



Algeria: Escalating repression of independent trade unions and democratic activists

The attack on basic democratic rights and freedom of association continues to intensify in Algeria, widening and strengthening the regional arc of repression and authoritarian rule.

In July 2020, international trade union organizations issued a Declaration of Solidarity with Independent Unions and the Democratic Movement in Algeria (attached), condemning the increasing repression of the autonomous unions for their active participation in the mass democracy movement, the Hirak. Covid took the Hirak off the streets; the revival of democratic protest in April 2021 provoked a new assault on basic rights by the country's military rulers, this time wider and more brutal. The escalating repression has been extensively documented; substantial information is available in the documents cited below.

Repression widens through the use of “terrorism” related charges

Since the July 2020 solidarity declaration, what is new and particularly ominous is the government's growing recourse to repression, including repression of independent trade union activity, in the name of combating ‘terrorism’.

In connection with the 47th session of the UN Human Rights Council on June 21, 2021, 81 Algerian and international civil society groups [called for action](#) “to address the worsening human rights situation in Algeria, which has involved cracking down on peaceful Algerian protesters, journalists, civil society groups, human rights defenders, trade unionists, lawyers, and even political parties.” Their letter called on participating countries to condemn “the effective criminalization of freedom of association, peaceful assembly and expression in Algeria.”

An [Amnesty International statement](#) of June 24, 2021 emphasizes that “Since April 2021 Algeria's authorities have increasingly resorted to the use of ‘terrorism’ or ‘conspiracy against the state’ charges to prosecute human rights defenders and Hirak activists.” The legal mechanism for this is a complex set (?) of changes to the penal code, including Article 87bis., which create an infinitely elastic definition of “terrorism”, as spelled out by a group of UN Special Rapporteurs in a communication to the Algerian government (see below). The letter to the participants in the UN HRC meeting further notes that “On 29 April, human rights defender and trade unionist Kaddour Chouicha, and human rights defenders and journalists Jamila Loukil and Said Boudour were prosecuted in a new criminal case, for charges which included ‘enrolment in a terrorist or subversive 1rganization active abroad or in Algeria’. Chouicha is national coordinator of the educational workers' union SESS, affiliated to the confederation CGATA, an ITUC affiliate.

According to the [FIDH](#), lawyers defending Chouicha and his co-defendants were not informed in advance of the date of the May 18 trial and were denied access to the dossier. We note as well that changes to the legal status of lawyers in March 2021 undermine their legal immunity and that defense lawyers have been prosecuted or currently face charges for defending human rights advocates. This has been

accompanied by new limitations on the independence of judges.

Ramzi Darder, a member of the national bureau of the National Federation of Informal Workers, affiliated to the independent trade union confederation COSYFOP, was arrested on 30 June 2021 on spurious grounds including “terrorism”, undermining the morale of the army, and undermining national unity through his publications on social networks. In August 2021, Ramzi was transferred to a prison block for death row inmates and terrorism defendants though there is still no date for his trial. His physical and mental health are deteriorating. IndustriALL, IUF and PSI are campaigning for his release including through intervention with the ILO Director General.

Typical of the way repression is systematically employed to undermine freedom of association is the case of Samia Tebainia, member of the SNAPAP (Syndicat National Autonome des Personnels de l'Administration Publique) Women's Committee in Annaba. Arrested in October 2021, she is charged with participating in an illegal gathering and undermining state security. Like many persecuted trade union activists, she is effectively confined to her home, unable to attend meetings or travel inside Algeria, awaiting a trial which is continually postponed.

In December 2021, five UN Special Rapporteurs addressed a comprehensive [communication](#) to the Algerian government, warning that the various legislative changes concerning ‘terrorism’ significantly undermine human rights and are not in accordance with international norms. *In 2021 alone*, UN Special Rapporteurs sent 13 communications to the Algerian government in relation to human rights violations in the country. The government has ignored, attacked or dismissed these efforts.

Between January 2-11, 2022, four officers of the independent union of workers at the state utility company Sonelgaz (SNATEG) and COSYFOP were arrested and jailed: Hicham Khayat, Nacer Hamitouche, Nasredine Rarbo and Mohamed Mecelti. Released under judicial supervision following interrogation, they are charged under Article 87bis with organizing and recruiting a terrorist organization through social media and organizing a criminal organization harmful to national unity.

Ongoing persecution of trade union leaders and activists

In addition to the prosecution of Chouicha and Darder, we note the following cases of judicial persecution of SNAPAP/CGATA and SNATEG/COSYFOP members and leaders since the July 2020 solidarity declaration:

- Teacher and SNAPAP activist Namia Abdelkader was arrested and jailed on December 2, 2020 for her Hirak activism. She was released only in mid-March 2021 after being acquitted on appeal.
- Dalila Touat, another teacher and SNAPAP militant active for many years in defending the rights of the unemployed, was arrested and jailed on January 3, 2021, charged with insulting public institutions, distributing tracts detrimental to the maintenance of public order, incitement to unlawful assembly etc. Convicted and sentenced to 18 months in prison on January 19, she was provisionally released on February 19 under 'judicial supervision' after two hunger strikes pending her appeal. In November 2021, she was [sentenced to 6 months imprisonment](#), again for insulting a public institution; in March, she had

denounced the abusive conditions of her incarceration and sought legal remedy. On January 31, 2022, she was arrested in Mostanagem, imprisoned and charged with inciting an illegal gathering, denigrating a public body and distributing publications damaging to the national interest. She faces a sentence of up to two years - a classic example of the endless legal persecution to which militant trade unionists and human rights defenders are subjected.

- On April 5, 2021, Mourad Ghedia, President of the SNAPAP/CGATA Justice Sector Workers, was arrested and jailed in the absence of formal charges.
- PSI, which publicly campaigned for his release, describes the long history of harassment and persecution: “Ghedia, a clerk by profession, had previously been suspended in 2012 for almost three years along with 57 other people for strike action, without any procedure having been followed or any supporting documents having been sent to them.”
- “Following complaints to the ILO, Mr. Ghedia and the suspended members were reinstated, but at the cost of forced transfers and without payment of their salaries for the three years of suspension. Mr. Ghedia resumed his duties as Registrar between 2015 and 2018, when he was again dismissed without cause.”
- Condemned to 6 months’ suspended sentence, Ghedia was only released following 2 months and 10 days in prison.
- According to the National Committee for the Release of the Detained, at the end of January 2022 some 330 persons were in detention for their Hirak activity. On January 28, 2022 political prisoners including SNAPAP members in El Harach prison (Alger) launched a hunger strike, joined by several SNAPAP leaders on the outside. They demanded to be released and an end to the arbitrary and illegal arrest and detention of democracy activists, including on spurious ‘terrorism’ charges etc. The government denied that the hunger strike was taking place and [threatened prosecution](#) for disseminating news about it. The hunger strikers were transferred to other prisons and the strike was halted after some four weeks due to the critical medical situation of one of the hunger strikers.
- On February 19, 2022, while the hunger strike was taking place, police arrested [Faleh Hammoudi](#), SNAPAP national secretary responsible for human rights and migration as well as the head of the Tlemcen office of the Algerian League for the Defense of Human Rights (LADDH). The following day he was sentenced to three years imprisonment in an arbitrary trial for ‘running and managing an unsanctioned organisation’, ‘insulting a statutory body’ and ‘deliberately publishing or deliberately promoting by any means false news or news that would prejudice public security’ on his Facebook account. Hammoudi was conditionally released on March 31 following an energetic international campaign.
- On February 16, 2022 police arrested Amine Falih, a founding member of the National Federation of Informal Workers affiliated to COSYFOP, where he also has an executive position. He was charged with belonging to a terrorist organization and jailed until March 30, when he was conditionally released following an energetic campaign with support from IndustriAll, IUF and PSI. He

risks re-arrest at any time.

The specter of 87bis and prosecution for ‘terrorism’ hangs over all trade union members and representatives in Algeria today.

ILO supervisory bodies continue to spotlight multiple violations of fundamental rights

In its November 2021 [interim report](#) on the ongoing SNATEG complaint to the ILO Committee on Freedom of Association (Case No. 3210) against the government of Algeria dating from 2016 and supported by the ITUC as well as IndustriALL, IUF and PSI, the Committee stated: “In general, the Committee wishes to express its deep concern about the present case, which is characterized by the cumulative difficulties encountered by SNATEG leaders in the exercise of their legitimate union rights. During its successive examinations of this case, the Committee has noted that these difficulties include a campaign of repression against SNATEG leaders and members, mass dismissals and impunity regarding the enterprise’s refusal to enforce reinstatement decisions, the slow administration of justice, difficulties in applying the law which led to the status of a trade union leader being called into question, interference in trade union activities, judicial harassment, and acts of police violence and intimidation during peaceful demonstrations. These difficulties have harmed the conduct of activities of a legally registered union and also constitute intimidation hindering the free exercise of freedom of association at the enterprise. Consequently, the Committee once again urges the Government to implement its recommendations without delay in order to ensure an environment within the enterprise in which trade union rights are respected and guaranteed for all trade union organizations, and in which workers are able to join the union of their choice, elect their representatives and exercise their trade union rights without fear of reprisals and intimidation.”

ILO supervisory bodies and the High-Level Mission of May 2019 have repeatedly pointed to major violations of fundamental trade union rights and issued clear recommendations, particularly concerning our affiliates and their national centers (SNAPAP/CGATA and SNATEG/COSYFOP). The government has ignored the observations of the CEACR and the key Committee on the Application of Standards (CAS) recommendations of 2017, 2018 and 2019 in cases concerning Convention 87.

Violations highlighted at these discussions included (i) failure to register independent unions (especially CGATA); (ii) arbitrary dismissal and detention of trade unionists, notably the dismissal and conviction of Raouf Mellal, President of SNATEG, in 2015, the dismissal of Rachid Malaoui, President of SNAPAP, in 2013, and the detention of Kaddour Chouicha, national coordinator for SESS, in 2018; (iii) failure to amend the labour code and other legislation that violates C87 and C98, as requested by the ILO Committee of Experts; (iv) interference with legitimate union activity, including the creation of a parallel SNAPAP (‘cloning’) and the fake ‘self-dissolution’ of SNATEG.

SNAPAP/CGATA general secretary Nassira Ghazlane was prevented from leaving Algeria to attend the 2019 CAS discussion. In 2020 there was no International Labour Conference. In the ILO International Labour Conference of 2021 and 2022, Algeria was not among the countries included in the list of individual cases on the application of ratified Conventions by the Committee on the Application of Standards (CAS), thus its

compliance with Conventions 87 and 98 was not examined.

However, SNATEG has responded to the Committee's request for additional information on the ongoing complaint with a comprehensive update.

According to a January 2, 2022 [article](#) in the official Algerian press service AFS, the government Council of Ministers was examining proposals for the revision of the labour legislation "in conformity with the resolutions (sic) of the ILO". The amendments to the "loi n° 90-14 du 2 juin 1990 relative aux modalités d'exercice du droit syndical" were officially published in French on April 27 (attached). Independent trade unions were never consulted on the proposed changes, which contain elements which are in clear violation of ILO norms and jurisprudence concerning Conventions 87/98, including two articles which prescribe punishment of up to 2 years in prison for anyone seeking to contest an official order of trade union dissolution or even convening a meeting of a union organization which has been administratively dissolved. This is the government's response to the SNATEG ILO complaint discussed earlier since the arbitrary dissolution of SNATEG through police measures and administrative chicanery is central to the complaint. Recourse to the ILO in this or a similar case is now criminalized.

Solidarity more urgent than ever

On November 26 2020 the European Parliament adopted a [resolution on Algeria](#) which gives an excellent overview of the escalating repression. For the first time since 2015, in what are now a series of resolutions adopted with cross-party support, it explicitly references attacks on trade unionists and violations of ILO core Conventions (our highlights):

*"C. whereas political arrests and arbitrary detention of peaceful Hirk and **trade union activists**, as well as journalists, have increased since the summer of 2019, in violation of the fundamental rights to a fair trial and due process of law; whereas censorship, trials and severe punishment of independent media, often accused of plotting with foreign powers against national security, continue to worsen despite the official end of the Bouteflika government; whereas security*

restrictions introduced to fight the COVID-19 pandemic contributed to tightened controls, and are being used by the authorities to further restrict civic space, limit peaceful dissent and hamper freedom of speech and expression;"

*"R1. Strongly condemns the escalation of arbitrary and unlawful arrests, detentions and judicial harassment of journalists, human rights defenders, **trade unionists**, lawyers, civil society and peaceful activists in Algeria, which has not allowed any space for political dialogue on the undemocratic constitutional revision and the exercise of the freedoms of expression, assembly and association; denounces the use of the introduction of emergency measures in the context of the COVID-19 pandemic as a pretext for limiting the fundamental rights of the Algerian people;"*

*"R7. Urges the Algerian authorities to ensure the establishment of a free civic space that allows for a genuine political dialogue and does not criminalise fundamental freedoms, by adopting new legislation which is fully in line with international standards and which does not provide for exceptions that are illegal under international law, **in particular the conventions that Algeria has ratified, including those by the International Labour***

Organization (ILO);”

We (IUF, PSI and IndustriALL) have constantly reiterated that independent unionists in Algeria face dual repression: for their fight for trade union rights and for their democratic engagement (see for example the resolution [Solidarity with Algerian free and democratic trade unions](#) unanimously approved at IndustriALL’s Congress on September 15, 2021 and the many articles on our respective websites). It is impossible to separate the two. The ILO Committee on Freedom of Association has always emphasized that freedom of assembly, expression, the right to peaceful protest etc. are indivisibly bound together with freedom of association and the right to collective bargaining. The fight for democracy is the foundation of the labour movement.

Statements by the government that arrested and imprisoned trade union activists have not been victimized for their trade union activity, ostensibly protected under the Algerian constitution, but for criminal offenses, include alleged adherence to ‘terrorist’ organizations, must be firmly rejected and denounced as a cynical smokescreen.

Such is the situation in Algeria today: the government is attempting to asphyxiate democratic civil society and with it our sisters and brothers fighting to defend freedom of association and fundamental worker rights. Despite the loudly publicized release of some 60 political detainees on April 1, 2022, the Committee for the Release of the Detained still registers some 300 persons detained for their opinions and peaceful activity, including trade unionists, many of whom are women.

The situation of media workers is particularly dire – a September 22, 2021 [Reporters Without Borders](#) update on press freedom in Algeria is entitled “The figures speak for themselves”.

COSYFOP/SNATEG and CGATA/SNAPAP national headquarters have been shut and sealed by the police. Constant surveillance, serial prosecution of activists and the effective criminalization of union activity, which now includes the threat of prosecution for ‘terrorism’, make it impossible for union members to communicate freely and to meet publicly. Union leaders and members continue to be dismissed from their jobs and blacklisted from public sector employment.

We believe that the international trade union movement must now, more than ever, show active solidarity with the independent unions through concrete action at all levels national and international, including at the ILO, where much good work had been done in recent years. This is not the moment to relax pressure on the government, one of whose primary goals is to escape international scrutiny of its appalling human rights record, including at the ILO.

Date: August 11, 2022
