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Article 15(a) QD: death penalty or execution

GUIDANCE NOTE
Last update: June 2022

The FGS and other actors within the jurisdiction of Somalia continue to impose and carry out death sentences for crimes other than the intentional killing of a person, including crimes committed while under the age of 18. Death penalty can be imposed for crimes such as treason and espionage, and crimes that endanger public safety.

Death penalty may also be imposed by Islamic courts for the commission of hadd crimes e.g. illicit sexual relations (zina), including homosexual relationships.

Al-Shabaab courts also implement Sharia law in a strict and violent way and may impose severe punishments, such as executions, for the abovementioned hadd crimes, including for adopting un-Islamic behaviour and for spying for the government or other foreign powers.

Some profiles of applicants from Somalia may be at risk of death penalty or execution (e.g. **3.8. Individuals (perceived as) contravening religious social or religious laws/tenets**, **3.12. LGBTIQ persons**, **3.4. Deserters and defectors from Al-Shabaab**) and those individuals would qualify for refugee status. In cases where there is no nexus to a Convention ground (e.g. **3.10. Individuals accused of crimes in Somalia**), the need for subsidiary protection under Article 15(a) QD should be examined.

Please note that exclusion considerations could be relevant.

Read more in the common analysis

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