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Article 15(a) QD/QR: death penalty or execution

Under the section Article 15(a) QD/QR, 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/QR in this regard.

The **death penalty** is as such, and under any circumstances, considered as a serious harm under Article 15(a) QD/QR. 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/QR also encompasses the intentional killing of a person by non-State actors(9).

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For further general guidance on the application of Article 15(a) QD/QR, see the section ‘Death penalty or execution’, p. 27, of the 'EASO, *Practical Guide: Qualification for international protection*, April 2018'.

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  CJEU, Judgment of 16 January 2024, WS v Intervyuirasht organ na Darzhavna agentsia za bezhantsite pri Ministerskia savet, case C-621/21, https://curia.europa.eu/juris/liste.jsf?num=C-621/21.

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