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## Oman

### OMN/01 - Talib Al Mamari

*Decision adopted unanimously by the IPU Governing Council  
at its 199<sup>th</sup> session (Geneva, 27 October 2016)*

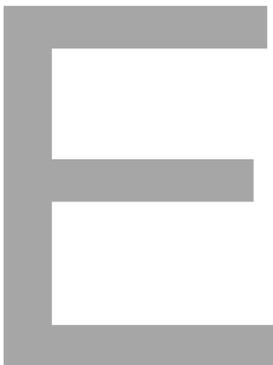
The Governing Council of the Inter-Parliamentary Union,

*Referring to the case of Mr. Talib Al Mamari, a former member of the *Majlis A'Shura* (the Lower House of Parliament) of Oman, to the decision it adopted at its 193<sup>rd</sup> session (October 2014) and to the public decision adopted by the Committee on the Human Rights of Parliamentarians on 30 November 2015,*

*Taking into account the letter of 12 May 2016 from the Chairman of the *Majlis A'Shura*,*

*Recalling the following facts regarding Mr. Al Mamari's arrest, prosecution and sentencing:*

- Mr. Al Mamari, then a member of the *Majlis A'shura* of Oman, was sentenced on 10 October 2013 to a seven-year prison term and a fine of 1,000 riyals in connection with his participation in a demonstration on 22 August 2013 calling on the Government to adopt measures to combat pollution; he was convicted on charges of: (i) participating in a "riotous assembly" of more than 10 persons with intent to disrupt public order; (ii) deliberately obstructing public highways; and (iii) inciting the people of Liwa to demonstrate in front of Sohar port, and deliberately spreading biased reports violating the dignity of the State;
- Mr. Al Mamari was released on bail on 11 October 2013 pending the appeal, but rearrested later that same day on accusations that he was responsible for incitement during Friday prayers at the mosque; brief video material, presumably linked to the incident, was presented by the Chairman of the *Majlis A'Shura* to the Committee and shows Mr. Al Mamari saying: "If the government policy towards citizens does not change in the coming five years, there will be a storm";
- On 16 December 2013, the Court of Appeal sentenced Mr. Al Mamari to three years in prison and a 500-riyal fine for impairing the honour of the State, as well as one year in prison and a 500-riyal fine for "disturbing public order" and "obstructing traffic"; in the whole period preceding the appeal, Mr. Al Mamari's lawyer was denied access to his client; the Supreme Court overturned the appeal decision against him in February 2014 and ordered a retrial in the Court in Liwa – the town in which the alleged crime took place – as opposed to the Court in Muscat; despite that ruling, the retrial was held in Muscat, with Mr. Al Mamari continuously detained for several months without the possibility of bail; after a series of proceedings, where several violations of due process and a lack of judicial independence were alleged by one of the complainants, Mr. Al Mamari was sentenced on 6 August 2014 to one year's imprisonment and a 200-riyal fine for participating in the demonstration and three years' imprisonment and a 500-riyal fine for organizing the demonstration; the court also ruled that the sentences would be served consecutively; the verdict was upheld on 30 October 2014, but the sentence was reduced to three years in prison; the verdict was confirmed by the Supreme Court on 24 February 2015,



*Recalling* that, with regard to the demonstrations in which Mr. Al Mamari took part and the precise circumstances of his arrest, the complainants have affirmed the following:

- The demonstrations in which Mr. Al Mamari participated were peaceful and were held in protest against pollution in Liwa; the demands of the demonstrators were not political, as they merely requested the Government to protect the health of Liwa inhabitants affected by the pollution; according to the complainants, Mr. Al Mamari was arrested and sentenced on account of his having exercised his freedom of peaceful assembly; they emphasize that many people reported that he attended the demonstration as a mediator and was carrying out his duty as a member of parliament, concerned by public demands;
- On 23 August 2013, Mr. Al Mamari held meetings with other parliamentarians and security authorities about the protests and the security forces' response; at the end of the meeting, Mr. Al Mamari returned to his brother's house, where he was staying after being injured by the police intervention in the demonstration; he was arrested by security forces after they raided his brother's house in the early hours of 24 August 2013;
- In the course of the demonstrations, members of the security forces fired tear gas and used water cannons to disperse the crowd and Mr. Al Mamari was among those injured by the violent police intervention; the Chairman of the *Majlis A'Shura* noted in his letter of 6 March 2014, however, that the *Majlis* could not review the medical report on injuries of the citizens concerned, as none had lodged official complaints; however, according to the Chairman, members of the *Majlis* did not notice any injuries requiring medical treatment on the day following the event,

*Recalling* the following information provided by the Chairman of the *Majlis A'Shura*:

- The region of Liwa had received large-scale investments, which had been very beneficial to the people; while there may have been some pollution, the Government ensured that acceptable limits were not exceeded and five ministers had gone to the area to set such limits; if there was any serious concern about pollution, parliament would have been the first to know about it and to adopt a critical position;
- Mr. Al Mamari had not discussed the issue of pollution with him before his arrest, or raised it at the appropriate parliamentary committee; Mr. Al Mamari's colleagues in parliament had advised him not to take to the streets and instead to use his powers in parliament to plead his cause;
- Mr. Al Mamari was prone to grandstanding, had an agitated personality and had caused trouble on previous occasions; he had been involved in the demonstrations in retaliation for the Sohar Port authorities' having withdrawn funding to his constituency, as attested by a letter from Mr. Al Mamari to those authorities,

*Considering* that the video footage provided by the Chairman of the *Majlis A'Shura* regarding the demonstration shows a group of some 100 individuals marching peacefully in the surroundings of Sohar Port in the presence of a large number of riot police, with part of the footage filmed from one of the vehicles equipped with a high-pressure water cannon as it shot water at the crowd; the film also briefly features some individuals throwing rocks, including members of the riot police,

*Recalling* that the complainants maintain that Mr. Al Mamari's prosecution has to be seen in the following context: Since his election to parliament in 2011, Mr. Al Mamari has staunchly defended his province's interest in parliament, especially denouncing environmental damage and pollution in the region, and has come to be known for criticizing the Government for its lack of commitment to the rule of law and good governance; the complainant also affirms in this respect that Mr. Al Mamari's conviction follows previous incidents of harassment in connection with his parliamentary work; it alleges that Mr. Al Mamari was arrested in the context of the public protests in 2011 demanding a more inclusive political process in Oman; he was detained for nearly 48 hours and then released after reportedly being beaten and ill-treated by police officers; in 2012, the Public Prosecutor's Office initiated proceedings against him because of a Facebook post criticizing an employee of the Ministry of Housing and requested the *Majlis A'Shura* to lift Mr. Al Mamari's parliamentary immunity, which it did not do; in late 2012, Mr. Al Mamari was assaulted in a hotel room and handcuffed by police officers, who reportedly beat and threatened him,

*Considering* that the United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association conducted a mission to Oman between 8 and 13 September 2014 and that he was not permitted to meet with Mr. Al Mamari; *considering* that in his report on the mission (A/HRC/29/25/Add.1), the Special Rapporteur concludes the following:

- 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. The country's impressive achievements in building the economy, maintaining stability and modernizing society are threatened in the long term by a climate in which the populace is not free to associate and organize itself to address its concerns or pursue its own interests. Silencing voices of dissent is not a viable approach going forward. When a Government fails to provide an outlet for popular sentiment, it loses a valuable opportunity to feel the pulse of the nation, and effectively creates a sealed vessel under pressure that will eventually explode with dire consequences,

*Considering* that the case of Mr. Al Mamari had been referred to the United Nations Working Group on Arbitrary Detention and, upon examination of all the information made available from the complainants and the authorities, it had concluded on 21 November 2014 that Mr. Al Mamari's detention had been arbitrary and called on the authorities to release him immediately; with regard to the legal provisions criminalizing the harming of the dignity of the State with the gathering of at least 10 individuals intending to breach public order, it was the opinion of the working group that, "The law allows a broad interpretation which may result, as it occurred in the case under consideration, in a violation of the right to freedom of peaceful assembly and association",

*Recalling* that the Omani parliamentary authorities have repeatedly claimed that freedom of opinion and expression and freedom of peaceful assembly are fully protected in Oman, including for members of parliament,

*Considering* that a Committee delegation, which visited Oman in May 2015 and was allowed to meet Mr. Al Mamari in detention, understood from the meetings with the Omani authorities that a clear consensus emerged that he should and would be released soon,

*Considering* that Mr. Al Mamari received a special royal pardon and was released on 4 May 2016,

1. *Thanks* the Chairman of the *Majlis A'Shura* for his continuous personal commitment to promoting a satisfactory solution to the case of Mr. Al Mamari;
2. *Notes* that Mr. Al Mamari was finally released;
3. *Deeply regrets* that the release came only four months before he had served all of his three-year prison term and that his conviction was based on charges and legal provisions that infringed his legitimate rights to freedom of assembly and freedom of expression;
4. *Decides to close* further examination of the case, in the light of his release;
5. *Requests* the Secretary General to convey this decision to the authorities and the complainants.