UPR Submission
Oman
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2011-2012 Protests

Oman's last UPR took place in January 2011, approximately a month before thousands of Omanis took to the streets in cities throughout the country in protests that continued into 2012. Authorities used excessive force against protestors, interfering with freedom of expression and assembly, and arrested and prosecuted people for participating in the protests, though charges were dropped against some of them and some others were later pardoned.

Police and security forces initially tolerated the largely peaceful protests. On February 27, 2011, they used tear gas, rubber bullets, and live ammunition against protesters who attacked and burned a police station in the northern coastal town of Sohar. The clashes led to dozens of injuries, and police shot dead protester Abdullah al-Ghimlasi. On April 1, police and army units fired tear gas and rubber bullets at stone-throwing protesters. Khalifa al-Alawi, 22, was killed by a rubber bullet that struck him in the face.

On May 13 and 14, 2011, riot police assisted by regular army units used tear gas and batons to disperse peaceful sit-ins in Muscat, Sur and Salalah. Following their May 13 dispersal of protesters engaged in a sit-in outside the building in Muscat of the Shura Council, the consultative assembly, authorities arrested at least seven activists who attempted to return to the site the next day.

Officials told Human Rights Watch in December 2014 that since the 2011 protests authorities arrested a total of 216 people "on charges of assembly, assaulting public and private facilities either by vandalism or arson, cutting roads, assaulting and insulting public servants, forcibly obstructing the operation of public authorities, impeding freedom, and disturbing the public peace." Officials dropped charges against 52 for lack of evidence, while 64 "were prosecuted in trials in which all legal guarantees were provided, including the presence of attorneys, ensuring the public nature of the trial sessions, and enabling their families to visit and contact them," officials said. Human Rights Watch has not been able to independently verify the accuracy of these numbers or how the trials were conducted.

On March 22, 2013 and July 23, 2013, Sultan Qabus bin Said Al Said, the leader of Oman, issued a royal pardon for all of those detained or convicted in connection with the 2011 and 2012 protests, according to officials.

To Human Rights Watch's knowledge, authorities have not held any officials or members of the security forces accountable for excessive use of force during the protests. Government officials told Human Rights Watch that the Public Prosecution had formed a committee to investigate alleged instances of misconduct by security forces related to the protests. Officials said that settlement had been reached with the families of the two people who were killed by police during the protests and that their families had renounced all other claims.

Human Rights Watch has documented a pattern of arrests and short-term detentions, and other forms of official harassment of real or suspected government critics. A handful of these prisoners are currently in detention in Oman. These abuses are facilitated by provisions of Omani law such as those that criminalize peaceful protests as "illegal gatherings" and peaceful comment deemed "insulting [to] the Sultan." Human Rights Watch has noted a pattern of official harassment of activists post-release.

Freedom of Expression Concerns

During its 2011 UPR, Oman pledged to "[r]eview its relevant legal framework to safeguard the legitimate exercise of freedom of expression." Yet serious concerns remain in law and practice.

Oman's Basic Law guarantees freedom of expression, but restricts this right based on "the conditions and circumstances defined by the Law," and prohibits any publication that "leads to public discord, violates the security of the State or abuses a person's dignity and his rights" (article 31). Authorizing blanket prohibitions on these vague grounds goes beyond the restrictions permitted under international law.

Penal code article 126 prohibits publicly insulting or defaming the "Sultan's rights or authority" and imposes a penalty of up to three years in prison and a fine of up to 500 Rials (US$1,300). Article 135 criminalizes statements that could be considered to undermine the "prestige of the state." Article 173 bans "publicly or by publication, and by speech or gestures" anything that affronts a public official performing their duty. Violators face up to six months in prison. Oman's Press and Publications Law, Telecommunications Act of 2002, and Cyber Crimes Law also restrict both print and electronic publishing and online content. Article 61 of the Telecommunications Act penalizes "any person who sends, by means of telecommunications system, a message that violates public order or public morals" with up to one year in prison and a fine of up to 1,000 Rials ($2,600).

In December 2014 Omani officials told Human Rights Watch that authorities had arrested approximately 41 individuals since 2011 for speech-related activities, and that 37 of them were eventually convicted by the judiciary. The officials said that Sultan Qabus pardoned all of them on March 22, 2013.

On March 8, 2015, a trial court in Muscat convicted Said Jaddad, 46, a human rights activist and pro-reform blogger, of "undermining the prestige of the state," incitement to "illegal gathering" and "using information networks to disseminate news that would prejudice public order," and sentenced him to three years' imprisonment and monetary fines, based on his online activities, including a public letter he wrote to US President Obama asking for human rights improvements in Oman. Security forces arrested him on January 21, 2015. As of this writing, Jaddad remained in prison in connection with new charges relating to his online activities.

The authorities summoned Said al-Daroudi, 46, awriter and online activist, to appear at a police station in Salalah, in Dhofar region, on October 10, 2014. Security officials reportedly held al-Daroudi in incommunicado detention for more than three weeks without allowing him access to his family or a lawyer. On March 18, 2015, a court sentenced al-Daroudi to one year in prison and fine him 1000 Omani Rials (approximately $2600).

On August 30, 2014, security forces arrested Muhammad al-Fazari, 22, editor-in-chief of *Mowatin Magazin*e, a news website critical to the government. Officials released him on September 4, 2014, without filing charges. Security officials held him in solitary confinement and threatened to charge him with disrupting public order and harming Oman's reputation if he did not sign a pledge to stop criticizing the government. In December 2014, Omani officials confirmed that he was arrested for the publication of "material likely to harm the general order," "undermine the stature of the state," and "weaken confidence in its financial status." Al-Fazari is currently banned from travel outside of Oman.

On July 13, 2014, authorities arrested Noah Saadi, 32, a blogger and rights activist, and detained him in solitary confinement until August 7. In December 2014, Omani officials confirmed that Saadi was arrested for inciting hatred and "inflam[ing] religious or sectarian tensions." Authorities released him without filing charges.

On July 29, 2013, Omani authorities arrested Sultan al-Saadi, a pro-reform activist, at a gas station, confiscated his laptop and other personal items, and took him to an undisclosed location. They released him on August 20, 2013, without charge.

Freedom of Assembly Concerns
Oman authorities require advance government approval for all public gatherings, and regularly arrest people attending unapproved gatherings. Article 137 of the penal code states that anyone who "participates in a private gathering including at least 10 individuals with a view to commit a riot or a breach of public order, shall be sentenced to a maximum sentence of three years in prison and a fine of 200 Rials [US$520]." Authorities had sharply increased these penalties after the 2011 pro-reform demonstrations.

On August 6, 2014, an appeals court in Muscat sentenced Dr. Talib al-Maamari, 43, a former member of Oman's Shura Council, to four years in prison for "illegal gathering" for participating in an August 22, 2013 gathering of activists in the coastal town of Liwa to protest pollution from the port's industrial zone. The court also sentenced a former municipal councilor from Liwa, Saqer al-Balushi, 37, to one year in prison for "illegal gathering" in connection with the same incident. The court acquitted seven other defendants and released al-Balushi on bail pending appeal, but refused to grant similar bail for al-Maamari.

In 2012, 11 activists, including Basma al-Kayoumi, faced charges of "illegal gathering" and "blocking streets" after they participated in a peaceful sit-in on July 11 outside a Muscat police station protesting arrests of the online activists. The National Human Rights Commission released a statement justifying their arrests, in which they were described as "prominent offenders." An appeals court later sentenced the activists to six months in prison.

Freedom of Association Concerns
During its 2011 UPR, Oman pledged to engage in "open and constructive dialogue with members of civil society, in particular during the follow-up to the UPR recommendations." Yet several prominent activists have expressed their dismay at the subsequent lack of communication with civil society by government officials and bodies, including the National Human Rights Commission.

Oman had accepted the UPR recommendation to prioritize the "review of the Law on Civil Associations to ensure a more effective working environment." Omani law continues to grant freedom of association. But Article 134 of the penal code prohibits the establishment of "associations, parties and organizations that are against the Sultanate's statutes or social and economic systems," including setting up branches of any "foreign political party." Human Rights Watch determined that no political parties or independent human rights groups are registered to operate in Oman, although a few have attempted to operate and several civil society groups have a presence on Facebook and social media sites. The National Human Rights Commission, a government-funded and appointed commission composed of private- and public-sector members, is the only officially recognized human rights body in Oman.

According to article 42 of the Civil Societies Law, no association may receive funding from abroad without government approval, and individuals convicted of doing so risk up to six months in jail and a fine of 500 Rials (approximately $1,300), according to article 54. Oman's Social Development Ministry is responsible for registering associations under the Civil Societies Law, which requires an organization to have a minimum of 40 members before authorities will consider its application.

In May 2012, police detained human rights activists Ismail al-Meqbali, Habiba al-Hanai, and Yaqoub al-Khorousi as they travelled to the Fohoud oil field to interview striking oil workers. All three are founding members of the independent Omani Group for Human Rights, whose efforts since May 2012 to register with the government have not been successful. Authorities denied the detainees access to their families and lawyers for several days, eventually releasing al-Hanai and al-Khorousi while holding al-Meqbali to investigate potential charges. A court subsequently convicted him of "insulting the Sultan" and imposed a sentence of 30 months in prison, Sultan Qabus later pardoned him.

In 2011, government authorities warned Said al-Hashemi, an activist, to cease gatherings at a book club he and others had initiated to discuss current events and political developments in the country.

Pretrial Detention and Due Process Concerns

Omani authorities often rely on problematic provisions in Oman's criminal procedure code that can result in serious violations of a defendant's due process rights. An amendment enacted in 2011 allows security forces to hold someone in pretrial detention for up to 30 days without charge. Human Rights Watch has documented cases going back to 2011 in which individuals held in incommunicado detention for days or weeks, without access to a lawyer or family members, alleged that they were subjected to torture or other ill-treatment.

Women's Rights

During its previous UPR , Oman pledged to "[t]ake additional measures to eliminate all forms of discrimination against women and promote the status of women and their participation in all State institutions." Article 17 of the Basic Law states that all citizens are equal and prohibits gender-based discrimination. However, women continue to face discrimination in law and practice, in relation to divorce, inheritance, child custody, and legal guardianship of children, which are governed under the Personal Status Law.

The authorities have taken some steps to tackle discrimination against women but some of these changes do not go far enough. For instance, the new Omani Citizenship Law issued by Decree No.38/2014 now allows Omani women married to non-Omani men to confer citizenship to their children but only under strict conditions. By contrast the children of Omani men married to non-Omani women automatically receive Oman nationality.

Citizenship Law

A new Omani Citizenship Law, enacted on August 12, 2014 under Royal Decree No. 2014/38, takes citizenship decisions out of the courts and into the hands of the Interior Ministry. Article 20 of the law allows the ministry to withdraw citizenship if it is proven that a person is a member of a party or organization that "embraces principles or ideologies that harm Oman's interest" or "works in favor of a hostile country that acts against the interests of Oman." Although Human Rights Watch is not aware of any cases that implicate the new law, it is concerned that the language in Article 20 is vague and overbroad, could give rise to cases of statelessness and could give the Intelligence Ministry discretion to target rights activists merely for exercising their fundamental rights, including the right to freedom of expression, assembly and association.

Migrant Labor Rights

During its previous UPR, Oman had accepted recommendations to "[c]ontinue pursuing efficient, appropriate policies to provide for a better protection of migrant workers." However, Oman's visa-sponsorship system (*kafala*) ties migrant workers to their employers and does not allow them to change employers without their consent. Migrant domestic workers, who are largely female, have even less protection as the Labour Law under article 2(3) explicitly excludes domestic workers from its remit. Human Rights Watch has documented abuses by employers and recruitment agents against domestic workers including those in Oman. Oman voted in favor of the 2011 International Labour Organization (ILO) Convention on Decent Work for Domestic Workers but has yet to ratify it.

Treaties and Cooperation with Human Rights Mechanisms

Oman has yet to become party to key international human rights treaties, notably the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, although the Omani government is currently discussing ratification of some of these instruments in line with its pledge to do so during the last UPR.

In September 2014, Oman allowed the UN Special Rapporteur on the rights of freedom of peaceful assembly and of association to visit the country. Kiai's statement and preliminary findings echo many of the concerns shared by Human Rights Watch and other rights groups.

Recommendations

- Unconditionally release all persons detained solely for peaceful political activities and peacefully exercising their rights to free expression, association, and assembly.

- Amend the penal code and other laws, including the Press and Publications Law, Telecommunications Act of 2002, Cyber Crimes Law, and Civil Societies Law so as not to infringe upon internationally guaranteed rights of free speech, assembly and association.

- Amend provisions in criminal procedure code that allow the government to deny due process rights and violate international fair trial standards, such as the right to counsel and lengthy pretrial detention.

- Amend the Civil Societies Law and lift restrictions preventing political opposition parties, human rights groups, and other independent civil society organizations from legally operating in the country.

- Investigate and prosecute all government officials suspected of torture or other cruel, inhuman and degrading treatment of detainees and end the practice of incommunicado detention.

- End the targeting or harassment of rights activists, dissidents and government critics that does not rise to the level of arrests, detentions or prosecutions.

- End discrimination in law and practice against women and girls in accordance with the Convention on the Elimination of Discrimination Against Women, and allow women to pass their nationality onto their children in an equal manner with men.

- Revise the Omani Citizenship law to ensure that the government cannot revoke or inhibit citizenship rights of persons who exercise their fundamental rights, including the right to freedom of expression, assembly and association and the duty to avoid statelessness.

- Abolish the *kafala* system to allow migrant workers to change or leave their employers without requiring their consent or their legal status.

- Extend labor law protections to domestic workers and in line with the ILO Convention on Decent Work for Domestic Workers.

- Implement an immediate moratorium on the death penalty with a view towards abolishing the practice altogether.

- Accede to major international human rights treaties, including the International Covenant on Civil and Political Rights and the International Covenant on Economic and the Social and Cultural Rights (and their optional protocols) at the earliest opportunity.

- Ensure that the structure and activities of the National Human Rights Commission are fully in line with the Paris Principles, and that it supports the work of human rights defenders.