

## **Application No. 002/2011**

### **Soufiane Ababou v. People's Democratic Republic of Algeria**

#### **Summary of facts**

1. The Applicant, Mr. Soufiane Ababou, of Algerian nationality, through his father, Youssef Ababou, alleges that he was forced to join the military against his will. According to the applicant, he was first summoned to undertake military service on 15 May 2005, this was followed by a second forced military service in January 2006.
2. He submits that on 13 January 2011, he received another summon from the State Counsel of the Military Tribunal in Oran to report to the Court room of the Military Tribunal on the 30 January 2011. This, according to him, was confirmed through a summon brought by the Gendarmerie on 27 January 2011, informing him that he was being summoned "for refusing to undergo military training".
3. It is alleged that on 30 January 2011 he went to the Military Tribunal in Mers el Kebir – Oran and never came back from there, the family has neither seen nor heard from him and his whereabouts are unknown. According to the father, the applicant has been whisked off to a Military Barracks in Oran to be incorporated into the army forcefully. It is submitted that, the applicant is sick (he is a cardiac patient) and his parents fear he may try to take away his own life rather than give up his convictions of rejecting military service.

#### **Relief sought**

4. The applicant is seeking: 'a fair decision to be rendered so that [the applicant] can be demobilized with immediate effect due to his fragile state of health ...'.

## **Procedure**

5. The application was received at the Registry of the Court on 20 February 2011. By letter of 18 March 2011, the Registry acknowledged receipt of the application and informed the applicant that the application was not signed and did indicate evidence of exhaustion of local remedies or the inordinate delay thereof.
6. By letter of 25 March 2011, the representative of the applicant forwarded the signed application to the Registry of the Court.
7. In a letter dated 10 June 2011, the Registry asked the Legal Counsel of the African Union Commission whether the Respondent had deposited the declaration accepting the Court's competence to hear cases brought under Article 5(3) of the Protocol.
8. By a Memo dated 13 June 2011, the Legal Counsel of the African Union Commission informed the Court that the Respondent had "not yet deposited the declaration under Article 34(6) of the Protocol".

## **Decision of the Court**

9. At its 21<sup>st</sup> Ordinary Session, the Court took a decision to summarily dismiss the application. Please see decision.

For further information, please contact:

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