Please cite as: EUAA, '4.1. Article 15(a) QD/QR: death penalty or execution' in *Country Guidance: Somalia*, October 2025.

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

COMMON ANALYSIS
Last update: October 2025

For general guidance on the country guidance approach to this section, see ‘EUAA, 'Article 15(a) QD/QR: death penalty or execution' in *Country Guidance: Explained*, February 2025’.

The analysis below is based on the following EUAA COI reports: Security 2025, 1.6., 2.1.1., 2.1.2., 2.1.3., 2.2.1., 2.2.3.; Country Focus 2025, 1.1.1., 1.3.1., 1.6.4., 1.8.; Actors 2021, 2.3.3., 2.3.4.; Country Guidance should not be referred to as a source of COI.

The FGS has not abolished the death penalty, nor has it declared a moratorium on executions. Death sentences continue to be imposed and carried out for crimes beyond intentional killing, including treason, espionage, and acts endangering public safety, including crimes committed while under the age of 18. In this context, military courts often pronounce death sentences to civilians and carry out executions at a higher rate than civilian courts. In 2023, Somalia carried out at least 55 executions, including of minors and former security personnel. In August 2024, Puntland executed 10 alleged Al-Shabaab fighters, four reportedly underaged. The UN and other observers raised concerns about executions conducted without legal representation or the right to appeal against the execution.

Islamic courts in Somalia, including Somaliland, may impose the death penalty for *hudud* offences under Sharia law, such as illicit sexual relations (*zina*) and homosexuality, although the Somali criminal law does not provide for the death penalty in such cases. Traditionally, the application of *hudud* punishments by Islamic courts has been severely limited by the strict requirements for evidence.

Al-Shabaab courts also implement Sharia law in a strict and violent way and may impose severe punishments for *hudud* crimes, including for adopting un-Islamic behaviour and for ‘spying’ for the government or other foreign powers. These punishments refer to instances of executions, including public executions by stoning and shooting. Moreover, in areas controlled by the group,

defectors, people of non-Muslim faiths and converts from Islam routinely face execution. Blasphemy is also sanctioned with death. During the reference period, several cases of public executions of men accused of spying for the FGS or foreign forces were reported in Gedo, Middle Juba, Lower Juba, Bakool and Lower Sabelle and one case of a public execution of two civilians accused of committing sexual offences in Hiraan.

Some profiles of applicants from Somalia may be at risk of death penalty or execution (e.g. 3.7. Individuals (perceived as) contravening social or religious laws/tenets, 3.10. Persons with diverse SOGIESC, 3.3. Deserters and defectors from Al-Shabaab, 3.1.4. Civilians perceived as 'spies' by Al-Shabaab, and those individuals would qualify for refugee status.

The home area of the applicant is to be taken into account when assessing the real risk of death penalty or execution. Such risk is higher where Al-Shabaab operates.

In case of real risk of death penalty or execution, if nexus to a reason for persecution is not substantiated, Article 15(a) QD/QR would apply.

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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