

AMNESTY INTERNATIONAL

PUBLIC STATEMENT

14 February 2017
Index: MDE 20/5697/2017

Oman: Stop harassing the family of Mohammed al-Fazari

Amnesty International calls on the government of Oman to end its harassment of the family of journalist and human rights activist, Mohammed al-Fazari, and to ensure that it upholds its obligations under international human rights conventions relating to women and children.

In a letter to the Minister of Legal Affairs dated 6 February 2017 seeking clarification regarding the government's conduct, Amnesty International expressed concern over the temporary detention, on 30 January 2017, of Badriya al-Ma'mari and her two children at the al-Wajajah border crossing, al-Buraymi Governorate, from where Omani authorities prevented them from entering into the United Arab Emirates (UAE).

In its letter, the organization likewise expressed concern that the government's treatment of Badriya al-Ma'mari may be linked to her husband, Mohammed al-Fazari, who resides in the United Kingdom (UK), where he has been granted asylum and is, accordingly, under UK protection.

According to information received by Amnesty International, on 30 January 2017, around 20:45 local time, Omani government officials posted at the border with the UAE, north of al-Wajajah, prevented Badriya al-Ma'mari, 24, along with her two children, al-Malak, 3 and al-Mahatma, 1, from entering into the UAE, from where they intended to travel to London, United Kingdom (UK) to see her husband.

Government officials confiscated her passport and those of her two children; they questioned her for a period of around four hours, during which time they repeatedly urged her to divorce her husband, Mohammed al-Fazari. In response to her questioning as to the reasons for her arrest, officials instructed Badriya al-Ma'mari to go to the Muscat office of the Internal Security Service, known as the Qism al-Khas. She did not do so and returned to her family home in northern Oman.

Despite being a regular visitor to parts of the UAE, Omani officials also stopped and detained her on 20 November 2016, at a border crossing in al-Buraimi, adjacent to Al-'Ain, UAE. According to information available to Amnesty International, on that occasion, officials expressly refused to tell her why she had been stopped and simply told her that she could not enter the UAE, and that if she had any questions, she would have to ask Qism al-Khas in Muscat.

Earlier, on 27 December 2016, following a visit to the UAE, Omani officials detained her and a friend upon re-entry into Oman, at the Malaha entry point, adjacent to Kalba,

Sharjah. Once again, in response to questions for the reason of the arrest, officials told her again to refer to Qism al-Khas.

In its letter to the Minister of Legal Affairs, a copy of which was subsequently emailed to the Omani embassy in London, Amnesty International expressed its concern that by repeatedly urging Badriya al-Ma'mari to divorce her husband and by impeding her freedom of movement, including with her children, and notably by preventing the children to travel to be with their father, the government of Oman abrogated its obligations as a state party to the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) and the Convention on the Rights of the Child (CRC).

In respect to Oman's obligations under CEDAW, Oman may have undermined Article 9.1 of the Covenant, by pressuring Badriya al-Ma'mari to make a decision regarding her marital status.¹

The government appears to have likewise abrogated Article 16.1.b, which states that the government shall "take all appropriate measures to [...] to [enable women to] choose a spouse and to enter into marriage only with their free and full consent".

In addition, by preventing Badriya al-Ma'mari to travel to the UAE on 30 January 2017, Amnesty International is concerned that the Omani authorities may have violated Article 15.4 of the CEDAW, which provides that "men and women [have] the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile".

By detaining Badriya al-Ma'mari and her children, and preventing the children from travelling to be with their father, the government violated Article 3.1 of the CRC by not ensuring that that "the best interests of the child shall be a primary consideration". The government also may have violated Article 9.1 and 10.1 and 10.2 by causing an additional separation from the father of the two children against the will of the parents and the best interests of the children, without any reason having been provided.²

¹ Article 9.1 of CEDAW states that "States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband."

² Article 10 states: (1) In accordance with the obligation of States Parties under article 9, paragraph 1, applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner. States Parties shall further ensure that the submission of such a request shall entail no adverse consequences for the applicants and for the members of their family. (2) A child whose parents reside in different States shall have the right to maintain on a regular basis, save in exceptional circumstances personal relations and direct contacts with both parents. Towards that end and in accordance with the obligation of States Parties under article 9, paragraph 1, States Parties shall respect the right of the child and his or her parents to leave any country, including their own, and to enter their own country. The right to leave any country shall be subject only to such restrictions as are prescribed by law and which are necessary to protect the national security, public order (ordre public), public health or morals or the rights and freedoms of others and are consistent with the other rights recognized in the present

In light of its concern that the conduct of the government of Oman is related to the peaceful activities of an individual under UK protection, Amnesty International has shared the contents of its letter to the Minister with the UK's Foreign and Commonwealth Office (FCO).

Background

Mohammed al-Fazari is a human rights activist, blogger and journalist. In 2013 he founded the newspaper Muwatan, which he closed down in January 2016, following the detention of two of its staff members. Between 2011 and 2013 he faced repeated arrest and interrogation, solely for the peaceful exercise of his rights. Omani officials confiscated his passport and civil identification card at Muscat airport on 22 December 2014, when he tried to leave the country. In July 2016, he left Oman and is now a refugee in the UK.

Public Document

For more information please call Amnesty International's press office in London, UK, on +44 20 7413 5566 or email: press@amnesty.org

International Secretariat, Amnesty International, 1 Easton St., London WC1X 0DW, UK
www.amnesty.org

Convention.