

Legislative Decree No. 18 of 2018 (Military Service Amnesty)



BACKGROUND:

Legislative Decree No. 18 of 2018, issued on October 9, 2018 by President Bashar al-Assad, is the most recent law that grants general amnesty to certain individuals accused of deserting or avoiding military service in Syria. On February 9, 2019, the grace period ended for internal escapees (per Decree No. 61 of 1950) to turn themselves in, and on April 9, 2019, the grace period for external escapees (per Decree No. 61 of 1950) came to a close.

SUMMARY:

Legislative Decree No. 18 grants general amnesty for the crimes of army desertion or avoiding military service per Articles 100 and 101 of **Legislative Decree No. 61 of 1950** (Penal Code and Essence of Military Trials) and its amendments, and for the crimes detailed in **Legislative Decree No. 30 of 2007** (Conscription Law) and its

amendments. To qualify for amnesty for violations of Decree No. 61 of 1950, fugitives must turn themselves in within four months if they are inside the country or within six months if they are outside of it. The amnesty for violations of Decree No. 30 of 2007 does not include fines intended to be a “civil compensation” to the state. Individuals who turn themselves in and are granted amnesty for previous desertion or draft dodging are still expected to complete their military conscription in accordance with the law.

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SIGNIFICANCE:

While Legislative Decree No. 18 does provide respite for some individuals who have fled military conscription or deserted the army, its impact in ushering in the return of a significant number of refugees is likely to be narrow, particularly because individuals who turn themselves in will still have to complete their compulsory military service. Additionally, the amnesty does not necessarily protect those who have fought or dissented against the Syrian regime as they are considered to be “terrorists” by the regime. The measure only covers the crimes of army desertion or avoidance of military service; thus, an individual who, for example, faces charges of army desertion, illegal protesting, and terrorism could turn himself in and still have to face prosecution for

the illegal protesting and terrorism charges. Lastly, with **reports** of returnees facing harassment, torture, or detention, many Syrians—particularly those who have dissented against the regime—may be unlikely to return.

LEGAL CONTEXT:

Article 46 of the Syrian Constitution describes compulsory military service as a “sacred duty” and states that “defending the territorial integrity of the homeland and maintaining the secrets of state shall be a

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duty of every citizen.” Under Syria’s Conscription Law, military service is compulsory for all men between the ages of 18 and 42. While women are not required to serve, they do have the option to enlist voluntarily in military service. Certain legal provisions do allow for the postponement of or exemption from military service. In **some cases**, an exemption fee can be paid; however, depending on the category of the individual seeking exemption, it may be quite costly. Men who fail to submit themselves to military conscription or who desert their military service face jail

time. Legislative Decree No. 18 is not the first amnesty that the Syrian regime has issued since the beginning of the war; amnesties have been announced on multiple occasions, including in **2014**, **2015**, and **2016**.

POLITICAL CONTEXT:

Since the onset of the war, men have **defected** from or **deserted** the army, at times **fleeing** the country to avoid conscription. Although some men fled simply because they do not want to fight in a war in which their lives may be at risk, others defected or evaded military service to object to the regime’s military response to protests.

Experts **estimate** that only 20-25% of the 330,000 personnel that were in the army in 2011 remain. In addition to issuing various amnesty laws, Syrian authorities have taken numerous steps in an attempt to make up for lost numbers, including but not limited to: **arresting** men for service, **raiding** homes to find conscripts and reservists, and releasing a **propaganda video** in which the president’s wife Asma al-Assad praises women for serving in the army and shames the men who ran away.

ADHERENCE TO LEGAL NORMS:

By establishing compulsory military service, Syrian authorities fail to respect **the right to conscientious objection**—the right to refuse to perform military service on the basis of an individual’s freedom of thought, conscience, or religion. Subjecting Syrian men to compulsory service, at a time of war and during which the Syrian army is targeting its own civilians, arguably **occurs** in violation of the International Covenant on Civil and Political Rights, which Syria has acceded to. Furthermore, Syrian authorities continue to use the conscription scheme to commit what have been deemed to be war crimes and crimes against humanity.

Although amnesty laws are meant to provide respite for individuals considered to be draft dodgers or deserters, Legislative Decree No. 18 grants an amnesty that is not available for all individuals, as it may exclude persons who oppose the Syrian regime, thus discriminating on the basis of political opinion.

IMPLEMENTATION:

The grace period of four months for internal escapees (per Decree No. 61 of 1950) to turn themselves in ended on February 9, 2019, and the period of six months for external escapees (per Decree No. 61 of 1950) ended on April 9, 2019. In January 2019, Syrian state media SANA **reported** that “dozens” had turned themselves in following the amnesty decree; however, there is no confirmed, clear, or independent reporting on the final numbers. In February 2019, one Syrian citizen journalist **reported** that a list of 400,000 men were called in for emergency military service, among them a large number who were supposed to have been granted amnesty by Legislative Decree No. 18.

Little reporting is available on previous iterations of amnesties as well; however, **some organizations** do state that prior amnesties have not necessarily resulted in the return of refugees or escapees, particularly because such individuals would still be required to satisfy their military service.

TEXT OF THE DECREE:

The official text of the decree is available in Arabic [here](#).

TIMEP COVERAGE:

- “The Return of Refugees” (TIMEP Brief)
- “Normalization of the Syrian Regime” (TIMEP Brief)
- “With New Law, Assad Tells Syrians Not to Come Home” (TIMEP Commentary by Mai El-Sadany)
- “When Assad asks Syrians to come home, here’s what he really means” (External Op-ed by Mai El-Sadany)