

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	247
Land:	Algeriet
Kilde:	Refugee Documentation Centre (Ireland)
Titel:	What is the punishment for failure to comply with conscription to the military? Are there reports of the punishment of the above being enforced?
Udgivet:	29. april 2019
Optaget på baggrundsmaterialet:	3. september 2019



Algeria – Researched and compiled by the Refugee Documentation Centre of Ireland on 29 April 2019

What is the punishment for failure to comply with conscription to the military? Are there reports of the punishment of the above being enforced?

A report published by the German organisation Connection e.V, in a section titled “Conscientious objection & alternative service”, states:

“There is no legal way of avoiding military service, nor is there any alternative service. Objectors are considered deserters. Time spent by army members (professional soldiers, short-service volunteers and those performing military service) in prison during their service duty does not count towards their service period and is added on at the end. Anyone who has been detained in a military prison for longer than 30 days is required to remain in the army, following the end of their service duty, for an additional period equal for half of their total time in prison. Conscientious objectors, then, could face two years in prison, one year of military service and a one-year extension to their period of military service resulting from their time in prison. If they object again following imprisonment they run the risk of being trapped in a vicious circle.

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. The reality of getting back into work is also thought to be problematic, especially for first-time employees who, having completed their vocational training, immediately began their military service.”
(Connection e.V (5 September 2016) *Algeria: National Service and Conscientious Objection*)

A query response published by the Landinfo Country of Origin Information Centre of Norway, in a section headed “Consequences of evading national service”, states:

“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.” (Landinfo Country of Origin Information Centre (31 May 2018) *Algeria: Conscription*, p.4)

This section of the response also states:

“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.” (ibid, p.5)

This section of the response comments on the possible enforcement of punishment as follows:

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.” (ibid, p.5)

In a section headed “Amnesty” this response concludes with the following assessment.

“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.” (ibid, p.6)

This response was prepared after researching publicly accessible information currently available to the Research and Information Unit 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.

References:

Connection e.V (5 September 2016) *Algeria: National Service and Conscientious Objection*

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Landinfo Country of Origin Information Centre (31 May 2018) *Algeria: Conscription*

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Sources Consulted:

Amnesty International

Electronic Immigration Network

European Country of Origin Information Network

Google

Human Rights Watch

Immigration and Refugee Board of Canada

Landinfo

Refugee Documentation Centre Query Database

US Department of State