

4.2.3. Military deserters and defectors

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 left military service (duty or post) without permission. In accordance with the terms of the Syrian Military Penal Code, a 'fugitive military person or military-equivalent person' is considered: any military person or equivalent person who is absent from his squad or detachment without permission for a certain period qualified by the law; and any military person who travelled alone from one place to another or from point-to-point and his vacation has ended and he has not returned within a certain time period from the date fixed for his arrival or return. The applicable durations of absence depend on whether the offence takes place in peace or war time, the duration of service, and whether the person crosses an international border. [9](#)

For information on military service and definitions of 'deserter' and 'defector', see [4.2.1. Military service: overview](#).

COI summary

According to the Military Penal Code (Articles 100, 101), desertion is punishable by one to five years imprisonment in peacetime and can result in a prison sentence up to twice as long in wartime [[Military service](#), 4.2, p. 35]. Those who have left the country following desertion can be punished with a penalty of up to 15 years imprisonment in wartime. Desertion to the enemy is punishable by life imprisonment or the death penalty. Deserters are punished more severely than draft evaders [[Military service](#), 4.2, p. 36].

Most reports of deserters date back to the early years of the conflict, but the number of deserters and defectors has reportedly increased between January 2020 and January 2021. Information largely relates to deserters and defectors from former opposition-held areas, which have undergone a reconciliation process. According to reports from 2018 and 2019, deserters were among the groups most likely to be detained arbitrarily by the GoS forces. In previous years, they were often punished in the same way as those who actively joined the opposition. In targeted campaigns, the government systematically arrested defectors and military personnel suspected of sympathising with the opposition. [[Military service](#), 4.2, p. 35; [Targeting 2020](#), 2.3.2, p. 37]

More recently, it has been reported that the treatment of deserters and defectors by the GoS depends on the nature of their escape (internal or external) and the penalties imposed by the Penal Code (Articles 100 to 104). The treatment of defectors by GoS authorities is also contingent on their individual situation, such as rank and previous activities (e.g. how they defected, joining an opposition group, participation in military activities against GoS etc.). [[Country Focus 2023](#), 1.2.7, p. 34]

According to a source from April 2022, deserters from the military who were not involved in opposition activities were detained for a short time and then sent back to military service. [[Targeting 2022](#), 2.7, p. 46] Another source noted more recently that, a defector who turns himself in would be tried by a military court and imprisoned. After finishing his prison sentence, or if an amnesty is granted, he will be taken to serve in the military unit where he defected from [[Country Focus 2023](#), 1.2.7, p. 34].

Deserters and defectors usually enter ‘reconciliation’ deals with the authorities whereby they join or form a militia or a military formation that is affiliated with the SAA or intelligence services. Paying bribes to GoS authorities for facilitating the return and integration of defectors into SAA-affiliated units is also reported. Nevertheless, entering into a reconciliation/settlement with the GoS does not guarantee that the deserter/defector will be safe in the future. Cases where neighbours denounced the person who underwent reconciliation/settlement to the intelligence services for previous activities have been reported [[Country Focus 2023](#), 1.2.7, p. 34].

Despite reconciliation processes and time-limited partial amnesties, deserters and defectors were subjected to arrest, detention, enforced disappearance, torture, and even death under torture [[Targeting 2022](#), 2.7, p. 46; [Military service](#), 4.2, p. 37, 4.3, p. 39]. It was reported that deserters are usually detained by branches of the Syrian intelligence services. Sources also indicated that, in some cases, deserters would be given a short prison sentence followed by military service, including to the frontlines. One source also indicated that the GoS would not only punish deserters according to the provisions of the Military Penal Code but would also make use of the provisions of the Anti-terrorism Law of 2012. [[Targeting 2022](#), 2.7, p. 46; [Military service](#), 4.2, p. 37, 4.3, p. 39]

Arrests, detention and torture of defectors were also reported by recent sources. In a report documenting torture and ill-treatment in Syria between 1 January 2020 and 30 April 2023, the UNCOI reported on cases of enforced disappearance as well as arbitrary arrests and torture of military defectors by intelligence services as punishment for defecting. Similarly, SNHR in June 2023 stated that the GoS takes revenge on defectors through arbitrary arrest, torture and enforced disappearance. [[Country Focus 2023](#), 1.2.7, p. 35]

There were also reports of family members of deserters facing retaliation by GoS. A January 2021 source noted that family members of defectors may also be subjected to torture, death in custody and execution, while, according to a source from April 2022, family members of military deserters do not face any repercussions from authorities [[Targeting 2022](#), 2.7, p. 46]. The extent to which family members may face consequences would be influenced by factors such as the rank of the deserter/defector, the family’s place of residence and religious background and the secret service and officer in charge of the area [[Military service](#), 4.1.2, p. 34, 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 guidance¹⁰

Do the acts qualify as persecution under Article 9 QD?

Acts of ill-treatment reported to be committed against military deserters and defectors are of such severe nature that they amount to persecution (e.g. detention, enforced disappearance, torture, death penalty).

Moreover, the desertion from the Syrian Armed Forces should be also 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.

Subjecting **conscientious objectors** to active military service under the conditions of conscription constitutes a severe violation of their rights meeting the requirements of Article 9(1) QD.



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

For military deserters and defectors, well-founded fear of persecution would in general be substantiated in relation to reported acts of **ill-treatment**, such as torture and in some cases death penalty.

According to available country information, military deserters and defectors are also returned to active service. 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 individuals 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, for military deserters and defectors, well-founded fear of persecution in relation to **Article 9(2)(e) QD** would also in general be substantiated.

With regard to **conscientious objectors**, taking into account the absence of a procedure for obtaining, or recognition of, the status of conscientious objector and the absence of alternative service in Syria, in the case of individuals who have deserted military service on grounds of conscience, well-founded fear of persecution would in general be substantiated.

Taking into account that amnesty decrees concerning deserters are limited in time and do not remove the obligation to perform military service, they would generally not impact the level of risk associated with the desertion of military service. Therefore, in the case of military deserters and defectors, well-founded fear of persecution would in general be substantiated.



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..



Exclusion considerations could be relevant to this profile (see the chapter [8. Exclusion](#)).

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*

⁹ Article 100, Syria: Law No. 61 of 1950, as amended (Military Penal Code) [Syrian Arab Republic], 16 February 2017, unofficial translation by UNHCR, available at <https://www.refworld.org/docid/58a5e1b34.html>.

¹⁰ See also *Shepherd* and *EZ* judgments.