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Article 15(a) QD

Under the section Article 15(a) QD, the analysis focuses on the factual circumstances surrounding the ‘death penalty or execution’ in the respective country of origin and the assessment of the applicability of Article 15(a) QD in this regard.

The **death penalty** is as such, and under any circumstances, considered as a serious harm under Article 15(a) QD. The sentence does not need to have already been imposed. The mere existence of a real risk that on return a death penalty may be imposed on the applicant could be considered sufficient to substantiate the need of subsidiary protection.

As the addition of the term ‘**execution**’ suggests, Article 15(a) QD also encompasses the intentional killing of a person by non-State actors exercising some kind of authority. It may also include extrajudicial killings, if an element of intentional and formalised punishment is present.

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For further general guidance on the application of Article 15(a) QD, see the section ‘Death penalty or execution’, p. 27, of the EUAA **Practical guide: Qualification for international protection**.

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