

5.1. Article 15(a) QD: death penalty or execution

Following the fall of the Assad regime in December 2024, this document has been reviewed and updated. Please consult '[Interim Country Guidance: Syria \(2025\)](#)'

COMMON ANALYSIS

Last update: September 2020

Minor updates: April 2024

[Article 15\(a\) QD](#)

As noted in the chapter [4. Refugee status](#), some profiles of applicants from Syria may be at risk of death penalty or execution. In such cases, there could be a nexus to a reason for persecution falling under the definition of a refugee (for example, [4.1. Persons perceived to be opposing the government](#), [4.2.3. Military deserters and defectors](#)), and those individuals would qualify for refugee status.

In cases where there is no nexus to a Convention ground (for example, in case of offences related to drug trafficking), the need for subsidiary protection under Article 15(a) QD should be examined.

The death penalty is envisaged under the Syrian Penal Law and can be imposed for the following crimes: aggravated murder, military offences, terrorism-related offences, drug trafficking, treasonous acts, arson resulting in death, gang robbery resulting in death, as well as other offences not resulting in death, such as subjecting a person to torture or barbaric treatment during commission of a gang-robbery; attempting a crime punishable by the death penalty; being convicted for the second time for a felony punishable by forced labour for life. [[Actors](#), 2.2.3, pp. 19-20]

The acts of terrorism were broadly defined in the Counter-Terrorism Law No. 19, which was adopted by the Syrian government in 2012. The Counter-Terrorism Court was established to enforce the aforementioned law. The Counter-Terrorism Court is reported to impose harsh sentences, including 10 to 20 years of hard labour, or the death penalty. [[Actors](#), 2.2.2, p. 18]

Military Field Courts were set up by Decree 25/2/1966 in order to try civilians and military personnel for 'crimes committed during wartime or during military operations'. The Military Field Courts do not apply the Syrian Criminal Code in their rulings and the punishments they impose include life imprisonment and death penalty. The President of Syria is responsible for approval of death sentences issued by the Military Field Courts, having also the possibility of reducing a sentence, replacing it with another penalty or cancelling the case. [[Actors](#), 2.2.2, pp. 18-19]

Sources stated that thousands of people have been executed following sentences issued by military field courts throughout the conflict. Death sentences by these courts and executions were also reported between 2022 and 2023, albeit in smaller numbers. In September 2023, military field courts were abolished. It was reported that all cases would fall under the military judiciary and would be prosecuted according to the Military Penal code and Military procedure [[COI Update 2023](#), 3, p. 12].

Various organisations and former detainees report that death penalties and executions were extensively implemented in Syria's prisons. No official information regarding the death penalties imposed or the number of executions that have been carried out have been disclosed by the authorities of the GoS. An amnesty decree was issued by President Bashar al-Assad on 15 September 2019 reducing death penalty to life imprisonment although there is no available information regarding the implementation of the decree. [[Actors](#), 2.2.3, pp. 19-20] The Syrian authorities reportedly continued to apply the death penalty and to carry out executions [[Security 2022](#), 1.4.1, p.29]. Executions of civilians for allegedly not stopping at a checkpoint or because they refused to hand over their property or make any payments were also reported [[COI Update 2023](#), 2.1.3, p. 48].

In Kurdish-controlled areas, a legal code based on the 'Social Contract' is applied by the Kurdish authorities. According to Article 26 of the Social Contract, the death penalty has been abolished. [[Actors](#), 3.1.4, pp. 43-44]

Extremist groups such as HTS and ISIL have carried out public executions, beheadings and crucifixions for transgressing the moral codes of the sharia law in areas under their control, killing hundreds of civilians. They also reportedly subjected women, girls, and minorities to illegal executions for breach of the imposed codes and for 'dishonouring' their families. [[Actors](#), 4.1.4, pp. 52-53, 6.4, p. 62]

If there is a reasonable degree of likelihood of death penalty or execution, subsidiary protection under Article 15(a) QD shall be granted, unless the applicant is to be excluded in accordance with Article 17 QD.



In some cases, the death penalty would have been imposed for a serious crime committed by the applicant, or for other acts falling within the exclusion grounds under Article 17 QD. Therefore, although the criteria of Article 15(a) QD would be met, exclusion considerations should be examined. See the chapter [8. Exclusion](#).