



LANDINFO

Utlendingsforvaltningens fagenhet for landinformasjon

Query response

Algeria: Conscription

- Briefly about the Algerian national forces
- Length and organisation of military service
- Evasion of service

Briefly on the availability of sources

Availability of sources on conscription in Algeria is varied. Purely factual matters such as registration procedures, examination for military service and the call-up to service, as well as application procedures for postponement and exemption, are described in relative detail on the websites of the Algerian Department of Defence and Algerian foreign missions. Legislation outlining penalties for evasion of service is also available. However, information about the actual enforcement of the penalties is only scarcely available, and the information that does exist is anecdotal.

Briefly about the Algerian national forces

The Algerian People's National Armed Forces (Armée nationale populaire, ANP) originated in the National Liberation Army (Armée de Libération Nationale), established in 1954 as part of the war of independence against the colonial empire of France. After Egypt, the Algerian army is regarded as the most professional army in Africa and the Arab world and was ranked the world's 25th strongest army in 2017 (Global Firepower 2018). ANP has not been involved in acts of war against a foreign state for decades but has long and broad experience in counter-terrorism, particularly during the war against armed Islamist groups in the 1990s and later in the context of acts of terrorism such as the attack on the gas plant at In Amenas in 2013. In addition, the country's armed forces are tasked with defending the country's almost 7,000 kilometre-long border to seven states, several of which, like Libya and Mali, are so-called "weak states", unable to protect their own territories and borders (Ghanem-Yazbeck 2017a).

The Algerian armed forces consist of 792,350 men. The active force is 520,000, while 272,350 are reservists. ANP has traditionally bought most of its military equipment from the former Soviet Union, as well as China and France. Today, the country has concluded agreements on the purchase of military materials from Italy and Germany, amongst others. Cooperation with the United States has expanded since the 2000s, particularly in connection with Algeria having

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a key role in the fight against terrorism in the Sahel area. Algeria also has a minor, national military industry.

ANP has played an important historical role in Algeria, as the continuation of the resistance army who won independence from France in 1962 after over seven years of bloody war. ANP still has great influence today, including politically. Many leading politicians still have backgrounds from the war of independence and the army leadership has a major influence on civilian politicians. The army also has a good reputation amongst the population as the institution that “saved” the country from armed Islamists in the early 1990s and acts as a guarantor of stability in the country (Ghanem-Yazbeck 2017b). The army is also one of the country’s biggest employers and thus plays an important role in the daily lives of many families.

President Abdelaziz Bouteflika is both Chief of Defence and Minister of Defence and makes all important decisions concerning the armed forces, usually in the form of decrees or presidential orders.

Length and organisation of military service

Algeria has compulsory military service for all men from the age of 19.

Compulsory military service is regulated by the National Service Act (Loi 14-06 relative au service national) from 2014, as well as various regulations, decrees etc. (see Ministère de la Défense Nationale n.d., for a summary of current legislation).

In connection with the adoption of the new National Service Act in 2014, military service time was reduced from 18 to 12 months (National Service Act 2014, article 5).

The national forces do not have the capacity to enlist everyone in every age cohort. The age cohorts are large, and the armed forces are one of the few opportunities young people have for paid work and careers. In addition, Algeria has professionalised its military forces, and therefore the most suitable candidates are chosen. The Ministry of Defence determines how many people should be called up for service at any given time. Landinfo has not found information about how many people in each age cohort were called up for service after the examination for military service.

The Central National Service Agency (Direction du service national) is responsible for managing the national service. There are 39 local national service centres around Algeria, in addition to Algerian embassies administering this task for Algerian citizens abroad. A list of all local national service centres can be found on the website of the Ministry of Defence (Ministère de la Défense Nationale, n.d.).

Registration and medical examination

All Algerian men must meet for registration the year they turn 17. The registration takes place in the municipality of residence or at the nearest foreign mission, during the period of 2 January to 30 September each year (National Service Act 2014, article 13).¹

¹ The Algerian Consulate General in Paris states that the registration takes place in the first trimester (Algerian Consulate General in Paris, n.d.).

As mentioned earlier, the registration is mandatory for Algerian citizens in Algeria and abroad (but only men) the year they turn 17.

After registration, the conscript will be summoned for an examination for military service. Only people with disabilities, the seriously ill, hospitalised and inmates in prison are exempt from turning up for the examination after having been summoned (National Service Act 2014, article 17-18).

A medical examination determines whether the candidate is fit for service or not. Starting during the medical examination, the conscript can submit an application for postponement or exemption.²

Application for exemption and postponement

A person may apply for an exemption (dispensation) on compassionate grounds, both before and after enlisting. According to the Algerian Ministry of Defence (Ministère de la Défense Nationale, n.d.), exemptions may be granted if the conscript

- is the family caretaker
- is working
- has one or more brothers who are serving national service
- has a close relative who has the status of victim in the national tragedy³

Commissions in the country's military regions decide upon the applications for exemption, and the Central National Service Agency acts as appeals office (National Service Act 2014, article 24-26).

A person can also apply for a postponement of conscription (report d'incorporation) if they have a "temporary hindrance" from serving, or a brother who is serving in the national service (National Service Act 2014, article 27).

Persons can apply for postponement of the actual military service (sursis) if they are under education. The postponement can be renewed until completion of the education. This is documented by a confirmation from the educational institution (National Service Act 2014, article 28-30).

People living abroad may apply for exemption or postponement at the nearest foreign mission. The applicant submits a birth certificate, a copy of ID card, a copy of consular ID card, residence permit and documentation of school or employment together with the application form. In addition, the applicant submits documentation of the grounds on which the applicant is seeking exemption or postponement, such as family conditions, medical conditions etc. (Algerian Consulate General in Paris, n.d.).

² If the conscript for some reason is not called up for an examination, they have an independent duty to familiarise themselves with matters relating to the national service. If the conscript is called up for a examination, but fails to appear, he will automatically be considered fit for duty (National Service Act 2014, article 19).

³ "The national tragedy" is the name of the war between the Algerian state and the armed Islamist groups in the 1990s. See Landinfo 2014 for more information about this conflict.

Call-up for service

Persons who qualify in the examination are called up for service. The call-up is sent via the local gendarmerie. The call-up method for Algerians living abroad is determined separately. If the conscript does not appear for service at the specified time and place, he will get a new call-up with marching orders for the next contingent. If the conscript fails to acknowledge receipt of the order, he is still considered to have been notified.

When the conscript attends for service, he undergoes a new medical examination. If he is deemed unfit for service there, he shall be exempted and the administrative matters will be handled at the local national service office (National Service Act 2014, article 31-34).

Evasion of service

According to the National Service Act, a person is considered to have evaded service if he 1) does not meet for registration and examination for military service before he has turned 25 years of age, or 2) does not meet for service after a second call-up (National Service Act 2014, article 35). The status of someone who evades service (*insoumis*) ceases if the conscript is arrested, voluntarily reports to the authorities, or declares that they evaded service by mistake (National Service Act 2014, article 37).

However, information from the Algerian military authorities suggests that this is a dormant provision. According to El Djeich (“The Army”), the official publication of the Algerian national forces, the provision will only be enforced from 2022 (Bendada 2018).

Consequences of evading national service

Criminal penalties for evading national service are regulated by the Military Criminal Code and the National Service Act. Cases relating to evasion of service shall be handled by the military courts.

According to the Military Criminal Code of 2007, article 254, evasion of service is punishable by three months to five years during peacetime. According to the National Service Act, article 7, a person who has not completed national service, or who has been granted an exemption or postponement, cannot be employed in the public or private sector or pursue a liberal profession.

The question in this context is whether the Algerian authorities *actually* enforce the regulations. As far as Landinfo knows, there is no publicly available statistics on the number of cases or the outcome of them. The assessment of this question must therefore be based on the general context and the anecdotal information that actually exists.

Every year, there are more conscripts than the Algerian national forces actually need. According to Mehenni (2018), there has been an increase in the number of people who want to complete national service following the introduction of a new National Service Act in 2014. In connection with the reorganisation of the national service, the service time now counts as work experience, and completed national service will therefore weigh positively in employment processes, particularly in the public sector. Conscripts who are employed have been granted a legal right to be reinstated in their position after having completed military service. In addition, salary and pension points are paid during service. According to the same source, there are currently many more people who want to complete service than the armed forces need. In a society where unemployment is very high, especially amongst young people, national service is an important

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employment initiative. Therefore, Landinfo finds it unlikely that a man of service age is forced to serve if he is not motivated to do so.

Nevertheless, there is a requirement that the individual's national service status be clarified with the authorities. Men of service age must therefore contact the National Service Agency for the purpose of registering and completing the examination for military service. Even if they will not serve, they will receive proof that their national service status is clarified and in legal order.

Despite the fact that it seems relatively easy to get one's national service status in legal order, there are still many people with unclarified national service status in Algeria. On the Ministry of Defence's website, these people are encouraged to contact the Local Compulsory Service Centre for the purpose of clarifying matters relating to national service. According to the Ministry of Defence, they will get a "warm welcome" and those responsible will "listen to their concerns" (Ministère de la Défense Nationale n.d.). Therefore, it is in the individual's interest to have their national service status in order and thus save themselves administrative hassle and complications.

There is little or no information that suggests that people who evade national service are prosecuted in the military courts and sentenced to imprisonment. The consequence of avoiding national service primarily seems to be potential administrative difficulties, mainly in connection with applications for work. The German organisation Connection e.V, which works for the rights of those seeking exemption from military service for reasons of conscience, writes the following in a briefing on Algeria:

The provisions for deserters have been tightened. To be able to go to work, male citizens aged 25 or older must each demonstrate that they have duly completed their national service by presenting a special card issued upon completion of service. Prior to 2014, that was only mandatory for public sector positions.

Forum posts and personal accounts suggest that there is a huge disconnect between the law and reality on this score. Individuals who do not enlist are often not persecuted or drafted and can nonetheless possess the military service completion card which they need to look for work (on account of corruption or forgeries, or by virtue of the presidential amnesty for over 30-year-olds which has been in force indefinitely since 2011) [...]. At the same time, there are others who enlisted, postponed their military service due to vocational training and reported back following completion of that training who have been waiting for years, in some cases, for the start of their military service, and thus also for the military service completion card without which they cannot find work [sic] (Connection e.V. 2016).

However, according to LADDH (email, March 2018), confirmation of completion of national service (or postponement or exemption) is no longer required for employment and therefore clearly suggests that this provision is not enforced, at least not systematically.

In theory, conscripts who have not completed the service must have special permission from the authorities to leave the country. However, after 2014 the authorities no longer conduct background checks in connection with the issuance of passports (U. S. Department of State 2017). This is confirmed by Connection e.V. (2016), which states that the border police have been instructed not to investigate documentation of completed national service upon exit.

Amnesty

As mentioned earlier, there are more conscripts than the national forces need at any given time. A significant number of Algerians have never taken any initiative towards the authorities to request postponement, exemption or otherwise get their national service in order.

To regularize the situation for those who have not completed their statutory duty to contact the authorities to clarify matters relating to national service, the Algerian authorities have implemented a number of amnesties in the form of presidential decrees. The amnesties mean that the conscript avoids both service and punishment for having evaded their service.

The first amnesty was adopted in 2011. In 2014, the authorities introduced an amnesty covering all Algerian citizens over 30 years old (i.e. born in 1984 or earlier), unconditionally. In 2017, the authorities adopted similar amnesties for the age cohorts 1985, 1986 and 1987 (APS 2018; Le Midi Libre 2017).

Algerians living abroad can also come under the amnesties. According to the Algerian Consulate General in Paris (n.d.), the applicant can contact the nearest embassy and submit a birth certificate, a copy of ID card, a copy of consular ID card, residence permit and documentation of school or employment.

Landinfo concludes from the information above that all Algerian citizens over 25 years of age who have not reported for registration, met for the examination, completed national service, have failed to apply for exemption or postponement, or otherwise made contact with the authorities for the purpose of clarifying conditions around the national service, can contact the national forces, either in Algeria or at the nearest foreign mission, for the purpose of getting their national service in legal order, either by requesting postponement or exemption or getting amnesty. As mentioned earlier, there is no reason to believe that persons who are not motivated to complete national service will be forced to do so by the Algerian authorities.

However, the Algerian administration is unpredictable and is known to apply “convenient” legal provisions to react against people who are considered “troublesome” or whom the government wants to react against for some reason. Therefore, based on knowledge of the Algerian administration, Landinfo cannot *rule out* that Algerian authorities, in exceptional cases, when opportune, may apply the provisions of the Military Criminal Code to punish a person who has evaded their national service. Landinfo has no information as to whether or not and to what extent this *actually* happens, despite extensive information searches over time. However, lawyers and human rights organisations that Landinfo has been in contact with (Amnesty International Algeria, email April 2018; LADDH, email March 2018) state that they have not worked with these types of cases. Landinfo concludes from this information that punishment in connection with evading service is not considered a general human rights problem in Algeria today.

About Landinfo's Query responses

The Norwegian Country of Origin Information Centre, Landinfo, is an independent body within the Norwegian Immigration Authorities. Landinfo provides country of origin information (COI) to the Norwegian Directorate of Immigration (Utlendingsdirektoratet – UDI), the Immigration Appeals Board (Utlendingsnemnda – UNE) and the Norwegian Ministry of Justice and Public Security.

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Country of origin information presented in Landinfo's Query responses does not contain policy recommendations nor does it reflect official Norwegian views.

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