

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	114
Land:	Algeriet
Kilde:	Refugee Documentation Centre (Ireland)
Titel:	Information on the treatment of people who evade military service in Algeria
Udgivet:	4. december 2009
Optaget på baggrundsmaterialet:	25. februar 2010



Refugee Documentation Centre (Ireland)
LEGAL AID BOARD

Algeria - Researched and compiled by the Refugee Documentation Centre of Ireland on 4 December 2009.

Information on the treatment of people who evade military service in Algeria

Section 4.2.1 of the May 2009 *Country of Return Information Project* report under the heading 'Military Service' states:

"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 these are rare occasions since the implementation of regularisation measures (ibid.)." (Country of Return Information Project (May 2009) *Country Sheet; Algeria*, p.69).

Section 2d of the *United States Department of State 2009 Country Report on Human Rights Practices for Algeria* under the heading 'Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons' states:

"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" (United States Department of State(Bureau of Democracy, Human Rights, and Labor (25 February 2009) *2008 Human Rights Report: Algeria*).

A May 2008 document from the *Coalition to Stop the Use of Child Soldiers* reports:

"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 (20 May 2008) *Algeria: Child Soldiers Global Report 2008*).

A September 2006 *Immigration and Refugee Board of Canada* response states:

"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.)" (*Immigration and Refugee Board of Canada* (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*)

A further *Immigration and Refugee Board of Canada* response from June 2005 states:

"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." (*Immigration and Refugee Board of Canada* (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)*).

This document continues under the heading 'Punishments for deserters' and notes:

"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." (ibid)

A March 2005 *Washington Post* article states:

"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' “)

References:

Coalition to Stop the Use of Child Soldiers (20 May 2008) *Algeria: Child Soldiers Global Report 2008*
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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:

Amnesty International

BBC News

Coalition to Stop the Use of Child Soldiers

Country of Return Information Project

European Country of Origin Information Network

Freedom House

Google

Human Rights Watch

International Crisis Group

Immigration and Refugee Board of Canada

IRIN News

Lexis Nexis

Refugee Documentation Centre Query Database

United Kingdom: Home Office

UNHCR Refworld

United States Department of State