

English Abstract

Application of Non-refoulement Principle in relation to National Security

Both national security and the principle of *non-refoulement* play a crucial role in the modern and rapidly changing world of today's refugees and migrants. On one hand, it is the international legal obligation of states not to return, or *refouler*, those who might be in danger of torture or various other types of undesirable treatment in their home countries. On the other, it is the legitimate concern of the each and every state for the safekeeping of its vital interests, all together understood as the state's national security. The analysis and clarification of the complicated and often tense relationship between the two phenomena is the aim of the presented thesis.

Both descriptive and analytical methods are used in this thesis. The practice of states in individual cases is analysed thoroughly via the relevant decisions of judicial and quasi-judicial authorities. The scope of this paper is limited solely to Euro-American perspective. Detailed chapters dedicated to defining both of the examined phenomena play a crucial role in this paper. Since the definition of *non-refoulement* differs throughout various areas of international law, it would be hard to apply it correctly without full understanding of this principle. Defining the national security itself also poses a challenge that needs to be addressed carefully. Therefore, two large chapters of this paper are dedicated to presenting the necessary background of these terms.

The conclusion of this thesis is introduced through the analysis of related decision-making practice of judicial authorities. While describing the case law, various approaches towards the application of *non-refoulement* principle in relation to the national security are examined. Concerning the closing conclusions, the tensions between states security concerns and individual rights of persons (despite being dangerous terrorists) emerged and crystallised. Even though the regional European judicial authority insists on the absolute understanding of the *non-refoulement* principle, as shown, its inconsistent reasoning may result in serious controversies. The more dangerous reality poses a great threat. Ignoring such a challenge would cause dangerous consequences for the states, its populations and also for the *bona fide* refugees and migrants.

Keywords: national security, *non-refoulement*, refugee law