

## 4.2.2. Draft evaders

Following the fall of the Assad regime in December 2024, this document has been reviewed and updated. Please consult '[Interim Country Guidance: Syria \(2025\)](#)'

### COMMON ANALYSIS

Last update: April 2024

This profile refers to men who have refused or evaded conscription, including those who have not yet been confronted with conscription. It also includes reservists.

For information on military service and definition of 'draft evader' and 'reservist' see [4.2.1. Military service: overview](#).

### COI summary

As of August 2023, recruitment of conscripts and reservists in the SAA continued to take place according to the existing laws regarding compulsory and reserve service. The need for reservists is at its minimum because SAA's need for manpower is low and the GoS also relies on affiliated militias for operations, who are more efficient and cheaper. As a result, conscripts are reportedly called up for military service in much higher numbers than reservists. [[Country Focus 2023](#), 1.2.2, p. 22-23]

It has been reported that the names of men called up for military service were recorded in so called 'wanted lists' and in central databases, which were also accessible to officers at checkpoints and at the border and most of draft evaders were recruited at checkpoints, for example when travelling between or around cities. Paying bribes was reportedly a common method of evading military service, e.g. to have one's name removed from wanted lists or to be waved through checkpoints. [[Targeting 2022](#), 2.3, p. 39; [Military service](#), 2.4, p. 21]

According to recent reports, draft evaders were mainly apprehended at checkpoints where their identification documents and military booklet are verified or when applying for a service at state institutions. According to a source, the authorities do not carry out house raids to search for draft evaders. Those who are caught are sent to the military police and from there to military bases for training and deployment. During the period August 2022 – August 2023, sources reported arrests of men wanted for conscription at checkpoints in Rural Damascus, Dar'a and Deir Ez-Zor governorates, as well as on certain occasions in Damascus city. Arrest campaigns targeting persons wanted for military service were also reported in reconquered areas in Idlib governorate [[Country Focus 2023](#), 1.2.7, p. 33]. In November 2023, arrests of persons wanted for military and reserve service reportedly took place in Aleppo, Homs and Hama governorates. Moreover, it was reported that from its controlled areas in Hasaka and Qamishli cities, the GoS was also trying to recruit conscripts from areas outside its control [[COI Update 2023](#), 3, p. 12].

Draft evaders who are apprehended by the authorities will ultimately be sent to military service [[Country Focus 2023](#), 1.2.7, p. 33]. However, there is further information that arrested draft evaders as well as returnees who did not pay their exemption fee were immediately sent to the army and most often to an active war zone. Furthermore, it is reported that conscripts who did not pay their exemption fee were first detained for a few weeks and then sent to the army. Draft evaders returning after some years abroad were reported to be punished with imprisonment. According to various sources, it was likely that people were first detained for some time and sometimes even tortured before being recruited and sent to fight. [[Targeting 2022](#), 2.4, p. 42]

Conflicting information exists on how the GoS considers draft evasion. On the one hand, it was reported that draft evasion was seen as disloyalty or even political dissent towards the GoS and that persons who refuse military service are considered cowards and traitors by the authorities. In a war situation, military field tribunals with summary execution are possible, as draft evasion is regarded as betrayal of the nation. On the other hand, a source noted that the GoS does not necessarily consider draft evaders to be opponents of the government in general, knowing that many people have fled only to avoid death and not because of an oppositional attitude. [[Targeting 2022](#), 2.7, p. 46]

According to the Syrian Military Penal Code (Articles 98, 99), draft evaders are punished with one to six months of imprisonment in peacetime, after which they have to complete their military service in full. In wartime, draft evasion is a criminal offence, punishable by up to five years in prison and individuals have to complete their military service. In the reference period, military conscription was reportedly a reason for arrest. In April 2022, there was information that draft evaders who had not been involved in any opposition activities were detained for a short period and then sent to military service. Returnees were reportedly also at risk of being detained and/or being re-enlisted. It is also assumed that all prisoners in Syria are tortured and that soldiers could be treated even worse. According to one source, even a conviction under the anti-terror law for draft evaders is possible. Regarding the personal background of draft evaders, it was reported that the sanctions, such as the risk of being imprisoned and drafted into the army, are similar for all of them, even for the privileged ones, for example from Alawite families or with contacts to the regime. [[Targeting 2022](#), 2.7, p. 48]

Recent sources indicated that draft evaders could make use of the reconciliation/settlement deals that the GoS initiates regularly, whereby if they report for military service within a period of time prescribed by the settlement and do not have additional security issues, they will not incur any punishment. The treatment of draft evaders who have other security issues pending with the GoS apart from evading military service would depend on the nature and gravity of the issues. Those who do not solve their security issues, especially prominent figures, would risk arrest and enforced disappearance. It has also been reported that draft evaders originating from former opposition-held areas would be viewed with suspicion and be more likely to be imprisoned or sent to the front. [[Country Focus 2023](#), 1.2.7, p. 34]

Men who have evaded compulsory military service and have not paid the exemption fee before reaching the age of 43, must pay a fee of USD 8 000 or they risk having their property seized without notification or the opportunity to challenge the decision. If they do not have any property or real estate, the reserve seizure will be executed on the properties of their family members. While previous reports noted the freeze of assets of draft evaders and their family members, more recent information indicated that asset seizure of individuals under the relevant law has not been implemented in practice because most men either have not reached the age of 43 yet, have paid the exemption fee or have already completed their military service. [[Country Focus 2023](#), 1.2.5, p. 31]

There are also reports of family members of those evading military service and deserters facing retaliation by GoS. Concerning family members of draft evaders, reports range from pressure and harassment to house searches, interrogations and arrests, with sources noting that family members of draft evaders from former opposition-held areas have been more severely harassed [[Military service](#), 4.1.2, pp. 34-35, 4.2.1, p. 38]. . Recent sources indicated that issues related to military service (e.g. draft evasion, desertion, defection) do not

currently lead to direct repercussions for family members. However, according to a source, in cases where the persons wanted by the GoS are higher profile, their family members would also be at risk [[Country Focus 2023](#), 1.2.7, p. 35].

## Conclusions and guidance<sup>7</sup>

### Do the acts qualify as persecution under Article 9 QD?

Several aspects should be taken into account when determining whether the feared actions would qualify as persecution:

- For **conscientious objectors**, being subjected to military service in itself would constitute a form of persecution in the meaning of Article 9(1) QD.
- For others, the conscription itself, which is a legitimate right of a state, would in general not meet the requirements of Article 9 QD. However, in the context of the various excludable acts committed by the Syrian Armed Forces, **evading conscription** should be analysed in relation to **Article 9(2)(e) QD**, according to which ‘prosecution or punishment for refusal to perform military service in a conflict, where performing military service would include crimes or acts falling within the scope of the grounds for exclusion as set out in Article 12(2)’ would be considered a form of persecution. There is no requirement to further assess the nature and proportionality of the prosecution or punishment and extrajudicial punishment may also qualify as persecution in this context.
- Moreover, **other acts reported to be committed against draft evaders** are of such severe nature that they would amount to persecution (e.g. arbitrary arrest along with other forms of mistreatment such as physical violence and the risks associated with the treatment in detention facilities, including torture).



### What is the level of risk of persecution (well-founded fear)?

With regard to **conscientious objectors**, taking into account that there are no provisions for alternative service, and there is no right to conscientious objection except for Christian and Muslim religious leaders, well-founded fear of persecution would in general be substantiated.

It is noted that the level of violence in the context of the ongoing conflict in Syria has decreased in recent years. Nevertheless, various excludable acts continued to be committed by the Syrian Armed Forces. Taking this into account, and in conjunction with the fact that the individual recruits generally have no control over their role within the armed forces, neither with regard to their place of deployment nor with regard to the assignment of specific tasks, well-founded fear of persecution in relation to **Article 9(2)(e) QD** would in general be substantiated for **draft evaders**.

This analysis also takes into account that amnesty decrees are limited in time and do not remove the obligation to perform military service.

In addition to being sent to active service, **other acts of ill treatment** reported to be committed against draft evaders take place arbitrarily and well-founded fear of persecution in this regard would also in general be substantiated.

In relation to **reservists**, it is noted that the overall need for reservist manpower in the Syrian Armed Forces has largely decreased. Therefore, the individual assessment would depend on the likelihood for the individual to be called into active service. It should take into account risk-impacting circumstances, such as the specific skills of the individual (e.g. tank crewmen) and their area of origin (former opposition-held areas).

At the time of writing, certain (permanent) **exemptions** from military service are reported to be generally respected in Syria, in particular the exemption of individuals residing abroad based on having paid the exemption fee. The individual assessment in cases where the applicant has been exempted should take into account the nature of the exemption.



**Are the reasons for persecution falling within Article 10 QD (nexus)?**

Available information indicates that persecution of this profile is highly likely to be for reasons of (imputed) political opinion. In the case of conscientious objectors, persecution may also be for reasons of religion. In the individual case, it is always for the national authorities to ascertain whether a nexus under Article 10 QD is plausible, in light of relevant up-to-date information about the situation in the country of origin and the personal circumstances of the applicant.

See also EZ, para 60 and para. 61 (and fourth point of operative part)<sup>8</sup>:

60. In the third place, in the context of armed conflict, particularly civil war, and where there is no legal possibility of avoiding military obligations, it is highly likely that the authorities will interpret the refusal to perform military service as an act of political opposition, irrespective of any more complex personal motives of the person concerned. According to Article 10(2) of Directive 2011/95, ‘when assessing if an applicant has a well-founded fear of being persecuted it is immaterial whether the applicant actually possesses the racial, religious, national, social or political characteristic which attracts the persecution, provided that such a characteristic is attributed to the applicant by the actor of persecution’.

61. It follows from the foregoing that Article 9(2)(e) in conjunction with Article 9(3) of Directive 2011/95 must be interpreted as meaning that the existence of a connection between the reasons mentioned in Article 2(d) and Article 10 of that directive and the prosecution and punishment for refusal to perform the military service referred to in Article 9(2)(e) of that directive cannot be regarded as established solely because that prosecution and punishment are connected to that refusal. Nevertheless, there is a strong presumption that refusal to perform military service under the conditions set out in Article 9(2)(e) of that directive relates to one of the five reasons set out in Article 10 thereof. It is for the competent national authorities to ascertain, in the light of all the circumstances at issue, whether that connection is plausible.

See other topics concerning persons who evaded or deserted military service:

- [4.2.1. Military service: overview](#)
- [4.2.2. Draft evaders](#)
- [4.2.3. Military deserters and defectors](#)

<sup>7</sup> See also CJEU, *Andre Lawrence Shepherd v Bundesrepublik Deutschland*, C-472/13, judgment of 26 February 2015 (Shepherd), and EZ v Federal Republic of Germany, represented by the Bundesamt für Migration und Flüchtlinge, C-238/19, judgment of 19 November 2020 (EZ).

<sup>8</sup> See also CJEU, Judgment of the Court (Grand Chamber) of 8 February 2024 in A. A. v Federal Republic of Germany (C-216/22), which concerns the question whether a judgment of the CJEU can constitute a new element justifying a fresh examination of the substance of the asylum application (subsequent applications) and makes reference to the EZ judgment, in particular in para.53.