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Legislative Decree No. 61/1950

Military Penal Law

(Extracts)

Article 98

- 1) Any person subject to military service who has not responded to the call at times of peace within one month from the date of the call and escaped prior to joining his squad shall be punished by imprisonment from one month to six months.
- 2) The punishment shall be decreased by half for those who enroll voluntarily within one month from the deadline date for their enrollment.
- 3) The absentees shall be distributed to their units to fulfill their due military service, taking into account the Law of Military Service.

Article 99

- 1) Any person subject to military service who has not responded to the call at times of war or enrolled and escaped prior to joining his squad, shall be punished as follows:
 - A. Imprisonment from one month to six months if enrolled within seven days from the enrollment deadline.
 - B. Imprisonment from four months to two years if arrested within seven days from the enrollment deadline.
 - C. Imprisonment from six months to two years if returned during three months following the above seven days.
 - D. Imprisonment from one to three years if arrested during the three months following the above seven days.
 - E. Arrest from three to five years if returned voluntarily after three months and temporary arrest if arrested after three months.
- 2) The absentees shall be taken to their units to fulfill their military service as required, subject to the Military Service Law.

Article 100

1. Shall be deemed a fugitive at peacetime:
 - A) Any military person or equivalent person who is absent from his squad or detachment without permission and six days have passed six from the date of his illegal absence. However, the military person who has not completed

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three months in service shall not be deemed a fugitive unless after one full month of absence.

- B) Any military person who traveled alone from one place to another or from point-to-point and his vacation has ended and he has not returned within fifteen days from the date fixed for his arrival or return.
2. The fugitive military person or military-equivalent person inside the country at peacetime shall be punished by imprisonment from one to five years. If the fugitive is an officer or a non-commissioned professional officer, he may be punished, in addition to the above, with dismissal.
 3. Punishment shall be no less of two-years imprisonment in any of the following circumstances:
 - A) In case the fugitive took a weapon, equipment, an animal, mechanism or any other devices belonging to the army or uniforms other than the ones he usually wears.
 - B) If fled while on service or in front of rebels.
 - C) If it is not his first escape.
 4. The deadlines set forth in this Article shall be decreased to one-third in wartime and the punishment may be also doubled.

Article 101

1. Any military person who passes the Syrian border without permission at wartime, leaving his squad and enrolling in foreign states, shall be deemed a fugitive three days after his illegal absence; this period decreased to one day at wartime.
2. The fugitive military person who escaped out of the state shall be punished by imprisonment from five to ten years.
3. The temporary detention punishment shall be increased to fifteen years if the military person had fled out of the country in one of the following circumstances:
 - A) In case the fugitive took a weapon, equipment, an animal, mechanism or any other devices belonging to the army or uniforms other than the ones he usually wears.
 - B) If fled while on service or in front of rebels.
 - C) If it is not his first escape.
 - D) If fled at wartime or from a region in the state of war or in a region where martial laws are declared.

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4. If the fugitive is an officer, he shall be punishable by the maximum penalty entailed by the martial laws.

Article 102

1. Shall be sentenced to death every military person who committed the crime of fleeing to the enemy.
2. In case of fleeing upon facing the enemy, he shall be liable to detention for life. If the fugitive is an officer, he shall be punished by hard labor life imprisonment and shall be dismissed from service in all cases.

Article 103

1. An agreed-upon escape of two or more military persons shall be deemed a conspiracy.
2. The head of the conspiracy shall be punished for fleeing out of the country with temporary detention or at least five years; if an officer, he shall be punished by hard labor temporary imprisonment for at least five years.
3. The head of the conspiracy shall be punished for fleeing inside the country for three to ten years.
4. All fugitives shall be punished by imprisonment for one to five years if escaped within the country or, otherwise, with the punishment of fleeing out of the country.
5. In wartime, sentence of death shall be for:
 - A) Any military person who escapes before the enemy in implementation of a conspiracy.
 - B) Head of a conspiracy to flee abroad.
6. If the fugitive is an officer fugitive, then in addition to the penalty provided for in this Article, he shall be dismissed even if the sentenced penalty does not include dismissing from the military service.
7. The military person is described to be ((before/in front of the enemy) when clashing or about to clash with the enemy, or when he is vulnerable to the attacks of the enemy.

Article 104

1. If a judgment on default is issued against the fugitive, the fugitive before the enemy before or the absentee who joined a foreign country and stayed therein at

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- wartime to escape his military duties, the court shall rule favor the treasury by confiscating of his existing funds, whether movable and immovable and shared or unshared assets.
2. The judgment of confiscation shall be immediately sent to the judge of the peace in the last territory of the convicted person or his last residence and then the judge shall make a decision to appoint a receiver for the confiscated funds, to keep them and supervise their management.
 3. During the receivership, a subsidy can be granted to the persons supported by the convicted person.
 4. The subsidy shall be granted by a decision of the judge of the peace.
 5. During the three months following the date of announcing the end of the war, the judge of the peace supervising the managements of the convicted person's funds shall announce the judgment of the military court to that person's last residence. In case six months have passed after the date of such communication and the convicted has not shown up, all his assets shall be sold in accordance with the procedure adopted in selling the assets of the state. From the sale price, legal fees and costs, judicial costs and the debts of the convicted person shall be paid first, and then the remainder of the sale price shall be deposited to the state treasury if the convicted person has not heirs. Otherwise, one third shall go to the state and the other two thirds shall be distributed to the heirs according to their entitlement at the end of the mentioned six months.
 6. If the person received judgement by default or was arrested after conducting the above sale, and then proved to be innocent through a new sentence or consequent to re-ruling, the Shura Council should consider the compensation owed by the state for the damage that has occurred. In case the convicted passed away within the mentioned six months, he shall be deemed in receipt of all his civil rights and his heirs shall be entitled to claim his assets or their price if sold.

Article 105

prescription period shall be calculated only as of the fugitive's reaching the legal age to his rank under army regulations. In the three conditions set out in the first paragraph of the above Article 103, prescription is not applicable to public interest litigation and the issued ruling.

Article 106

1. Shall be punished by imprisonment for six months to two years and a penalty of one hundred to five hundred Syrian pounds, or either penalties, any person who hide,

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embezzle or participate in hiding the funds of the convicted person. Preserving the rights of the others who acted in good faith, all contracts and ongoing acts contrary to the provisions of this Article shall be cancelled.

2. If some of these acts occurred by the receiver assigned to keep them, the penalty shall be doubled and he shall be sentenced to return whatever he hid or embezzle.

Article 107

Any person who incites or facilitates fleeing, by whatever means and whether such act has consequences or not, he shall be punished similar to the fugitive in the conditions set forth in this law.

Article 108

Any person who hides a fugitive or knowingly undertakes an act that would preclude the legal tracking process, shall be punished with imprisonment for six months to three years period.

Article 109

Shall be imprisoned for one year to three years any person who manipulates in any way to avoid, for himself or others, the military service, wholly or partly, in some cases not stipulated for in any law. If that occurred during wartime, he shall be temporarily detained for a period not exceeding seven years.

If the doer is an officer, he shall be dismissed.

Article 110

The penalties stipulated in the crime of escape are applied to the fugitive from an ally army who fights against a common enemy.

Discretionary extenuating reasons shall not be granted to flee crimes included in this chapter and stopping the implementation of sanctions issued upon them shall not be ruled.

Article 111

Any person who disobeys an order related to his duty shall be punished with imprisonment from one month to two years.

Article 112

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- A) Any person declined to execute an order relevant to his duty in a decisive manner, abstained from obeying the commands in words or actions or insisted on disobeying the order issued to him, he shall be punished with imprisonment for three months to two years.
- B) If reluctance has occurred during individuals' gathering or upon the issuance of the order (to arms), or if the doer is armed, the penalty shall be of imprisonment for six months to two years.
- C) If reluctance occurred during the war or in an area where martial laws are declared, penalty shall be imprisonment for three to five years. If that occurred during gathering or upon the issuance of the order (to arms), or if the doer is armed, the penalty shall be of imprisonment for at least five years. If the offender is an officer and granted mitigating reasons, he shall be dismissed.
- D) If reluctance occurred during confronting the enemy or rebels, the penalty shall be temporary detention for a period of no less than ten years. If such reluctance caused serious harm, the doer shall be sentenced to death. If the offender is an officer and granted mitigating reasons, he shall be dismissed.
- E) Any military person who refuses to obey the order to attack the enemy or rebels, shall be sentenced to death.

Article 113

1. Shall be deemed in a state of disobedience:
 - A) Two or more military persons under arms who gather and agree on disobeying the orders of their superiors at the first alarm.
 - B) Two or more military persons who meet and take weapons without permission and work contrary to the orders of their superiors.
 - C) Two or more military persons who adopt violence using weapons and refuse to obey their superiors to disperse and return to the regime.
2. Disobedient military persons shall be punished by imprisonment from one to three years subject to the conditions set out in paragraph (A), by imprisonment for three to five years in paragraph (B), and imprisonment of five to ten years under the conditions set out in paragraph (C).
3. Instigators for disobedience and military persons of top ranks shall be punished by temporary hard labor in the first case and the temporary hard labor shall be no less than ten years in the last two cases.
4. If the instigators of civilians the punishment shall be decreased by half.

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5. In addition, officers convicted under this Article shall be dismissed from service, even though dismissal is not a res judicata in that case.
6. If the instigation or disobedience occurred in war or wartime, or in a region where martial laws are declared, maximum punishment shall apply.
7. If disobedience and instigation thereof, as well as the event included in paragraph (C) of this Article occurred before the enemy, death penalty shall apply. If such disobedience and instigation took place before rebels, life hard labor shall apply.

Article 114

1. Any person who incites, by any means, a military person to not to obey the orders of his superiors or the commander, or to resist or abuse him, he shall be punished by imprisonment for a period not exceeding seven years if such incitement has no consequences.
2. If such incitement has led to harmful consequences to the military services, the instigator shall be punished by imprisonment for a period of no less than five years.
3. The instigator for disobedience shall be punished during the war or martial law by death.
4. If the instigator is a civilian, the punishment shall be decreased by half and the death penalty shall be replaced by hard labor for a period of fifteen years.

Article 134

The penalties set forth in the preceding articles shall apply to every person who proved to be innocent from the escape crime but has not returned the animals, weapons or any other army belongings that were in his possession.