

LAW OF THE REPUBLIC OF SOUTH OSSETIA

ON THE MILITARY DUTY AND MILITARY SERVICE

The present Law puts into effect the legal regulations in the field of military duty and military service with a view to assuring that the citizens of the Republic of South Ossetia fulfill their constitutional obligations and duty to defend their homeland, as well as the legal regulations on foreign citizens enlisting in military service, and their military service in the Republic of South Ossetia.

Section I. GENERAL PROVISIONS

Article 4. Duties of the officials of the state bodies and organizations on guaranteeing the implementation of the military duty

3. The police and law enforcement agencies within their jurisdiction shall

give information needed for filling in the documents of military records on citizens included in the military records on the request of the military registration and enlistment office within a period of two weeks;

perform search and based on legal grounds detain citizens who evade military records, conscription into military service or military training, and attending military service or military training;

give information on cases of discovery of citizens not included, but who should be included, in the military records, as well as on persons who have been granted citizenship by the Republic of South Ossetia, and who are planned to be included in the military records, to the military registration and enlistment office within a period of two weeks;

Section II. MILITARY RECORDS

Article 10. Initial inclusion of citizens into the military records

1 Initial inclusion of male citizens into the military records is carried out during the period from 1 January to 31 March in the year they reach age 17 years by the commissions on

including citizens in the military records, formed in the regions by decision of the highest ranking official (leader of the highest executive body of the state power of the Republic of South Ossetia) on the proposal of the military enlistment officer of the Republic of South Ossetia.

Section III. COMPULSORY AND VOLUNTARY TRAINING OF CITIZENS FOR MILITARY SERVICE

Article 14. Teaching the basics of military service in secondary education institutions, primary vocational and secondary vocational education institutions and in learning units of organizations

1. Prior to being conscribed into military service and during the last two years of study, male citizens are trained in basic military service in secondary education institutions, educational institutions of primary vocational and secondary vocational education. Training for basic military service of male citizens is carried out by qualified teachers of the respective educational institutions in compliance with the state education standards.

The training of male citizens for basic military service envisages the holding of training assemblies for these citizens.

Male citizens who have reached 16, who are employed at organizations and have not yet received training in basic military service in the framework of educational institutions mentioned in paragraph 1 of this article, shall attend classes on the basics of military service at learning centers established by the Government of the Republic of South Ossetia.

Article 17. Voluntary training for military service

1. Voluntary training for military service provides:

Practising military applied kinds of sports;

training under additional educational programs aimed at military training of minors in secondary educational institutions.

2. Voluntary training of citizens for military service is carried out according to the procedure of the Government of the Republic of South Ossetia.

Article 19. Training under additional educational programs aimed at military training of minors in secondary educational institutions

1. Government of the Republic of South Ossetia has the right to establish secondary educational institutions with additional educational programs that aim at military training of minors. The provisions of these educational institutions are approved by the Government of the Republic of South Ossetia.
2. Orphan minors and minors deprived of parental care, enrolling in the educational institutions mentioned in paragraph 1 of this article, shall be admitted without examination based on interviews and medical check-up.

Section IV. CONSCRIPTION FOR MILITARY SERVICE

Article 21. Citizens to be called up for military service

1. For military service shall be called up:
 - a) male citizens between the ages of 18 and 27, who are enlisted or obliged to be enlisted in the military records and who not in reserve (hereinafter - citizens, not in reserve);
 - b) male citizens between the ages of 18 and 27, who graduated from the state, municipal or private institutions of higher education that received state accreditation in relevant areas of training (specialties) and enrolled in the reserve with the rank of officer.
2. The following shall not be called up for military service: citizens who in compliance with the present Law are entitled to exemption from military service, from conscription for military service; citizens entitled to deferment from military service, as well as those who are not subject to military conscription.
3. Conscription of citizens to military service is carried out on the basis of the decrees of the President of the Republic of South Ossetia.
4. Decision about recruiting citizens for military service may be taken only after they reach the age of 18.
5. Male citizens included in the reserve, who have been granted the military title of officer, and called up for military service, are given the status of military personnel contracting for

military service. The specificity of their military service is stipulated by the present Law and by Provisions on the procedure of military service.

Article 22. Exemption from military service. Citizens not subject to military conscription

1. The following citizens are entitled to exemption from military service:
 - a) those who are not considered eligible, or eligible to a certain extent for military service for health reasons;
 - b) those undergoing or having done their military service in the Republic of South Ossetia;
 - c) those who have done their military service abroad.

2. Entitled to exemption from military service are the following citizens:
 - a) those who have an academic degree awarded by the state system of certification;

 - b) are the sons (brothers) of:
 - military personnel, who served in the military by conscription and died while performing their military duties, and citizens attending military training, who died while performing military duties during the military training;
 - citizens who died as a result of maim (injury, trauma, contusion) or disease received while performing military duties during military service, after discharge from military service or after being expelled from military training or upon the completion of military training.

3. The following citizens are not subject to military service:
 - a) those who are punished in the form of obligatory work, re-educational work, limited freedom; those who have been arrested or deprived of liberty;
 - b) those whose sentence for crimes they have committed has not been repealed or come to an end.
 - c) Those who are under preliminary investigation or are implied in a criminal case handed over to the court.

Article 23.

2. The right to a deferment from military service is granted to citizens:
 - a) enrolled in full-time studies at:

- educational institutions that possess state accreditation for secondary educational programs – over the duration of studies but before they achieve the age 20 years;

SECTION V. CONTRACTING FOR MILITARY SERVICE

Article 31. Contracting for military service

1. The following individuals are eligible to sign a first contract for military service:

- those aged 18 to 40 years;
- foreign nationals aged 18 to 30 years

Article 33. Enrolment of citizens in the professional military education institutions. Signing contracts for military service with citizens studying in the professional military education institutions.

1. The following individuals are eligible to enrol in the professional military education institutions through the Ministry of Defence of the Republic of South Ossetia:

- citizens who have not done military service – from the age of 16 to 22 years;

Male soldiers under 18 expelled from military educational establishments, retire from military service, are sent to the military commissariat for inclusion into military records, and are subsequently recruited for military service on general grounds.

Section VIII. RESERVE OF THE ARMED FORCES OF THE REPUBLIC OF SOUTH OSSETIA WITH THE COMMITTEE OF STATE SECURITY

Article 50. Enrolment in the reserve

1. Reserve of the Armed Forces of the Republic of South Ossetia is created from the following citizens:

- those who have not served in military service due to exemption from military service;

- those who have not served in military service due to deferment from military service or for any other reason upon reaching the age of 27 years.

President

Republic of South Ossetia

E.DJ. Kokoitui