

4.2.3. Military deserters and defectors

COMMON ANALYSIS

Last update: February 2023

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. [6](#)

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]

Recent reports note that despite reconciliation processes and time-limited partial amnesties, deserters and defectors were subjected to arrest, detention, enforced disappearance, torture, enforced disappearance, torture and even death under torture. It was reported that deserters are usually detained by branches of the Syrian intelligence services, which may expose them to the risk of torture and enforced disappearances. 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. Deserters and defectors were also reportedly at risk of being arrested when returning to Syria following an amnesty. [[Targeting 2022](#), 2.7, p. 46; [Military service](#), 4.2, p. 37, 4.3, p. 39]

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. According to further reports, every person who returns to Syria is a potential detainee, however, the lives of army defectors who are considering returning are said to be particularly at risk. [[Targeting 2022](#), 2.7, p. 46]

There are 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].

Risk analysis [7](#)

Several different elements need to be addressed with regard to the risk of persecution for military deserters:

- the treatment of military deserters in practice
- the general risk of committing excludable acts in relation to [Article 9\(2\)\(e\) QD](#)
- the situation of conscientious objectors

Acts 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).

Even though the level of violence has decreased in recent years, in the case of the ongoing armed conflict in Syria, various excludable acts continued to be committed by the Syrian Armed Forces. Taking this into account, in conjunction with the fact that the 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, well-founded fear of persecution in relation to Article 9(2)(e) QD would in general be substantiated.

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 also in general be substantiated.

Therefore, in the case of military deserters and defectors, 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 desertion of military service.

Nexus to a reason for persecution

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*

[6](#) 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>.

[7](#) See also CJEU, *Shepherd and EZ*.

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