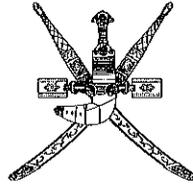


Mission Permanente du Sultanat d'Oman
aupres des Nations Unies
et des Organisations Internationales
Geneve



الوفد الدائم على لسلطنة عمان
لدى الامم المتحدة والمنظمات الدولية
جنيف

The Permanent Mission of the Sultanate of Oman to the United Nations Office and Other International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights and with reference to the letter ref. no. UA G/SO 218/2 G/SO 214 (67-17) Assembly & Association (2010-1) G/SO 214 (107-9) OMN 2/2012 dated 10 August 2012 regarding the joint appeal sent by the Chair-Rapporteur of the Working Group on Arbitrary Detention, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the rights to freedom of peaceful assembly and of association, and the Special Rapporteur on the situation of human rights defenders, has the honour to transmit herewith attached the feedback from the Omani authorities.

The Permanent Mission of the Sultanate of Oman avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.



Office of the United Nations High Commissioner

for Human Rights

United Nations Office at Geneva

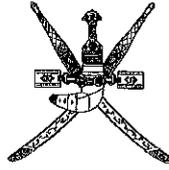
CH-1211 GENEVE 10

OHCHR REGISTRY

15 AUG 2012

Recipients :
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Ref: 2012/372/1001/3300 Date: 14/08/2012 Page:1



The Attorney General Office

Allow me at the outset to express our thanks to the Office of the United Nations High Commissioner for Human Rights for its interaction. Before we go into the details of correspondences we have received from OHCHR, we would like to clarify some facts in order to judge on the issues contained in its letters to the Sultanate. We notice that OHCHR has only listened to one party and derived its information from it. Moreover, it may have based its reports to rumors raised by persons who are not party to the matter, and do not know the reality of what had happened.

It is worth noting that the Sultanate of Oman is keen on the protection of human rights. The Basic Statute of the State, promulgated by Royal Decree no. 101/96 has crowned the modern state building process, and become a main pillar of true justice, which cover all those who live on our land. Several laws were followed based on the Basic Statute.

As the subject of the letter of OHCHR speaks about the freedom of expression and the rights of the detainees, the Basic Statute of the State allocates an entire chapter for these rights under the title "Public Rights and Duties". We would like to mention some of these rights granted to all citizens and residents of the Sultanate:

Article(17)

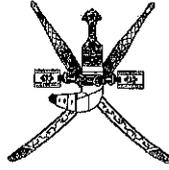
All citizens are equal before the Law, and they are equal in public rights and duties. There shall be no discrimination between them on the grounds of gender, origin, colour, language, religion, sect, domicile or social status.

Article(24)

Anyone who is arrested shall be notified of the causes of his arrest immediately and he shall have the right to contact whoever he sees fit, to inform them of what has taken place or seek their assistance, in the manner regulated by the Law. He must be informed promptly of the charges against him, and he and his representative shall have the right to appeal before the judicial authorities against the measure which has restricted his personal freedom. The Law regulates his right of appeal in a manner which ensures that a judgment will be issued on it within a specified period, failing which he must be released.

Article(28)

The freedom to practice religious rites in accordance with recognized customs is guaranteed provided that it does not disrupt public order or conflict with accepted standards of behaviour.

**Article(29)**

Freedom of opinion and expression, whether spoken, written or in other forms, is guaranteed within the limits of the Law.

Article(32)

Citizens have the right of assembly within the limits of the Law.

It is clear from the abovementioned articles that the Basic Statute of the State guarantees the freedom of opinion, the freedom of expression and the right of assembly. Like all other constitutions in the world, the Basic Statute of the State has established a methodology for the practice of these rights so that the term “freedom of expression” is not misused to infringe upon the freedoms of others under the pretext of practicing this right.

The Basic Statute of the State governed this matter by the law. In other words, this practice should be within the limits of the law. Therefore, it should not be in prejudice to the public order and should not affect the interests of the citizens as the public interest is over the individual's.

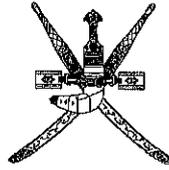
All applicable laws in the Sultanate of Oman as well as all agreements and treaties to which it is a party are consistent with the Basic Statute of the State. Meanwhile, the Omani Penal Law criminalizes any attack on the freedoms of others, or disturbing them or doing any harm to the security of all those living on the Sultanate's land.

Crowding is among crimes included in the Omani Penal Code. Article 137 states that anyone who participates in a private gathering including at least ten individuals with a view to commit a riot or a breach of public order shall be sentenced to imprisonment from one month to one year and fine not exceeding 200 Rials.....

This article for instance conforms to the Basic Statute of the State which guarantees the practice of rights and freedoms provided that it does not affect the public order or disrupt the rights and freedoms of others. In such a case they would not be within the limits of the law. Hence the penal law criminalizes any disruption of the public order and any violation of the freedoms of others.

Therefore, once such actions deviate from the set rules in accordance with the public interest of the state, they become inadmissible and criminalized.

Refuting the content of the letter of the High Commissioner for Human rights:



- 1- The letter indicated that the number of detainees is 24 and that they are all lawyers, writers, and journalists and that the cause of their detention is that they have expressed their opinion.

RESPONSE

The statement of the Office of the United Nations High Commissioner for Human Rights in terms of the number of detainees, professions and the cause of detention is not correct.

The fact is that the persons mentioned in the letter of the office of the high commissioner were detained for a criminal case and not a political one or because of opinion. They were detained because they have committed crimes mentioned in the Omani Penal Code. There is a big difference between political crime and the criminal offence.

We would like to stress that there is no political prisoners or opinion prisoners in the Sultanate's prisons.

- 2- Torture and maltreatment

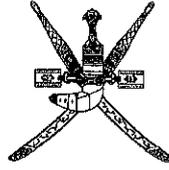
The statement of the Office of the United Nations High Commissioner for Human Rights concerning torture and maltreatment is bare of truth. All measures taken against the detainees were within the law and were far from any maltreatment or torture.

- 3- The arrest of 24 activists, writers and journalists:

RESPONSE

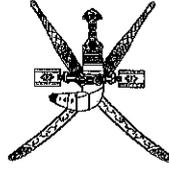
This is not true. In order to provide the facts, we would like to state the circumstances of the detention of a number of accused in criminal cases as follows:

- On 9 June 2012, several persons gathered in Qurum business district and raised banners calling for the release of a number of defendants in a criminal case that is still under investigation with the Public Prosecution. Even the protesters have no idea about the case and have no capacity in demanding the release of the accused. This act is in violation of the law, which depicts a clear path for anybody to appeal against detention. The concerned person should submit his appeal to the court, which should decide thereon within three days. The accused



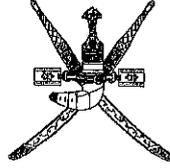
staged their protest in a purely commercial area that includes several global shops, banks, diplomats' houses and some embassies. The area includes security centers for maintaining the security and stability of the place and provides protection for all these vital establishments. Moreover, they have gathered in a crossroads linking vital institutions such as hospitals, schools, embassies, banks, etc.

- On the same day, around 15 persons gathered. The police told them that it was illegal to stand in the place and that they have to leave. They have also explained to them the negative consequences of their behavior on the security and stability of the area as well as the disruption of traffic.
- On 10 June 2012, the accused gathered in the same place. Numbers began to increase. And as was the case in the previous time, the police advised them of the seriousness of their behavior and told them that they were violating the law.
- On 11 June 2012, the accused gathered in the same place with more people joining them. They numbered about 26 persons including some persons who were accused in previous crimes such as (doing harm to others, crowding and rape). When the police officer in charge of security in the location found that their presence disrupts traffic in the surrounding streets and that they represent a danger to all establishments in the place, he requested additional troops and demanded that all defendants be caught red handed. He asked all of them to get into the police car, and they responded without any resistance or violence.
- All the detainees were informed of the cause of their arrest despite the fact that they are aware of it because they were warned several times. Then, they were referred to the central prison. They were then interrogated about the matter, and were allowed to call whoever they want as per the provisions of Article 24 of the Basic Statute of the State and Articles 34, 35, 40 of the Law of Criminal Procedures.
- The accused appeared before the Public Prosecution within 48 hours of their arrest as per Article 50 of the Law of Criminal Procedures. The investigators examined the health condition of all of them and made sure that they were not subject to any coercion or torture as mentioned in the Public Prosecution reports.
- The accused were allowed to call their lawyers who have attended all stages of the investigation.
- One of the defendants pretended that he was sick. He was referred to the hospital. The medical report indicated that he was in good health. Other



defendants were also referred to the doctor who confirmed that they are in good health.

- The Attorney General released some of the defendant for humanitarian grounds.
- All defendants were referred to the Primary Court in Muscat after the end of the investigations. They were accused of the following:
 - 1- Crowding with the intention of disrupting public order, which is criminalized by Article 137-j of the Penal Code.
 - 2- Disrupting traffic movement, which is criminalized by Article 137-repeated of the Penal Code.
 - 3- Insulting an official, which is criminalized by Article 173 of the Penal Code. Some of the accused directed abusive words at policemen likening them with animals.
 - 4- Infringement of the administrative regulations, which is criminalized by Article 312/1 of the Penal Code.
- The court has examined the case and decided to extend the detention of the accused in the first session. They were released in the second session. The case is still examined by the judiciary. The final judgment is expected soon.
- It is worth noting that the Public Prosecution is a law enforcement agency. It applies the law in the name of the society. It also monitors the actions of the police in terms of enforcing the law. Should the Public Prosecution find that there is any violation of the laws or the procedures, it takes all the legal measures against the violators. Moreover, the court extends its control over the work of the Public Prosecution and the police. Should it find that legal procedures are invalid, it takes the necessary measures to stop them.
- Moreover, based on its keenness on securing human rights, the Sultanate of Oman has established a human rights commission, which in turn has formed a team to visit the accused and reviewed the measures taken against them.
- To prove that all the measures taken against the accused are correct and conform to the law, it should be noted that the court ordered the extension of detention of the accused during the first session and released them later.
- 5- The letter of the Office of the High Commissioner for Human Rights indicated that three persons (Habibah Al-Riyamiah, Ismail Al-Mikbali and Yacob Al-



Kharousi) were arrested as they set out to monitor the strikes of staged by oil workers.

RESPONSE

The above statement is bare of truth. The abovementioned persons did not go to monitor the strikes in oil companies as mentioned in the letter and they do not have the capacity to do so. They went to instigate crowding and riot in the oil sector. These acts are criminalized by the Omani Penal Code.

Therefore, the three accused were arrested and were referred to the Attorney General who interrogated them. They were advised with the consequences of their actions, and the laws that criminalize their actions. They were later released.

Thank you.