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Oman: End crackdown on peaceful dissent

Amnesty International has today called on the Omani authorities to immediately put a halt to the deteriorating human rights situation in the country, namely their systemic crackdown on the rights to freedom of expression and association, including the immediate release of all prisoners of conscience and the quashing of sentences of persons convicted for the sole exercise of their right to freedom of expression.

Over the last six months, at least 12 people have been arbitrarily detained in connection with the peaceful exercise of their right to expression, including five who have received prison sentences in lower courts. At least two spoke out for human rights and four acted in the public interest by drawing attention to alleged corruption. This pattern strongly indicates an apparently systematic escalation of repression, facilitated by flawed criminal provisions.

On 17 November, the Appeal Court in Muscat, the capital of Oman, postponed issuing its verdict on the appeal of the conviction and prison sentences of three journalists of the Azamn (al-Zaman) daily newspaper, namely the editor-in-chief, **Ibrahim al-Maamari**, the deputy editor-in-chief, **Youssef al-Haj** and the journalist, **Zaher al-Abri**. It rescheduled its decision until 12 December. The Court of First Instance in Muscat had convicted and sentenced the three men in September to prison terms of up to three years in prison on bogus and vaguely-worded charges that were used to criminalise peaceful expression, including “undermining the prestige of the state”, “disturbing public order”, “using the Internet to publish material that prejudice religious values or public order” and “publishing the details of a private lawsuit”.

If their sentences are upheld and they are detained, they would be prisoners of conscience.

On 28 July, Omani State Security arrested Ibrahim al-Maamari following the publication on 26 July of an article accusing the head of Oman’s Supreme Court and the chairman of the Judicial Council of intervening in the outcome of verdicts on behalf of influential officials. Zaher al-Abri was arrested on 3 August after he commented on Twitter about the detention of Ibrahim al-Maamari. Youssef al-Haj was arrested on 9 August following the publication of a series of articles based on exclusive interviews with the vice-president of Oman’s Supreme Court, Judge Ali al-Nomani, confirming allegations of corruption made in the original article by Ibrahim al-Maamari. The same day the Ministry of Information ordered the shutdown of Azamn newspaper and its online news site.

On 22 August, Zaher al-Abri was released on a 1,000 Omani rials (about US\$ 2,600) bail pending appeal. Since his arrest, he had been detained in solitary confinement.

On 26 September the Court of First Instance in Muscat sentenced Ibrahim al-Maamari and Youssef al-Haj to three years’ imprisonment and fines, after convicting them of “undermining the prestige of the state” and other flawed charges under Oman’s cybercrimes law and press and publications law, most of which provisions fail to state recognizable criminal offences. The court set their bail at an extraordinary 50,000 Omani rials (about US\$ 130,000) each, pending appeal. The government had

been detaining the two men in solitary confinement since their arrest, and that was the first time they had been able to meet with their lawyers. Zaher al-Abri was sentenced to one year in prison and a fine for misusing the internet. The same day, the court upheld a government order to permanently close the Azamn newspaper.

Shortly after the beginning of the trial, Judge Ali Nomani was arrested and held at the Royal Oman Police Hospital in Muscat. He was released on 29 September and has since been suspended from duty.

The three journalists' trial before the Appeal Court began on 10 October. The court ordered the release of Ibrahim al-Maamari and Youssef al-Haj, and reduced their bail to 2,000 Omani rials (about US\$ 5,200) each.

On 7 November the defendants attempted to set out their case, yet the Appeal Court refused defence requests to summon and hear the testimonies of witnesses of their choice, including Judge Ali Nomani, and denied them access to information to prepare their defence. Their lawyers also argued that throughout the trial, the Prosecutor failed to provide evidence on the charges brought against the journalists.

In September 2011, a court of first instance had already sentenced Ibrahim al-Maamari to two months in prison and ordered the suspension of the Azamn newspaper for one month after its publication in May 2011 of an interview with an employee of the Ministry of Justice, who had accused the Minister of Justice of career rigging. In January 2012, an appeal court upheld the sentence. However, this sentence was not carried out, as the newspaper issued an official apology before the appeal.

Omani poet, writer, film critic and human rights defender **Abdullah Habib** has been on trial before the Court of First Instance in Muscat since September. On 8 November he was sentenced to three years in prison, fined 2000 Omani rials (about US\$ 5,200) and the court set his bail at 1000 Omani rials (about US\$ 2,600), pending appeal. He was convicted on charges including contempt of religion, spreading hatred, blasphemy, using the Internet to publish material that prejudice religious values or public order. No date for his appeal trial has yet been scheduled. Abdullah Habib had been arrested on 11 July after he published comments and postings on his Facebook page relating to fasting and prayers in the Islamic faith. He was released on 28 July, pending the appeal trial.

On 15 April the Omani Internal Security Service (ISS) had summoned Abdullah Habib to appear for questioning before the Special Division of the Omani Police General Command in Muscat where he was detained incommunicado, without any access to his family or lawyer, and until his release without charge on 3 May. Prior to his arrest, Abdullah Habib had posted comments on Facebook in which he showed support for a woman human rights defender, Habiba al-Hinaei, who sought to have Omani nationality extended to her 17-year-old son, Hafiz Mohammad Shaker, despite there being no provision for this in Omani law. He also called on Oman's ruler Sultan Qaboos bin Said al-Busaidi to reveal the whereabouts of those killed in the Dhofar Rebellion in the 1960s and 1970s. On the evening of his release, he posted a status on his Facebook page of what had happened to him during his interrogation and detention. He stated that while there was a "roughness" to his treatment he was overall well treated. He also expressed regret if his previous Facebook posts had caused any harm to Omani unity and stated that he would remove the offending posts. Abdullah Habib had taken part in demonstrations in Oman in 2011, echoing other regional protests that called for better living standards in Oman. He took part in the peaceful protest in People's Square in front of Oman's parliament, the Shura Council, in Muscat, on 14 May 2011.

On 13 June the Appeal Court in Sohar, northern Oman, upheld the three years' prison sentence against blogger and former Omani diplomat Mubarak Hassan Balush, better known as **Hassan al-**

Basham, convicted of the charges of “insulting the Sultan” and “using the Internet to publish material that prejudice religious values or public order”.

Hassan al-Basham was first arrested by State Security on 17 September 2015 and taken to the police Special Section (al-Qism al-Khas) in Sohar, where he remained until his release on 23 September. He was re-arrested two days later and referred to the Public Prosecution, and charged with “insulting the Sultan and the status of the state” and “insulting God by way of disseminating atheist thoughts”. His trial before the Court of First Instance in Sohar began on 30 November 2015. On 8 February he was sentenced to three years in prison and released on bail pending his appeal. He was arrested again on 3 May after he published further writings on his Facebook page. He is currently serving his sentence in Samail prison, south west of Muscat. He is a prisoner of conscience.

In March 2011, Hassan al-Basham was arrested and detained for 16 days for taking part in the popular protests in Sohar. Again in 2013, he was detained for a few days for attending a celebration marking the release of one of those arrested during the Sohar protests.

Hmoud al-Shakili, a member of the Omani Society for Writers and Authors and an Arabic language teacher, was arrested in Muscat on 14 August 2016 and taken to the police's Special Section after publishing a prose on his Facebook page deemed as inciting demonstrations. On 18 October he was sentenced by the Court of First Instance in Muscat to three years in prison and fined 1,000 Omani rials (about US\$ 2,600), convicted on the charge of “using the Internet to prejudice public order”. He was released on 5,000 Omani rials bail (about US\$ 13,000) pending his appeal.

Over the past year, writers and activists have been summoned for interrogation by the police Special Section and detained for periods varying between a few days and up to several weeks before being released without charge. These include the writer and intellectual, Saud al-Zadjali, activist Saqr al-Balushi and writer, journalist and human rights defender Sulaiman al-Mamari, who had spoken out about the arrest of Abdullah Habib. Many of those who have been released refuse to speak about their experiences and often publish apologetic statements on their social network accounts.

Moreover, at least three Omani newspapers closed or were shut down during the course of 2016.

On 17 January the online independent magazine Muwatan (Citizen), which covered social issues, announced on Twitter its closure stating that the decision was taken in order to protect its writers. One of the magazine's writers had been summoned by the Interior State Security and detained for three days before being made to sign a pledge to stop working for the magazine, and stop communicating online or with political activists. The magazine founder and editor-in-chief, Mohammed al-Fazari, a human rights defender and blogger, left Oman for the United Kingdom, arriving in July 2015 despite having had his passport and identification card confiscated and having been under a travel ban by the Omani authorities since December 2014. He had been previously detained and harassed solely for the peaceful exercise of his right to freedom of expression.

On 9 August the Ministry of Information ordered the shutdown of the daily Azamn newspaper and its online news site, following the publication of a series of articles based on exclusive interviews with the vice-president of Oman's Supreme Court confirming allegations of corruption in the judiciary. On 26 July 2016 Azamn had published an article accusing the head of Oman's Supreme Court and the chairman of the Judicial Council of intervening in the outcome of a verdict on behalf of influential officials in an inheritance case. On 7 September, the Administrative Judicial Court in Muscat lifted the ban on the newspaper, stating that it was not lawful as no timeframe had been specified. The following day the Ministry of Information renewed its ban.

Most recently, on 30 October, an independent online newspaper, al-Balad, halted its publications. In a farewell letter to the readers, the editor-in-chief Turki bin Ali Al-Balushi cited “difficult current circumstances”, and the newspaper “coming under a lot of pressure”.

Background

In March 2016, the government of Oman rejected recommendations made at the United Nations Universal Periodic Review, to guarantee the rights to freedom of expression, association and peaceful assembly, including by investigating cases of excessive use of force against peaceful demonstrators and supporting civil society organizations. Oman both accepted and rejected recommendations to review current legislation that fails to protect the rights to freedom of expression, peaceful assembly and association. Amnesty International has documented instances of prolonged arbitrary and incommunicado detention in Oman between 2013 and 2015. Cases of torture and other ill-treatment by state security officials during detention were also reported. Activists and critics of the government have reported being subjected to beatings, hooding, mock executions, sleep deprivation, prolonged solitary confinement and other forms of torture and ill-treatment.

Amnesty International has also recorded, in recent years, unnecessary and excessive use of force by the police against peaceful demonstrators, arbitrary arrests during large demonstrations, arbitrary restrictions on freedom of expression, and discriminatory laws and practices.

Between 8 and 13 September 2014, the United Nations’ Special Rapporteur on the rights to freedom of peaceful assembly and of association visited Oman. He later reported a pattern of arrest and short-term detention of activists, rarely followed by charges, and that “beyond detention, activists are subjected to stigmatization in the largely government-controlled press, which not only affects the activists themselves but also members of their families, thus chilling their activities”. He further stated that “the legal environment for the exercise of the rights to freedom of peaceful assembly and of association in Oman is problematic and needs to be strengthened with reference to international human rights standards. Silencing voices of dissent is not a viable approach going forward [...]”.