 338
 - 1.1 Dimensions of the Principle of Non-Refoulement 338

Laws and the Relevant International Treaties

2 Selected Policies and Measures 242

IV.3 Diplomatic Assurances (DAs)

CONTENTS VII

II.1 Interim Measures 348					
11.2 Admissibility Criteria 348					
II.3 Standard and Burden of Proof 350					
Substantive Issues 351					
III.1 Risk Assessment 351					
III.2 National Protection Arguments 355					
Interaction between the ECtHR and the ComAT	357				
Overall Concluding Remarks 362					

Bibliography 363 **Index** 400

Ш

 \mathbf{IV}

v