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

COMMON ANALYSIS
Last update: June 2025

Article 15(a) QD

Article 15(a) QR

The analysis below is based on the following EUAA COI report: Country Focus 2025, 1.4.. Country Guidance should not be referred to as a source of COI.

As noted in the chapter on 3. Refugee status, some profiles of applicants from Sudan 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 (see for example 3.2. Individuals fearing forced recruitment by the RSF, 3.3. Members of the Resistance committees (RCs) and Emergency Response Rooms (ERRs), 3.8. Civilians from areas associated with the opposing warring party, 3.10.1. Child recruitment, 3.11. Persons with diverse SOGIESC), and those individuals would qualify for refugee status. In cases where there is no nexus to a Convention ground, the need for subsidiary protection under Article 15(a) QD/QR should be examined.

Sudan maintains the death penalty in law and in practice. It is legal under article 27 of the Sudanese Criminal Act 1991 and can be imposed for a variety of offences based on the Muslim Law as well as offences against the state. Recent amendments abolished the death penalty for apostasy and discretionary offences (*ta'zir*), but it is retained for serious offences (*hudud* and *qisas*). Article 27 provides that the death sentence cannot be imposed for offences committed by persons under the age of 18 years or persons aged 70 or above, except in the case of *hudud* and *qisas*.

In the context of the ongoing conflict, hundreds of death sentences have been issued in 2024 by courts in SAF-controlled areas against civilians accused of supporting RSF militia or opposing the war under Articles 50 ('undermining the constitutional system') and 51 ('waging war against the state') of the Criminal Act.

Houses holding execution rooms were found in RSF-controlled areas.

Finally, sources report extrajudicial killings and executions of prisoners of war from opposing forces by both warring parties. According to sources, so-called ‘death sentences’ have been executed in Khartoum following incitement against civilians accused of spying for the RSF.



It is to be noted also that, in Sudan and in the context of the ongoing war, most of the death penalties or executions may be inflicted for reasons of (imputed) political opinion (see for example 3.2. Individuals fearing forced recruitment by the RSF, 3.3. Members of the Resistance committees (RCs) and Emergency Response Rooms (ERRs), 3.8. Civilians from areas associated with the opposing warring party, 3.10.1. Child recruitment and those individuals would therefore qualify for refugee status.

If there is a reasonable degree of likelihood of death penalty or execution, and no nexus to a reason for persecution can be substantiated, subsidiary protection under Article 15(a) QD/QR shall be granted, unless the applicant is to be excluded in accordance with Article 17 QD/QR.



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 (Article 17 QD/QR). Therefore, although the criteria of Article 15(a) QD/QR would be met, exclusion considerations should be examined (see 7. Exclusion).

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