



ISHR

INTERNATIONAL SERVICE
FOR HUMAN RIGHTS



THE SITUATION OF HUMAN RIGHTS DEFENDERS

OMAN

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In its last UPR in 2011, Oman received only one recommendation specifically regarding the protection of human rights defenders (HRDs). Oman only noted Norway's recommendation that the State ensure full observation of the UN Declaration on Human Rights Defenders, and did not accept related calls to accede to the International Covenant on Civil and Political Rights nor to decriminalise acts of freedom of expression and association. Regrettably, aggressions against HRDs have increased over the last four years and debilitating official restrictions on their activities remain in force. On 13 September 2014 the Special Rapporteur on the right to peaceful assembly and association issued a statement detailing the 'pervasive culture of silence and fear affecting anyone who wants to speak and work for reforms in Oman'.¹

RISKS FACING HUMAN RIGHTS DEFENDERS

HRDs face arbitrary detention in poor conditions. The ongoing detention of government critic Talib Ahmad Al Mamari was condemned by the UN Working Group on arbitrary detention in December 2014.² This case follows a series of similar incidents that have been described by regional human rights organisations as 'a crackdown on rights defenders' in an open letter to the Omani government published in February 2013.³ Judicial harassment has escalated since 4 June 2012 when the public prosecutor issued a statement threatening activists with arrest.

According to a report published by the Gulf Centre for Human Rights (GCHR) on 29 January 2014, torture 'has become the State's knee jerk response to political expression'. The report documents the methods of torture used against arbitrarily detained HRDs in Oman since 2012, which include mock execution, beating, hooding, solitary confinement, subjection to extremes of temperature, to constant noise, to abuse and humiliation.⁴

Harassment of HRDs tends to continue even after release from detention. Human Rights Watch has noted a pattern of State harassment of freed and pardoned activists 'that amounts to improper disruption of their livelihoods and professional activities', for example by denying the security clearance required for jobs in State services.⁵ There is also evidence of attempts by Omani authorities

to discredit HRDs and to cause dismissals from employment through publicising via national media the images and details of those suspected by the State. This is contrary to the normal media practice of obscuring the faces of those convicted of any offence and was considered to be part of the strategy to inflict public humiliation on dissidents. The GCHR report emphasises the potential social and economic costs of a loss of reputation in Oman.⁶

OFFICIAL RESTRICTIONS ON THE SPACE FOR HUMAN RIGHTS DEFENDERS

Repression of HRDs is facilitated in large part by certain provisions of the Omani Basic Law that qualify the freedoms of expression and association as being subject to 'the conditions and circumstances defined by the Law'. Article 126 and Article 135 of the Penal Code prohibit the insulting of the 'Sultan's rights or authority' and causing 'harm to State's status' respectively.⁷ Article 173 similarly bans 'publicly or by publication, and by speech or gestures' any action that affronts a public official for performing their duties.⁸ In effect this constitutes a prohibition on criticism of the government.

There are similar restrictions against peaceful protest. In October 2011 several articles of the Penal Code were amended by royal decree, notably Article 137, which states that 'anyone participating in a gathering of at least 10 persons, with an intent to affect the public system, can be punished with a jail

term of one month to one year.’ These amendments criminalise blocking roads as well as attempts by protestors to conceal their identities by covering their faces.⁹

The Telecommunications Act of 2002, together with the Cyber Crimes Laws in force since 2011, places severe and disproportionate restrictions on freedom of expression and on the press. Article 61 of the Telecommunications Act penalises ‘any person who sends...[any] message that violates public order or public morals’. The Cairo Institute for Human Rights Studies has noted the frequent use of these laws to repress legitimate political dissent. In 2012, three HRDs were each sentenced to at least one year in prison for posting poetry critical of the Sultan on their Facebook pages.¹⁰ In 2012 alone, more than 30 bloggers and activists were convicted and imprisoned for making Facebook and Twitter comments deemed to defame the State.¹¹

According to Article 42 of the Civil Societies Law, no association may receive funding from abroad without government approval. Oman’s Social Development Ministry is responsible for registering associations. Its processes entail a variety of restrictions - associations require a minimum of 40 members before authorities will consider an application. In practice, only apolitical, or explicitly pro-government organisations are ever approved.¹² Together, these restrictions explain the absence of Omani NGOs and formal civic organisations - there is essentially no lawful public space in which HRDs may work.

INTIMIDATION AND REPRISALS AGAINST DEFENDERS ACCESSING INTERNATIONAL HUMAN RIGHTS MECHANISMS

Evidence suggests HRDs may face reprisals for efforts to raise international awareness of the situation within Oman. On 10 September 2014, human rights advocate Said Jadad met with the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association during the latter’s visit to Oman. Shortly afterwards, on 31 October 2014, Omani border control officers at the International Airport of Muscat refused to permit Mr Jadad to travel to a HRD workshop in Istanbul. His passport was confiscated. The travel ban was neither formally registered nor judicially approved.¹³ Since December 2014, prominent blogger and HRD Mohammad Al Fazari has faced similar and ongoing restrictions.¹⁴

Subsequently, on 10 December 2014, Mr Jadad was arrested by members of the Omani security forces while in the street outside his house in Salalah. Members of the security forces searched his residence and seized his laptop and mobile phone. He was then held until 21 December without a warrant and under no official charges.¹⁵ He was released, and

subsequently re-arrested on 21 January 2015. He remains in detention.¹⁶

The GCHR reported that many of the HRDs they have interviewed have expressed fear that by speaking to monitoring groups they risk exacerbating the State-sanctioned harassment already faced.¹⁷ ISHR has been informed that many HRDs have sensed this risk more keenly since Oman’s ratification of the Gulf Cooperation Council security agreement 2012, which encourages member States to extradite individuals involved in ‘interference in the domestic affairs’ of other GCC countries.¹⁸

HUMAN RIGHTS DEFENDERS FACING PARTICULAR RISKS

The criminalisation of the entire LGBT community creates a context in which risks for those advocating LGBT equality is exacerbated. In September 2013, the government temporarily shut down English-language newspaper *The Week* for printing an article about the country’s LGBT community.¹⁹

Likewise, the risks faced by women HRDs are exacerbated by the effects of societal discrimination against them. They are also particularly vulnerable to certain forms of social humiliation. For example, the broadcaster Basima Al-Rahji who had peacefully participated in pro-democracy protests in 2011 and subsequently lost her job and faced harassment, also faced some of the most serious abuses documented in Oman. Following further participation in protests in 2012, she was kidnapped by security services and tortured, after which, upon receiving medical treatment at the hospital, staff insisted on the necessity of a virginity test, against Al-Rajhi’s will.²⁰

THE RESPONSE OF THE STATE REGARDING THE PROTECTION OF HUMAN RIGHTS DEFENDERS

Oman has not responded to the many recommendations made to it at the previous cycle of the UPR regarding accession to various international human rights mechanisms. Although Oman accepted recommendations calling for general measures to protect freedom of expression, no such steps have been taken.

In March 2013, Sultan Qaboos of Oman pardoned 50 people who had been prosecuted under laws previously described in this paper. Among those who received pardons were many HRDs who had suffered longstanding harassment at the hands of the State.²¹ Whilst the liberation of wrongfully convicted individuals is encouraging, the arbitrary use of pardons fails to acknowledge the invalidity of the initial prosecutions and fail to safeguard against repetition of such abuses against activists.

RECOMMENDATIONS TO THE GOVERNMENT OF OMAN REGARDING HUMAN RIGHTS DEFENDERS

- Immediately and unconditionally release all HRDs currently under arbitrary detention, and ensure that all instances of arbitrary detention and claims of torture are fully investigated and prosecuted in order to provide remedy and guarantee non-repetition.
- Guarantee that due process and all the rights associated with a fair trial, in line with international standards, are fully accorded in criminal cases against human rights defenders.
- Enact specific laws and policies to enshrine the UN Declaration on Human Rights Defenders in national law.
- Guarantee the right to safe and unhindered access to international human rights mechanisms and condemn and punish acts of intimidation and reprisals against HRDs who engage with the UN.
- Repeal and reform those aspects of Omani law which restrict the activities and rights of human rights defenders. In particular, reform articles 126, 135, 137 and 173 of the Penal Code, repeal Article 61 of the Telecommunications Act and overhaul the Civil Societies Law to facilitate rather than restrict civil society organisation registration and activities.
- Make public statements recognising the work of human rights defenders and take steps to punish and counteract actions by public and private actors which stigmatise and criminalise the legitimate work of defenders.
- Acknowledge the legitimate role of women human rights defenders and LGBT defenders in defending the rights of the communities which they represent and take immediate steps to decriminalise homosexuality.
- Accede to international human rights instruments, including the ICCPR, ICESCR, CAT, and CED.
- Issue standing invitations to all thematic special procedures, as well as relevant regional mandate holders, and specifically invite and facilitate visits from the UN Special Rapporteur on the Situation of HRDs together with the UN Special Rapporteur on Freedom of Opinion and Expression and the UN Special Rapporteur on Freedom of Assembly and of Association.
- Ensure that human rights defenders can travel freely in order to attend international human rights events and access international human rights networks and mechanisms.

The situation and operating environment for human rights defenders and other civil society actors has, if anything, deteriorated since its last UPR review in 2010. The international focus on and condemnation of human rights abuses in other Middle-Eastern nations during the last four years must not come at the expense of emphasis on the serious obstacles faced by HRDs in Oman. If Oman intends to take the human rights commitments engendered by its membership in the UN seriously, it must first take steps to facilitate and protect the legitimate work of HRDs on the ground.

1. Statement by the United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association at the conclusion of his visit to the Sultanate of Oman (13 September 2014), para.11 <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15028&LangID=E>.
2. Opinions adopted by the Working Group on Arbitrary Detention at its seventy-first session, 17-21 (Nov 2014). No.53/2014 (Oman), p.7 <https://docs.google.com/a/ishr.ch/file/d/0B186ebB9hhJUWT-V4RWcteG5HUnM/preview?pli=1>.
3. The letter was printed on several websites, including that of the first signatory, the Gulf Centre for Human Rights (Feb 2013): <http://www.gc4hr.org/news/view/346>.
4. Extended Report on 'Torture in Oman', The Gulf Centre for Human Rights (Jan 2014), Intro, para.2 <http://www.gc4hr.org/report/view/20>.
5. 'Oman: Letter to the Ministry of Foreign Affairs', Human Rights Watch (Sep 2014), para. 5 <http://www.hrw.org/news/2014/09/24/oman-letter-ministry-foreign-affairs>.
6. Extended Report on 'Torture in Oman', The Gulf Centre for Human Rights (Jan 2014), Intro, para. 4 <http://www.gc4hr.org/report/view/20>.
7. Opinions adopted by the Working Group on Arbitrary Detention at its seventy-first session, 17-21 (Nov 2014). No.53/2014 (Oman), p.5 <https://docs.google.com/a/ishr.ch/file/d/0B186ebB9hhJUWT-V4RWcteG5HUnM/preview?pli=1>.
8. Oman: Letter to the Ministry of Foreign Affairs', Human Rights Watch (Sep 2014), paras.6-8 <http://www.hrw.org/news/2014/09/24/oman-letter-ministry-foreign-affairs>.
9. Oman Country Report - 2014', Bertelsmann Stiftung BTI, section 1, (2), para. 9 <http://www.bti-project.org/reports/country-reports/mena/omn/index.nc>.
10. 'Oman: Drop Cases Against Online Activists' Cairo Institute for Human Rights (Jul 2014), para,10 <http://www.cihrs.org/?p=3569&lang=en>.
11. 'Oman Country Report - 2014', Bertelsmann Stiftung BTI, section 1, (2), para.12, <http://www.bti-project.org/reports/country-reports/mena/omn/index.nc>.
12. 'Rights Routinely Trampled, HRW (Dec 2014) Freedom of Association Concerns, para. 3. <http://www.hrw.org/news/2014/12/18/oman-rights-routinely-trampled>.
13. 'Said Jadad, human rights defender, victim of reprisals after his meeting with UN Special Rapporteur', Alkarama (Nov 2014) para.3 <http://en.alkarama.org/oman/1545-oman-said-jadad-human-rights-defender-victim-of-reprisals-after-his-meeting-with-un-spe>

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14. 'Oman - Authorities continue to harass human rights defender Mohamed Al Fazari' Front Line Defenders (Jan 2015) para.1 <http://www.frontlinedefenders.org/node/27906>
 15. 'Arbitrary detention of human rights defender Saed Jadad', Front Line Defenders (Dec 2014), para 2. <http://www.frotlinedefenders.org/node/27828#sthash.yQ6bkUPX.dpuf>.
 16. 'Gulf Centre for Human Rights condemns arrest of human rights defender Saed Jadad', (Jan 2015), para.1 <http://www.gc4hr.org/news/view/883>.
 17. Extended Report on 'Torture in Oman', The Gulf Centre for Human Rights (Jan 2014) Intro, para.3 <http://www.gc4hr.org/report/view/20>.
 18. Interview conducted with local HRD February 2015. For further info see 'GCC: Joint Security Agreement Imperils Rights' Human Rights Watch (April 2014), <http://www.hrw.org/news/2014/04/26/gcc-joint-security-agreement-imperils-rights>
 19. 'Oman: Freedom of the Press 2014', Freedom House, para.1 https://freedomhouse.org/report/freedom-press/2014/oman#.VNs7OfnF_To
 20. Extended Report on 'Torture in Oman', The Gulf Centre for Human Rights (Jan 2014) Part III, 2) para. 13 <http://www.gc4hr.org/report/view/20>.
 21. 'Oman: Activists and Human Rights Defenders Receive Pardon', Front Line Defenders (March 2013), para.1 <http://www.frontlinedefenders.org/node/22135>.

ABOUT THIS BRIEFING PAPER

ISHR encourages States to consult UPR submissions by local activists as well as to make a recommendation to Oman regarding the protection of HRDs. This briefing is a compilation of public information and ISHR suggests readers consult the sources cited for additional information. For further information on Oman's UPR, contact Ben Leather b.leather@ishr.ch. ISHR thanks all those who assisted in writing this briefing paper.

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GENEVA OFFICE

Rue de Varembe 1, 5th floor
P.O. Box 16
CH-1211 Geneva 20 CIC
Switzerland

NEW YORK OFFICE

777 UN Plaza, 8th floor
New York, NY 10017
USA