

LAW OF THE REPUBLIC OF ABKHAZIA ON UNIVERSAL MILITARY DUTY AND MILITARY SERVICE

SECTION I. General Provisions

Article 1. Military duty

1. In compliance with the law, citizens of the Republic of Abkhazia are in duty bound to defend the Fatherland the Republic of Abkhazia.

Military service in the Armed Forces of the Republic of Abkhazia is considered to be an honorable duty of every citizen of the Republic of Abkhazia.

2. Military duty of citizens of the Republic of Abkhazia envisages:
 - inclusion in military records
 - training for military service
 - enlistment for military service
 - undergoing military service
 - serving in the reserve
 - military training during wartime
3. Exempt from military service are the following citizens: males younger than 16 years and older than 60 years, females under age 18 and older than 50 years; citizens not fit for military service for health reasons.

SECTION II. Military Records

Article 8. Initial inclusion of citizens in the military records

Initial inclusion of male citizens into military records is done by a district or city commission on inclusion into military records during the period from 1 January to 31 March in the year when the citizen has reached 14 years.

(As amended on March 17, 2003 № 761-to-XIV)

SECTION IV. Conscription of Citizens for Military Service

Article 19. Citizens eligible for conscription for military service

Male citizens aged between 18 and 27, listed or liable to be listed in military records and who are not eligible for exemption or deferment from military service shall be subject to military conscription.

Decision on the conscription into military service may be taken only after the person reaches the age of 18.

Article 21. Deferment of military service

1. Deferment of military service is provided to citizens:

- a) who are considered to be unfit for military service for health reasons – up to a year;
- b) caring for a family member who needs assistance and is not fully dependent on state support; and in the absence of other persons required by law to care and provide for the family member regardless of his place of residence;
- c) who have a child brought up without a mother;
- d) who have two or more children;

(As amended on November 18, 1998 No. 470-c-XIII)

- e) Whose mother in addition to them has two or more children under the age of 16 years and raises them without a husband;

(As amended on November 18, 1998 No. 470-c-XIII)

- f) Living alone, having no parents and managing their own household.
Persons in need of assistance and care are family members who have reached retirement age or have disability of first or second group, as well as family members under 18 years of age.

Article 22. Time schedule of the military service of citizens

1. Conscription for military service is performed twice a year - from 1 April to June 30 and from October 1 to December 31, by Decree of the President of the Republic of Abkhazia

2. Citizens, who reside in rural areas and are directly engaged in the planting and harvesting, is conscribed for military service from 15 October to 31 December;
3. Citizens, who are teaching staff of educational institutions, are recruited for military service from May 1 to June 30.

Article 26. Medical examination of citizens eligible for conscription for military service.

1. Citizens eligible for conscription for military service undergo medical examination by doctors, specialists in different fields: therapy, surgery, neuropathology, ophthalmology, otolaryngology; dentists, psychiatrists, etc.

If it is not possible for the citizen to obtain a medical certificate of fitness for military service, the enlistment commission allows them to be examined in an outpatient medical department or hospital in the Republic.

The doctors, specialists in different fields, give the citizens a certificate on the basis of the results of the medical examination, specifying their degree of fitness for military service as follows:

- A – Fit for military service;
- B – Fit for military service with minor limitations;
- C – Fit for military service with limitations;
- D – Temporarily unfit for military service;
- E – Unfit for military service.

SECTION V. Contractual enrolment for military service

Article 29. Contracting for military service

1. Male citizens aged between 18 and 40 and female citizens aged 20 to 40 years are eligible to sign a contract for military service for the first time.

Article 30. Enrollment in professional military education institutions. Contracting students of professional military education institutions for military service.

1. The following persons are eligible to enroll in the professional military education institutions:

citizens who have not served military service – aged from 18 to 20 years;

Article 35. The duties of military service

1. In order to regulate relationships associated with the implementation of military duty and military service, the performance of duties under the military, service, means:

- a) participation in hostilities;
- b) performance of official duties, established in accordance with military regulations;
- c) performance of combat duty (combat service);
- d) participation in drills and ship campaigns;
- e) execution of orders, instructions or tasks, given by the commander (chief);
- f) presence on the territory of a military unit for a fixed working time or if it is under business necessity;
- g) going on a business trip or undergoing treatment;
- h) travelling to the place of service, treatment, and vice versa;
- i) undergoing military training;
- j) being a prisoner of war (except cases of voluntary surrender), being held hostage or interned;
- k) unknown absence – until the soldier is declared missing or dead according to the criteria prescribed by law;
- l) protecting life, health, honor and dignity;
- m) assisting law enforcement agencies to ensure law and order;
- n) other actions of the soldier recognized by the court as committed in the interests of society and state.

2. The following situations are not recognized as being on duty when a soldier:

- a) is on rest & recuperation outside the military unit's territory, on leave or vacation, except for situations described in paragraphs "j" - "n" of the first part of this article;
- b) is found outside of the military unit territory or outside of the military duty station without permission, except for situations provided in paragraphs "j" - "n" of the first part of this article;
- c) voluntarily brought himself into a state of narcotic or toxic intoxication;
- d) commits a socially dangerous act regulated under the criminal law;
- e) commits or attempts suicide when these actions were not caused by an illness or incitement to suicide.

3. A soldier cannot be given orders, tasks and instructions, which are not related to military service or are aimed at violating the law.

Article 49. Early dismissal of citizens from military service

Dead or missing military servants are removed from the personnel of the military unit.

President of the Republic of Abkhazia

V. ARDZINBA

City of Suhum

5 October 1995

No. 231-c