



# OMAN: HUMAN RIGHTS VIOLATIONS PERSIST

AMNESTY INTERNATIONAL SUBMISSION FOR THE UN UNIVERSAL PERIODIC  
REVIEW, 37<sup>TH</sup> SESSION OF THE UPR WORKING GROUP, JANUARY 2021

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# INTRODUCTION

This submission was prepared for the Universal Periodic Review (UPR) of Oman in January 2021. In it, Amnesty International evaluates the implementation of recommendations made to Oman in its previous UPR. The organization also assesses the national human rights framework with regard to freedom of expression, association and assembly; women's rights; children's rights; and the death penalty.

With regard to the human rights situation on the ground, Amnesty International raises concerns about the government's unduly restriction of the rights to freedom of expression and peaceful assembly including arresting - and in some cases prosecuting- protestors, critics and activists, and taking legal measure against tribal assemblies. Amnesty also raises concerns about the exploitation migrant workers face as a result of the restrictive sponsorship (*Kafala*) system and the imposition of the death penalty.

# FOLLOW UP TO THE PREVIOUS REVIEW

Amnesty International welcomes Oman's accession to the International Convention for the Protection of All Persons from Enforced Disappearance; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and the International Covenant on Economic, Social and Cultural Rights. However, Amnesty regrets that Oman made reservations to these treaties. Amnesty also welcomes Oman's withdrawal of the reservation to section 4 of Article 15 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW),

thereby according to men and women the same rights with respect to movement of persons and the freedom to choose their place of residence<sup>1</sup>, and the issuance of an executive decree prohibiting “rituals that cause harm to the child’s body” including female genital mutilation.<sup>2</sup>

Amnesty International regrets that Oman has failed to implement many of the 169 recommendations it accepted in full or in part in the previous review, including to protect freedom of expression,<sup>3</sup> and the right to peaceful assembly.<sup>4</sup>

Amnesty International also regrets that Oman rejected recommendations to become party to the Rome Statute of the International Criminal Court,<sup>5</sup> accede to the ILO Convention No. 189 on domestic workers,<sup>6</sup> review its Nationality Law in order to ensure that an Omani mother has the right to confer the Omani citizenship to her children without discrimination,<sup>7</sup> and adopt a moratorium on the death penalty.<sup>8</sup>

Oman also rejected recommendations to investigate instances of excessive use of force against demonstrators<sup>9</sup> and to implement the recommendations of the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association.<sup>10</sup> Amnesty International considers implementation of these recommendations essential to ensuring the protection of freedom of association and peaceful assembly in Oman.

# THE NATIONAL HUMAN RIGHTS FRAMEWORK

Oman is not party to key international human rights treaties such as the International Covenant on

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<sup>1</sup> WAF Oman, *Oman withdraws reservation to CEDAW regarding equal movement and residence rights*, 7 January 2019, <http://wafoman.com/2019/01/07/oman-withdraw-reservation-to-cedaw-regarding-equal-movement-and-residence-rights/?lang=en>

<sup>2</sup> Executive decree no. 25/2019 regulating Child Law, 7 August 2019.

<sup>3</sup> A/HRC/31/11, recommendations 129.156 (France), 129.157 (Libya), 129.158 (Ghana), 129.173 (Norway).

<sup>4</sup> A/HRC/31/11, recommendation 129.162 (Czech Republic).

<sup>5</sup> A/HRC/31/11, recommendation 129.49 (Chad) (France), 129.50 (Cyprus), 129.51 (Latvia), 129.52 (Switzerland), 129.53 (Estonia), 129.54 (Slovakia), 129.55 (Portugal).

<sup>6</sup> A/HRC/31/11, recommendation 129.58 (Senegal).

<sup>7</sup> A/HRC/31/11, recommendations 129.70 (Sweden), 129.71 (Iceland), 129.72 (Ireland), 129.73 (France), 129.74 (Canada), 129.75 (Chile).

<sup>8</sup> A/HRC/31/11, recommendations 129.132 (Mexico), 129.133 (Costa Rica), 129.134 (France), 129.135 (Italy), 129.136 (Portugal), 129.137 (Slovenia), 129.139 (Switzerland).

<sup>9</sup> A/HRC/31/11, recommendation 129.163 (Czech Republic).

<sup>10</sup> A/HRC/31/11, recommendations 129.167 (Netherlands), 129.168 (Republic of Korea), 129.169 (Sierra Leone), 129.170 (Australia)

Civil and Political Rights, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. In April 2020, Oman acceded to the International Covenant on Economic, Social and Cultural Rights with reservations to Article 8.1 (a) and 8.1 (d); the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment with reservations to Articles 20 and 30.1; and the International Convention for the Protection of All Persons from Enforced Disappearance with reservations to Articles 33 and 41.1.

## **FREEDOM OF EXPRESSION**

In January 2018, a revised Penal Code substantially increased jail terms prescribed for the exercise of some rights and contains vaguely worded provisions that give sweeping powers to the authorities.<sup>11</sup> Article 97 increased the punishment for committing slander against the Sultan and his authority from between six months and three years in prison to between three and seven years in prison. Article 269 also increased the penalty for committing blasphemy from between 10 days and three years to between three to 10 years in prison. Article 102 provides for imprisonment for between three months and three years for disparaging foreign heads of state or state representatives visiting Oman. Other overly broad articles weakened the protection of activists, bloggers and dissidents.

Other vaguely-worded laws<sup>12</sup> also restrict both print and electronic publishing and online content. The Press and Publications Law<sup>13</sup> prohibits publications that may offend the Sultan or the State or violate public morals or religion; or harm public order, internal and external security, and the national currency. Publication of confidential documents, information, news, or public communications is also prohibited.<sup>14</sup> Similarly, the Cybercrimes Law<sup>15</sup> imposes a jail term of up to three years on anyone who insults religion or religious leaders;<sup>16</sup> prejudices public morals/ethics and social values;<sup>17</sup> or invades privacy by publishing news, electronic photos or photographs, or information, even if true or correct.<sup>18</sup>

A Supreme Committee tasked to deal with COVID-19 was formed in March 2020.<sup>19</sup> In July 2020, the formation of a dedicated committee to “pursue rumor mongers” was announced, with

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<sup>11</sup> Oman Penal Law, promulgated by Royal Decree no. 7/2018, January 2018, <http://www.mola.gov.om/eng/penallaw.aspx>

<sup>12</sup> Particularly the Press and Publications Law, the Telecommunications Regulatory Act (promulgated by Royal Decree no. 30/2002) and the Cybercrimes Law

<sup>13</sup> Oman Press and Publication Law promulgated by Royal Decree no. 49/1984.

<sup>14</sup> Articles 25-28, Press and Publication Law.

<sup>15</sup> Oman Cybercrimes Law promulgated by Royal Decree No. 2/2011.

<sup>16</sup> Article 19, Oman Cybercrimes Law.

<sup>17</sup> Articles 17 and 19, Oman Cybercrimes Law.

<sup>18</sup> Article 16, Oman Cybercrimes Law.

<sup>19</sup> Oman Observer, *HM issues orders to set up committee on Covid-19*, 11 March 2020, <https://www.omanobserver.om/hm-issues-orders-to-set-up-committee-on-covid-19/>

violations attracting up to three years in prison or a fine.<sup>20</sup> Every violator of the Supreme Committee's regulations is detained for 48 hours.<sup>21</sup>

## FREEDOM OF ASSOCIATION AND ASSEMBLY

The new Penal Code also threatens to stamp out civic space by criminalizing forms of association "aimed at combating the political, economic, social or security principles of the state". According to Article 116, founding, establishing, organizing, managing, or funding such an association, party, or authority is punishable by imprisonment for a period between three years and ten years. Article 270 imposes a jail term of three to seven years if an established religious association is deemed to "contest or harm" Islam.

According to Article 121 of the same law, participating in a public gathering of 10 individuals or more can be considered a breach of security or public order and can be punishable by up to one year and an OR500 (US\$1,300) fine. However, if the gathering turns violent, participants are subject to imprisonment of up to three years and a fine of up to OR1,000 (\$2,600).

## WOMEN'S RIGHTS

Oman's laws remain heavily discriminatory against women. Specific legislation to address gender-based violence against women and protect those at risk, including a definition of such violence, remains absent. Oman maintains its reservations on all provisions of CEDAW that are perceived not to be in accordance with the provisions of Islamic Shari'a and legislation in force in Oman, including Article 9 (2), which grants women equal rights with men with respect to the nationality of their children, and Article 16, which grants women equal rights in matters relating to marriage and family relations. The UN Committee on the Elimination of Discrimination against Women has stated that the general reservation and reservation to Article 16 are incompatible with the object and purpose of the Convention and are thus impermissible under Article 28 of the Convention.<sup>22</sup> Women are not accorded equal rights in law in relation to matters such as divorce, child custody, inheritance and passing their nationality on to their children.

Unlike men, an Omani woman can only transmit nationality to her children upon becoming widowed, divorced, or when her husband has been absent or abandoned them for at least 10 consecutive years.<sup>23</sup> Her marriage to a non-Omani should have also been approved by the Ministry of Interior before it took place, and she should have custody of the child.<sup>24</sup> The law also recognizes the father as the only legal guardian over the children even when custody has been granted to the mother.<sup>25</sup>

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<sup>20</sup> Arab News, *As dangerous as the virus': Middle East cracks down on COVID-19 rumor mongers*, 9 July 2020, <https://www.arabnews.com/node/1649286/middle-east>

<sup>21</sup> Times of Oman, *Covid-19 Live: Public Prosecution receives 110 cases*, 21 May 2020, <https://timesofoman.com/article/3015162/oman/live-122-coronavirus-patients-admitted-in-hospital-says-minister>

<sup>22</sup> Committee on the Elimination of Discrimination against Women, *Concluding observations on the combined second and third periodic reports of Oman*, UN Doc. CEDAW/OMN/CO/2-3.

<sup>23</sup> Article 18, Omani Nationality Law, promulgated by Royal Decree No. 38/2014.

<sup>24</sup> Article 18, Omani Nationality Law, promulgated by Royal Decree No. 38/2014.

<sup>25</sup> Article 159, Oman Personal Status Law promulgated by Royal Decree No. 32 of 1997.

In matters of divorce, women are only allowed to seek divorce on limited grounds in courts, while men may unilaterally ask for divorce for any reason.<sup>26</sup>

Oman's Personal Status Law stipulates that a wife has the right not to be physically or mentally abused by her husband.<sup>27</sup> However, Oman has not adopted a specific law criminalizing domestic violence against women or protecting those at risk. Omani laws do not prohibit marital rape.

## **CHILDREN'S RIGHTS**

In August 2019, the Ministry of Social Development issued an executive decree clarifying provisions of the Child Law, which was passed in 2014.<sup>28</sup> The Child Law criminalizes "traditional practices that are harmful to the health of the child". The executive decree specifies that these include genital mutilation and "rituals that cause harm to the child's body". The decree also limits the employment of children under 15 to agricultural, administrative and industrial activities, fishing and crafts, provided that the work is run by family members and does not affect the child's health or education. However, this could, in some cases, still amount to child labour that should be eliminated. The decree also sets out guidelines to regulate the establishment and operation of nurseries.

Article 44 of the new Penal Code gives "parents and their equivalents" the right to take "disciplinary actions" against under-age children as "prescribed by Shari'a or the law".

## **DEATH PENALTY**

Oman retains the death penalty for a number of crimes. The death penalty is used for crimes that do not meet the threshold of 'most serious crimes', which is the only category of crimes for which international law allows the death penalty. In October 2015 Oman amended Law 17 of 1999 on Combatting Drugs and Narcotics, prescribing the death penalty for a wider range of drug-related crimes.

# **HUMAN RIGHTS SITUATION ON THE GROUND**

## **FREEDOM OF EXPRESSION**

The government continues to unduly restrict the rights to freedom of expression, arresting - and in some cases prosecuting - protesters, journalists and online activists, often on public order charges or under vaguely worded Penal Code provisions. Those detained are often held for several days before being released.

In September 2015, the Internal Security Service (ISS) arrested online activist Hassan al-Basham. He was sentenced to three years in prison on charges related to online expression. Al-Basham died in prison in 2018 after his health deteriorated. In April 2016, the ISS summoned writer and

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<sup>26</sup> Articles 98–114, Oman Personal Status Law.

<sup>27</sup> Article 37, Oman Personal Status Law.

<sup>28</sup> Executive decree no. 25/2019 regulating Child Law, 7 August 2019.

human rights defender Abdullah Habib to appear for questioning before the Special Division of the Omani Police General Command in the capital, Muscat. Upon his arrival he was detained incommunicado and remained in detention without any access to his family or lawyer until he was released without charge in May 2016. He was arrested again in April 2018 for “blasphemy” and “using the internet for what would prejudice public order” but was pardoned and released in June of the same year.

In 2016, the Appeal Court in Muscat sentenced Ibrahim al-Maamari, editor-in-chief of *Azamn* newspaper, and Youssef al-Haj, deputy editor-in-chief of the same newspaper, to six months and one year in prison respectively after *Azamn*'s publication of two reports detailing allegations of corruption in the government and the judiciary. The government also suspended *Azamn*, despite a court ruling overturning the suspension. Similarly, the Special Division of the Omani Police General Command summoned Basma Al-Badi, one of the editors of the *Mowaten* online newspaper, and interrogated her for three consecutive days after which she was forced to sign a pledge not to work with *Mowaten*. The government blocked *Mowaten* in May 2017.

Journalists and online activists detained in 2017 included Naser al-Busaidi, whose one-year prison sentence for criticizing officials was confirmed by the Nizwa Court of Appeal in February; and Sayyid Abdullah al-Darouri, whose 18-month sentence on sedition and public order charges imposed in 2015 was reduced to six months in February. In April 2018, the ISS detained online activist Youssef Sultan al-Arimi for two weeks for views he published on social media.

Prisoner of conscience Mohammed Abdullah al-Shahi and five other individuals remain in prison serving life sentences for vague “national security offences”, handed down following unfair trials of Shuhuh tribe members in 2018.

In 2019, the ISS pursued its campaign against activists critical of relations between Oman and Israel. In February, Musab al-Thehli and Haitham al-Mashaikhi were detained for three days and two weeks respectively in relation to online posts. In January, Bader al-Arimi and Obeid bin Hashl al-Hinai were released; they had been arrested for similar reasons in December 2018.

In September 2019 three individuals from the Shuhuh tribe in Musandam province were arbitrarily detained for speaking out against the construction of industrial quarries in the area, which they believed were detrimental to the local community's health. They were released without charge. The detentions appear to have been intended to silence dissent in the province, in a pattern similar to that seen in previous years.

In November 2019, the authorities detained activist Musallam al-Ma'ashani for several days in relation to a book he was writing on the al-Hakli tribe, whose members had been subjected to state intimidation in recent years; he was released on bail.

In relation to the COVID-19 pandemic, in March 2020, Oman prohibited the circulation of printed publications.<sup>29</sup> In April 2020, several individuals, including publishers and “purveyors of rumours” and senders of messages “violating public order”, who did not abide by the COVID-19 regulations were sentenced, including to prison terms.<sup>30</sup>

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<sup>29</sup> Times of Oman, *Supreme Committee issues new decisions to prevent coronavirus spread*, 22 March 2020, <https://timesofoman.com/article/2953147/oman/government/supreme-committee-issues-new-decisions-to-prevent-coronavirus-spread>

<sup>30</sup> Government Communications Center, 16 April 2020, <https://twitter.com/OmanVSCovid19/status/1250843406852591619/photo/1>

## FREEDOM OF ASSOCIATION AND PEACEFUL ASSEMBLY

Peaceful assembly also continues to be tightly controlled. At least 30 people were arrested in January 2018 for protesting against unemployment but were later released. Several protesters were arrested in January 2019 at a demonstration against unemployment in front of the Ministry of Manpower in Muscat but were later released. Two radio journalists from Hala FM were also briefly arrested while covering the demonstration.

In May 2018, the Public Prosecution affirmed it would take legal measures against tribal assemblies and anyone who assists or promotes these on social media.<sup>31</sup>

In May 2020, the Public Prosecution announced that sentences of up to six months in prison, fines, and deportation had been imposed on individuals in relation to violations of COVID-19 regulations.<sup>32</sup>

## MIGRANT WORKERS

In June 2020, Oman removed the requirement for migrant workers to obtain a "no-objection" certificate from their current employer before changing jobs, allowing foreign workers to move to a new employer after providing proof of the end or termination of their previous work contract and obtaining approval from the competent government authority. However, migrant workers continue to face exploitation and abuse as a result of the restrictive sponsorship (*kafala*) system that ties them to their employers. Migrant workers depend on their employers, who also act as their sponsors, to enter the country and maintain a legal residency status.<sup>33</sup> This severely limits their ability to escape abusive working conditions and facilitates exploitation and forced labour.

Domestic workers, mainly women from Asia and Africa, complain that employers to whom they were tied under the official *kafala* sponsorship system have confiscated their passports, forced them to work excessive hours without time off, and deny them their full wages and adequate food and living conditions.<sup>34</sup> Omani labour regulations for domestic employees prohibit them from working for another employer until their current employer ends the contract and completes all necessary procedures.<sup>35</sup> The *kafala* system does not provide domestic workers with the protections available under the Labour Law.

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<sup>31</sup> Times of Oman, *Oman's Public Prosecution prohibits tribal gatherings, meetings*, 8 May 2018, <https://timesofoman.com/article/133731>

<sup>32</sup> Times of Oman, *Covid-19 Live: Public Prosecution receives 110 cases*, 21 May 2020, <https://timesofoman.com/article/3015162/oman/live-122-coronavirus-patients-admitted-in-hospital-says-minister>

<sup>33</sup> Law on Foreign Residency, promulgated by Royal Decree no. 16/95, 16 April 1995; and Decision no. 63/1996 issuing the implementing regulations of the Foreign Residency Law.

<sup>34</sup> Human Rights Watch, *"I was Sold": Abuse and Exploitation of Migrant Domestic Workers in Oman*, <https://www.hrw.org/report/2016/07/13/i-was-sold/abuse-and-exploitation-migrant-domestic-workers-oman>

<sup>35</sup> Article 7(4), Ministerial Decision no. 189/2004 on labour rules and conditions for domestic employees, issued on June 16, 2004.

## DEATH PENALTY

Oman has not carried out executions since 2015. However, courts continue to hand down death sentences for a range of crimes, including drug trafficking.<sup>36</sup> Since the previous review, Omani courts have imposed at least 11 death sentences in murder cases.

# RECOMMENDATION FOR ACTION BY THE STATE UNDER REVIEW

## AMNESTY INTERNATIONAL CALLS ON THE GOVERNMENT OF OMAN TO:

### INTERNATIONAL LAW AND STANDARDS

- Ratify and implement into domestic law the International Covenant on Civil and Political Rights, the Optional Protocol to the Covenant on Economic, Social, and Cultural Rights, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
- Withdraw all reservations, understandings and declarations to human rights treaties, in particular those reservations which are considered by treaty bodies to defeat the object and purpose of the respective treaty;
- Review all outstanding recommendations from the UPR process, UN treaty bodies and UN experts, with a view to implementing them before the next review.

### FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY

- Release all prisoners of conscience including Mohammed Abdullah al-Shahi immediately and unconditionally;
- Remove or revise all legal provisions criminalizing the peaceful exercise of the rights to freedom of expression, association and assembly, particularly Articles 97, 102, 116, 270 and 169 of the new Penal Code, Articles 25-28 of the Press and Publications Law and Articles 16-19 of the Cyber Crime Law to bring them into line with international human rights law and standards;
- Regularly review any COVID-19 enforcement measures and penalties for violating them to ensure they conform to the principles of legality, necessity and proportionality

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<sup>36</sup> Amnesty International opposes the death penalty in all cases without exception, regardless of the nature or circumstances of the crime; guilt, innocence or other characteristics of the individual; or the method used by the state to carry out the execution.

and refrain from imposing prison sentences solely for such breaches.

#### DISCRIMINATION AGAINST WOMEN

- Withdraw all reservations to the Convention on the Elimination of All Forms of Discrimination Against Women and ratify its Optional Protocol;
- Review current legislation and amend as necessary all discriminatory provisions, including regarding rights in marriage, divorce and inheritance, and the right of women to confer nationality onto their children and spouses.

#### MIGRANT WORKERS

- Fundamentally change the sponsorship (*kafala*) system to reduce the risk of migrant workers being subject to labour exploitation including forced labour, including by untying their immigration status from their specific employers allowing them to renew their own residence permits;
- Ensure that labour rights of all workers are protected by laws, including domestic migrant workers;
- Ratify the remaining International Labour Organisation (ILO) Core Conventions No. 87, 98, and 100, and ILO Convention No. 189 on Domestic Workers.

#### DEATH PENALTY

- Establish an official moratorium on executions with a view to abolishing the death penalty;
- Commute all death sentences to terms of imprisonment;
- Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

# ANNEX

## AMNESTY INTERNATIONAL DOCUMENTS FOR FURTHER REFERENCE<sup>37</sup>

Amnesty International, *Human Rights in the Middle East and North Africa: Review of 2019*, (INDEX: MDE 01/1357/2020), <https://www.amnesty.org/download/Documents/MDE0113572020ENGLISH.PDF>

Amnesty International, *Human Rights in the Middle East and North Africa: Review of 2018*, (INDEX: MDE 01/9433/2019), <https://www.amnesty.org/download/Documents/MDE0194332019ENGLISH.PDF>

Amnesty International Annual Report 2017/2018, (POL 10/6700/2018), <https://www.amnesty.org/download/Documents/POL1067002018ENGLISH.PDF>

Amnesty International Annual Report 2016/2017, (POL 10/4800/2017), <https://www.amnesty.org/download/Documents/POL1048002017ENGLISH.PDF>

Amnesty International, *Oman: Life Sentence for Prisoner of Conscience*, (INDEX: MDE 20/0282/2019), <https://www.amnesty.org/download/Documents/MDE2002822019ENGLISH.pdf>

Amnesty International, *Oman: Further Information: "National Security" Trials End in Life Sentences*, (INDEX: MDE 20/9971/2019), <https://www.amnesty.org/download/Documents/MDE2099712019ENGLISH.pdf>

Amnesty International, *Urgent Action: Five People Held Incommunicado*, (INDEX: MDE 20/8642/2018), <https://www.amnesty.org/download/Documents/MDE2086422018ENGLISH.pdf>

Amnesty International, *Oman: Stop harassing the family of Mohammed al-Fazari*, (INDEX: MDE 20/5697/2017), <https://www.amnesty.org/download/Documents/MDE2056972017ENGLISH.pdf>

Amnesty International, *Oman: Journalists detained for reporting on corruption*, (Press release, 10 August 2016), <https://www.amnesty.org/en/latest/news/2016/08/oman-journalists-detained-for-reporting-on-corruption/>

Amnesty International, *Oman: Further Information: Journalists' Sentences Reduced, One Acquitted*, (INDEX: MDE 20/5455/2017), <https://www.amnesty.org/download/Documents/MDE2054552017ENGLISH.pdf>

Amnesty International, *Oman: End Crackdown on Peaceful Dissent*, (INDEX: MDE 20/5175/2016), <https://www.amnesty.org/download/Documents/MDE2051752016ENGLISH.PDF>

Amnesty International, *Oman: Further Information: Omani Journalists Released, Next Hearing Date Set*, (INDEX: MDE 20/4976/2016), <https://www.amnesty.org/download/Documents/MDE2049762016ENGLISH.pdf>

Amnesty International, *Oman: Omani Prisoner of Conscience Released*, (INDEX: MDE 20/4758/2016), <https://www.amnesty.org/download/Documents/MDE2047582016ENGLISH.pdf>

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<sup>37</sup> All these documents are available on Amnesty International's website: [www.amnesty.org](http://www.amnesty.org)

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