

Report on Violations of the Minority Rights of the Al Tuwaiya people in Oman

Introduction:

This report describes violations of the minority rights of the Al Tuwaiya people in Oman that have been carried out by the Omani Ministry of Interior, namely the Al Tuwaiya people the use of their name. Moreover, the consequence of this denial is to label the Al Tuwaiya people as servants of another tribe and thus attack their honor and reputation in the Omani context and to cause them to be discriminated against.

The report gives reviews the case history and its developments as well as descriptions about some members of the tribe affected by the Ministry's decision; a discriminative decision which violates the Conventions on the Elimination of All Forms of Racial Discrimination (art. 5) and the Convention on the Rights of the Child (arts. 2, 8, and 16).

History of the case:

This case is almost four years old now. It goes back to May 2006 when the Omani ministry of interior, represented by the so-called committee for correction of tribes' names, proper names and nick names, has issued a discriminative order against the Al Tuwaiya people. The decision meant to change the Al Tuwaiya name to Al Harthy, a strong tribe in Oman. According to the Omani society beliefs, this means that those of Al Tuwaiya people who become Al Harthy are the servants of the latter.

Before May 2006, Al Tuwaiya people did not receive any notifications of the decision, nor from the ministry of interior neither from the mayors of their governorates, Al Qabil and Ibra, where many of them settle. They only came to know the matter through various discriminative situations they confronted at the police civil status departments where to renew IDs and passports, and issue birth certificates. Carelessly and rudely, police officers used to surprise Al Tuwaiya members every now and then by a renewed passport, an ID or a birthday certificate with a different tribal name written on them, i.e Al Harthy. It was clear then that that the Omani police received orders from the ministry of interior to change the real name of Al Tuwaiya. Al Tuwaiya members were, then, able to find a copy of the ministry of interior's discriminative order. Consequently, they started to write letters to their mayors in Al Qabil and Ibra, to the minister of interior and several authorities and dignitary figure in the Omani government, requesting the cancellation of the decision. None of those troubled themselves to reply. Even when some members of Al Tuwaiya tried to meet the minister of interior, they were turned down. Over fifteen Omani officials have received Al Tuwaiya complaints.

Exhausting all local remedies and every attempt to restore their name and dignity, Al Tuwaiya members eventually raised the matter to international human rights treaties like the Arabic Committee for Human Rights in Paris and the Arabic Network for Human Rights Information in Cairo who both issued statements denying the discriminative order. They also contacted Amnesty International who supported them through addressing the Omani ministry of foreign affairs in 2009 and 2010. A member of Al Tuwaiya family has been to some 3 Arabic countries in an attempt to get help from NGOs.

The Al Tuwaiya people have taken this case to the Omani Administrative Court in Muscat in 2007/2008 but to no avail as the Administrative Court took the side of the ministry of interior claiming that all decisions by this ministry are of supreme authority that no court in the country can override. The Al Tuwaiya people have then appealed against the Administrative Court decision but again to no avail. In their defense of their basic rights, which was led by an Omani lawyer, The Al Tuwaiya people have demanded the ministry of interior to cancel its discriminative order and provide substantial proof of the cancellation. They have also requested the ministry to apologize to the Al Tuwaiya members after all the humiliations caused to them as a consequence of the ministry's biased decision to change their name. Several documents were submitted to the Admin Court documenting the financial and moral damages caused to the Al Tuwaiya people due to the ministry's decision. Al Tuwaiya people have demanded compensations for those damages which have been very costly on their side. None of Al Tuwaiya's demands have been considered by the Admin court nor any other Omani authority.

Developments of the case:

Only in December 2009, the ministry of interior claimed verbally that it has "cancelled" its racial decision, but without notifying its victims officially or providing them with final written recession. Again, through police officers Al Tuwaiya people came to know about the "cancellation" which has been conducted haphazardly and in the most humiliating ways. Any person of Al Tuwaiya who wishes to renew an official document has to wait for hours in the police departments and has to go through various insulting steps to get his real name restored. Some of Al Tuwaiya members have failed to get their real names restored even though they have waited for a long time and have been to the several police departments that they were told to visit.

While many of Al Tuwaiya members are still not able to get back their real names despite of the order cancelation, the ministry of interior refuses to provide them with compensations to the damages it caused and continues to ignore their calls for official documents stating the cancellation of the order.

Since the 2006 it is still not clear where this matter is heading to and what might happen to the fate of Al Tuwaiya people in the future. It is of great importance to note here that an official in the ministry of interior has flatly said to some members of Al Tuwaiya that he along with his colleagues will try as much as they can to prevent them from writing their real names.

In the last few months it has become clear that the ministry of interior is not intending to cancel its order completely. Police officers at civil status departments continue to treat Al Tuwaiya members like second degree citizens whenever they have official documents need to be renewed or registered with their real name.

Damages caused by discriminative order of the interior ministry:

Damages have accumulated to the extent that they hinder many of the victims from leading a normal daily life. They have extended to reach the most intimate side of the members' life, i.e. their innocent children. The deceases also have not been safe from discrimination. Passports, identity cards, marriage contracts, and car registration papers

are all official documents that have been changed to 'Al-Harthy' tribal name which is strongly rejected by every member of the tribe, body and soul. Several stories have been provided in the report aiming at giving a clear panoramic view of the situation. The report is sustained by names to stress the severity of damages and to provide evidence from main sources. Here is a more elaborate description of the damages and the victims.

1. Suleiman Nasser 'Al Tuwaiya' and his children:

Suleiman Nasser now is in his mid fifties. He has been living in the UAE for 32 years with his family. For his entire life he has his real name Al Tuwaiya. In 2008 his daughter Ruqaiya has finished high school in UAE. Her family wanted her to continue her university studies in her home country Oman so she can pursue her future career there. Sadly, the ministry of Higher Education in Oman has turned down her application for university entry because she holds the name Al Tuwaiya which is “banned” by the ministry of interior. And since, the children’s names have to be after their father’s name, Suleiman Nasser has found himself all of a sudden in a very complicated circumstance. He is just 3 years away from retirement in the UAE and his other elder children have already settled in Oman some years back. So, in order to allow Ruqaiya to study in Oman he has to change his name to Al-Harthy, the chosen name for Al Tuwaiya people by the ministry of interior. He, therefore, has been forced by the Omani authorities to change his real name. But, the humiliation did not stop there for Suleiman and his family. The ministry of interior did not leave him and his children any choice. Later, he found himself in more troubled situation. Now, that he has changed his name for the sake of Ruqaiya’s future, he was forced to have all his other children’s documents changed to Al-Harthy. This act has put him in big troubles in UAE where he has been officially recognized by his real tribal name for 32 years. As for now, he has to endure all sorts of humiliation in his daily life. Added to this, the processing of his retirement papers has become more complicated as he is in his work documents in UAE Al Tuwaiya and Al-Harthy in his Omani documents.

One of his children has been forced to change his real name as he issues birth certificates and passports for his two kids. A very recent case has also taken place with his other son who is getting married this coming Thursday (08-07-2010). His marriage contract will be signed with 'Al-Harthy' name.

Despite the fact that in December 2009, the ministry has informed the Al Tuwaiya people that its discriminative decision is no longer valid, these members of 'Al Tuwaiya' are still suffering as they have been denied a revert back to their real name; Al Tuwaiya. Each time they visit the Oman Royal Police centre for civil status, police officers declare that the system still holds their name as Al Harthy and they keep misleading them by sending them from one office to another in order to obtain further papers that supposedly will give them their real names back. However, for Sulaiman and his family the situation still looks vague and odd as they have not been able until this very moment of time to get their real names back.

2. Soloom bin Sleem Al Tuwaiya and his children:

In his late eighties, with heart disease, Soloom Sleem has tried relentlessly for the very last days in his life to revert back to his real name, Al Tuwaiya. His elder son, Mohammed visited the ministry of interior tens of times attempting to retrieve his father's name with no avail. Having been lived in poverty, Soloom and his three children continued suffering from humiliation and insult in the Omani society because they have been forced to hold Al Harthy name all their life. Although Mohammed has terribly tried to meet the Omani minister of interior, he has always been rejected. This rejection continues despite the cancelation of the ministry's discriminative decision in December 2009.

3. Abdulla Al Tuwaiya:

Abdulla's story took place only a few months after the cancellation of the discriminative decision claimed by the ministry of interior. He had to renew his passport at the police Civil Department where police officers rejected his application claiming that Al Tuwaiya does not appear in their computer system. Instead, "Awlad Tuwaiya" is fixed there which is another alternative name suggested by the ministry of interior. Abdulla fully expressed his objection to this terrible act of forgery. He was shocked and wondered why the ministry of interior had said several months back that it had resolved the case and police officers still refuse to settle the matter! He utterly refused the fake profile they put on his personal records insisting that he would write them his third objection letter and a copy to Al Tuwaiya's international lawyer. He also drew the officers' attention to his national ID which was recently renewed by them and holds his real name. Arrogantly, they paid no attention to an official document, the national ID card, which serves as a very important backup for the Omani passport.

After two hours the police agreed to renew his passport with his real name. They showed him the application form which they have digitally entered his personal records on to approve it. To his great surprise, they have misspelled his father's surname and changed his mother's from Al Khulaifeen to Al Harthy! Again, he very much objected and condemned the forgery act on his mother's name. Eventually he was obliged to approve that application form since it had his real name printed on correctly as he needed to travel a few weeks later. In spite of everything, Abdulla resolved to write a note on that application stating that he only agreed to the correct entries of his personal details with the objection to that of his father's and mother's. When he asked for a copy of the application, he was denied this simple right.

Al Tuwaiya people observe that the individual police officers who sit behind the computer screens deliberately laugh at them and make sarcastic comments about them being not real Omani tribes! This violates the roles that should be played by police men in the country as guards of security where instead they become an executive authority that practice racism openly.

Abdullah Mother's name remains until this moment Al Harthy in Oman Royal Police database. Although Abdullah mother's passport has expired several months back, she has decided to wait and see when she can renew her passport

with her real name. It is important to note that Abdullah's mother has her old passport with her real name! This means that the police records of her name are forged.

The three stories above summarize the humiliation drama caused by the ministry of interior. Denying Al Tuwaiya's members their natural right to maintain their own dignity in an extremely tribal environment is an inhumane hideous treatment. The ministry of interior intensifies their humiliation by continuing to neglect their urgent need for an official proof of the cancellation of the resolution. Indeed, the members of Al Tuwaiya have great fears that this untruthful ministry might return to this racial action anytime and it continues to practice the same. Police officers still put hindrances before any individual who is to renew any official document, let alone the mockery and sarcasm in their behaviors while they play with the real name of these individuals. Some teachers at schools do not hesitate taunting children of Al Tuwaiya that they are named after Al Harthy as they no longer have a name. Given these daily confrontations and embarrassments, nothing would deter such humiliations except forcing the ministry of interior to act earnestly and declare a written proof of the resolution. Al Tuwaiya people urge international community to interfere and prevent the ministry of interior from dealing with them as second degree citizens.

Conclusion:

The main conclusion that can be drawn is therefore that damages resulted from that hateful decision of the Omani Ministry of Interior have aggravated physically and psychologically. Many victims are still being devastated by this discriminative order. Many members of the tribe have refrained from getting married, having children, issuing new IDs and passports, traveling abroad, pursuing cars registration and other business deeds due to this racial order. There are also many of them who fear confessing their grave sufferance and damages lest they are persecuted by authorities. Furthermore, there is a considerable number of them studying and working abroad who possess international certificates, documents and drive licenses which hold their real tribal names for a long time ago. In case they are confronted with the change whether in their IDs or passports, their international documents will appear belonging to other people in the eyes of the countries they stay in, and this is an utmost forgery committed by the Omani Ministry of Interior along with the Omani Royal Police. How should the individuals continue their daily life through this minefield of humiliating experiences? How could they maintain dignity?

Having been utterly withdrawn from having a name by their own choice, they plead all human rights organizations and the free world to take every drastic action to protect them and support their case as it is a humane case. They have a strong faith on the civil community after they have exhausted every local remedy to get out of this dilemma.

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