

President

John Hendy QC
Lawyer, UK

Vice Presidents

Jamshid Ahmadi
*Union of Metalworkers and Mechanics,
Iran*

Kurshid Ahmed

*General Secretary, All Pakistan Workers
Confederation*

Professor Jan Buelens

*Advocaat, Progress Lawyers' Network,
Belgium*

Dr. Anita Chan

Academic, Australia

Dr. Ericson Crivelli

*Advogado, Crivelli Advogados
Associados, Brazil*

Professor Keith Ewing

Academic lawyer, UK

Fathi El-Fadl

*Director, Trade Union Rights
Centre (independent NGO), Sudan*

Avalon Kent

*Policy Analyst / Legal Officer, New
Zealand Council of Trade Unions*

Esther Lynch

*Confederal Secretary, European Trade
Union Confederation*

Lornts Nagelhus

Advokat, LO Norway

Yoshikazu Odagawa

Secretary General, Zenroren, Japan

Jeffrey Sack QC

Lawyer, Canada

Jitendra Sharma

*Senior Advocate, Supreme Court of
India*

Surya Tjandra

*Lawyer and Director of the Trade
Union Rights Centre, Indonesia*

Ozlem Yildirim

*Policy Officer, International
Department,
CGT France*

Director

Daniel Blackburn, MA, barrister

Researcher

Ciaran Cross, LL.M.



International Centre for Trade Union Rights

*Centro Internacional para los Derechos Sindicales
Centre International pour les Droits Syndicaux*

Address: 177 Abbeville Road, London SW4 9RL, UK

Tel: +44 (0) 20 7498 4700

Fax: +44 (0) 20 7498 0611

E-mail: ictur@ictur.org

Web: www.ictur.org

ICTUR was founded to
defend and extend trade union rights and
to raise awareness of these rights and their violations
around the world

By email:

president@el-mouradia.dz

contact@mission-algeria.ch,

info@ambassade-algerie.ch,

chancellerie@amb-algerie.fr

Attn:

Abdelaziz Bouteflika

President of the People's Democratic Republic of Algeria

El Mouradia, Algeria

CC:

Mourad Zemali Minister of Labour, Employment and Social Security

Fafa Benzerrouki Sid Lakhdar, President, National Human Rights Council

Office of the United Nations Special Rapporteur on the rights to freedom
of peaceful assembly and of association

International Trade Union Confederation (ITUC)

Industriall

International Union of Food, Agricultural, Hotel, Restaurant, Catering,

Tobacco and Allied Workers' Associations (IUF)

Organisation for African Trade Union Unity (OATUU)

February 2018

Dear President Abdelaziz Bouteflika,

The International Centre for Trade Union Rights is concerned about the
criminalisation of trade union activities in Algeria.

ICTUR has received reports complaining that hundreds of union members,
delegates and officers of the independent union of electricity and gas
workers (*Syndicat National des Travailleurs de l'Électricité et du Gaz*,
SNATEGS) have been dismissed, harassed and persecuted.

Following the revocation of SNATEGS' legal status in May last year, the
Ministry of Labour announced on 3 December 2018 that SNATEGS had
decided to dissolve itself. According to SNATEGS' statutes only a national
congress can take this decision - and no such meeting has taken place. On
20 January 2018, we are informed that police forcibly broke up a
demonstration in Algiers organised by SNATEGS, arresting protestors and
detaining them in remote areas for ten hours after confiscating their phones
and deleting evidence of police actions.

ICTUR further understands that individual trade union members and leaders are facing a campaign of legal harassment:

SNATEGS President Raouf Mellal

SNATEGS President Raouf Mellal faces a number of lawsuits as a result of his trade union activities, in particular for whistleblowing on practices at the state-owned utility company Sonelgaz. In December 2016, Mellal was sentenced in absentia to six months in prison and fined after being accused of illegally obtaining documents which were freely available online.

Mellal was further sentenced in absentia in January 2017 to six months in prison and fined euro 2000 in a defamation suit relating to comments he made in support of a women worker who raised a sexual harassment case.

On 28 November 2017, Mellal was again sentenced in absentia to two months in prison and fined euro 5000 in a defamation suit brought by Sonelgaz concerning a statement made by the union about the former energy minister, Noureddine Bouterfa.

On 17 January 2018, he was sentenced to a further three months' imprisonment and fined euro 3000 in yet another defamation lawsuit brought by SONELGAZ. It is understood that while not in custody and appealing the above decisions, Mellal has been forbidden to leave the country.

SNATEGS General Secretary Abdelkader Kawafi

The general secretary of SNATEGS, Mr Abdelkader Kawafi also faced trial on 6 February 2018 on charges of defamation.

National Coordinator of SESS Kaddour Chouicha

Also on 6 February, Kaddour Chouicha, national coordinator of the teachers' union (*Syndicat des enseignants du supérieur solidaires*, SESS) faced trial - along with five other human rights activists - on charges of "incitement to unarmed assembly, attack on a body corporate and failure to comply with an administrative decision". It is understood that their hearing was postponed to 20 March 2018.

SNATEGS security guards' union president Benzine Slimane

Also facing trial on 8 February was Benzine Slimane president of SNATEGS security guards and protection union, accused by Sonelgaz of defamation further to comments regarding precarious work at the company and the situation of sexual harassment of female workers.

SNATEGS and SESS are affiliated to the General Autonomous Confederation of Algerian Workers (*Confédération Générale Autonome des Travailleurs en Algérie*, CGATA), which organisation, we recall, has been denied legal registration.

ICTUR wishes to remind the government that Algeria has ratified all eight of the fundamental International Labour Organisation Conventions. The criminalisation of trade unionists for activities related to the defence of the interests of those they represent constitutes a grave violation of workers' rights. According to the ILO's Committee on Freedom of Association, workers should enjoy freedom of opinion and expression, and the right to express opinions through the press or otherwise is an essential aspect of trade union rights which "should also be guaranteed when they wish to criticize the government's economic and social policy" (*Digest of decisions and principles of the Freedom of Association Committee of the Governing Body of the ILO*, Fifth Edition, paras. 154-157). Furthermore, where it concerns the arrest, detention or sentencing of a trade union official, the Committee has declared that it is "incumbent upon the government to show that the measures it had taken were in no way occasioned by the trade union activities of the individual concerned" (ILO Digest, paras. 92 and 94).

Following discussions at the ILO's Committee on the Application of Standards in June 2017, the Committee urged the Algerian government *inter alia* to:

- ensure that the registration of trade unions in law and in practice conforms with Convention No. 87, and process pending applications for the registration of trade unions
- ensure that the new draft Labour Code is in compliance with Convention No. 87, and make amendments to existing legislation to remove obstacles to the establishment by workers' organisations, federations, and confederations of their own choosing, irrespective of the sector to which they belong;
- ensure that freedom of association can be exercised in a climate free of intimidation and without violence against workers, trade unions or employers;
- reinstate employees of the Government, terminated based on anti-union discrimination.

(See *Individual Case (CAS) - Discussion: 2017, 106th ILC session (2017) Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) - Algeria (Ratification: 1962)*)

ICTUR calls on the government to cease the harassment and intimidation of trade union leaders. In particular, ICTUR calls for the urgent review of all charges against Mellal Raouf, Abdelkader Kawafi, Kaddour Chouicha and Benzine Slimane, and any other trade unionists and human rights defenders

targeted for their legitimate activities in the public interest. ICTUR calls on the authorities to undertake all necessary measures to comply with Algeria's obligations under international law, to implement the recommendations of the ILO supervisory and monitoring bodies, and to protect the fundamental freedoms of workers to join and form unions and to take action in defence of their interests.

ICTUR will report these incidents in the journal *International Union Rights*, which was established in 1993, and which enjoys a readership in more than 100 countries.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'D. Blackburn', followed by a long horizontal line extending to the right.

Daniel Blackburn, Director