

Abstract in English – The application of the non-refoulement principle at sea

The aim of my thesis is to analyse how one of very important principles of the international law- the non-refoulement principle is applied at sea and what questions should the states bound by this principle ask in order to apply it properly. The thesis itself is composed of three main chapters. Chapter One deals with the non-refoulement in general and defines its content and how this principle is enshrined in international and regional documents. I also examine what are the aspects of the prohibition of refoulement in customary law and whether can it be at present considered as Customary International Law or not. In Chapter Two the excursion into Maritime Law occurs and also indispensable definition of individual maritime zones of Internal Waters, Territorial Waters, Contiguous Zone and High Seas is provided. In this chapter I also focus on the possible application of the non-refoulement outside the state's territory, i.e. its extraterritorial impact. Last but not least in regard to the operations held at sea it is necessary to define their character and different rights and duties arising from them. Subchapters deal with the "search and rescue" and also with the maritime interdiction programs issues whereas the *Tampa* case and the decision of the US Supreme Court in *Sale v. Haitian Centers Council* is examined. Chapter Three focuses on Italian practice in relation to the application of the non-refoulement principle at sea. The case of Cap Anamur concerning the search and rescue problems is analysed in this chapter. I also concentrate on the practice of a maritime interdiction program established between Italy and Libya. In one part I examine recent decision of the European Court for Human Rights in *Hirsi Jamaa and others v. Italy* in which the Court is dealing with this interdiction program at sea. In Conclusion I emphasize the extraterritorial impact of the non-refoulement principle and conclude with answers how the states shall proceed when wanting to fulfill their obligations regarding application of the non-refoulement principle at sea while the basis for these answers is again the division of maritime operations at sea according to the above mentioned criteria.