



# General Assembly

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## Human Rights Council

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Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

## **Joint written statement\* submitted by Iraqi Development Organization, Americans for Democracy & Human Rights in Bahrain Inc, non-governmental organizations in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[19 August 2022]

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\* Issued as received, in the language of submission only.



## **Oman: State of Freedom of Expression and Speech in Oman**

In the last year, Oman updated the State Basic Law to allow for greater freedom of expression and speech. The change guaranteed these rights as long as it does not conflict with other laws. For a country which has continuously oppressed both media and personal freedom of expression, this was an impressive step forward. This change also removed the state's legal ability to monitor private phone calls, social media interactions, and mail correspondence.

Omani citizens remain subject to a 2014 law which allows the government to revoke their citizenship if they join an organization which the government has determined to be dangerous to its interests. The UN Special Rapporteur on Peaceful Assembly has said that in Oman there is a "pervasive culture of silence and fear affecting anyone who wants to speak and work for reforms."

### **Cases of Free Speech Persecution and Oman's Cyber Crime Law**

There are many reports of activists and citizens being arrested for exercising their rights. Khamis al-Hatali was arrested in August for addressing the Sultan in a video he posted to Twitter. He said, "We are the nation talking... You are an unjust person". More than 120,000 people watched this video and Mr. al-Hatali was arrested by the government. In July, internet activist Ghaith Al- Shibli was arrested and his home raided by security forces after he facilitated an online debate on various social topics. During his detainment he was subjected to intense interrogation on charges which included insulting religion. Two others were arrested with him at the same time for their participation in the online debates but were allowed to go free only after signing pledges to not ever participate in similar conversations again.

Musallam al-Ma'ashani, also an activist, has had his trial indefinitely delayed due to COVID-19. Mr. al-Ma'ashani was arrested in late 2019 for printing a book that detailed the histories of the tribes in Dhofar, something which the government authorities found threatening. Several human rights organizations have expressed concern over his unfair case and have called for his release.

In March 2022, two citizens were sentenced to one year in prison with fines for posting videos expressing inappropriate signs and phrases; the charges brought against them by the government was for violating public morals. In February 2021, the poet Salem Ali al-Maashani and Amer Muslim Bait Saeed were arrested for criticizing a construction project in Dhofar.

An activist, Awadh al- Sawafi was arrested for tweets he posted about government agencies that have threatened citizens with abuses. For these tweets, he received a suspended one-year prison sentence and was banned from social media for a year. A former Shura council member Salem al-Awfi and journalist Adel al-Kasbi, were both sentenced to one year in prison for "using information technology to spread harm to public order". The harm to public order were criticism of government corruption and calls for reforms. Each of these three cases have been prosecuted under the Cyber Crime Law.

The women behind the feminist Twitter account Nasawiyat Omaniya, are also constantly called in for questioning or have their accounts suspended for simply expressing their opinions. In March 2021, the government, through its telecommunications regulator, "blocked access to social media application Clubhouse." The government's justification was that the company was operating without a license.

Four environmental activists were arrested for commenting on Twitter about a government decision to ban camel grazing. Three received various prison sentences and fines while one was acquitted. It has been reported that the Ministry of Information banned the radio program 'All Questions' after it aired an interview with a member of the Shura Council who criticized the head of the Council. Amnesty International has also highlighted more severe limits on freedom of assembly after peaceful protests in May and June on the rising unemployment in the country and were forcefully ended with many arrested.

## Freedom of Press

The internet is also closely monitored by the government leading people to self-censor. Any message that violates public order and morals carries a prison sentence of anywhere between one month to a year and the result is that Media outlets in Oman enjoy little freedom of press. Much of the media is state-run and while there are some privately owned outlets, they often practice self-censorship to avoid punishment.

Social media allows for some debate but often people are prosecuted if the government disagrees with the opinions expressed or considers them to be insults. Freelance journalists are often denied licenses to work there. Other journalists reported to the United States of America State Department that they were harassed by high-level public officials for any slight criticism of them or their ministries. The government has the authority to review and approve all publications before release under Article 12 of the Press and Publications Law. Knowing this, journalists acknowledge that they exercise self-censorship.

The government, in the Ministry of Information, also has the power to block or censor any media product entering the country including books. Libel is also a crime and carries a one-year sentence. With the excessive control the government exercises over media, journalists are unable to adequately do their job and hold the government accountable for their actions. Ordinary citizens suffer as a result of this as they are only ever receiving one mainstream opinion, that of the Omani government.

## In Statute

In 2014, Royal Decree 38/2014 gave the Interior Ministry the power to strip the citizenship of Omani people who contradict the government. The Penal Code was amended in 2018 and became even stricter. Article 97, 102, and 103 of the Omani Penal Code entails that journalists can receive a long prison sentence for revealing government corruption. Under Article 97, a person can receive between three and seven years punishment in prison for criticism of the Sultan.

Under Article 115, a person can receive a three years prison sentence for any publication spreading information deemed “liable to harm the prestige of the state”. This penal code allows the government to determine any critical information as harmful to the state and can therefore restrict people’s freedom of speech. Article 61 of the Telecommunications Act of 2002 emphasizes the moral aspect of these acts stating that “any person who sends, by means of telecommunications system, a message that violates public order or public morals”, can be subject to prosecution. These actions are all clear violations of Article 19 of the Universal Declaration of Human Rights.

## Recommendations:

- Amend the Press and Publications Law, the Telecommunications Act of 2002, the Cyber Crimes Law, and Civil Societies Law so they cannot be used to infringe upon internationally guaranteed rights of free speech, assembly, and association.
- Sign the International Covenant on Civil and Political Rights (ICCPR).
- Release all people convicted on charges related to the peaceful exercise of freedoms of expression, association, and assembly.

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