

Algeria - Researched and compiled by the Refugee Documentation Centre of Ireland on Wednesday 25 March 2009

Information on Military service:

Does conscription and /or military service apply in Algeria? Who can be required to do such service in terms of age, gender, marital status, religion, health and educational level? What training do enlisted persons receive, how long does the period of service last? In Algeria, is there an alternative to military service? If so what is it? How does a person apply for it? How long is it? Information on the treatment of those who: (a) refuse, or (b) avoid military service, or (c) desert military service. What is the maximum penalty to which they can be subject? How many persons each year would refuse, avoid or desert military service? How many prosecutions are taken each year against such persons? Are there any NGOs in Algeria that would render assistance to persons facing prosecutions in relation to military service? What services do they provide?

Under the heading 'Military' the *CIA* in March 2009 says for 'military service age and obligation' that it is "19-30 years of age for compulsory military service; conscript service obligation - 18 months (6 months basic training, 12 months civil projects) (2006)" (*CIA*, (19 March 2009), *The World Factbook Algeria*).

Considering 'Defence' the *US Department of State* in March 2009 says

"Algeria's armed forces, known collectively as the People's National Army (ANP), total 138,000 active members, with some 100,000 reservists. The president serves as Minister of National Defense. Military forces are supplemented by a 60,000-member national gendarmerie, a rural police force, under the control of the president and a 30,000-member Sureté Nationale or Metropolitan Police force under the Ministry of the Interior. Eighteen months of national military service is compulsory for men" (*US Department of State*, (March 2009), *Background Note: Algeria*).

In February 2009 the *US Department of State* commenting on events of 2008 says in section 2d 'Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons' that "The government did not permit young men eligible for the draft, who had not yet completed their military service, to leave the country without special authorization; however, such authorization was granted to students and to persons with special family circumstances" (*US Department of State*, (25 February 2009), *2008 Human Rights Report: Algeria*).

Under the heading 'Defence' *Europa World* in 2008 says

"Chief of Staff of the Army: Maj.-Gen. Salah Ahmed Gaid.
Commander of the Land Force: Maj.-Gen. Ahcène Tafer.

Commander of the Air Force: Maj.-Gen. Muhammad Baâziz.
Commander of the Naval Forces: Gen. Malek Necib.
Commander of the Republican Guard: Gen. Layachi Grid.
Defence Budget (2007): AD 250,000m
Military Service: 18 months (army only)
Total Armed Forces (as assessed at November 2007): 147,000: army 127,000 (80,000 conscripts); navy 6,000; air force 14,000
Paramilitary Forces: 187,200 (including an estimated 150,000 self-defence militia and communal guards, and a gendarmerie of 20,000). The defence budget for 2007 was estimated at AD 250,000m” (Europa World, (2008), *Defence, Directory: Government and Politics, Algeria, The Middle East and North Africa*, Regional Surveys of the World)

Citing another source the *UK Home Office* in September 2008 says on page 63 that

““Conscription is still used each year to bring up to 80,000 young men into the army for 18 months of service. This includes six months of basic army training, with the remainder served with the regular army, often undertaking civilian aid projects and, especially during the period of the insurgency, internal security operations. There are no conscripts assigned to the air force or navy.” (Jane’s Sentinel Country Risk Assessments: Algeria. Posted 7 January 2008) (UK Home Office, (30 September 2008), *Country of Origin Information Report – Algeria*).

Page 21 of a paper by the *Library of Congress* issued in May 2008 says under the heading ‘Military Service’ that “Military service is compulsory for males aged 19–30. The term of service is 18 months, consisting of six months of basic training and 12 months of civil projects” (Library of Congress, (May 2008), *Country Profile: Algeria*).

Also in May 2008 a report by the *Coalition to Stop the Use of Child Soldiers* says

“The legal basis for conscription into the regular armed forces remained the National Service Code. Algerian men were liable for 18 months’ compulsory conscription between the ages of 19 and 30, and an additional six months’ service as a reservist up to the age of 50. Some 375,000 young men were estimated as reaching military service age annually.⁷ Evading conscription was punishable by a five-year prison sentence in accordance with Article 254 of the Algerian Military Justice Code. The minimum age for voluntary recruitment into the armed forces or paramilitary forces was unclear” (Coalition to Stop the Use of Child Soldiers, (May 2008), *Algeria: Child Soldiers Global Report 2008*).

Page 13 of a paper in December 2007 by the *Country of Return Information Project* says

“Consequences of non compliance with the *de ne pas respecter les délais* :The consular section has stated that an Algerian citizen who does not comply with the timetable for the regularisation may be considered to be absent without leave by the Algerian authorities (Algerian embassy 24 May 2005). Moreover according to the consular section , “It is possible that persons who are in an irregular situation

with regard to the national service may not obtain a passport. But this are rare occasions since the implementation of regularisation measures (ibid.)." (Country of Return Information Project, (December 2007), *Country Sheet; Algeria*).

The *IRB* in September 2006 note

"The section relating to national military service on the Web site of the Embassy of Algeria in Ottawa indicates that Algerians called up for military service can ask to be exempted from their obligation to serve for medical or social reasons, as follows:

[translation]

medical reasons:

the applicant must submit a complete medical file and undergo tests administered by a medical board for military service aptitude.

social reasons:

duly registered Algerian citizens can apply for exemption from their obligation to perform military service if they are

the sole provider for immediate or extended family members who are disabled or underage, or aged 27 years and over and gainfully employed. (n.d.)" (*IRB*, (5 September 2006), *Algeria: Military card; documents regarding military service, deferral and exemption; description of those documents; procedure and conditions for obtaining deferral and exemption documents*).

Research compiled by the *IRB* in June 2005 points out

"Punishments for draft evaders

According to the report, if an Algerian is convicted of draft evasion, sentences could entail incarceration for a maximum of 36 months, 18 months of military service, or both. The courts tend to impose "more lenient sentences, especially for those who merely sought to avoid doing their service, and the latter are, therefore, often only sentenced to do their normal service term." However, this information could not be corroborated by the Research Directorate within the constraints for this Response.

Punishments for deserters

Deserters are dealt with much more severely than draft evaders. If deserters under 55 years of age are caught, they can be taken before a military tribunal for trial. "The penalty can be 6 months' to 5 years' incarceration for junior military personnel and up to 10 years for an officer, after which he may still be required to finish his military service." However, Brian Davis could not provide any information "on how tribunals are presently deciding these types of cases." ("*IRB*,

(7 June 2005), *Algeria: Follow-up to DZA43564.FE of 18 May 2005 on procedures followed by the army in cases of desertion; whether deserters are being ordered to report by the gendarmerie; time allowed to respond to such orders, if applicable; whether the reason for desertion appears on the order to report; the current situation of deserters (January 2005-May 2005)*).

Also in June 2005 further research from the *IRB* points out that

"Military service is mandatory in Algeria (Algeria-Watch 20 Feb. 2005; Davis May 2001). According to a report on Algeria by Brian Davis, published in May 2001 (available in regional documentation centres),

- Law #68-82 of 16 April 1968 made military service an obligation;
- Law #74-103 of 15 November 1974 specified that as of 19 years of age all males had to serve for a period of 24 months;
- Law #89-19 of 12 December 1989 reduced the duration of service to 18 months (ibid.).

"In the year he turns 18, [an Algerian] man must register for service with the local designated authority" (ibid.). Announcements are made "over the radio and television and in the press to remind those who are turning 18 of the requirement to register" (ibid.). Those who are not given an exemption in the first step must undergo a medical examination and, if they are unsuccessful, they are sent "a call-up notice (ordre d'appel) to appear by a certain date for induction into the military" (ibid.)" (*IRB*, (7 June 2005), *Algeria: Obligations regarding military service and the reserve; the possibility of obtaining an exemption or stay, including the procedures to follow (May 2001-June 2005)*).

In May 2005 research by the *IRB* notes

"According to the Website of the Algerian Embassy in Ottawa, Algerians can apply to be exempted from national service for medical reasons, because they are the [translation] "only family support for relatives, disabled relatives or minors," or because they are over 27 years of age and have a wage-earning job (n.d.b). For further information on the process to obtain an exemption from Algerian national service, consult the embassy's Website: <<http://www.ambalgott.com/html/servicenational1.htm>>. The Website of the Algerian Embassy in Ottawa indicates that regularization of national service status is offered to draft dodgers from 2002, that is, those who were born in 1982, and to [translation] "citizens from earlier groups who were late to regularize their status and who completed or abandoned their studies by 31 December 2001" (n.d.a). However, according to the consular section at the Algerian Embassy, this regularization is offered to people born in 1983 and earlier (24 May 2005). Persons concerned must report to Algerian authorities with their birth certificate, a piece of identification, their consular registration card, two photographs and a copy of their diploma (or a certificate indicating abandonment of studies) (Algerian Embassy n.d.a). The embassy also indicated that a certificate of activities and an application form, available on the embassy's

Website in Arabic only, must be filled out (ibid.).” (IRB, (25 May 2005), *Algeria: Regularization of military service status, including the process followed in Algeria or at an embassy abroad; documents required; consequences of failing to comply with the deadlines for regularization; the possibility of regularization for individuals subject to a wanted notice for avoiding national service; documents issued by the authorities to people who have regularized their status; the possibility of obtaining certain official documents, including a passport, if a person’s national service status has not been regularized (May 2005)*).

This paper adds that

“The consular section indicated that an Algerian citizen who fails to comply with the deadlines for regularization risks being considered a draft dodger by the Algerian authorities (Algerian Embassy 24 May 2005). In addition, according to the consular section, [translation] [i]t is possible that people in an irregular national service situation may not be issued their passport. However, that possibility has become more remote with the implementation of the regularization measures (ibid.)” (ibid).

Another research paper by the *IRB* in May 2005 says

“An undated article posted on the Algeria-Watch Website stated that [translation] "a large proportion of youths" avoid military service without even obtaining an exemption or stay (yellow card). According to the article, they wait-sometimes until their thirties-for a possible amnesty (Algeria-Watch n.d.). The article also stated that these youths are eventually forced to join the army after ignoring many notices to report for duty (ibid.). According to the Website for the Algerian consulate in Saint-Étienne, France, national service regularization does not apply to deserters, [translation] "under the 1999 presidential measures, which stipulate that Algerian citizens born before 31 December 1981 no longer have to justify their national service status at border stations upon leaving Algeria" (n.d.). An article published in the Buffalo News reported that an Algerian air force deserter who claimed asylum in the United States feared returning to his country because "the Algerian military treats deserters with severe penalties . . . if they're viewed as terrorist sympathizers" (8 Apr. 2004). However, this allegation could not be corroborated among other sources consulted by the Research Directorate. According to an article published in *Jeune Afrique/L'Intelligent*, [translation] "deserting officers" are among the groups (including [translation] "repentant terrorists") who wanted [translation] "to benefit from provisions in the future amnesty law" (17 Apr. 2005), but [AI English version] "[s]o far, little is known about the terms of the proposed amnesty" (AI 14 Apr. 2005; see also *Jeune Afrique/L'Intelligent* 17 Apr. 2005), which should be adopted by the Algerian government during 2005 (ibid.). In a joint statement, Amnesty International, Human Rights Watch, the International Center for Transitional Justice, the International Commission of Jurists and the International Federation for Human Rights expressed their concerns regarding [AI English version] "official statements [that] indicate that the law will grant exemption from prosecution to any member of an armed group, state-armed militia or the security forces for crimes committed in the course of the conflict [in Algeria], including serious human rights abuses" in the interest of "national reconciliation" (AI 14 Apr. 2005)”

(IRB, (18 May 2005), *Algeria: Update to DZA35074.FE of 26 July 2000 on procedures followed by the army in cases of desertion; whether deserters are being ordered to report by the gendarmerie; time allowed to respond to such orders, if applicable; whether the reason for desertion appears on the order to report; the current situation of deserters (January 2005-May 2005)*).

An article in the *Washington Post* from March 2005 notes that "Human rights organizations, including Amnesty International, have said that deserters from the Algerian military sometimes face "torture and execution upon return." The Algerian Embassy has in the past insisted that its military has not executed a deserter since 1962" (*Washington Post*, (22 March 2005), "U.S. Is Faulted Over Algerian's Detention; U.N. Panel Calls Confinement 'Arbitrary' ").

Considering 'draft evasion and desertion' a paper in 1998 by *War Resisters International* says

"Draft evasion and desertion are punishable under the 1971 Military Penal Code (Code de Justice Militaire (CJM)). According to art. 40 of the Military Code, a state of emergency is equivalent to a state of war. Algeria has been in state of emergency since 9 February 1992. This means that since 1992 the punishments as applicable in wartime prevail. [1] [21] Concerning penalties for draft evasion and desertion, no distinction is drawn between conscripts and professional soldiers. For officers the penalties are heavier. [21] Draft evasion and refusal to perform military service (insoumission) is punishable by 3 months' to 5 years' imprisonment in peacetime. In wartime the penalty is from 2 to 10 years' imprisonment, and the convicted individual may lose all rights mentioned in art. 8 of the penal code. Officers may be dismissed. Insoumis are those called up who have not reported to the military within 30 days of a call-up notice (art. 16 CSN). [1] [16] [21] The penalties for desertion are prescribed in arts. 255 to 270, depending on whether the deserter fled within the country, went abroad, or deserted to the enemy, and whether the deserter was alone or in a group. Desertion within the country is punishable by 6 months' to 5 years' imprisonment in peacetime; 2 to 10 years' in wartime (art. 256). If more than two men desert together this is considered desertion with conspiracy and punishable by one to 6 years' imprisonment in peacetime; 5 to 15 years' in wartime (art. 257). Desertion abroad is punishable by 2 to 10 years' imprisonment in peacetime; 10 to 20 years' in wartime (art. 258-264). In aggravated circumstances - for instance in case of desertion with conspiracy, desertion of officers, or if the deserters carried arms or ammunition - the penalty may be up to life imprisonment. If deserters flee to an armed group or to the enemy the maximum punishment is execution (arts. 266 to 269). [1] [16] [21] Those who incite others to desert may be punished by 6 months' to 5 years' imprisonment in peacetime; 5 to 10 years' in wartime (art. 271). Those who hide deserters or try to keep them away from prosecution may be punished by two months' to two years' imprisonment (art. 272). Self-mutilation (in order to be unable to serve) is punishable by one to 5 years' imprisonment in peacetime; 5 to 10 years' in wartime (art. 273) "(War Resisters International, (30 June 1998), *Country Report and Updates, Algeria*).

No further information on these issues could be found among sources available to the RDC.

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This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

Sources Consulted

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Norwegian Refugee Council
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Refugee Documentation Centre Library
Refugee Documentation Centre Query Database
Regional surveys of the world
Reliefweb
UK Home Office
University Of Maryland Minorities At Risk