

Torture in the Sultanate of Oman: Lost Liberties and Suppression of Human Rights Activists

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Introduction

Totalitarian governments resort to various types of persecution, repression of freedoms and even torture in order to silence voices of dissent and suppress the masses demanding change and reform. The situation is not much different in the Sultanate of Oman, which is an absolute monarchy.

Since the situation of civil society activists, writers, intellectuals and journalists is a mirror reflecting the conditions of any country, the human rights violations committed by the Omani government were captured in the writings of those who documented many forms of abuse of power in articles, books and lectures. Subsequently, the government confiscated many Omani literary works and prevented them from being circulated at the Muscat International Book Fair or in local libraries or bookstores. The banned works at the time of writing include “The Search for a Homeland” by **Zahrán Zahir Sarimi**; “The Turban of the Military” by novelist **Hamoud Saud**; and “Obeid Al-Omani Alive” by authors **Suleiman Al-Maamari** and **Saeed Sultan Al-Hashemi**. Al-Hashemi also wrote two other banned books, namely “Song of the Shadow” and “What has the Dungeon Left for the Rose?”, and Al-Maamari's novel “The One Who Doesn't Like Gamal Abdel Nasser” is also banned. The list of banned books also includes **Yousef Al-Haj**'s novel “Winter 97”; “A Single Cry is Not Enough” by **Hamood Al-Shukaili**; “Time is Up for Correction” by **Zahir Al-Mahrouqi**; and “The Rebel's Return” by **Yaqoub Al-Khanbashi**, inter alia.

Banned and confiscated books alone deserve an independent report, but we listed them here in the introduction to the present report because quite a few of them have to do with the subject matter concerning torture, repression and curtailing freedoms. The authors of these books have documented the persecution, imprisonment and torture to which they themselves or other citizens have been subjected, some in a direct fashion, as in “The Search for a Homeland”, which took the form of a biography, or indirectly, such as the novel titled “The One Who Doesn't Like Gamal Abdel Nasser”.

This report was researched and written by the Omani Association for Human Rights (OAHR), with support from the Gulf Centre for Human Rights (GCHR), through a project with the European Union.

Research Methodology

In this report, the Omani Association for Human Rights (OAHR) documented torture cases in Oman through interviewing a number of former political prisoners. This endeavour faced several difficulties, the most important of which was the subjects' fear of talking about the torture to which they have been subjected and the violations that take place in prisons, because they could face reprisals. It was also difficult for them to trust a third party or a human rights organisation because these entities were often incapable of providing the necessary protection to human rights activists and prisoners of conscience who were still residing in the country, whether by protecting them from being targeted by the government, working to have them released, or lobbying the authorities to enable activists to continue their human rights work.

There are provisions in the Penal Law which stipulate punishments against whoever participates in any form in the work of an entity intended to act in what is described as opposing the “principles of the State,”¹ or who provides intelligence to any foreign body in a manner aimed “against the country.”² Therefore, it was very difficult for torture survivors to talk with the OAHR about their suffering, for fear of prosecution, trial and imprisonment, on the grounds of communicating with individuals or organisations abroad and may be accused of operating against state security.

¹ Article 116, The Penal Law, Promulgated by Royal Decree 7/2018.

² Article 134, *ibid*.

Despite all these challenges, this report does provide some testimonies of victims of torture in Omani prisons. The information was collected from the survivors themselves, some of whom agreed to reveal their identity, whereas others preferred to remain anonymous. Some testimonies had been transmitted through various social media, after the survivors posted them on their personal accounts.

This report documents torture cases in Omani prisons in order to inform the international community of these violations; to call on the Omani government to put an end to such abuses, re-affirm its commitment to international treaties and conventions related to respecting human rights and prisoners' rights, and to end the systematic repression against human rights defenders. The report underscores the need to comply with the International Convention on the Protection of All Persons from Enforced Disappearance and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, both of which were ratified by the Sultanate in June 2020.³

Legal Analysis

Oman's Prison Code

Little information is available about prisons in Oman except through information obtained from prisoners, such as explaining the cells' structure, the services provided and the manner in which the police carry out administrative duties in prisons. A group of defenders, including **Talib Al-Maamari**⁴ and **Habiba Al-Hinai**,⁵ have therefore documented the arrests and the psychological damage which they suffered as a result of their human rights activism.

One of the most important prisons in the Sultanate is Al-Rumais prison, which was operational during 1976 - 2009, and it was later decided to have it demolished. This prison was characterised by the lack of adequate furniture for the prisoners, in addition to air conditioning problems in most prison cells. After the Special Rapporteur on Trafficking in Persons visited Oman in November 2006, and provided a critical account of the state of Al-Rumais prison as well as other detention facilities, the government decided to build the Samael Central Prison in a semi-remote area surrounded by mountains. Another central prison was built in Thumrait state, and another was built in Sohar after the 2011 movement, in order to have ample infrastructure to house prisoners in case public gatherings or riots took place in Dhofar and Al-Batina provinces.

The Prisons Act was issued by Decree no. 48/98,⁶ and in 2019 a minor amendment was passed whereby courts had no jurisdiction to hold hearings pertaining to disputes related to prison regulations and prison administration, which negatively affected prisoners' conditions and sometimes led to their decline.

The provisions of the Prisons Act were not reviewed nor amended since 1998. Although the Oman Human Rights Commission was established in 2008, and was tasked with visiting prisons and assessing the complaints and petitions made by inmates, no change has taken place in the Prisons Act. Following one of the prison visits carried out by the Commission, articles were published indicating that the Commission considered the services provided in the prison to be deserving of a five-star rating.⁷⁻⁸

³ The Office of the High Commissioner for Human Rights, UN Treaty Body Database, Oman, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=130&Lang=EN

⁴ Twitter account of Talib Al-Ma'amari, <https://twitter.com/LONGTIMEQU/status/1291319283272896513>

⁵ Habiba Al-Hinai Blog, <https://habiba-hinai.blogspot.com/>

⁶ Omani Prisons Act, Royal Decree no. 48/98

⁷ The Central Prison in the Sultanate of Oman is a five-star category, Alwasat News, 12 May 2017, <http://www.alwasatnews.com/news/455861.html>

⁸ Oman Human Rights Commission commends the services and care provided to inmates, Oman Daily, 16 October 2019, <https://www.omandaily.com/%D8%B9%D9%8F%D9%85%D8%A7%D9%86%20%D8%A7%D9%84%D9%8A%D9%88%D9%85%D8%>

According to article 45 of the Prisons Act,⁹ if a prisoner engages in a criminal offence, the prison administration will bring him/her to trial. However, with the amendment introduced in 2019, the Prisons Department, which is administrated the Omani Police Agency, does not allow inmates who have been subjected to discrimination, abuse or harassment by the prison administration to access courts.

The Prisons Act stipulates penalties against inmates. Article 40¹⁰ states that “any inmate or detainee who violates the laws or regulations of the prison or place of pretrial detention shall be punishable disciplinarily, without prejudice to criminal accountability. The Prison Director may order appropriate measures against an inmate who attempts to escape, expresses extreme agitation or carries out severe acts of violence or in the cases where it is thought that the inmate is a danger to himself or others.” Article 41 of the same Act states that “the Director shall form a disciplinary committee for handling measures against inmates, chaired by an officer of an appropriate rank, with the prison social worker being a member as well as a section officer.” Article 42 lists the following punishments:

1. Warning the inmate in the presence of guards or other inmates.
2. Partial or complete denial of established privileges for a period not exceeding a month.
3. Delaying the transfer of the inmate to another level for a period not exceeding six months.
4. Bringing the inmate back to the previous level for at least three months.
5. Denial of pay for no more than ten days.
6. Solitary confinement for no more than two months.
7. Subjecting the inmate to rationed food for no more than 22 days.¹¹

Although the Oman Human Rights Commission conducts regular visits to prisons, these visits are carried out with the approval of the prison administration. The Commission may only have access to prisoners' complaints through forms that need to be filled out by the prisoner, noting that such complaints are delivered through the prison administration. Moreover, the prison administration or committee decides which of the inmates can be interviewed to further discuss their complaints. The Commission may only offer advice and guidance per its mandate. Since 2015, the Commission began to classify the complaints received from the prisoners and publish them in its annual reports. In addition, the Commission is not permitted to visit all prisons, such as the Internal Security Service Prison, which is not among the facilities periodically visited by the Commission.

Several complaints have been filed regarding the absence of a resident doctor at the Samael Central Prison, which constitutes a breach of article 31 of the Executive Regulations of the Prisons Act, which was issued in 2009.¹² In the event of an accident or if a prisoner falls ill, the prison administration relies on the Samael Hospital, which means that urgent cases are difficult to treat within the prison. On the other hand, since the courts may not look into disputes related to prisons' administration, the latter has become absolute, unaccountable and capable of taking discriminatory measures.

The Executive Regulations provided more details on the punishments and disciplinary measures that may be taken against inmates. Article 47¹³ makes a distinction between the types of offences committed by the detainees, which are classified as either minor offences, serious offences or grave offences.

[A7%D9%84%D9%84%D8%AC%D9%86%D8%A9-%D8%A7%D9%84%D8%B9%D9%8F%D9%85%D8%A7%D9%86%D9%8A%D8%A9-%D9%84%D8%AD%D9%82%D9%88%D9%82-%D8%A7%D9%84%D8%A5%D9%86%D8%B3%D8%A7%D9%86-%D8%AA%D8%B4%D9%8A%D8%AF-%D8%A8](#)

⁹ Omani Prisons Act, Royal Decree no. 48/98

¹⁰ Ibid.

¹¹ Ibid.

¹² The Royal Oman Police: decision no. 56/2009 concerning the issuance of the Executive Regulations of the Prisons Act.

¹³ Ibid.

It is important to note that some of these offences, such as going on a hunger strike, refusing to work or both combined, in addition to demonstrating, illegally getting letters out of or into prison, are classified as “grave” offences. As such, they may lead to additional punishment of the inmate, despite the fact that hunger strike, for instance, is a right of the prisoner, through which he/she may express his/her opinion and possibly to protest being deprived of some rights in prison. With the recent amendment to the Prisons Act, a prisoner can only have the warden held accountable through the prison’s administration itself, which constitutes a major flaw that hinders the right of prisoners to independent and impartial litigation, and denies them access to justice. Moreover, the last clause of the same article stipulates that merely attempting to carry out one of the listed offences is sufficient to impose punishment,¹⁴ which grants the prison administration absolute discretion, thereby allowing it to impose penalties without any offence having been committed. Therefore, the Executive Regulations and the Prisons Act should both be revised, and legislations to protect prisoners’ rights must be enacted. In addition, the proposed legislations should establish a mechanism for filing complaints; ensure the prisoners’ right to litigation before a competent court; create an independent oversight body to be tasked with reviewing the offences committed within prisons and the corresponding penalties, in a manner that would ensure the institution’s integrity and fairness towards prisoners.

Remand

The Internal Security Agency is one of the official intelligence bodies which operates independently, has arms in various government institutions and is closely linked to the Royal Oman Police. Prior to 2020, this Agency carried out arrests and interrogations of defendants without legal provisions backing its actions, whether that was done directly or through the Royal Oman Police. The Internal Security Service Law¹⁵ was passed by Decree 4/2020 to provide legal grounds to the authority which the Agency had previously exercised without a regulatory framework. Article 10 of the Internal Security Service Law is indicative of the vast power this agency has, as it stipulates that “the Agency may access any information or data from any natural or legal person if this was deemed of importance from a security standpoint, or if deemed necessary for the Agency in carrying out its duties. Requests to obtain such information may not be denied or concealed if made by the President or his assigned delegate. Those who provide such information or data to the Agency are exempt from any criminal, civil, administrative or other liability resulting from the submission of such information.”¹⁶ After the passing of this Act, the Agency acquired additional powers, including “Carrying out the necessary inspections and investigations to unveil any events, activities or actors that could compromise the security and stability of the Sultanate, and working to combat and respond to them.”¹⁷ In addition, the Agency may “coordinate with agencies of other states and exchange information to combat any actions that could threaten Oman’s internal security, in accordance with the established rules and procedures in this regard.”¹⁸

These provisions legitimised the work of the Internal Security Agency, including the surveillance of individuals and violation of their privacy without these measures necessarily being related to crimes committed by the targeted persons. These legislations are often used to closely monitor human rights defenders, activists and opponents on social media, especially those known for opposing the government and its policies.

Moreover, article 9 of the Internal Security Service Law states that “the Agency grants or withholds the affidavit for no criminal offense in accordance with the policies in effect. Its decisions in this regard are

¹⁴ Ibid.

¹⁵ The Internal Security Service Law, Royal Decree 4/2020.

¹⁶ Ibid.

¹⁷ Article 8, paragraph 2, Ibid.

¹⁸ Article 8, paragraph 7, Ibid.

enforceable.”¹⁹ This article accords the Security Agency the ability to deny citizens from employment in any government or private institution at its sole discretion, which facilitates blackmailing of activists and enables officials to force them to end their human rights activities in order to get a job. This happened to a number of activists, including writer **Mohammed Al-Fazari**.²⁰

Turning to the Penal Procedure Law;²¹ article 53 stipulates that the prosecutor may hold the defendant in pre-trial detention if this was deemed of value to the investigation, and in the cases where the alleged act is a felony or an offence punishable by imprisonment for more than three months. Moreover, article 54 of the Law states that “A preventive detention order issued by the Public Prosecution shall be for a period of seven days subject to renewal for other periods not exceeding thirty days. A Public Prosecution member may, in offences involving public funds, narcotics and psychoactive drugs, issue an order for the preventive detention of the accused for periods not exceeding forty five days in their totality. If the member of the Public Prosecution wants to extend the preventive detention thereafter, the matter shall be referred to the court of misdemeanour, before the expiry of the period, for the latter to issue an order extending preventive detention for a period not exceeding fifteen days subject to renewal for a maximum period of six months. If the accused is referred to the court, it may extend the period of preventive detention for a period not exceeding forty five days, subject to renewal for similar periods, otherwise the accused shall be released in all cases.”²² The Internal Security Agency used articles 53 and 54 of the Penal Procedure Law to punish human rights defenders and online activists through extended pre-trial detention for periods reaching six months, while denying them access to legal counsel, which was the case for human rights activists **Sultan Al-Saadi**²³ and **Dr. Salih Al-Azri**.²⁴

International Conventions

The Sultanate issued Royal Decree no. 44/2020²⁵ on approval to join the International Convention to Protect All Persons from Enforced Disappearance and made reservations on article 42, paragraph 1, which states that any dispute between the Sultanate and any other State Party concerning the Convention shall be submitted to arbitration. Since the decree was issued in April 2020, none of the relevant legislations have been changed, despite the fact that cases of enforced disappearance have been recorded and documented, including the cases of human rights activists Saeed Sultan Al-Hashemi, **Basima Al-Rajhi**, **Khalfan Al-Badwawi** and Sultan Al-Saadi.²⁶

In addition, the Penal Procedure Law does not stipulate the right to “prompt judicial review” to detainees held in undisclosed locations by government institutions such as the security apparatus. Moreover, article 322 (a) of the Penal Law punishes enforced disappearance if a civilian falsely wears “a uniform, carries a distinctive official mark of a public official, assumes a false capacity, or presents a forged order for the arrest, detainment, or imprisonment claiming its issuance from a competent authority..”²⁷ However, there is no article criminalising enforced disappearance committed by a public servant or an official. In addition, the provisions of the International Convention to Protect All Persons from Enforced Disappearance to which Oman is a signatory have not been incorporated into the Penal

¹⁹ Article 9, Ibid.

²⁰ Oman: "Muwatin" Magazine's website blocked on World Press Freedom Day, Gulf Centre for Human Rights, 05 May 2017, <https://www.gc4hr.org/news/view/1582>

²¹ The Penal Procedure Law, Royal Decree 97/99.

²² Ibid.

²³ Oman: Activist detained and at risk of ill-treatment: Sultan al-Saadi, Amnesty International, 05 August 2013, Index Number: MDE 20/004/2013, <https://www.amnesty.org/ar/documents/mde20/004/2013/en/>

²⁴ Oman: Human rights defender Dr Salih Al-Azri arrested and held in incommunicado detention, Gulf Centre for Human Rights, 17 April 2013, <https://www.gc4hr.org/news/view/388>

²⁵ Approval of Oman joining the International Convention to Protect All Persons from Enforced Disappearance, Royal Decree no. 44/2020.

²⁶ Oman: Rights Routinely Trampled, Human Rights Watch, 18 December 2014, <https://www.hrw.org/news/2014/12/18/oman-rights-routinely-trampled>

²⁷ Penal Law, Royal Decree no. 7/ 2018.

Law or any other relevant legislations. The Sultanate ought to take swift action in this respect by adding legal clauses to the domestic laws criminalising enforced disappearances, whether it be committed by civilians or by official entities; in addition to training military, civil and law enforcement officials, and creating reporting mechanisms for suspected cases.

The Sultanate issued Royal Decree no. 45/2020²⁸ on approval of Oman's accession to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. However, it made reservations on article 20 concerning the jurisdiction of the Committee against Torture, which therefore strips the power the Committee could have exercised by means of following up on the implementation of the Convention's provisions, having access to make visits to the country and detention facilities, and reviewing documented cases of torture. The Sultanate has also made reservations on article 30, paragraph 1, which stipulates that any dispute with any State Party in relation to the Convention may be referred to the International Court of Justice.

Many cases of human rights defenders and online activists being subjected to torture as a result of their posts on social media were documented by the OCHR. Torture methods vary, including verbal abuse, physical harassment, solitary confinement, playing recordings of patriotic songs, using extreme cooling in solitary cells, in addition to denying detainees access to their lawyer or family. These abuses were committed by members of the Internal Security Agency and the Royal Oman Police during the detention and interrogation periods, when detainees were accused of participating in gatherings, incitement,²⁹ undermining the prestige of the State, or committing *lèse-majesté* (insulting a Royal) against the Sultan.³⁰

The Penal Law criminalises acts of torture committed by a public servant (official). Article 204, states that "Every public official who tortures an accused person, or orders his torture, to make him admit to a crime, or to provide information about it, shall be punished by imprisonment for a period no less than (6) six months and not exceeding (3) three years."³¹ Article 205 states that "Every public official who arrests, detains, or incarcerates a person, outside the cases stipulated in the law, orders a punishment contrary to the one adjudicated for him, or orders a punishment not adjudicated for him, shall be punished by imprisonment for a period no less than (3) three months and not exceeding (3) three years."³² Nevertheless, the Penal Law lacks many provisions. For instance, the Penal Law criminalises psychological torture if it was committed by a non-official entity, but does not criminalise the same if it was inflicted by a judicial or a law enforcement agency. Moreover, the Penal Law does not criminalise the instances when a public official is aware of torture, or when acts of torture were committed with his consent or acquiescence. Despite the existing provisions, or lack thereof as mentioned in relation to psychological torture, the documented cases of torture committed by official entities were not investigated and the perpetrators were not held accountable. This requires the reformulation of the relevant clauses in the Penal Law and other related legislations, whereby all forms of physical and psychological torture are criminalised, by stipulating strict punishments against the perpetrators, and ensuring that they are duly imposed.

²⁸ Approval of Oman joining the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, Royal Decree no. 45/2020.

²⁹ Articles 121 and 123 of the Penal Law, Royal Decree no. 7/2018.

³⁰ Article 97, *ibid.*

³¹ The Penal Law, Royal Decree no. 7/ 2018.

³² *Ibid.*

Sample Torture Cases

Saeed Al-Rashidi

Occupation: Engineer.

Nature of activity: Saeed Al-Rashidi is the founder of Oman's first online platform named “Sablat Al-Arab”, which was established on 05 December 1999. This platform was among the early Arabic-speaking online fora in Oman, and had widespread popularity at the local level, as well as in the Gulf region and in Arab countries.

Date of arrest: Towards the end of 2006, Al-Rashidi was returning to Muscat from the UAE across the land border, when he was summoned to the border checkpoint. At first, he thought that the cause for the summons was the fact that his ID card had expired a few days earlier, but was surprised to have his ID documents withdrawn. He was then asked to report on the following day to the public prosecution headquarters in Muscat. From there, he was transferred to the Mutrah police station, which is Oman’s first police station, and was notorious for its poor conditions.

Reason for arrest: Posts on “Sablat Al-Arab” website.

Type of violations: Al-Rashidi was treated as though he was a criminal even though the charges made against him should be classified as misdemeanors even if he was convicted. Al-Rashidi was held in a solitary cell without a toilet. He was also denied visits and was not allowed to have any of his belongings brought to him. When his father came to visit and brought with him a prayer rug and a few items, he was denied access, and was not allowed to have any of the items delivered to him.

Notes: The “Sablat Al-Arab” website witnessed a surge in posts that were critical of state institutions, and exposed nepotism, corruption and injustices in the country. This prompted the security agencies to shut the website down. Al-Rashidi was released a few days later after he temporarily blocked the website. Nevertheless, his case was referred to court. Al-Rashidi's trial went on for 11 months, and he was eventually acquitted of all charges. Afterwards, Al-Rashidi closed the website permanently, and established an alternative site called “Sablat Oman”, under the supervision of the security agencies.³³

Habiba Al-Hinai, Ismaeel Al-Meqbali and Lawyer Yacob Al-Kharusi

Occupation: Members of the Omani Group for Human Rights.

Nature of activity: The members of the Omani Group for Human Rights were arrested at the oil concession area in the Fahud Desert while the team was covering the strike of more than 4,000 Omani oil company workers there. The workers had a number of demands such as increased salaries and allowances as well as improved living conditions, in a manner comparable to the privileges granted to migrant workers.

Date of arrest: 31 May 2012.

Reason for arrest: The team was documenting the strike by Omani oil company workers.

³³ Habiba Al-Hinai blog post, 13 January 2017, <https://habiba-hinai.blogspot.com/2017/01/blog-post.html>

Charges: Yacob Al-Kharusi and Habiba Al-Hinai were forced to sign a statement in which they pledged to suspend all activities of the Human Rights Team as a condition for their release, while Ismaeel Al-Meqbali faced a charge of committing *lèse-majesté* against (insulting) the Sultan.

Type of violations: The team members were transported in handcuffs from the Fahud Desert to Muscat in an armoured car. The trip took six hours and they were kept without air conditioning despite the high temperature. They were then held incommunicado for five days in extremely small solitary cells. They were exposed to loud noise and strong lighting, and prevented from communicating with their families, in addition to being denied access to a lawyer. Moreover, they were subjected to prolonged interrogation sessions lasting many hours.

Notes: Habiba Al-Hinai and Yacob Al-Kharusi were released on 4 June 2012,³⁴ while Ismaeel Al-Meqbali remained in detention for several more months, and was later tried in court.

Author and Researcher Saeed Al-Hashemi

Occupation: Former staff member at the State Council and a human rights defender.

Date of arrest: 11 June 2012.

Reason for arrest: Participation in a solidarity vigil in front of the Special Division building (the executive arm of the Internal Security Agency) in Muscat to demand the release of human rights defenders who had been arrested earlier.

Charges: Unlawful public gathering (6 months) and disrupting traffic (12 months).³⁵

Type of violations:

- Violation of privacy through the use of surveillance to monitor his phone and his private phone calls.
- Tracking his movements by car and keeping track of his private and public visits.
- Constant pressure on his friends and family members, including his wife, brothers and parents, in order to worsen the mental and emotional siege against his individual activism.
- Pressuring his superiors at work and causing his professional relationships to get toxic to the point that forced him to quit his job.
- Defamation and character assassination, particularly through the intensification of malicious rumours about his thoughts, and about ties to persons, embassies and organisations hostile to the country.
- Preventing him from publishing any articles in newspapers and magazines within the country.
- Hacking his e-mail and his personal accounts on social media.
- Banning the books from the country which he had published abroad, and preventing local bookstores from selling or promoting his books.
- Prohibiting all official and civil events, as well as public and private media platforms, from hosting him in any event or panel on any subject.

• While in prison:

³⁴ Oman: Three human rights defenders arrested and held in incommunicado detention, Gulf Centre for Human Rights, 05 June 2012, <https://www.gc4hr.org/news/view/157>

³⁵ OMAN: HUMAN RIGHTS DEFENDER AL HASHIMI ILLEGALLY DETAINED WITH 28 OTHER ACTIVISTS, Alkarama, 30 December 2012, <https://www.alkarama.org/en/articles/oman-human-rights-defender-al-hashimi-illegally-detained-28-other-activists>

- Being subjected to abduction, torture, physical and mental abuse, by means of beating him with steel implements. He also sustained burns in his back and neck.
- Sustaining chronic damage to the nervous system due to cervical spondylolisthesis.
- Imprisonment for demanding public rights (the right to freedom of expression and the right to peaceful assembly)³⁶ and trumped up charges, such as accusations made with provisions including “blocking streets”, “inciting sedition” and “undermining the prestige and economic status of the State”.
- Incommunicado and solitary confinement in a tiny cell for over two weeks.
- Using methods aimed at disturbing and distressing the detainee (loud music, strong lights, extreme cold or hot temperatures) within the cell during detention.
- Delaying necessary health care and the provision of medication at prison.
- Intensified punishment after he went on hunger strike.

● **Post-imprisonment:**

- Repeated summons following involvement in any civil activity, writing an article or participating in a social media platform.
- Recurrent intimidation through constant security meetings, which authorities claimed to be amicable but aimed to harass him.
- Sabotaging all his attempts to conduct independent business in order to make a living, due to the use of the security classification, which people fear.
- Closing any civic initiative or idea in which he is involved, including activities aimed to encourage reading or promote dialogue or voluntary work, combined with the threat of imprisonment for unauthorised activity.

Notes: Saeed Al-Hashemi was released on 17 March 2013³⁷ after his sentence was reduced to six-months’ imprisonment following an appeal, where the charge of traffic disruption was overturned.³⁸

Dr. Salih Al-Azri

Occupation: Senior consultant specialising in internal diseases, infectious diseases and microbiology.

Nature of activity: Defending human rights.

Date of arrest: Dr. Salih Al-Azri was first arrested on 14 April 2013 for five days. The second time was on 03 August 2015 and he remained in detention for 21 days.³⁹

Reason for arrest: A complaint was filed by his employer, according to the case files registered at the Court of First Instance, the Court of Appeal and the Supreme Court. The complaint is likely driven by his criticism of the poor health services provided by public health care facilities, and his demands concerning the rights of physicians.

Type of violations: During his first arrest, Dr. Salih Al-Azri was arrested by the Internal Security Agency. Following his arrest, he was forcibly disappeared, held incommunicado and

³⁶ Ibid.

³⁷ Oman: Human Rights Defenders Released, but the Crackdown Continues, Gulf Centre for Human Rights, 19 March 2013, <https://www.gc4hr.org/news/view/367>

³⁸ Political developments in Oman, Gulf Centre for Development Policies, 2013, <https://gulfpolicies.org/2019-05-18-07-30-16/2019-05-18-10-13-53/2013/9-explore/2187-2-7>

³⁹ SALIH AL-AZRI, Front Line Defenders, <https://www.frontlinedefenders.org/en/profile/salih-al-azri>

prevented from contacting his family and lawyer. In addition, he faced threats against his family, and was subjected to psychological torture. He was later admitted to the police infirmary after his health deteriorated as a result of a hunger strike. He was taken for interrogation while he was handcuffed with his head covered. During the second time, he was arrested in a brutal manner without an arrest warrant.⁴⁰ A number of masked policemen and gunmen, accompanied by five police vehicles, broke into his house. He was held incommunicado in a very cold and small cell. He had to be taken to the police infirmary twice due to his deteriorating health following prolonged detention and because he went on a second hunger strike this time as well.

During the second arrest, his grandmother, who had been hospitalised, passed away, and he was not allowed to communicate with his family or lawyer. In addition, following his disappearance, Al-Azri's family reached out to the Public Prosecution, which denied knowledge of his arrest or that a warrant for his arrest had been issued. He was later released without being charged.

Dr. Al-Azri described torture committed by the Security Agency as being of the soft type which hardly leaves any evidence, and is psychological for the most part, such as solitary confinement in a very cold room that is constantly lit, as well as threats, verbal abuse, insults and other degrading actions. He also maintains that his imprisonment and interrogation were illegal, and that the trumped up charges which were brought against him could have been handled through a questioning at the police station since there was no evidence of such allegations. He stated that the interrogation mostly comprised intimidating questions aimed at deterring him from carrying on his activities deemed critical of the government's actions in certain aspects.

Notes: This arrest was followed by a trial in which the court acquitted Dr. Salih Al-Azri of all the charges that had been brought against him⁴¹ and ruled that his imprisonment by the security services was unlawful, which implicitly condemned the security apparatus.

Prisoner “H.”⁴²

Occupation: Human rights defender.

Nature of activity: Online activist.

Date of arrest: 14 August 2016.

Reason for arrest: Posting a poem on his Facebook account in which he expressed solidarity with the detained journalists from “Azam” Newspaper.

Charges: Incitement and violation of the Cyber Crime Law.

Type of violations:

- Psychological torture for the duration of 65 days, by means of having him transferred from one prison to another in the Muscat Governorate, including the Special Division (the executive arm of the Internal Security Agency, where activists, dissidents and human rights defenders are usually held); the Investigations Prison; and the crowded and notorious Mutrah Prison, which

⁴⁰ Oman: Internal Security Service arbitrarily arrests three human rights defenders, Gulf Centre for Human Rights, 04 August 2015, <https://www.gc4hr.org/news/view/1058>

⁴¹ CASE HISTORY: SALIH AL-AZRI, Front Line Defenders, <https://www.frontlinedefenders.org/en/case/case-history-salih-al-azri>

⁴² The detainee's identity was concealed for his and his family's safety.

is one of the oldest and worst prisons in Muscat. Prisoner “H” described this prison as “crawling with inmates.”

- The prison lacks adequate ventilation, since many windows were closed down due to the prisoners’ repeated attempts to escape.
- His family not knowing his whereabouts and him being denied contact with them.
- Allowing his lawyer to meet him only 14 days following his arrest.
- The extremely poor quality of food. Prisoner “H” said that the food was something “one would rather not eat. The only reason one would consume that food is to avoid death.”
- Confiscation of his identification documents and imposing a travel ban for an entire year.

Notes: The Muscat Court of First Instance sentenced Prisoner “H” to three years in prison and a fine. He appealed the ruling and paid the fine. In early 2017, his prison sentence was suspended.

Awad Al-Sawafi

Occupation: Paralegal.

Nature of activity: Online activism.

Date of arrest: 03 June 2020.

Reason for arrest: A tweet dating back to two and a half months prior to his arrest, criticising the threats made by the Public Prosecution and the Mining Authority against persons who exposed shortcomings within the Authority, after a report exposing the corruption of this body was issued.

Charge: Violation of the Cyber Crime Law.

Type of violations: Awad Al-Sawafi was taken from his home to an unknown location by members of the Special Division without an arrest warrant. His phone was also confiscated and he was then taken to the Special Division without being charged. Al-Sawafi was not allowed to contact his family despite informing the security members of his special circumstances: his wife was in hospital as she had delivered a baby only a few hours earlier. He also explained that the infant had a health problem that required him and the mother to remain at hospital, and that his eight-year-old daughter and five-year-old son were left alone at home when he was arrested, not to mention that the Covid-19 pandemic made it impossible for persons from outside the household to care for the children. Al-Sawafi was brought before the Prosecution, and after many hours of waiting and interrogation, the Prosecution ordered that he be held in custody. Al-Sawafi was taken to a small cell with a toilet, located in Dhank Governorate, where he remained for a week without a medical examination or medication, despite the fact that he suffers from several chronic diseases, one of which is serious. He was also categorically denied any contact or visits. He was released on bail on 09 June 2020. On 16 June 2020, Al-Sawafi was then brought to trial, and the court sentenced him to one year (suspended) in prison.⁴³

Notes: As he described his experience when attempting to appeal the verdict, Al-Sawafi said, “I was surprised by the way I was treated at the Court of Appeal, which is something I did not expect to face in my country. I was held in detention until the ruling in which the Court of Appeal supported the verdict of the Court of First Instance, without me even mentioning the reason for my appeal or the kidnapping and arrest procedures which were unlawful and did not

⁴³ Oman: Freedom of expression continues to be targeted, Gulf Centre for Human Rights, 17 June 2020, <https://www.gc4hr.org/news/view/2412>

make any sense. Following my experience throughout this case and these courts, I am astounded by what had happened, and I am fearful of what else could happen in the future since things are so bleak! While all of this was happening, a citizen insulted me via Twitter, and I filed a complaint to the omniscient Public Prosecution which apparently knows of everything that takes place on Twitter. However, I was surprised to learn a month later that the case had been closed due to the authorities' inability to locate the perpetrator! This was despite the fact that the account continues to be active to date, and is clearly located in one of the Governorates within Oman. I found such double standards rather shocking."⁴⁴

⁴⁴ Awad Al-Sawafi's Statement.

The Prevalence of Female Genital Mutilation (FGM) in Oman

The Omani Association for Human Rights considers female genital mutilation (FGM) a form of widespread torture in Oman. While we recognise that this topic should be discussed and addressed in detailed reports, we nevertheless had to make reference to it in the present report due to FGM being relatively widespread, and the absence of effective deterrents against committing it in Oman.

FGM is reportedly practiced throughout the Sultanate. A 2018 survey⁴⁵ of 200 women in the Dakhlyiah Governorate found that 95.5% of women surveyed were subjected to FGM, and more than 85% of the respondents expressed their support for this practice.

In a 2013 study⁴⁶ that took place in the capital Muscat of 100 women from different regions of Oman, it was found that the prevalence of FGM was 78% among the respondents, and that this practice continues in 64% of the families surveyed.

In addition, the lack of national data on FGM in Oman means that it is difficult to accurately determine the extent to which this practice is prevalent. Also, it is difficult to identify the regions and communities with the highest incidences, in a manner that would enable the design of adequate prevention and protection measures to address this practice and provide care to the survivors.

Although article 20 of Oman's Children's Act of 2014⁴⁷ prohibits exposing children to any traditional practices which are harmful to the child's health, FGM was not explicitly mentioned in the Act's provisions until 2019 when Executive Regulations of the Children's Act⁴⁸ were passed, thereby banning FGM and declaring it a harmful practice. Nevertheless, the government must take serious steps to enforce these laws and put an end to FGM, thus ensuring the protection of girls.

⁴⁵ Thabet, Hoda & Al-Kharousi, Azza (2018). Female Genital Mutilation in the Middle East: Placing Oman on the Map.

⁴⁶ Al-Hinai, Habiba (2013). Female Genital Mutilation in the Sultanate of Oman.

⁴⁷ Article 20, The Children's Act, Royal Decree no. 22/2014.

⁴⁸ Article 4, The Executive Regulations of the Children's Act, Ministerial Decision no. 125/ 2019.

Recommendations

The Omani Association for Human Rights (OAHR) and the Gulf Centre for Human Rights (GCHR) call on the Omani authorities to:

- Abolish all criminal sanctions against human rights defenders, media professionals and online activists;
- Ensure that human rights defenders and journalists in Oman can carry out their legitimate work in all circumstances without fear of reprisals, restrictions or judicial harassment;
- Comply with the fundamental rights and freedoms guaranteed in the United Nations' Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms, in particular article 6 paragraph (b) and (c), and to make amendments to Omani legislations that violate these rights;
- Immediately put an end to the systematic crackdown targeting the public liberties of writers and citizens, including freedom of the press, freedom of opinion, freedom of expression and freedom of peaceful assembly;
- Honour its international obligations, particularly those embedded in the International Convention on the Protection of All Persons from Enforced Disappearance; and the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, which were recently signed by the Sultanate. Oman ought to also criminalise abduction, enforced disappearance and all acts of torture, both physical and psychological, and ensure that the perpetrators are held accountable;
- Improve the conditions in prison and other detention facilities, and ensure prisoners are afforded basic rights, including the right to communicate with family and lawyers, the right to receive medical care when needed; and observe the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules);
- Abide by the provisions and articles of the Convention on the Elimination of All Forms of Discrimination against Women,⁴⁹ in particular general recommendation no. 14 of the Committee concerning FGM, to ensure that girls are protected from FGM and that community awareness of its harms is raised.

⁴⁹ Royal Decree no. 42/ 2005, approval of Oman's joining the the Convention on the Elimination of All Forms of Discrimination against Women.