

## Introduction and key concerns

1. Human rights defenders (HRDs) and those criticising government policies continue to be targeted and subjected to heavy restrictions and intense scrutiny. Many HRDs have suffered harassment, arbitrary detention and torture in detention. Hundreds of academics, journalists and commentators have been arrested, charged and at times kept in incommunicado detention for taking parts in protests or for criticising Sultan Qaboos bin Said, the ruler of Oman.

2. HRDs operate under increasingly restrictive security measures in Gulf countries, and this is especially the case since the signing of a security agreement by Gulf Cooperation Council states in Riyadh on 23 November 2013. The agreement focuses on inter-state exchange of information and searching of those who violate the law, and has led to the targeting of HRDs nationals of one country in other GCC countries.

3. This submission focuses on the situation for HRDs in Oman since the previous UPR cycle and thus covers developments in the years 2011-2014. In the period under review, key concerns are the following:

- (a) Independent human rights organisations are not permitted to operate within the country, and individual HRDs operate under a very restrictive **legal framework**;
- (b) HRDs are subject to police and judicial harassment, including **incommunicado**, **unacknowledged** and **secret detention**;
- (c) Due to the very limited access to broadcast and print media, HRDs rely extensively on **online platforms**, which exposes them to surveillance and charges under the Cyber Crime Law.

### A restrictive legislative framework

4. NGOs are regulated by Civil Associations Law (Royal Decree no. 14/2000), which amended the 1972 Law on Associations. Their provisions are not in line with international human rights law. The UN Special Rapporteur on the rights to freedom of assembly and associations stated, upon his visit to Oman in 2014, that “this right [to form associations] is virtually non-existent in practice”. Associations must register with the Ministry of Social Development, which decides whether to grant registration upon a determination on whether the group “serves the interest of the country”. The law defines five thematic areas in which associations are permitted to work, namely: orphans care, maternal and child care, women services, elderly care, and care for people with disabilities. It prohibits associations from engaging with politics. Furthermore, associations are required to submit minutes of its board meetings to the Ministry.

5. Oman introduced new restrictive laws in the period under review. A new Cyber Crime Law was issued in February 2011 by decree (Royal Decree no. 12/2011). The law criminalised using the internet to “produce or publish or distribute or purchase or possess whatsoever that might violate the public ethics” or “prejudice the public order or religious values”.

6. In May 2011, the Sultan expanded the powers of the police, granting them the right to detain individuals without an arrest warrant for up to fifteen days – or thirty days in cases related to national security- before bringing them to court.

7. In October 2011, Sultan Qaboos issued Royal Decree no. 96/2011 which introduced amendments to the [Omani Penal Code](#) and the Penal Procedure Law. These amendments included criminalising “publishing false news, statements or rumours liable to incite the public or undermine the prestige of the state or weaken trust in its financial state”. It further introduced prison sentences ranging from one month to a year and a fine on “anyone participating in a gathering of at least 10 persons, with an intent to affect the public system”. If violence ensues, the prison sentence is to be no less than 6 months and no more than 3 years.

### **The 2011-2012 protests: use of force, detentions and charges**

8. The pieces of legislation referred to above were adopted in response to mass public demonstrations which erupted in 2011 and continued, with varying degrees, in 2012. Nation-wide demonstrations started in order to protest against low salaries and high unemployment rates as well as the lack of legislative powers granted to the Consultative Council, the lower house of Oman's bicameral Parliament which was elected by universal suffrage for the first time in 2003.

9. Despite the efforts of Sultan Qaboos to implement economic reforms, increasing the minimum wage and creating job opportunities, as early as mid-February 2011, protests continued throughout the country. The police dispersed peaceful gatherings and detained several hundreds of protesters, journalists, and human rights defenders. Two protesters were killed in February and April 2011 respectively.

10. In June and July of the same year, sentences of up to five years' imprisonment were handed down to over a hundred individuals on charges relating to “illegal gatherings” and “sabotaging and destroying public and private property”. Government officials and national media accused protesters of breaching public order and answering to a foreign agenda. The government further discredited protesters by labelling them opponents (*'muarid'* in Arabic), although overthrowing the regime was not the objective of the protests.

11. As demonstrations continued, in June 2012 Oman's public prosecutor threatened to take “all appropriate legal actions” against individuals who participated in sit-ins as well as writers and bloggers. This statement was followed by the arrest and trial of dozens of activists, including writers, bloggers, rights defenders and protesters, on charges related to “illegal gathering”, “violation of Cyber Crime Law”, “defaming the Sultan” and “obstructing traffic”.

12. In July 2013, which marked the 43rd anniversary of the accession of the Sultan to the throne, Sultan Qaboos pardoned all the individuals who had been sentenced and imprisoned for political reasons. The Sultan also ordered that those dismissed from private and public jobs during the 2011-2012 protests to be reinstated. A first pardon against government critics had been issued in March of the same year.

### **Judicial harassment of human rights defenders**

13. The judicial system is one of the main tools used to silence HRDs. Charges used against them include illegal gathering, insulting the authorities, undermining the prestige of the State, or public order offences. In many cases, the charges were related to comments or opinions expressed online, in blogs or social media networks, and were brought under the 2011 Cyber Crime Law.

14. On 21 January 2015, human rights defender and blogger Mr **Saed Jadad** was arrested and placed in incommunicado detention for six days prior to being transferred to Muscat for trial . On 8 March 2015, the Court of First Instance sentenced him to three years' imprisonment and a fine of 1,700 Omani Rial (approximately €4,072) on charges relating to "undermining the prestige of the state", "inciting the public to join an illegal gathering" and publishing material that disturbs the public order via the internet. The charges related to his alleged involvement in writing an open letter to US President Barack Obama about human rights in Oman.

15. On 16 January 2013, the Court of Appeals in Muscat upheld the sentences against six human rights defenders on charges of insulting the Sultan Qaboos and illegal assembly. The charges were based on comments that appeared on social media network Facebook. Messrs **Ismail Al Muqabli**, **Mahmood Al Jamoodi**, **Nabhan Al Hinshi** and **Hasan Al Ruqayshi** were sentenced to one year and six months in prison and a fine of 1,000 Omani Riyal (approximately €2,400). Messrs **Mukhtar Al Hana'i** and **Ali Al Hajji** were sentenced to one year in prison and a fine of 1,000 Omani Riyal. On 21 March 2013, Sultan Qaboos pardoned 50 individuals, including most of the aforementioned human rights defenders.

16. In August 2012, prominent blogger and human rights defender Mr **Mohamed Al Fazari** was sentenced, along with others, to a year's imprisonment and a fine on charges including "insulting the ruler", "violating cyber-crime law" and "unlawful gathering". He was eventually pardoned and released on 21 March 2013. The charges were in connection to his participation in a peaceful gathering calling for the release of all HRDs detained in the country.

### **Incommunicado, unacknowledged and secret detention**

17. Arrest and detention by the police or security services have also been widely reported. In many cases, the HRDs arrested were released without charges. At times, HRDs have been held incommunicado or otherwise prevented to access legal assistance, or the authorities have refused to acknowledge the arrest or to disclose the place of detention.

18. On 10 December 2014, Saed Jadad (see para 14 above) was arrested by plain-clothed members of the security forces on the street in Oqad region in the city of Salalah. Security officers accompanied him to his residence in order to carry out a search and confiscated his laptop and mobile phone. He was held in an undisclosed location for 12 days before being released on bail on 22 December. He was charged with “undermining the status and prestige of the state”, accusations that are reportedly related to his calls for social and political reforms during a meeting with members of the European Parliament in 2013.

19. On 30 August 2014, Mohamed Al Fazari (see para 16 above) disappeared after going to the police station in the Al-Qurum district of Muscat following a summons to appear received from the General Directorate of Inquiries and Criminal Investigations. He was held for five days without access to legal representation. The police initially refused to provide any information to his lawyer or family, including an acknowledgement that he had been arrested. The HRD was accused of “undermining the prestige of the state” and “disturbing public order”. However, he was eventually released without charges on 4 September 2014.

20. On 12 July 2014, blogger and social media activist Mr **Noah Saadi** was detained by the Internal Security Service (ISS), the national security intelligence agency. On 7 August 2014, he was released from the detention facility of the Special Section of the Omani Police in Muscat. During the nearly four weeks in detention, he had communicated with his family only once and had no access to his lawyer. No charges have been brought against him. Noah Saadi had also been targeted previously. In September 2011, he was arrested for criticising the authorities on his blog in relations to comments made about the arrest of a Shura Council member who had participated in anti-pollution protests. The HRD has also been held incommunicado at that time.

21. On 7 November 2013, writer and human rights defender Mr **Khalfan Al-Badwawi** was arrested by the ISS. A few days earlier, he had received a phone call asking him to appear before the Special Branch of the police or surrender to a police station, but he refused on the basis of lack of an official summons or an arrest warrant. He was held incommunicado for one week. His whereabouts were not known to his family and he was denied legal representation. He eventually fled to the United Kingdom in December 2013. He had previously been detained from June to September 2012 and charged with “insulting the Sultan”; the trial was suspended following the March 2013 pardon.

22. On 22 July 2013, human rights defender and blogger Mr **Sultan Al-Sa’adi** was arrested by over a dozen members of the intelligence services, while he and his family were at a petrol station. His laptop and personal items were confiscated and he was taken to an unknown location. He was held for 23 days before being released without charges. He was reportedly subjected to ill-treatment while in detention. Like all other cases mentioned in this report, Sultan Al-Sa’adi also has a long history of harassment. He was arrested in 2011 after the outbreak of demonstrations in Sohar. He was arrested again in 2012 for his pro-reform Facebook and Twitter posts and subsequently tried on charges of “insulting the Sultan”, before being pardoned in March 2013.

23. On 14 April 2013, human rights defender and blogger Dr **Salih Al-Azri** was arrested after being

summoned to appear before the Special Branch at the General Police Headquarters in Muscat. Dr Al-Azri's arrest was allegedly related to his continued demands to reform the health care system and for his solidarity with those who were accused of insulting the Sultan. He was held incommunicado and could not be contacted by his family or lawyer prior to his release five days later.

24. On 31 May 2012, journalist and social rights activist Ms **Habiba Al Hana'i**, lawyer Mr **Yaqoub Al Kharousi**, and blogger Mr **Ismail Al Muqbali** were arrested as they were visiting oil workers on strike at Al Fuhoud Oil Field. They are all founding members of the Omani Group for Human Rights. They were transferred to the Special Branch of the Omani Police in Muscat and charged with "agitation". They were later pardoned and released.

### **Travel bans**

25. The authorities have also imposed travel bans on human rights defenders, at times without any judicial ruling or possibility to appeal the decision. The bans appear to be aimed at preventing HRDs from speaking on the situation in Oman at international events.

26. On the morning of 22 December 2014, Mohamed Al Fazari (see para 16 above) was stopped at Muscat International Airport when he attempted to travel to the United Kingdom. He was informed by the authorities that a travel ban was issued against him. No reasons were provided and his official documents, including his national ID card and passport, were confiscated.

27. On 31 October 2014, Saed Jadad (see para 1 above) was not permitted to travel on a flight to Doha while on route to Istanbul to attend a workshop. He was stopped by a plain-clothed security agent and informed that a travel ban had been issued against him in July 2014. A month before the travel ban was enforced, Saed Jadad had met with the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association during his official visit to the country.

### **Development since the previous UPR Cycle**

28. In the last UPR review in early 2011, Oman received only one recommendation specific to the protection of human rights defenders, made by Norway and accepted by Oman. The recommendation urged the state to "Disseminate better and ensure full observation of the Declaration on Human Rights Defenders".

29. Oman further accepted recommendations made in relation to civil society and freedom of association and assembly, namely:

- Place importance on the review of the Law on Civil Associations to ensure a more effective working environment for them;
- Further pursue cooperation with civil society organizations with a view to promoting and

protecting human rights in different areas, including the areas of education, health, migrant workers and gender equality;

- Continue the open and constructive dialogue with members of civil society, in particular during the follow-up to the UPR recommendations;
- Enhance freedom of expression, association and assembly;
- Revise the procedures governing registration of civil society organizations to ensure transparent, non-discriminatory, expeditious and inexpensive procedures that allow for appeal and are in conformity with international human rights standards.

30. Four years on and despite some positive measures such as the two 2013 pardons, the restrictive legislative framework remains unaltered, HRDs remain under constant surveillance and attacks against them have increased. The government used short-term detentions, threats and judicial harassment to intimidate anyone who is pro-reform in Oman.

### **Recommendations**

31. Front Line Defenders calls upon the member states of the UN Human Rights Council to urge the Omani authorities to prioritise the protection of human rights defenders and in doing so to:

- (a) Guarantee in all circumstances that all human rights defenders in Oman are able to carry out their legitimate human rights activities without fear of reprisals and free of all restrictions including judicial harassment, and ensure full respect for the UN Declaration on Human Rights Defenders;
- (b) Review legislation governing associations to ensure the free and independent establishment and operation of civil society organisations, including their right to receive domestic and foreign fund;
- (c) Revise the 2011 Cyber Crime Law that was issued by Royal Decree No 12/2011 and relevant provisions of the Penal Code and bring them into compliance with international human rights standards, in particular in relation to the right to freedom of expression;
- (d) Take urgent measures to put an end to the arrest and detention as well as judicial harassment against human rights defenders, and lift the travel ban issued against them;
- (e) Review and quash the conviction of, and release, all human rights defenders who have been sentenced on grounds of their human rights work and who remain in detention;

- (f) Publicly recognise the positive and legitimate role played by human rights defenders in Oman;
  
- (g) Fully implement the adopted UPR recommendations on human rights defenders in a transparent and participatory manner with full involvement of human rights defenders at all levels;