

Algeria

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Query:

What punishment do Algerians face for refusing or avoiding military service?

Response:

Background

Until 1967 the National's People Army in Algeria relied completely on volunteer manpower. However, after the triumph of Israeli forces in the 1967 War, and an increased emphasis on Arab nationalism, prior recruitment policies were changed, requiring all Algerians to serve two years in the military upon reaching the age of nineteen. "The objective of this national service plan was to strengthen army personnel and, at the same time, train a youth corps for national development. The first six months were spent in training and the rest in social and economic projects managed by the armed forces." (Algeria, 1994)

Conscription has remained in place since 1969, with a reduction in the length of service from twenty-four months to eighteen. In addition, while the National Service Charter used to separate service details into civil and military components, the current conflict in Algeria has led to predominately martial assignments. (War Resisters' International, 1998) "The tasks which conscripts have to carry out include manning checkpoints and guarding state-owned oil and other companies; activities which make them extremely vulnerable to attacks from armed opposition groups." (Amnesty International, 1996)

Completion of Service and the Reserve

According to Article 8 of the National Service Code, citizens who have not yet fulfilled the military service requirements are barred from employment in either the public or private sectors. In addition, the government does not allow Algerians who are still eligible for conscription to leave the country unless they have been granted an exemption under special circumstances (e.g., status as a student or primary wage earner). Individuals applying for jobs or a passport are required to submit documentation proving that their military service has been completed. (Immigration and Refugee Board, 1999)

Even after the eighteen-month active service requirements have ended, conscripts are still subject to military obligations under the reserve laws. The Immigration and Refugee Board in Canada has translated the Algerian law and states:

The law also outlines the length of total eligible military service, which lasts 27 years and is broken into four phases: national service (two years), availability (five years), first reserve

(ten years) and second reserve (ten years). (Immigration and Refugee Board, 1999)

The Algerian government has issued several decrees during the 1990's, recalling as many as 20,000 reservists for active service at one time. One of the most recent reserve call-ups was ordered "in July of 1998, and affected the following classes, 1992/4, 1993/1, 2, 3 and 4 and 1994/1, 2, 3)". (Immigration and Refugee Board, 1999) The Resource Information Center has been unable to conclude whether there have been other recall notices since July 1998.

Punishment

Donatella Rovera of Amnesty International states that any individual who disregards a recall notice or refuses to do military service for any reason could be classified as an *insoumis* (draft evader) and could expect to face penalties outlined in the *Code de Justice Militaire*. Under Article 254 of the Military Justice Code, draft evasion incurs a penalty of three months to five years imprisonment during peacetime and two to ten years imprisonment during war. In Algeria, a State of Siege, Emergency or Exception is usually considered a time of war, and currently a State of Emergency has existed, put in place since February 1992. In addition, Article 254 further stipulates that those found guilty of draft evasion can lose all of their civil rights for a period of five to 20 years. (Rovera, September 1999)

Reports regarding even harsher punishments for absentees, draft evaders and deserters are somewhat conflicting. According to the Embassy of Canada in Algeria, "there have been no reports of torture being used against soldiers who are absent without leave." (Immigration and Refugee Board, 1999)

However, many human rights groups, such as Amnesty International, have claimed that extremely severe punishments have been established through current legislation, and "the climate that currently prevails in Algeria increases the risk of torture since deserters and draft evaders can be easily taken for supporters of the Islamist movements." (Amnesty International, 1997) On a similar note, a Reuters article from 1993 reported that several individuals were sentenced to prison terms ranging from three to fifteen years after simply helping an army officer desert. (Algeria, 1993)

The Backlash from Armed Opposition Groups

The current situation in Algeria has created a strong disincentive to comply with national service laws because armed opposition groups have been targeting young conscripts and their families. "Between 1993 and 1995, when the 'terrorist activity' was at its peak, Islamists reportedly put up posters threatening to kill Algerians who registered for national service duty." (Immigration and Refugee Board, 1999) Today, the press continues to report cases of attacks on conscripts.

Conclusion

Clearly, Algerian youths are faced with a "Catch-22;" many do not want to comply with the conscription laws because they fear that they, or their families, will be targeted by armed opposition groups. On the other hand, potential conscripts risk imprisonment if they refuse to join the army, and there is ultimately no choice for civilian service or registration of a conscientious objection. (Amnesty International, 1996)

It is important to note, however, that Algerians aged 27 and over who have not done military service are currently being invited by the Algerian government to apply for an exemption from military service. It is still not clear who exactly will benefit from such registration, but it appears that many individuals considered draft evaders or who presently have a deferral may be included. This process is expected to continue well into next year, so it is unlikely an accurate picture of how the measure will work will be available before

then. (Rovera, September 1999)

This response was prepared after speaking with Human Rights experts and researching publicly accessible information currently available to the RIC and on the World Wide Web.

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