

## Amendment to Military Service Law Raises Serious Concerns Over Syrians' Real Estate Rights

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A high-ranking Syrian military official recently said that the government could seize the properties of men who have failed to perform their mandatory military service, while also threatening to seize their family members' assets. These statements have raised controversy over how to interpret a key amendment to Syria's military service law.

Brigadier General Elias Bitar, head of the Exemptions and Allowances Branch of the Syrian army's General Recruitment Directorate, appeared in a video published on February 6 by the [Ministry of Information](#). In the video, Bitar said that Syrian men, either inside or outside Syria, who fail to perform their compulsory military service by the time they reach age 43 will have to pay a so-called "service loss fee". The [Military Service Law](#), issued within Legislative Decree No. 30 of 2007, defined a service loss fee as "monetary compensation bearing the character of a civil compensation, paid to the public treasury if one reaches age 43 without having performed mandatory military service, for reasons other than exemption or delay, as stipulated in the Military Service Law".

According to an amendment to Decree No. 30 of 2007, which was issued within Law No. 33 of 2014, that fee is set at USD 8,000, or its equivalent in Syrian pounds, according to the official exchange rate published by the [Central Bank of Syria](#) on the date of payment. The fee is levied in accordance with the Public Funds Collection Law. Law No. 33 of 2014 added a prison sentence and an annual fine as punishment for late payment of the fee. Another amendment to Decree No. 30 of 2007, which was issued as Law No. 35 of 2017, gave a three-month deadline for those who had reached the age of 43, before a provisional seizure would be placed on their properties, by decree of the Minister of Finance. The prison sentence and fine would be enforced after failure to pay by the deadline.

Bitar added in the video message, published earlier this month, that executive seizure would be used against assets and properties belonging to men who had reached 43 and had not yet paid the exemption fee. In practice, this means confiscating the property for the benefit of the state or selling it in a public auction.

Those provisions are based on an amendment to Paragraph H, Article 97 of Law No. 30 of 2007 issued within Law No. 39 of 2019. Law No. 39 stated: "An executive seizure shall be placed, by decree of the Minister of Finance, on movable and immovable assets of the person charged with payment of the exemption fee, who fails to pay within the specified time limit". The amendment added that the government may obtain the unpaid exemption fee through "the provisions of the Public Funds Collection Law, without any need to warn the concerned party".

As part of the process for carrying out executive seizures, the military recruitment divisions in each governorate draw up lists of assigned men who have reached 43 and did not serve in the military. These lists are submitted to the Exemptions and Allowances Division of the [Ministry of Defence](#), which in turn compiles a file and sends it to the military judiciary's Public Prosecution office, and to the [Ministry of Finance's](#) Taxes and Fees Authority. An executive seizure is then placed on the assigned men's movable and immovable assets in accordance with the Public Funds Collection Law. This process constitutes an exception from the general rules for [executive seizures](#), which are only meant to occur through the judiciary, based on conclusive rulings, or take place in order to collect the value of debts.

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However, Bitar mentioned in the video that executive seizure could also extend to funds and assets belonging to the “relatives or dependants” of a military service evader. In an interview by Russian state-run network RT, Bitar added: “The assets of the service evader who refuses to pay will be seized, as well as, potentially, the assets of his relatives,” meaning his children and parents.

Law No. 39 of 2019 does not explicitly mention using either executive or provisional seizures against these men. However, according to Bitar’s statements and news reports dating to December 2019, the People’s Assembly passed amendments to Decree No. 30 of 2007 that allow for provisional seizures targeting military service evaders’ wives and children. According to sources who spoke with *The Syria Report*, this discrepancy could be due to the fact that there are two versions of Law No. 39 of 2019: one that is published, and does not mention provisional property seizure, and another that remains unpublished and was approved by the People’s Assembly in December 2019.

According to a cached copy of a news release on the People’s Assembly website, legislators had discussed a report by the Assembly’s National Security Committee about the draft law containing the seizures amendment in Article 97, and subsequently approved it, making it law, although the law must be published, in full, in Syria’s official gazette in order to become effective. In this version, provisional seizure can be used against the assets of wives and children if the targeted military service evaders do not have enough money to pay the exemption fee. This seizure can be lifted if it is proven that these assets were not transferred to them by the military evader.

The cached copy added that a provisional seizure that is used for collecting a fixed and specified sum contradicts the fact that such seizures are meant as provisional measures to be used when the amount in question is either disputed or not fixed. This is why the amendment in Article 97 was added—namely, so that executive seizure can be used against those who fail to pay their exemption fee when they turn 43, and so that provisional seizure can be used against the wives and children until it becomes clear that their assets were not transferred to them from the targeted military service evader.

The cached copy does not go on to mention property seizures targeting fathers, mothers or siblings. That said, threats against family members may merely be an intimidation tactic to speed up payment of fees. Still, Bitar’s statement about executive seizures against family members is not legally correct, even if Law No. 39 of 2019, in its unpublished form, is legitimate.

Extending provisional property seizures to include the spouse and children or other relatives of a military service evader, goes against Article 9 of the Public Funds Collection Law No. 341 of 1956, which states that seizure targets the assets of the individual and does not mention other parties. Such seizures also contradict Article 51 of the 2012 Syrian constitution, which states that punishments must be individual, and that only the perpetrator of a certain crime be punished for it.



Screenshot of the cached copy of the news release.

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