



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

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Committee against Torture

**Initial report submitted by Oman under article 19
of the Convention, due in 2020**¹ *****

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Introduction

1. The Royal Decree 45/2020 was issued on the Sultanate of Oman's accession to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, save the reservation of the Sultanate of Oman that it does not recognize the competence of the Committee against Torture under Article 20 of the Convention and is not bound by Article 30, Paragraph 1.
2. This report is made in implementation of Article 19, Paragraph 1 of the Convention and as per the approved guidelines. It includes measures taken by the Sultanate of Oman to fulfil its commitments and rights enshrined in the Convention.
3. The report comprises of two parts. The first part includes basic information on the Sultanate of Oman, its political structure and the general legal framework that prohibits torture and other cruel, inhuman or degrading treatment or punishment in the Sultanate of Oman. The second part addresses the measures and procedures for the implementation of each article of the Convention.
4. It should be noted that the Basic Law of the State, which serves as the supreme legislation whose provisions govern all the Sultanate of Oman's legislation of all kinds and grades, contains a set of principles enshrined on the right of human beings to a life of dignity, liberty, security and stability, as well as the protection and prevention of any transgression against it. These principles are reflected in national legislation and the ratified bilateral and international conventions that achieve the same goal.
5. The national laws affirm the illegality of any form of torture and other cruel, inhuman or degrading treatment or punishment. Under no circumstances are such acts allowed either by individuals, institutions, or individuals backed by institutions or state officials. They are criminalised acts punishable by law. The penalty covers the original perpetrator, the accomplice, and the instigator.
6. The procedures that law enforcement officers follow, is under the oversight of the judicial authority as per Article 32 of the Penal Procedures Code issued by Royal Decree 97/99. Public Prosecution initiates investigation and prosecution and monitors the integrity of legal procedures. It is competent to assess the issuance of arrest and search warrants, the validity of interrogation, and the grounds for arrest as determined by law. Such procedures, in total, are also under the radar of the subject-matter court, all of which constitute fundamental security for suspects, safeguard the integrity of the criminal action, and protect the freedoms and rights of individuals.
7. It should be noted that the judiciary in the Sultanate of Oman is fully independent. Any criminal act mentioned in the Convention whether committed individually or in an organized manner by civilians or military personnel is subject to criminal, civil, and administrative accountability.
8. Oman Human Rights Commission, which was established by the Royal Decree 124/2008 and reorganized by Royal Decree 57/2022, works, as per its jurisdictions, to monitor, protect and promote human rights as per the Basic Statute of the State and the relevant international conventions and treaties.
9. The Council of Ministers issued a decision to form a team to follow the Convention and its practical implementation, discuss any challenges to its implementation and prepare the relevant reports, under chairmanship of the Supreme Judicial Council represented by Public Prosecution and membership of several government institutions namely the Foreign Ministry, Ministry of Justice and Legal Affairs, Ministry of Social Development and Royal Oman Police, Ministry of Education and Ministry of Information.
10. Several governmental bodies were engaged namely the Ministry of Health, the Higher Judicial Institute and the Military Justice were also engaged in order to provide information and data for the preparation of the report. Consultations were made with Oman Human Rights Commission and representatives of civil society such as Omani Lawyers Association and Children First Association. The Commission holds periodic meetings to review the

implementation efforts to make provisions of the Convention applicable and discuss any challenges.

Part one

I. General Information on the Sultanate of Oman

A. Overview

11. The Sultanate of Oman is an independent Arab Islamic country with full sovereignty; Muscat is its capital; the religion of the state is Islam and the Islamic Sharia is the basis of legislation; the official language of the state is the Arabic language. It is a member in the United Nations since 1971, the Arab League, the Gulf Cooperation Council, the Organization of Islamic Cooperation and the Non-Aligned Movement.

B. Geographical location

12. The Sultanate of Oman lies in the far southeast of the Arabian Peninsula, between 16° 40' N and 26° 20' N and 51° 50' E and 59° 50' E. Its coastline is 3,165 km long, starting in the far southeast of the country on the Arabian Sea and the entrance to the Indian Ocean, continuing up to the Gulf of Oman, and ending in Musandam Governorate. Its coastline also includes the strategic Strait of Hormuz at the entrance to the Arabian Gulf. The Sultanate of Oman borders the Republic of Yemen in the south-west, the Kingdom of Saudi Arabia in the west and the United Arab Emirates in the north.

13. The total surface area of the Sultanate is approximately 309,500 km², which includes various types of land and terrain.

C. Population

14. The population of the Sultanate of Oman, according to census data for 2023, reached 5,165,602, with Omanis (2,928,957), while the number of immigrants (2,236,654).

D. The State's Organizational, Political and Legal Structure

15. The Sultanate is a hereditary monarchy, based on the principles of justice, consultation and equality. Citizens have the right to participate in public affairs, in accordance with the Basic Law of the State and with the conditions set forth in the law.

16. The Basic Law of the State (the Constitution), forms all aspects and basis of modern nation-building. It constitutes as terms of reference of relations between its institutions, the responsibilities and duties assigned to the three institutions: the legislative, executive and judicial institutions and ensures that each one of these institutions fulfils its national duties in harmony and integration in the country's interest. In Addition, the Basic Statute of State acts as a safeguard for citizens' rights and freedoms in line with the rule of law. The organizational structure of the state comprises the head of state and three branches: the executive, legislative and judicial branches, as described below:

Head of State

17. The Sultan is the head of the state and its supreme commander. His person is inviolable. Respect for him is a duty. His command is obeyed. He is the symbol of national unity and the vigilant guardian and protector of the state. Article 49 of the Basic Law determines his duties.

The Executive Branch

18. The Council of Ministers oversees the executive branch of the Sultanate. It is presided over and governed by the Sultan. The Council of Ministers assists the Sultan in drawing up and implementing national public policy. Specifically, the Council makes recommendations to the Sultan on economic, political, social, executive and administrative matters that are of interest to the government. It presents proposals for laws and decrees and makes recommendations in order to safeguard the interests of citizens, ensure the provision of essential services, improve economic, social, health-care and cultural conditions for citizens and establish goals and public policies related to economic, social and administrative development. It also makes proposals on the means and methods required to implement such policies, including optimizing the use of financial, economic and human resources, and it discusses development plans prepared by the competent authorities, which it transmits to the Sultan for adoption and implementation. It also examines ministerial proposals related to each ministry's area of jurisdiction and makes suitable recommendations and decisions. The Council oversees the functioning of the administrative apparatus of the state and ensures that it is fulfilling its duties and that its various components are coordinating with each other. It also oversees the general implementation of laws, decrees, regulations, decisions, treaties, conventions and court decisions in order to ensure compliance. Furthermore, the Council has jurisdiction over any other area specified by the Sultan or the law. It has a secretariat to assist it in its work.

19. As per Article 50 of the Basic Statute of the State ("the Basic Law"), specialized councils like the Defence Council, National Security Council and Board of Governors of the Central Bank of Oman may be established to aid the Sultan, along with the Minister of Council, in the formulation and implementation of the state policy.

The Legislative Branch

20. Article 72 of the Basic Law confers on the Council of Oman the competence to approve or amend draft laws, discuss development plans and the state's general budget and propose draft laws as set out by the law.

21. Under Royal Decree No. 7/2021, the Law of the Council of Oman was promulgated, consisting of the State Council, whose members are appointed by the Sultan, and the Shura Council, whose representatives are elected by Omani citizens. The Council of Oman has a regular session of at least eight months per year, convened at the invitation of His Majesty the Sultan during November each year. The Council's decisions are taken by majority rule.

22. The two councils exercise their legislative functions in accordance with the Basic Law of the State. Draft legislation prepared by the government must be presented to the Council of Oman for approval or amendment, following which it is transmitted directly to the Sultan for promulgation. The Council of Oman may also propose legislation and present bills to the government for examination, after which they are returned to the Council. According to the Basic Law, the Council of Ministers must submit its annual development plans and budget proposals to the Shura Council for discussion. The Council of Oman Law outlines the Council's follow-up tools to oversee the work of the executive branch, such as questioning, requesting a briefing, urgent statement and discussion of ministerial statements. The two councils also play an important role in monitoring the implementation of international human rights conventions and covenants.

The Judicial Branch

23. Article 76 of the Basic Law of the State provides that: "The rule of law is the basis of governance in the state. Rights and freedoms are guaranteed by the integrity of the judiciary and by the integrity and impartiality of the judges." It also provides in Article 77 that: "Judicial authority is independent. It is exercised by the courts of all types and at all levels, which issue rulings in accordance with the law." In addition, Article 78 of the basic law states: "There shall be no power over judges in their ruling except for the law, they shall be irremovable except in the cases specified by the law, and it is not permitted for any entity to interfere in lawsuits or the affairs of justice and this shall be a crime punishable by law, and the law shall prescribe all provisions pertaining to judges."

The Supreme Judicial Council

24. The Sultan chairs the Supreme Judicial Council. Royal Decree 35/2022 Regarding the Governance of the Administration of Judicial Affairs, determines the members of this council and its competences, most notably formulation of public policy for the judiciary, ensuring proper functioning at courts and Public Prosecution and their development, facilitating litigation procedures and bringing litigants closer to their institutions and proposing draft laws and royal decrees on the judiciary and expressing opinions in draft judicial cooperation agreements between the Sultanate of Oman and other countries.

25. Public Prosecution is part of the judicial authority; it undertakes public prosecution in the name of society; oversees the affairs of judicial enforcement; and strives to implement criminal laws, prosecute offenders, and execute judgements; in the manner prescribed by the law, as determined by (86) of the Basic Law of the state.

26. As per Article 83 of the Basic Law, military justice is an independent judicial authority, which is competent exclusively to adjudicate military offences committed by members of the armed forces and security forces, as detailed in the Military Justice Law issued by Royal Decree 87/2022.

II. Legal Framework for Protection of Human Rights at the National Level

27. The Basic Law of the State is the overarching framework for the protection of human rights in the Sultanate and contains regulations governing different categories of rights in the social, economic, educational and other fields. The Basic Law of the State contains many articles that guarantee the rights and freedoms of members of Omani society. Article 13 of the Law affirms that “establishing a sound administrative system that guarantees justice, tranquillity, and equality between citizens, guarantying respect for public order, and preserving the supreme interests of the country”, are the guiding principles of state’s policy. Article 15 on the social principles affirms that justice, equality, and equal opportunities among citizens are pillars of society, guaranteed by the state. The social principles have also established a number of rights, such as health care, aids during emergency, sickness, disability and old age, the right to work, and guaranteed equal access to public office for citizens under the conditions prescribed by law. Based on the important and key role played by the family in the upbringing of children, respect for women’s rights, which embodies the values of human rights, peace and social solidarity, the Basic Law of the State affirms in social principles the protection of the family and ensuring its cohesion and stability. It also emphasizes the State’s commitment to care for children, persons with disabilities, youth and young people and empowering women.

28. The Basic Law of the State places special care to the public rights and obligations as per Article 18, which states: “Life and dignity are a right for every human, and the state shall be committed to respecting and protecting them in accordance with the law.” Article 21 affirms the principle of equality and that All citizens are equal before the law. They share the same public rights and duties. There shall be no discrimination between them on grounds of sex, origin, colour, language, religion, sect, domicile, or social status. In order to protect rights and freedoms, Article 23 affirms that Personal freedom is guaranteed in accordance with the law, and it is not permitted to arrest a human, search or detail them, determine their residence, or limit their freedom of residence and movement except in accordance with the provisions of the law. Moreover, all forms and manifestations of torture, whether physical or moral, are prohibited as per Article 25. In addition, Article 30 of the Basic Law of the State guarantees the right to litigate for all. This right is stated in Articles 77 and 78 on the independence of the judiciary and the courts of all kinds and degrees, on the independence of the judges themselves, their irremovability and the prohibition of interference in the administration of justice in any way. Otherwise, it shall be considered a punishable offence.

29. In addition, the Basic Law prohibits all forms of degradation of human dignity and ensures effective protection for the inviolability of private life. One of the manifestations of this protection is provided for in Article 33: “Dwellings are inviolable, and it is not permitted to enter them without the permission of their occupants except in cases specified by the law

and in the manner stipulated in it.” Article 35 of the same law provides that freedom of opinion and the expression of it through speech, writing, and all other means of expression are guaranteed within the limits of the law. Article 36 protects electronic correspondence of all kinds, telephone, telegraphic, postal correspondence, and other means of communication and their confidentiality is secured. It is prohibited to monitor, inspect, access, disclose their confidentiality, delay, or confiscate them except in the cases prescribed by the law. Article 37 guarantees the freedom of the press, printing, and publishing and does not restrict it unless it leads to discord or hatred, compromises state security, or offends human dignity and human rights. Article 40 secures the freedom to establish associations on national foundations, for legitimate objectives, using peaceful means, in a manner that does not contradict with the provisions and objectives of the Basic Law. It prohibits establishing associations whose activities are hostile to societal order, that are secret, or that are of a military nature. It prohibits forcing a person to join any association. Article 42 of the Basic Law of the State affirms that any alien legally present in the Sultanate of Oman is offered protection to his person and property in accordance with the law.

30. In line with the provision of Article 97 of the Basic Statute of the State, which reads: “It is not permitted for any entity in the state to issue regulations, decisions, or instructions that contradict the provisions of the laws and royal decrees in force, or international treaties and agreements that are considered part of the law of the land.” The concerned authorities in the Sultanate of Oman are keen to implement the provisions of the Convention being part of the law of the land. They are committed not to issue any regulation, decision, instructions that contradicts those provisions of the Convention. It also affirms the illegality of any form of torture as detailed in the report. Article 13 of the Basic Law affirms the observance of the international instruments and treaties and considers observing them one of the guiding principles of state’s policy.

III. Regional and International Instruments on Human Rights

31. In view of the importance of the basic human rights conventions, the Sultanate of Oman has ensured that it is a party to the majority of these conventions, including the following:

1. The Convention on the Rights of the Child and two additional protocols
2. The International Convention on the Elimination of All Forms of Racial Discrimination
3. The Convention on the Elimination of All Forms of Discrimination Against Women
4. The United Nations Convention on the Rights of Persons with Disabilities
5. International Convention for the Protection of All Persons from Enforced Disappearance
6. International Covenant on Economic, Social and Cultural Rights
7. Arab Charter on Human Rights

32. The concerned authorities are also reviewing accession to the International Covenant on Civil and Political Rights.

IV. Civil Associations and National Human Rights Institutions

33. In conjunction with the efforts to establish constitutional and legislative human rights norms, the State has established a number of national institutions tasked with safeguarding all human rights. Most important among these institutions are the Council of Oman, Oman Human Rights Commission, the National Committee on Human Trafficking, the National Committee on Follow-up of the Implementation of the Convention on the Rights of the Child, the National Committee on Follow-up of the Implementation of the Convention on the Elimination of All Forms of Discrimination against Women, the National Committee for the

Welfare of Persons with Disabilities, media institutions and civil society organizations, youth and sports clubs, in addition to the great role that the Council Oman plays in this regard.

Oman Human Rights Commission

34. Oman Human Rights Commission was established in 2008 as a national independent institution that aims at protecting and promoting human rights at the national level and cooperating with international human-rights related mechanisms. It promotes a culture of human rights throughout the country. The Commission was reorganized as per the Royal Decree 57/2022, which conforms to the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). The aforementioned Royal Decree provides that the formation of the Oman Human Rights Commission is to be made from (14) fourteen members with expertise and interest in human rights and representatives of a number of government bodies relevant to human rights. Members shall elect the chairperson of the Commission, other than representatives of governmental bodies. The decisions shall be taken by a majority vote of the members present from representatives of civil society. In case of vote deadlock, the side that the Chairman takes shall be considered. Representative of government institutions shall participate in the Commission's work and attend its meetings without the right to vote.

35. Oman Human Rights Commission periodically conducts awareness-raising programmes and workshops to publicize the Committee's competence, working mechanism and role in the promotion and protection of human rights. The Commission also participates in programmes organized by institutions and human rights committees, including: the 2024 Summer Programme for School Students (My Summer: Aspirations and Values). The Commission implemented its programmes in 13 summer centres in various governorates of the Sultanate of Oman. Approximately 700 students benefited from these programmes. The Commission distributed 1,500 awareness booklets. In addition to raising awareness on the Commission's tasks, the programmes included raising awareness of children's rights, the laws that secure such rights, and related conventions. In March 2024, the Commission launched an awareness programme for a number of medical officers of the Armed Forces of the Royal Army of Oman, on the Commission, its terms of reference and functions, the mechanism for monitoring and receiving complaints, and how the Commission's received reports are processed.

The National Committee to Combat Human Trafficking

36. In line with the Sultanate of Oman's efforts to combat the globally-growing phenomenon of human trafficking, it issued the Law on Combatting Human Trafficking by Royal Decree 126/2008. The National Committee to Combat Human Trafficking was formed by a decision from the Council of Ministers in 2009 as per Article 22 of the same law. The Committee includes members from different government and non-government institutions and from Oman Human Rights Commission. It is responsible to provide periodic reports to the Council of Ministers on the national efforts to combat human trafficking. A team of experts attached to the Committee was formed under the mandate to combat human trafficking crimes. A rapid response team, consisting of law enforcement officers, was formed to quickly respond to such crimes and protect human trafficking victims. The Commission signed a memorandum of understanding with the Omani Lawyers Association to represent human trafficking victims before the judiciary in the Sultanate of Oman and to hold seminars and awareness campaigns on human trafficking crimes and combatting such crimes in cooperation and coordination with relevant institutions like Ministry of Labour and Ministry of Education. In addition, Public Prosecution formed an administration specialized in the investigation and pleadings in human trafficking cases as per the Decision 50/2017 issued on November 1st, 2017. Ministry of Labor established a specialized unit to combat human trafficking in the Inspection Directorate in the ministry to detect incidents of human trafficking and facilitate the victims' access to relevant authorities and ensure their protection. Moreover, Royal Oman Police established an administration responsible for handling human trafficking offenses at the stage of fact-finding.

37. Human trafficking victims, in general, who are likely to be subject to torture in particular benefit from the medical care, the free legal and social aids and the shelters. There

is a dedicated shelter prepared for such purpose in addition to public awareness through radio, television and press broadcasts. Royal Oman Police and other institutions engage in providing information, consultation and support through victim hotlines. Non-Omani victims are permitted to stay in the Sultanate of Oman until the end of all legal action if they wish to do so. The National Commission to Combat Human Trafficking cooperates with Oman Human Rights Commission regarding the rights of the victims or potential victims of human trafficking. The Sultanate has witnessed good progress in the efforts to combat human trafficking.

38. Several other institutions deal with victims and those accused of torture, such as Public Prosecution, Royal Oman Police, the Military Prosecution, the courts of various degrees, the Military Justice and the Ministry of Social Development.

The National Committee for Family Affairs

39. The National Committee for Family Affairs was established under Royal Decree 12/2007 and is composed of members of various governmental bodies: Ministry of Social Development, Ministry of Health, Ministry of Education, Ministry of Information, Ministry of Economy, Ministry of Heritage and Tourism, Public Prosecution, Royal Oman Police, and Oman Chamber of Commerce and Industry. The Committee is competent to propose general policies and programmes for family welfare in various social, health and cultural fields and to follow up their implementation in coordination with the competent authorities and official and voluntary bodies working in family matters and encourage family-related studies and research and follow-up and implement resolutions and recommendations of international and regional meetings and conferences on family issues and express opinion on the relevant conventions, cooperate with Arab and international committees, councils and organizations on family affairs and propose and provide financial resources to finance family-related programmes.

V. The Status of the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment in the Legal System of the Sultanate of Oman

40. Article 13 of Basic Law of the State stresses that adherence to international and regional charters and treaties, as well as generally recognized principles of international law is part of the political guiding principles of the state. In addition, Article 93 of the same law provides: “International treaties and agreements shall not have the power of law except after their ratification, and it is not permitted in any case for a treaty or an agreement to include secret terms that contradict its public terms.” Article (97) of the Basic Statute of the State reads: “It is not permitted for any entity in the state to issue regulations, decisions, or instructions that contradict the provisions of the laws and royal decrees in force, or international treaties and agreements that are considered part of the law of the land.”

41. Therefore, the Convention, after the accession of the Sultanate of Oman, has become part of the law of the land that is enforceable on all state institutions. Its provision can be used before the courts, others and in relevant proceedings. Government and judicial institutions as well the Council of Oman must abide by the provisions of the Convention, being part of the enforceable law of the land and must not issue judgments, rules or laws that contravene this Convention. It is worth mentioning that the Supreme Court (Penal Circuit) used in its judgment 285/2018 issued on 15 May 2018 the Convention on the Rights of the Child and the two protocols thereof regarding a form of violence against a child. In this regard, Public Prosecution issued Circular 6/2024 on the Sultanate of Oman’s accession to Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to ensure public prosecution members observe the Convention being part of the law of the land and report to the Attorney General Office any reports or incident forwarded to Public Prosecution that constitutes a violation of the provision of the Convention. Articles 49 and 50 of the Code of Conduct for Judicial Action stipulates that the judge must respect human rights, freedoms, social and economic rights and all relevant Arab, regional and international standards such as child rights, prevention of all forms of violence against

woman and protection against torture and other cruel, inhuman or degrading treatment or punishment.

Part two

Measures and Procedures on the Implementation of Each Article of the Convention

Article 1

42. The Basic Law of the Sultanate of Oman contains many principles on the protection and preservation of human dignity, and the prevention of all matters that infringe or degrade it. Such principles prohibit any form of infringement on human rights and freedom. Article 18 of the Basic Law affirms: “Life and dignity are a right for every human, and the state shall respect and protect them in accordance with the law.” Article 22 of the Basic Law also affirms reads: “Security of life is a right for every human. The state shall be committed to providing security and tranquillity to its citizens and to all residents on its lands.” Article 25 of the Basic Law stresses that: “No human shall be subjected to physical or mental torture, enticement, or degrading treatment. The law shall specify the punishment to whoever carries out such acts, and it shall invalidate all statements or confessions proven to have been obtained by under torture, enticement, or such treatment, or under the threat of any of these acts.”

43. Article 27 of the Basic Law states: “The accused is innocent until proven guilty in a legal trial in which the guarantees necessary for the exercise of the right to defence are ensured in accordance with the law, and it not permitted to harm the accused physically or mentally.” Article 32 of the Basic Law states: The human body is inviolable; and assaulting, mutilating, or desecrating it is a crime punishable by law; and trafficking in its organs is prohibited; and it is not permitted to conduct any medical or scientific experiment on any human without his free consent in the manner governed by law.”

44. In line with the prohibition of all forms of torture as established by the Basic Law, the Omani legislature has further prohibited torture explicitly and directly in the Penal Procedures Code issued by Royal Decree 97/99 and its amendments. Article 41 of the Code affirms that arrestees must be treated in a manner that maintains his dignity. Law enforcement officers and any person with public authority are prohibited from resorting to torture, coercion, temptation or degrading treatment to obtain statements or to prevent the making of statements during the collection of evidence, the preliminary investigation, or the trial. Article 189 of the same code also prohibits compelling, inducing or requiring the accused person to take oath or give responses or make certain statements in any manner. Article 192 of the same code has deemed any statement or confession issued as a result of torture or physical or moral coercion as void and of no evidentiary value. Article 59 of the Code of Conduct for Judicial Work affirms the prohibition of coercion, physical or mental pressure to cause confession and the inadmissibility of any evidence resulting from that.

45. The legislature has taken great care of members of society and has imposed penalties for acts of torture or cruel treatment against human dignity and honour. As per Article 203 of the Penal Code issued by Royal Decree 7/2018 and its Amendments, the use of cruelty by a public official – by virtue of his office – against any person, if that leads to his harm or the violation of his honour or dignity, is an offense punishable by imprisonment for a period up to (3) three years, and a fine ranging to (500) five hundred Omani rials, or one of those two punishments. In addition, any employee who tortures or orders to torture an accused person to coerce him into confession of a crime or disclose information about such crime, is considered to have committed a crime punishable by imprisonment for a period up to (3) three years as per Article 204 of the same code.

46. Article 153 of the Penal Code penalizes anyone who intentionally smuggles migrants by land, sea or air in the activity of an organized criminal group in order to obtain directly or indirectly material or non-material benefit. Anyone who, for the purpose of facilitating the smuggling of migrants, places them in conditions that endanger them or are likely to endanger them, threaten their lives and safety or treat them in an inhumane or degrading manner.

47. Article 91, Paragraph 6 of the Military Justice Law criminalizes torture being a crime against humanity if it is committed within the context of a widespread or systematic attack knowingly launched against a civilian population. Article 93 of the same law considers a war crime torture or inhuman treatment, including biological, chemical or other experiments, intentional infliction of severe pain or suffering or serious harm to physical or mental integrity or public health. The Same law also imposes penalties on military personnel who commit acts of violence. The sentence for a period up to one year is imposed on whoever degrade, attack or uses violence against any person under his custody as per Article 111.

48. Based on the foregoing, although Omani criminal laws do not contain an explicit definition of the term torture, they have criminalized all forms of abuse that fall within the definition of torture contained in this Convention. Therefore, the term torture mentioned in the Basic Statute of the State and the Penal Code, the Penal Procedures Code and the Military Justice Law – as covered before – matches with the definition of torture covered in the Article 1 of the Convention. The definition also covers cruelty that may occur on the line of duty if it entails a harm or violation of honour or dignity.

49. The Sultanate of Oman affirms that torture is as a criminalized act punishable by the law under any circumstances. Taking into account that it is deemed as a crime against public order, prosecution does not require filing a complaint and the charges are not dropped merely by waiver of right. Moreover, the national law dictates that confession from the accused must be delivered out of free will and without the exercise of a material or emotional pressure, duress, promise or threat. Failure to do so will render the confession void and will hold the person who exercised the invalid procedure accountable as per article 25 of the Basic Law.

50. The number of cases of forms of torture criminalized under articles 203 and 204 of the Penal Code, received by Public Prosecution from 1 January 2020 to 30 June 2024 reached nine cases: three cases were filed to the military court, 2 to normal court, two cases discontinued for lack of evidence and the other two discontinued for non-criminality of the act. The court issued one conviction in one case and one acquittal in another case. (Annex 1).

51. The Sultanate of Oman ratified the accession to the International Convention on the Elimination of All Forms of Racial Discrimination by Royal Decree 87/2002, which is considered part of the national law after being ratified. Article 5/b of the Convention stresses the right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution. This is included in Article 7/1 of the United Nations Declaration on the Elimination of All Forms of Racial Discrimination.

52. The Sultanate of Oman acceded to Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) by Royal Decree 42/2005, affirming the right of women to live safe from any violence-based discrimination, torture or any inhuman and derogatory treatment. The Ministry of Social Development formed a committee to follow the implementation of the provisions of Convention on the Elimination of All Forms of Discrimination against Women.

Article 2

53. The Sultanate of Oman strives to take all legislative, administrative, judicial and other measures to prevent acts of torture and to provide greater protection to ensure physical integrity. Article 25 of the Basic Law states: “No human shall be subjected to physical or mental torture, enticement, or degrading treatment. The law shall specify the punishment to whoever carries out such acts, and it shall invalidate all statements or confessions proven to have been obtained by under torture, enticement, or such treatment, or under the threat of any of these acts.” Article 23 of the Basic Law reads: “Personal freedom is guaranteed in accordance with the law, and it is not permitted to arrest a human, search or detail them, determine their residence, or limit their freedom of residence and movement except in accordance with the provisions of the law.”

54. To extend the legislature’s coverage against torture, Article 203 of the Penal Code sets a jail term up to a duration of (3) three years on any public servant who exercises cruelty

by using his occupation against any person it entails harm to that person or violation of his dignity or honour. As per Article 204 of the same law, every public official who tortures an accused person, or orders his torture, to make him admit to a crime, or to provide information about it, shall be punished by imprisonment for a period not less than (6) six months and not exceeding (3) three years. These penalties are commensurate with the gravity of the act committed and act as both a public and private deterrence.

55. Article 62 of the Prison Law issued by the Royal Decree (48/98), imposes imprisonment for not less than one month and not more than (3) three years and a fine of not less than (100) one hundred rials not more than (500) five hundred Omani rials or either one of these two penalties on whoever rebels or incite a rebellion or violence against prison workers, the place of custody or against any other person. The penalty is aggravated if the crime is committed by one of the workers in the prison or the place of custody or by one tasked with security or guard.

56. The Penal Procedures Code offers several guarantees on the detention and imprisonment procedures. Article 50 provides: "The law enforcement officer shall, when arresting the accused, or if an arrested person is delivered to him, instantly hear these statements. If he cannot prove his innocence, he must transfer him to the competent investigating authority within fifteen days for crimes relating to state security and crimes stipulated in the Counter Terrorism Law, and within forty-eight hours for other crimes. It is not permitted to renew this period except for one time and for an identical period with the approval of the Public Prosecution." Article 51 states: "The Public Prosecution shall interrogate the arrested accused within twenty-four hours and then order to provisionally detain him or release him." Article 52 also states: "Release of the arrested person may be stated in the arrest warrant if he undertakes to appear and provides a guarantee." Article 53 also states: "Any member of the Public Prosecution may, after interrogating the accused at the preliminary investigation, issue a provisional detention order, if necessary, with a view to prevent the accused from escaping or to prevent influencing the investigation process. Provisional detention shall not be ordered unless the incident constitutes a felony or a misdemeanour punishable with imprisonment. Besides information stated in Article 49 of this Law, the detention order shall contain an assignment to the specified jail warden to accept the accused and the Law applied to the crime."

57. As per Article 54 of the same law, the detention order issued by the public prosecution is for seven days. The said period may be renewed for other periods not exceeding 30 days. The member of the Public Prosecution may issue a provisional detention order for periods not exceeding a total of 45 days in connection to crimes of public funds and drug and narcotic substance. If a member of the Public Prosecution considers extending the detention period thereafter, he shall, before the expiry of the period, refer the matter to the misdemeanour court with a view to extend the provisional detention for a period not exceeding fifteen days, renewable for a maximum of six months. If the accused is transferred to the court, it may extend the provisional detention for a period not exceeding forty-five days, and it may be renewed again, or else the accused must be released in all cases. The accused's statements must be heard prior to the issuance or extension of any detention order, in accordance with article 58 of the same Act. Article 54 of the Code of Judicial Conduct provides for the application of the rule of release whenever possible on the basis of the principle of innocence on which a fair trial is based. Article 49 of the Criminal Procedures Code establishes the right of the accused to have access to a lawyer and to communicate with any person he wishes to inform, including his country's embassy if he is a foreigner. Article 52 of the same law affirms that every litigant is entitled to have access to a lawyer before a court.

58. The accused or his representative may oppose the provisional detention order before the misdemeanour court in session at the consultation chamber. The court shall decide on appeal within a period not exceeding three days. If the court finds that the order is unjustified, it shall discharge the accused immediately, in accordance with article 59 of the Code of Criminal Procedure.

59. The Law of the State of Emergency issued by the Royal Decree No. (75/2008) offers a number of guarantees for the protection of suspect during the state of emergency and extraordinary circumstances. As per Article 7, it is permitted to immediately arrest or apprehend violators of the provisions of this law and instruction issued in that regards

provided they must be immediately informed of the reasons for their arrest or apprehension and that they shall have the right to contact whoever they wish to inform of what has taken place or to seek their assistance like the embassy of his country if he is a foreigner, his lawyer and relative. Article 8 of the same law requires the arrestee or detainee to be brought within fifteen days of the date of arrest or detention before a competent judge in accordance with the provisions of this Law. The judge has the discretion to release him on financial or personal bail or order his detention for a period not exceeding one month, which may be extended for a similar period or other periods.

60. Based on Article 9 of the same law, whoever arrested or detained in accordance with the provisions of this Act is entitled to complain about the arrest or detention warrant after two months from the date of arrest or detention without release. A fee-free application is to be submitted to the competent court, The Court shall adjudicate on the appeal within one month of the date of its filing, failing which he must be released immediately. A person who rejects his appeal may lodge a new complaint whenever sixty days have elapsed from the date of the rejection. During the proceedings, the court may issue a decision on the provisional release of the arrested or detained person. Based on article 10 of the same law, whoever arrested or detained for State security offences or offences designated by a royal order has the right to complain about the warrant of arrest or detention to the competent court. During the proceedings, the court may issue a decision on the provisional release of the accused. Its decision shall be effective only after the endorsement of His Majesty the Sultan or his delegate. The law secures the rights of individuals even during a state of emergency. On the other hand, legal provisions criminalizing torture are in force in all cases and the law does not exclude a state of emergency or otherwise.

61. In this regard, on 11 August 2022, the Oman Human Rights Commission received a communication from the Office of the High Commissioner for Human Rights on the availability of fair litigation requirements and the legal representation of a citizen arrested by the competent authorities. After verifying the information received, the citizen was found to be charged with a misdemeanour of spreading false and tendentious rumours to undermine the State's prestige and economic standing and a misdemeanour of insulting a public servant. The Commission ensured that the defendant's fundamental rights and guarantees were available during all stages of litigation. On 7 September 2022, the Commission also followed up on a television report broadcasted by a television channel of an Arab country on the arrest of a woman resident in the Sultanate of Oman by the competent authorities, as her relatives were requesting her release. The Commission verified the information and contacted the competent authorities and found that she was arrested on a criminal case. She was released after the preliminary investigation was completed.

62. To prevent all forms of torture, Public Prosecution supervises prisons, places of detention, observation homes and correctional facilities for delinquent juveniles as per Article 61 of the Penal Procedures Code. Members of Public Prosecution visit prisons and detention places, within their jurisdiction, to ensure that no prisoner is detained illegally. To fulfil this requirement, Public Prosecution established a department, as per its Decision No. (78/2011) in the Central Prison. It also issued Circular 7/2024 on public prosecutors' regular visits to prisons, places of detention and correctional facilities for delinquent juveniles to ensure no prisoners are illegally placed, inspect records, detention orders, listen to prisoners' complaints and report back to Attorney General Office. Without prejudice to Public Prosecution's jurisdiction, a team was formed as per Article 60 of the Prisons Law to inspect prisons, ensure the application of laws and regulations, and inspect inmates' complaints, Military Prosecution also follows up on the treatment suspects and convicted individuals in prisons and detention centres in cases under the jurisdiction of the military justice to ensure that they are treated well, no prison is detained illegally, inspect records and detention and jail orders and listen to inmates' complaints.

63. Besides, the Judicial Instructions of Public Prosecution require from public prosecutors, before starting the interview with the suspect, to check the suspect and establish any signs or proof of violence in the investigation record and order to have a medical examination to report the injuries on him.

64. Oman Human Rights Commission performs the jurisdiction assigned by the Royal Decree 57/2022 to conduct site inspection visits prisons, places of custody and detention to

monitor the conditions of human right in such places and ensure proper humanitarian conditions in line with the standard rules for the treatment of prisoners. This includes the Commission's visit to the Central Prison on 21/4/2024. All facilities were inspected including (wards, dining rooms, inmates' hospital, library, craft workshop halls). During the visit, inmates' pleas were heard and their needs were identified. The Commission made six visits to prisons and detention places in 2024 and visited 11 inmates and detainees. It should be noted that the Commission conducts prison visits regularly. In 2022, it made four field visits to the Central Prison, where it made 20 private interviews with inmates who made requests to the Commission through Directorate General of Prisons. The Commission team offered legal and human rights opinion advice were in addition to five visits to detention centres in various governorates of the Sultanate of Oman. The Commission made three visits to prisons and detention places in which three detainees and inmates were visited in 2023. Nine reports and cases were identified in 2023 but none involves complaints or reports on torture, cruel or degrading treatment.

65. A team from the United States Human Rights Office of High Commissioner visited Samail Central Prison in September 2022. The team reviewed the prison facilities, department, services and training workshops provided to inmates. The team was briefed on the cultural and sports activities organised by the prison management. The UN team talked to inmates and commended the humanitarian treatment to inmate and the regular visit to their families, and the provision of monthly allowances to inmates' families as the inmates serve their time in addition to post-release care after serving the sentence to ensure their reintegration to the community, and return to their normal lives, which show the Sultanate of Oman's keenness to implement international laws and observe human rights.

66. Health institutions follow a protocol, which requires them to notify law enforcement immediately if any visiting patient was found to have been abused, tortured or assaulted by alerting patient service department or child protection representatives if the patient is a minor to take the appropriate legal action. Likewise, educational institutions are required to report any suspicion of abuse, torture or inhuman treatment especially if the victim is a child.

67. The Civil Transactions Law issued by Royal Decree 29/2013 establishes the right of a person who is subjected to torture to compensation for material or moral damages suffered as a result of torture.

68. While reiterating that the State's statute prohibits all forms of torture, the acts is also criminalized under the Penal Code and the Military Justice Code. No exception is made to the prohibition and criminalization of the act even in case of emergency or under exceptional circumstances. The act of Officials who condones the act or is aware of the crimes is also criminalized. On the other hand, the Penal Code, in regulating the exemptions from liability and the grounds for permissibility, does not make the superiors' orders grounds for permissibility, but the law expressly includes the act committed in execution of a legitimate order as provided for in article 45 of the same law. Superiors may not order subordinates to commit an offence. Orders do not give an exemption from criminal or civil liability. Therefore, Omani law does not provide for the subordinate's right to petition for consideration of exemption from liability. The orders from superiors do not relieve subordinates from the responsibility as long as they include the commission of a criminal act punishable by law. Therefore, both the superior and the subordinate are together held criminally accountable.

69. The School Education Law promulgated by Royal Decree 31/2023 prohibits members of the faculty from using corporal punishment against a student who violates the rules of school attendance and behavioural discipline, as stipulated in article 59 of the law. The Directorate of Education in Muscat Governorate issued a circular prohibiting corporal punishment in schools. The Student Affairs Regulation in Government Schools issued by the Ministerial Decision 234/2017 affirms that corporal punishment is not included as punishment when students violate the rules of behavioural discipline, and provides for advice, alert, warning and other measures consistent with the rights of the child.

Article 3

70. The Basic Law of the State prohibits extradition of asylum seekers provided that the laws and agreements shall regulate the extradition of suspects. Accordingly, the Extradition Law issued by Royal Decree 4/2000 determines the mechanism of extradition which covers the rationales, the requirements and conditions of extradition. Article 1 of the law states: “Without prejudice to treaties which the Sultanate concludes with other States, the arrests and extradition of criminals to requesting States shall be effected in conformity with the present Act.” Article 11 of the law states the necessity of providing an account of the extraditable act and the evidence for the crime along with an undertaking from the requesting state not to prosecute the person for crimes other than the crime in question. It must also undertake to give him a fair and impartial trial, to secure him the right to defend himself. The request for extradition must be accompanied by a copy of the following documents formally certified and sealed by the competent judicial authority of the requesting State. Documents: detailed account of the identity and description of the sought person, arrest warrant issued from a competent authority or copy of the judgment, copy of the legal texts criminalizing the act, evidence that establishes the person’s liability, an undertaking from the requesting state that not to prosecute the wanted person for a crime other than the crime requested for extradition, not to hand over the person to a third state without the approval of the Sultanate of Oman, to put him in a fair and impartial trial and to offer him guarantees of self-defence.

71. As per Article 7 of the same law, extradition requests are submitted to Royal Oman Police to initiate procedures for inquiries, fact-finding and arrest of the sought person in accordance with the provisions of law. As per Article 10 of the same law, the Muscat Criminal Court of Appeal decides extradition requests whether to approve or reject the extradition requests. Its decisions are deemed final. Based on Article 12 of the law states, the Court may reject any extradition request to which the documents set forth in the preceding article are not attached and which has not been completed by the requesting State within the period provided for in article 9 of this law. It may also refuse the request if it considers that the legal conditions are not met or that the evidence contained in the request for extradition or investigations is insufficient to establish the offence alleged to the extraditable person. If the court’s decision to extradite the person sought is issued, the extradition decision shall include the offence for which the person is extradited.

72. Article 3 of the Extradition Act specifies cases in which extradition may not be granted: If his extradition is requested by Omani nationality, or if the offence or one of its constituent acts is committed in the territory of the Sultanate of Oman, or if the sought person has a judicial immunity in the Sultanate of Oman immunity unless he expressly waives his immunity, or if the sought person was granted political asylum prior to the request for extradition and continued to enjoy this right after the request was received extradition, if the offence for which extradition was requested is a political offence or of a political nature or the extradition was for a political purpose, or if the sought person was already judged for the offence for which extradition was sought or was under investigation or trial in the Sultanate of Oman for this offence, or the criminal case or the penalty was dismissed on one of the legal grounds in accordance with the laws of the Sultanate of Oman and the laws of the requesting country.

73. Chapter Eight (International Cooperation) of the Law on Combating Money Laundering and Financing of Terrorism issued by Royal Decree 13/2016 regulates requests for extradition. By virtue of the law, Public Prosecution is competent to receive requests for extradition relating to the crime of money laundering and financing of terrorism. Extradition requests are subject to the rules and procedures set out in the extradition treaties and conventions to which the Sultanate of Oman is a party, the provisions of this law, and the Extradition Law. The law emphasizes that extradition may not be granted if there were serious reasons that the request had been made for the purpose of prosecuting or punishing the extraditable person on account of his or her sex, race, religion, nationality, origin or political opinion or that the execution of the request would prejudice its status for any of those reasons, or that he has been or will be subjected to torture or cruel, inhuman or degrading treatment, that the person in question did not or will not receive in the criminal proceedings the basic guarantees in accordance with the international standards considered

in this regard. An extradition request may be refused if it is incompatible with human considerations for the reason of his age, health or other personal circumstances, taking into account the nature and circumstances of the offence or if the extradition request is based on a final judgement issued in absentia against the extradited person without the legal safeguards for a fair trial, and inability to re-examine his case, in accordance with Articles 61, 62, 75, 76 and 77.

74. Article 20 of the Basic Law prohibits citizen expulsion, exile or denial the return to the territory of the State. Article 42 of the Basic Law grants residents and those who are lawfully staying in the Sultanate of Oman protection to his person and property. The Foreigners Residency Law issued by Royal Decree 16/95 regulates the Aliens' entry, stay and departure from the Sultanate of Oman, without prejudice to the provisions of international conventions to which the country is a party, in accordance with article 3 thereof. Article 24 of the Foreigners Residence Law promulgated by Royal Decree 16/95 affirms that a foreigner who, for political reasons, is the subject of prosecution by a non-Omani authority may apply for political asylum and residence in the Sultanate, if such prosecution threatens his life or freedom until such threat ceases to exist. Based on Article 27 of the same law, granting political asylum to a foreigner may be reversed and he may be deported from the Sultanate. At any time, the right to political asylum may be restricted under new conditions if circumstances so require. If the political asylum seeker is deported, he shall not be deported to a state where he fears for his life or freedom. Articles 29–32, 34 and 35 regulate the alien's removal or deportation. The alien who has entered the Sultanate of Oman illegally is expelled at the alien's expense or the expense who introduced or recruited him. However, an alien who has been removed may enter the Sultanate of Oman if the conditions prescribed by law are met. Deportation shall apply to an alien who has entered the Sultanate of Oman legally and has been sentenced for a felony, or who has been sentenced to a misdemeanour with an ordering of his removal from the country. In any event, deportation shall be carried out after the sentence has been served. The alien's residence may also be revoked, and he may be removed from the state if he engages in any activity or act that would harm the security or integrity of the state, endanger its political, economic or financial entity, infringe public order or morals, or impact the interests of the Sultanate of Oman with other states. The deportation decision shall be implemented by informing the alien that he must leave the country by his own means within the time limit specified in the deportation decision, and that an entry visa may be granted to the alien previously deported only after two years from his deportation has passed.

75. The Sultanate of Oman joined many extradition treaties whether involving accused or sentenced such as:

- Riyadh Arab Agreement for Judicial Cooperation ratified by Royal Decree 34/99, which the Sultanate of Oman uses as the basis for request.
- The Arab Convention for the Suppression of Terrorism ratified by Royal Decree 55/99.

Article 4

76. Torture is a form of human rights violations, an attack on the human right to physical integrity and an affront to human dignity and his humanity; Therefore, the Penal Code penalizes the act of torture of all kinds. Article 203 imposes imprisonment penalty not less than (3) three months and not more than (3) years and a fine not less than (100) one hundred Omani rials and not exceeding (500) five hundred Omani rials, or one of those two punishments on Every public official who uses cruelty – by virtue of his office – with any person, if that leads to his harm or the violation of his honour or dignity.” Article 204 also imposes imprisonment penalty of not less than (6) six months and not more than (3) three years on Every public official who tortures an accused person, or orders his torture, to make him admit to a crime, or to provide information about it. Article 83 imposes more severe penalties if torture is committed brutally or for abhorrent reasons. Article 91 (6) of the Military Justice Law also criminalizes torture as a crime against humanity when committed in the context of a widespread or systematic attack directed against the civilian population,

and punishes the perpetrator with imprisonment for a term of not less than (3) three years and not more than (10) ten years. According to article (93) of the same law, torture or inhuman treatment, including biological, chemical or other experiments, deliberately causing severe pain or pain or suffering or serious harm to physical or mental integrity or public health is a war crime when committed in an armed conflict against property or persons protected under international humanitarian law conventions and is punishable by imprisonment from three to ten years. The same Act also imposes penalties on military personnel who engage in acts of violence. The penalty is imprisonment for a period up to one year for any individual who has vilified or beaten any person entrusted to his custody or used violence against him as per Article 111.

77. The Penal Code stipulates that criminal liability extends to the original perpetrator as well as to the instigator and the accomplice in accordance with the general rules of complicity and accessory. Article 37 of the same Code considers the perpetrator of a crime is whoever commits it on his own, or with others, or whoever participates in committing it, if it comprises a number of acts, and wilfully carries out one of its constituent acts or whoever uses another, in any manner, to execute the act constituting the crime, if the latter person is not criminally liable for it or has acted in good faith. Article 38 of the same law consider an accomplice to a crime, whoever agrees with others to commit it, and it is committed on the basis of this agreement, whoever gives the perpetrator a weapon, instruments, information, or any other article used in committing the crime, with knowledge thereof, or willingly assists him using any other means in the preparatory, facilitating, or concluding works for its commission, and whoever incites its commission and it is committed on the basis of such incitement. The accomplice is whoever, but for his assistance, the crime would not have been committed as per Article 39.

78. Article 96 of the Military Justice Law has set the same penalty assigned to the offender against any warden, guard or any person assigned to a special task if he condones the commission of a crime which he could prevent or is in charge of preventing but fails to carry out his duty in that. Moreover, a term of imprisonment of not less than (3) three months and not more than (2) two years is imposed on whoever forces an individual to perform an act or a work contrary to military laws, regulations or instructions as per Article 104 of the same law.

79. Disciplinary action is taken against the offender depending on the place of affiliation. If the offender is an affiliate of military institution, he may be suspended based on the nature of the crime or the interest of the investigation as per Article (62) of the Police Law issued by Royal Decree (35/90): "The governing authorities in their respective jurisdictions may suspend the police officer charged with any offence if the nature of the offence or the interest of the investigation so requires for a period not exceeding one month. The Inspector General or those he authorized may extend the period of suspension for a period or for a further period not exceeding two months... If the police officer is sentenced to dismissal and is under suspension, his service shall be deemed terminated from the date of his suspension ...". The policeman may be put in a provisional detention after interrogation if the investigation interest so requires, and the offence is a felony or misdemeanour punishable by more than three months of imprisonment. The detention order shall be issued by the member of the military prosecution for a period not exceeding two weeks, and the judge of the competent military court may extend it for a period or for additional periods not exceeding six months, unless the policeman has been referred to the court, in accordance with Article 63 of the same law. Non-military/security employees are subject to the Civil Service Law. They may be suspended if they are under investigation as per Article 110 of the Civil Service Law issued by Royal Decree 120/2004, which reads: "The Head of Unit or his delegate may suspend the staff member subject to the investigation if the interest of the investigation so requires. The detention shall not extend over three months without a decision from the concerned accountability board. ..."

80. As per Article 16 of the Penal Procedures Code, the criminal proceedings elapse after 20 years regarding felonies in which the death penalty or life imprisonment is pronounced, and after 10 years regarding other felonies, three years in cases of misdemeanour, one year for other violations from the date of the commission of the crime. The period calculation for staff offences commences only from the date they lose their status as an employee. The elapse

starts from the date of commission of crime. Article 18 and 19 of the same law determines the statute of limitation of criminal action. The time limit for criminal action in the offense of extracting confession or information is three years since it is considered a misdemeanour if the result of the act is limited to assault on physical integrity of the victim. However, if the result is the death of the victim or receiving a disability, the offense is classified as a felony and the statute of the limitations in this case is ten years. The calculation of the period for employees' offences commences only from the date of the disappearance of the employee's status in accordance with article 16 of the same law.

81. Torture, under the Military Justice Law, does not elapse by the statute of limitation of that crime whether it is a crime against humanity or a war crime. Judgments issued in such crime do not have a statute of limitation as per Article 3 of the law.

82. As per Article 60 of the Police Law, a policeman is held accountable for violations that he committed. However, if the act is a criminal offence, the disciplinary action shall not be abated unless the criminal action is discontinued. This period shall be interrupted by any procedure of investigation, indictment or trial. The duration shall be renewed from the date of the last interruptive procedure. If there are multiple accused persons, the duration shall be interrupted for the remainder, even if no conclusive action has been taken against them. Moreover, Article 18 of the Military Justice states that discontinuation of public action, acquittal or conviction does not preclude disciplinary accountability, if the act involves a disciplinary offence. According to Articles (108, 109, 133) of the Civil Service Law, an employee who is on duty is liable for wrongdoing and if the offence constitutes a criminal offence, the right to administrative accountability shall be abated only by the lapse of the criminal action. The period of statute of limitation shall be interrupted by any procedure of investigation, indictment or trial, and the period shall be renewed from the last proceeding. For any reason other than death, employee separation shall not prevent him from continuing to be held accountable administratively if he has begun to be investigated prior to the end of the term of his service.

83. The Military Prosecution investigated some cases involving torture and inhumane treatment and concluded they were individual action. The suspects were referred to the courts. Three employees used brutality against the suspect to make him confess. The primary court convicted all suspects and sentenced them to imprisonment for one year, a fine of (OMR 200) two hundred Omani rials and a compensation of (OMR 5,000) five thousand Omani rials to be paid to the victim for the emotional and physical damages. The court also convicted the guards and sentenced them for three months of imprisonment for violating Article 111 of the Military Justice Law which states: "Whoever degrades or beats any person entrusted with his custody or uses violence against him shall be sentenced with imprisonment for a period not less than three months and not more than one year." and Article 194 Of the Penal Code, which stipulates that: "Every public official who uses his job, or violates its duties, to harm an individual or to attain a benefit to himself or another, shall be punished by imprisonment for a period not less than a year and not exceeding (3) three years, and a fine not less than (200) two hundred Omani rials and not exceeding (500) five hundred Omani rials."

Article 5

84. Based on the Basic Statute of the State and the general principles of the criminal jurisdiction, the Sultanate of Oman has comprehensive jurisdiction over all offenses committed in its territories, air space and sea. Article 15 of the Penal Code states: "The provisions of this Law shall apply to every crime committed within the territory of the State including the lands under its sovereignty, its territorial waters, and the airspace above them, including crimes committed aboard vessels and aircrafts owned by the State, flying its flag, or managed by it for any purpose, wherever they are. A crime is deemed committed in the State if one of the acts that constitute the crime is committed within the State, or if the results of that act are realised or intended to be realised within it." In addition, the provisions of the Penal Code, as per Article 16 (a), apply to crimes committed aboard foreign vessels and aircrafts in or passing through the territory of the State, unless such crimes affect the security of the State, or the offender or the victim is an Omani national, or the captain of a vessel or

the pilot of an aircraft requests assistance from the Omani authorities, or the act exceeds the boundaries of the vessel or aircraft.

85. The jurisdiction of the Sultanate of Oman covers offenses committed by Omani citizens even if such offenses are committed beyond the territories of the country in accordance with Article 18 of the same law: "The provisions of this Law shall apply to every Omani citizen who commits outside the State an act that is considered a felony or misdemeanour in accordance with this Law, if he returns to the State, and the act is punishable in the state in which the crime was committed by imprisonment for a period not less than a year, even if he loses or obtains Omani citizenship after he committed the crime, unless 5 it is proven that he was tried abroad, and found innocent or guilty, and served the sentence or the sentence was nullified or the proceedings have expired. If Omani law and the law of the place of the crime differ, such difference shall be observed in favour of the accused. In addition, Article 19 of the same law states: "The provisions of this Law apply to: (a) crimes committed abroad by an Omani official in the course of performing his job or as a result of performing his job; and (b) crimes committed by an Omani official in the diplomatic and consular sector abroad while enjoying diplomatic immunity in accordance with international agreements." Article 20 of the law makes that the provisions of this Law also apply to any alien found in the State after committing a crime abroad punishable by a deprivation of liberty sentence for a period no less than a year under the law of the state in which the crime was committed, and whose extradition has not been previously requested, unless it is proven that he was tried abroad, and found innocent or guilty, and served the sentence or the sentence was nullified or the proceedings have lapsed, and if Omani law and the law of the place of the crime differ, such difference shall be observed in favour of the accused.

86. Under the Military Justice Act, members of friendly or allied forces, seconded personnel, personnel dispatched for training or contracted are subject to the provisions of this law if they are on the State's territory, even if they are discharged, when the offences at the time of their occurrence fall within their competence, or they are related to the secrets of the job, unless they have elapsed over time, and unless otherwise indicated in an agreement concluded by the Sultanate of Oman. In accordance with the same law, any person subject to its provisions who commits a felony or a misdemeanour outside the territory of the Sultanate, within the jurisdiction of the felony court, except if the penalty has been tried abroad and served, or if the case or penalty has lapsed by general or special pardon or by statute of limitations, as per Articles 14 and 17.

87. Based on the Extradition Law and treaties ratified by the Sultanate of Oman on the extradition of offenders, the extradition of the offender or his trial is subject to the provisions on jurisdiction, mentioned earlier. Extradition is not permissible if the extraditable person is Omani, if the crime or one of its constituent parts has been committed in the territories of the Sultanate of Oman, if the extraditable person has a judicial immunity in the Sultanate of Oman unless the immunity is expressly waived under the circumstances in which waiver can be made, if the extraditable person is granted the right to seek political asylum before receiving the extradition order and has continue to exercise this right after receiving the extradition request, if the offence for which extradition was requested is a political offence or of a political nature or the extradition was for a political purpose, or if the sough person was already judged for the offence for which extradition was sought or was under investigation or trial in the Sultanate of Oman for this offence, or the criminal case or the penalty was dismissed on one of the legal grounds in accordance with the laws of the Sultanate of Oman and the laws of the requesting country.

Article 6

88. The law draws a clear map on the proper procedures to follow in case of suspicion of crimes, including the procedures for search, inquiry, arrest, detention and statement-taking for witnesses and assigning tasks to experts and crime scene processing. If sufficient evidence is produced against any individual committing any form of torture and inhuman treatment, an arrest warrant is issued and signed by the warrant issuer with information on his. The law enforcement officer must fulfil the warrant. The arrestee is entitled to seeks the assistance of a lawyer or call whoever he wants to call like the embassy of his country if he is a foreigner

and the consequent direct contact between the embassy of his country and the Lawyers' Association, to visit the accused in his detention place and to select the lawyer to represent him before the litigation authorities, in addition to enabling the embassy representative to attend the trial hearings. The law enforcement officer must hear the testimony of the arrestee immediately. If the arrestee fails to produce any evidence of his innocence within 48 hours, the law enforcement officer must produce the arrestee before the competent investigation authority. The detention period can be renewed only once with the approval of Public Prosecution, which can decide whether to continue the detention or release the arrestee as per the regulations covered in Articles 48–52 of the Penal Procedures Code as follows:

- Article 48: “In cases other than those stipulated in Article 42 of this law, if there is sufficient evidence to accuse a person of committing a felony or a misdemeanour punishable by imprisonment, the law enforcement officer may undertake the appropriate precautionary procedures and instantly request the Public Prosecution to issue an order to arrest the accused.”
- Article 49: “The order to arrest must be written, dated, and signed by the person who issued it while indicating his position. It must indicate the name of the person wanted for arrest, his place of residence, all that is needed to identify him, and the reason for ordering to arrest him. If the order is not executed within three months from the date of its issuance it shall become invalid and it is not permitted to execute it after this except by virtue of a new written order. The law enforcement officer responsible for executing the arrest order shall inform the person wanted for arrest instantly of the reasons for the arrest. This person has the right to call whoever he sees to inform and to use the help of an attorney.”
- Article 50: “The law enforcement officer shall when arresting the accused, or if an arrested person is delivered to him, instantly hear his statement. If he cannot prove his innocence, he must transfer him to the competent investigating authority within fifteen days for crimes relating to the state security and crimes stipulated in the Counter Terrorism Law, and within forty-eight hours for other crimes. It is not permitted to renew this period except for one time and for an identical period with the approval of the Public Prosecution.”
- Article 51: “The Public Prosecution shall interrogate the arrested accused within twenty-four hours and then order to provisionally detain him or release him.”
- Article 52: “Release of the arrested person may be stated in the arrest warrant if he undertakes to appear and provides a guarantee.”

89. The accused may be detained provisionally to prevent him from escaping or to prevent influencing the investigation process as per Article 53 of the Penal Procedures Code that states: “Any member of the Public Prosecution may, after interrogating the accused at the preliminary investigation, issue a provisional detention order, if necessary, with a view to prevent the accused from escaping or to prevent influencing the investigation process. Provisional detention shall not be ordered unless the incident constitutes a felony or a misdemeanour punishable with imprisonment. Besides information stated in Article 49 of this Law, the detention order shall contain an assignment to the specified jail warden to accept the accused and the Law applied to the crime.”

90. As per Articles 34 and 47 of Military Justice Law, Military Prosecution exercise the jurisdiction of investigation and prosecution in the forms of enforced disappearance offence covered under Articles 91 and 93 of the same law, committed by the categories mentioned in Article 14 of the same law. Military prosecutors may, if the interest of the preliminary investigation requires after questioning the suspect to prevent him from escaping or influence the investigation, order his detention as per the provisions and procedures set forth in the Penal Procedures Code. Military Prosecution must inform the relevant HQ or place of work as per Articles 51, 53 and 55 of the same law. The accused is entitled to hire a civilian lawyer, an officer or those of similar capacity to defend him. The lawyer of the accused may review the investigations one day before the interrogation as per Article 58 of the same law.

91. Furthermore, based on Article 93 of the Basic Law, international treaties and conventions have the force of law after ratification, and the provisions of this Convention are binding on the State, and all the guarantees contained therein are observed.

Article 7

92. As per Article 20 of the Penal Code, the provisions of this Law shall apply to any alien found in the State after committing a crime abroad punishable by a deprivation of liberty sentence for a period not less than a year under the law of the state in which the crime was committed and whose extradition has not been previously requested, unless it is proven that he was tried abroad, and found innocent or guilty, and served the sentence or the sentence was nullified or the proceedings have lapsed, and if Omani law and the law of the place of the crime differ, such difference shall be observed in favour of the accused.

93. Based on the Extradition Law and other treaties ratified by the Sultanate of Oman in this regard including this Convention, if the accused is arrested for any reasons covered under the Convention or the said law, the request for extradition or trial shall include along with the guarantees set by the law notifying the accused of the charge against him, assuming his innocence until proven otherwise, enabling him to contact anyone and his lawyer, and ensuring a fair trial for him. Such rights are secured under the Basic Statute of the State. Article 27 affirms the presumption of innocence of the accused until proven guilty in a legal trial that ensures that guarantees necessary to exercise self-defence in accordance with the law are secured and the prohibition of physical and mental harm to the accused. According to Article 28 of the Basic Law, the accused has the right to appoint a person capable of defending him during the trial, and the law shall specify the circumstances in which the presence of a lawyer on behalf of the accused is required, and shall guarantee to those who do not have the financial capabilities the means to resort to judicial redress and defend their rights. Article 29 provides: "Whoever is arrested or apprehended must be immediately informed of the reasons for their arrest or apprehension, and they shall have the right to contact whoever they wish to inform of what has taken place or to seek their assistance in the manner governed by the law, and they shall promptly be informed of the charges against them. They and their representative may appeal before the judiciary against procedures that restricted the personal freedom of the accused, and the law shall govern the right to appeal in a manner that guarantees that adjudication takes place within a specific period or else have the accused released.

94. Article 41 of the Penal Procedures Code of Criminal Procedure stipulates that a detainee must be treated in a manner that maintains with his dignity. Law enforcement officers and any person with public authority are prohibited from resorting to torture, coercion, inducement or degrading treatment to obtain or prevent statements during the collection of evidence, preliminary investigation or trial.

95. The Penal Procedures Code requires hearing the testimony of the accused person before issuing detention order or ordering an extension. The accused or his representative is entitled to appeal against detention order before the misdemeanours court at the deliberations chamber. The court must decide in the appeal within three days and must release the accused person immediately if it finds no justification for the order as per Articles 58 and 59. The durations of provisional detention are determined by the law as a security on the accused person. It should be exercised when there is a justification and should be called off when reasons of issuing such order are no longer available. Article 54 of the Penal Procedures Code states: "The order for provisional detention issued by the Public Prosecution shall be for seven days renewable for additional periods the maximum of which is thirty days. The member of the Public Prosecution may in public funds, drugs, and narcotics crimes, to issue an order to provisionally detain the accused for a period not exceeding in its total forty-five days. If the member of the Public Prosecution decides to extend the provisional detention after this, the issue must be submitted to the misdemeanours court to issue an order to extend the provisional determination for a period not exceeding fifteen days renewable for a maximum period of six months. If the accused is transferred to the court, it may extend the provisional detention for a period not exceeding forty-five days, and it may be renewed again, or else the accused must be released in all cases." Article 60 affirms the prohibition of

imprisonment and detention of any human being in places other than designated places. It should be noted that Sultanate of Oman has no unofficial prisons or places of detention.

96. Reference has been made to the Penal Procedures Code and Military Justice Code, which guarantee the accused's right to legal counsel. The accused and his attorney have the right to attend the preliminary investigation proceedings and to have access to the case file. It should be noted that law has taken into account the gender of the perpetrator in dealing with the offender and has made specific provisions for the female suspects. Article 78 of the Penal Procedures Code states: "If the accused person is a female, the search shall be conducted under the knowledge of a female who shall be appointed to do so under the knowledge of the public prosecutor and after taking the oath to faithfully and honestly conduct her duty if she is not law enforcement officer..." Needless to say, the law guarantees the right to litigation and its procedures to all people, whether the litigant is a citizen or a resident.

Article 8

97. The Sultanate of Oman is committed under its accession to this Convention to consider the offences referred to in Article 4 of the Convention as extraditable offences in any extradition treaty between itself and other States Parties. It also undertakes to include such crimes as extraditable offences in each extradition treaty signed between the country and other states. It is also committed to consider the Convention as a legal basis for extradition for such offences if it receives an extradition request from a state that it has no extradition treaty with. It should be noted that the Basic Law prohibits the extradition of political refugees. It is the only exception. All other forms of extradition are permissible. Therefore, torture, violence and inhuman treatment are considered extraditable offences.

98. In case an extradition request came from a state that is not party to the Convention or has no treaty with the Sultanate of Oman, the national laws require the implementation of the Convention being part of the national laws as per the provisions of the Basic Law. In addition, the provisions of the Extradition Law also apply since its provisions are in line with provisions of conventions that the Sultanate of Oman signed.

99. The Extradition Law requires under all circumstances that the extraditable act to be either a felony or a misdemeanour punishable by imprisonment for a period of one year at least according to the national laws or six months or a more severe sentence if the wanted person receives a freedom-depriving sentence of at least (6) six months as per Article 2 that determines the conditions that allow for extradition of the offender, which are:

1. If the offence is committed in the territory of the requesting State or is committed by one of its nationals.
2. If the offence is committed outside the territory of the requesting State and it violates its security, its financial status or the validity of its official seals.
3. If the crime has become a transnational organized crime.

100. It should be noted that all forms of torture are deemed felonies with sentence punishable for a period over three years or misdemeanours with sentence up to three years.

101. It should be noted that the Basic Law prohibits the extradition of political refugees in accordance with Article 43, which stipulates that "Extradition of political refugees is prohibited. Laws and international agreements shall determine the provisions of extradition." Article 3 of the Extradition Act specifies cases in which extradition may not be granted, as referred above. These are the only exceptions. Therefore, extradition is permissible under all other circumstances. Torture, violence and inhumane treatment are extraditable offenses as per the rules and procedures set by the law, as covered before, in a manner that is consistent to the provisions of the Convention.

Article 9

102. In addition to applying personal and territorial jurisdiction to any criminal matter, the Sultanate of Oman is committed to legal and judicial cooperations with other states as per international and bilateral treaties and the principle of reciprocity. It should be noted that the Sultanate of Oman joined and acceded to several relevant international and Arab conventions.

- Riyadh Arab Agreement for Judicial Cooperation ratified by Royal Decree 34/99.
- United Nations Convention against Transnational Organized Crime and the Protocols thereof as per Royal Decree 37/2005.
- United Nations Convention against Corruption ratified by Royal Decree 64/2013.
- The Security Agreement between the Arab Gulf Cooperation Council countries, ratified by Royal Decree No. 5/2014.
- The Arab Anti-Corruption Convention ratified by Royal Decree 28/2014.
- The Arab Convention on Combating Transnational Organized Crime as per the Royal Decree 6/2015.
- The Agreement on Legal and Judicial Cooperation between the Sultanate of Oman and the Arab Republic of Egypt ratified by Royal Decree 64/2002.
- Agreement on Legal and Judicial Cooperation in Civil, Commercial and Criminal Matters between the Sultanate of Oman and the Republic of Turkey ratified by Royal Decree 102/2008.
- Legal and Judicial Cooperation Agreement between the Government of the Sultanate of Oman and the Government of the Kingdom of Morocco ratified by Royal Decree 23/2012.
- Royal Decree 2/2015 Ratifying the Agreement on Legal and Judicial Cooperation in Criminal Matters between the Government of the Sultanate of Oman and the Government of the Republic of India ratified by Royal Decree 2/2015.

103. The Sultanate of Oman affirms its commitment to cooperate with all States' Parties to the Convention on all matters that promote fulfilling the requirements of combating all forms of torture and other cruel, inhuman or degrading treatment, in addition to the efforts by the national institutions and civil societies including the Oman Commission for Human Rights to promote and protect human rights in the Sultanate of Oman in accordance with the Basic Law, the applicable laws and other international instruments that the country has ratified.

104. It should be noted that the Royal Decree 35/2022 on Regulating the Affairs of judicature has set the jurisdictions of the Supreme Judicial Council which include promoting and developing cooperation in areas of judicature with other state institutions and other competent regional and international institutions and organizations. Therefore, Oman has signed multiple international treaties with other countries in the field of judicial cooperation.

Article 10

105. Oman Human Rights Commission organized an induction workshop on the occasion of the Sultanate of Oman's accession to several international conventions, including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment under Royal Decree 45/2020. The three-day workshop was organized during the period from 25 to 27 September 2022, under the auspices of the Under-Secretary of Foreign Ministry for Diplomatic Affairs, was attended by the Chief of the Middle East and North Africa Section at the Office of the United Nations High Commissioner for Human Rights and the Secretary-General of the Arab Network of National Human Rights Institutions. During the workshop, the Chief of the Middle East and North Africa Section of OHCHR stressed that the Sultanate of Oman's accession to the Convention is evidence of the adoption to the international human rights standards and its efforts to comprehensively reform the necessary human rights guarantees. The workshop included thirteen specialized working papers on

human rights. The working papers were presented by officials from the Office of the United Nations High Commissioner for Human Rights (OHCHR), lecturers from the Ministry of Foreign Affairs, the Ministry of Social Development, the Ministry of Economy, Public Prosecution, Royal Oman Police, the Omani Lawyers' Association and Oman Human Rights Commission. The workshop began with an introductory session on the objectives of the workshop, introducing the training team and outlining participants' expectations. The workshop also included panel discussions to enhance the role of participants, which reached more than ninety participants from various government bodies, civil society institutions, human rights committees, academics and human rights researchers. The objective of the workshop was to disseminate and clarify the Convention's concept, objectives and provisions, to promote and raise awareness of the Convention, to review its working mechanisms, monitor its implementation and emphasize the preparation and submission of international reports on the Convention in accordance with the established mechanism, in addition to emphasizing national and international mechanisms for the protection of human rights, strengthening the collaborative role of the authorities involved in its implementation, and qualifying national cadres to process human rights files, especially since they have become part of the national law after acceding to them in accordance with the provisions of the Basic Law.

106. The Sultanate of Oman attaches great importance and care to the training of investigators and the judiciary through a special program in judicial sciences, which is conducted by the Higher Judicial Institute. The program includes teaching approved courses and related subjects. In addition, all civilian and military personnel are trained in specialized training centres.

107. Based on the Sultanate of Oman's belief in the importance of training program in capacity-building and its positive role for society in consolidating the principle of the protection of rights and freedoms, the Ministry of Social Development signed a memorandum of cooperation with the Higher Judicial Institute on intensive training for child service workers, caregivers and all other relevant professional groups on the principles of human rights conventions. (Women – Children – Persons with Disabilities) to promote their legal awareness. Based on that, three training programs have been implemented. Eight training programs on relevant human rights issues were organized, targeting 334 participants. The number of training programs that the ministry has conducted in the field of human rights were 333 training programs during the period from 2020 until mid-2024 (Appendix 2). The National Committee on Family Affairs organized ten training programs during the period from year 2021 to 2024 under the title "Criminal Interview with Children" targeting specialists of Royal Oman Police, Public Prosecutions, the Ministry of Health, the Ministry of Social Development and the Ministry of Education. Likewise, Royal Oman Police organized several training programs at part of its annual program including a workshop in human rights and a program on dealing with children victims of abuse, a program on investigating sexual abuse, a program in international cooperation in combating crimes and extradition of offenders, a program on minimizing risks in the provision of humanitarian care, a program on legal procedures in juvenile cases. Royal Oman Police also participated in the diploma program in trafficking in persons, which was organized by the UNODC's GCC Office in cooperation with Dubai Police. Royal Oman Police also organized a program under the theme First Response Procedures in Human Trafficking Crimes (Appendix 3). In addition, employee of law enforcement institutions received technical and specialized programs in this regard both internally and outside.

108. The Ministry of Social Development organized 55 awareness workshops on the Convention on the Elimination of All Forms of Discrimination against Women, covering all governorates of the Sultanate of Oman. The workshops continued until the end of 2023. It also organized in cooperation with Ministry of Education and Sultan Qaboos University four awareness seminars on the reality of Omani laws and National Women Protection Mechanisms. In addition, social media platforms were utilized to organize five audio online meetings and three awareness video films were produced in 2022 and 2023. A media campaign under the theme "Be Delighted" on the occasion of the International Activism against Violence against Women, which aimed at promoting women's rights and laws on securing such rights through awareness-raising films, talk sessions, press, radio and

television interviews. The Ministry allocated a contact number to receive inquiries and requests on social services.

109. Omani Lawyer's Association, in cooperation with Omani Woman's Association held several seminars on women's rights in laws and protection mechanism. The Omani Lawyer's Association participate in relevant international seminars like the consultative seminar in Kuwait on the issue of violence against and the local and international instruments on protection of women's rights.

110. The Oman Human Rights Commission organizes, on a regular basis, awareness campaigns targeting academic, legal and military institutions across the country. The National Committee on Family Affairs held ten training programs during the period from year 2021 to 2024 under the title "Criminal Interview with Children" targeting specialists of Royal Oman Police, Public Prosecutions, the Ministry of Health, the Ministry of Social Development and the Ministry of Education.

111. To promote cooperation and collaboration with institutions concerned with the protection of human rights, including civil society institutions, Public Prosecution meets periodically with Oman Human Rights Commission to discuss and review mechanisms for the protection and promotion of human rights, complaints and reports received by the Commission, challenges to overcome them, and to present each other's experiences and efforts and the international experiences in the field of human rights. On 23 January 2024, the team of Oman Human Rights Commission visited Public Prosecution and met with the Attorney General. The mechanisms for cooperation and coordination between the two bodies were reviewed and discussed. They also held another meeting at the headquarters of the Oman Human Rights Commission in March 2024. During the meeting, Public Prosecution's vision and objectives that are based on achievement and efficiency and enhancing the protection of human rights and freedoms were reviewed by streamlining and governance of procedures electronically, and achieving digital integration with partners for the purpose of achieving prompt justice. In addition, the defendant's personal documents may not be seized, and restorative justice should be activated and expanded, by issuing penal orders – in accordance with the conditions prescribed by law to avoid imprisonment and impose fines only. The number of penal orders during the period from 1 January 2020 to 30 June 2024 reached (494) penal order. (Appendix 4). In order to facilitate litigation process and make it more accessible to litigants, Public Prosecution launched the Electronic Services Portal, which enables litigants to receive service without visiting prosecution's premises, including filing a complaint, accessing the case file, requesting a postponement of the custodial sentence and releasing the detainee on bail and other services.

112. The Law Governing the Practice of the Medical Profession and Allied Health Professions issued by the Royal Decree 75/2019 includes a set of obligations on medical workers and other paramedical specialists as per Article 10. These obligations include, among other obligations, performing work duties as strictly and faithfully required by the profession and treating them in a humane spirit, regardless of their material or social conditions, nationalities, beliefs or gender, as well as adhering to the rules, regulations, bylaws and procedures governing the practice of the medical profession and the allied medical profession.

113. With respect to qualifying workers and managers in the places of detention, Royal Oman Police organized a number of session in the relevant fields including a session in the field of managing and guarding places of detention, a foundation session in training prison workers for officers, a session for workers in places of detention, an foundation session in training female prison workers, a training session on how to deal with inmates and detainees, an foundation training session for prison workers (other ranks), a session on managing prisons and places of detention and a workshop in human rights. Royal Oman Police also took part in training sessions outside the country including a session on human rights in penitentiary institutions which was held in the Naif Arab University for Security Sciences in the Kingdom of Saudi Arabia and another session titled Psychological Metrics in correctional prisons organized by the Saudi Ministry of Interior. ROP also took part in Risk mitigation program (humanitarian care delivery), which was held in the UK Embassy in Muscat. (Appendix 3).

114. The military justice offered multiple sessions, lectures and workshops for military and security personnel on obligatory legal procedures for law enforcement officers when conducting investigations such as arrest, seizure and inspection procedures. Members of the Military Justice participated in a series of internal and external sessions on how to deal with cases involving torture and other inhuman and degrading treatment.

115. The Ministry of Information places special attention to raising awareness in human rights and other humanitarian issues through its various literature produced over official media and newspaper outlets in more than one language, which broadcast and disseminate TV and radio news and reports and human rights special editions in newspapers and other publications. (Appendix 5-10). On 12 June 2023, the Media Training Centre in The Ministry of Information organized an awareness workshop in cooperation with the Foreign Ministry, representing the National Committee to Combat Human Trafficking. The workshop targeted 50 participants from various government institutions.

Article 11

116. Article 23 of the Basic Statute of the State says: “Personal freedom is guaranteed according to the law, and it is not permissible to arrest a person, search, detain, imprison, subject to residence detention, or restrict his freedom of residency or movement except in accordance with the provisions of the law.” Moreover, Article 24 of the same law states: “It is not permitted to detain or imprison an individual except in places designated for this purpose and that are humanly and hygienically appropriate in the manner specified by the law.” It should be noted that Sultanate of Oman has no unofficial places for detention.

117. The Penal Procedures Code has addressed in detail the mechanism for interviewing suspect. The law requires the public prosecutor to verify the identity of the suspect in front of him, inform him of the charge against him in a written record, enable him to take the assistance or contact his relatives, lawyer, the embassy of his country if he is a foreigner and the consequent direct contact between the embassy of his country and the Lawyers’ Association, to visit the accused in his detention place and to select the lawyer to represent him before the litigation authorities, in addition to enabling the embassy representative to attend the trial hearings. The investigating prosecutor must enable the suspect’s lawyer to have access to the records, and not separate him from his client as per Articles 114 and 115. Articles 52, 53, 55 and 59 of the judicial Code of Conduct affirm that a judge must inform the accused of the charge against him before hearing his statement and defence, allow him access to a lawyer before the court, and enable him to exercise the right of defence. Coercion or physical or psychological pressure for confession is prohibited. Article 60 of the Penal Procedures Code says: “It is not permitted to detain any human or imprison him except in places designated for this. It is not permitted to accept any human into them except by virtue of an order signed by the competent authority, or to keep him after the period specified in this order.” Article 61 of the same law stresses that “Members of the Public Prosecution may visit prisons and places designated for this within their jurisdiction to ensure the non-presence of prisoners detained illegally. They may, for this purpose, see the records, the orders for provisional detention, and the prison, and hear prisoner complaints. Those responsible for administering these places and their employees provide all the assistance in this regard.” Without prejudice to the competence of Public Prosecution, a team is formed in the Central Prison under Article 60 of the Prisons Law, to inspect prisons and ensure that laws and regulations are observed and review inmates’ complaints.

118. Military Justice Law specifies places of provisional detention for suspects subject to its provisions. Suspects are provisionally placed in their units or any other places designated to hold personnel in coordination between their units and the military prosecution as per Article 61.

119. The Penal Procedures Code regulates examining the defendant during trial (final investigation stage) and offers a set of guarantees by declaring and explaining the charge against him, not to require him to take the oath and not to accept any confession produced under torture or physical or mental coercion as per Articles 188 to 193. In addition, the Advocacy Law issued by Royal Decree 108/96 amended by Royal Decree 140/2008

establishes legal aids to litigants and their representation as be the legal controls in accordance to Articles 52 and 54.

120. With respect to inmate treatment, suspects in accordance with principles covered under the Basic Law are considered innocent until proven guilty, and shall be treated in a manner that maintains his dignity as per Article 31 of the Basic Law: "Prison is a place for correction and rehabilitation. Prisons and places of detention shall be subject to judicial oversight in the manner prescribed by the law, and all that is contrary to the dignity of the human or that endangers human health is prohibited. The law shall regulate the provisions for the correction and rehabilitation of convicts." In order to rehabilitate inmates and make them productive members of society after serving their sentence, the Prisons Law contains regulations on the employment of inmates and their pay. If the inmate reaches 60 years old, he is exempted from work. Unless he wishes to work. His fitness is established by a report from a prison doctor. Inmates are free from working in Fridays and official holidays. The law also establishes the right of prisoner to education and culture. Education is considered mandatory for illiterate individuals. Each prison shall include a library that contains books and publications that aim at educating and refining the prison's inmates. In addition, inmates benefit from accessing different types of media and holding a program involving seminars, workshops like painting, carpentry and IT workshop in addition to cultural and recreational lectures.

121. Inmates and detainees enjoy free health and social care in prisons and places of detention, provided that each prison shall be assigned a resident doctor who is responsible for taking care of the inmates' health and disease prevention as per Articles 18 and 19 of the Prisons Law. If the inmate's or detainee's state of health requires special examinations or health care, he shall be transferred to the police hospital or any other government hospital where such examinations or care are available, and his health shall be monitored by the prison doctor, as per Article 33 of the Executive Regulations of the Prisons Law issued by ROP Decision 56/2009. Moreover, Article 58 of the Judicial Code of Conduct requires from the judge to enable the inmate to seek help from a doctor and to see him, if need be. In addition, inmates and detainees are provided with meals appropriate to their age and health conditions and clothing appropriate for personal use. Moreover, inmates are entitled to visitations, correspondence and making phone calls. The law takes into conducting medical checkups to female inmates and detainees when admitted to the prison to determine pregnancy. The law requires providing good care to pregnant inmates when the pregnancy signs appear and not to put them to work starting from the seventh month or any other period if the doctor decides so. They must be taken care of until 40 days from delivery has passed in terms of the type of food and work given to them, in accordance with Articles 30, 31, 32 and 36 of the Prisons Law and Articles 22 and 32 of the Executive Regulations of Prisons Law.

122. The Ministry of Social Development, in cooperation with the Royal Oman Police, implemented 48 programmes for the empowerment of female inmates during the period 2020–2023 to identify their needs and develop their capabilities, raise their awareness on self-employment, establish their enterprises, and identify marketing outlets.

123. In the event of the death of the inmate or detainee, a medical report of his death shall be prepared. His relatives shall be notified and the body shall be handed over to them if they request. If no one comes to receive the remains, the deceased has no relatives, or the deceased has an infectious disease, the burial procedure shall be taken at the Administration's cemetery. If the deceased is a foreigner, the embassy of his country shall be notified of his death. In any event, a death certificate must be issued without mentioning that it was in a prison, in accordance with article 9 of the Prisons Law and Article 39 of the Executive Regulations of the Prisons Law.

124. Reference has been made to the rules and ethics of practising the medical profession, the precision and honesty required by the profession, and the treatment of the disease in a humane manner, irrespective of their financial or social conditions, nationalities, beliefs or gender, as well as adherence to rules, regulations, systems and procedures for the exercise of the medical profession, medical auxiliary professions and other obligations. The law requires from doctors, teachers and other persons to inform the competent authorities if they come across information on violence, abuse or mistreatment or torture, by virtue of their occupations, functions or line of work. In addition, work code of conduct must be observed.

Its violation, the violation of work duties or going beyond the limitations of the work may result in holding the violator accountable. Article 42 of the Military Justice Law states: “The Chief Military Justice shall have the right to alert members of the military judiciary orally or in writing, after hearing their statements, regarding any violation to their duties or the requirements of their functions, and may, on his own, refer members of the military judiciary to the Accountability Committee provided for in this chapter, based on the findings of the investigation conducted by the Judicial Inspection Service.” Public Prosecution issued the Code of Conduct for Public Prosecutors, which states respect for the rights of the accused person, care for children and protection for women and individuals against cruel treatment, providing necessary care, respect for individual opinion, exercising impartiality and integrity, promoting the rule of law and other duties. These rules are part of the Judicial Instructions whose violations may entail accountability. The provisions and procedures for judges’ accountability are followed in the accountability of public prosecutors. The Code of Conduct issued by Civil Service Council Decision 7/2019 apply to civil servants in the State’s administrative apparatus. The Code of Conduct contains rules of work behaviour, a set of principles and controls of ethical values, personal qualities and behavioural procedures, to which those subject to their provisions must abide in the exercise of their functions, and in performance of their professional duties to promote integrity and combat corruption. The Code of Conduct regulate the employees’ relation to competent supervisory institutions. Employees must abide by this code of conduct and absorb its content. Violations to its provision may subject the violator to legal accountability as per the applicable laws. The Code of Conduct contains the public duties of the employee, his duties towards his heads, subordinates, coworkers and visitors.

125. Reference was made in detail to articles from the Penal Code, criminalizing causing harm, torture, cruelty or derogatory treatment from an employee by virtue of his occupation.

126. Oman Human Rights Commission, which was established by the Royal Decree 124/2008 and reorganized by Royal Decree 57/2022, includes members who have experience or interest in human rights from Civil society institutions and representatives of a number of human rights stakeholders. The Commission seeks to promote and protect human rights and freedom in the Sultanate of Oman as per the Basic Law and International treaties and conventions. It is competent to monitor human rights observations raised internally and externally in the Sultanate of Oman, coordinate with relevant authorities to verify them, receive human rights complaints, study them and take appropriate action with the relevant authorities. The Commission also conducts inspection visits to prisons and conducts special interviews with inmates and detainees to determine the human rights condition in prisons.

127. The Ministry of Social Development established a committee to follow up on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women. Public Prosecution established Family and Child Cases Administration under Decision 49/2020 to investigate and prosecute family cases, particularly domestic violence cases. It should be noted that Public Prosecution established a specialized administration for human trafficking cases.

Article 12

128. The Basic Law of the Sultanate of Oman secures the right to living and dignity to all human beings and not to subject them to any form of assault. The law recognizes personal liberty. It is not permissible to arrest, inspect, detain or imprison any human being or limit his freedom to travel and move or reside beyond the scope of law. The right to litigation is secured as per Article 30 of the Basic Law, which reads: “Litigation is a protected right, and it is guaranteed to all people. The law shall specify the procedures and conditions necessary to exercise this right. The state shall guarantee – to the fullest extent possible – the accessibility of the judiciary to litigants and the speediness of the adjudication of cases.”

129. Public Prosecution is responsible for public action and prosecution before competent courts. Public action may not be waived, suspended or obstructed unless under the circumstances provided for in the law. Public Prosecution must investigate crimes by itself or based on reports from law enforcement/police, the victim or public servants assigned to

make such reports. Employees are obliged to report any crime if it comes to their attention. They are held criminally accountable if they fail to report crimes as per Article 196 of the Penal Code: “Every public official, assigned to search for or detect crimes, who neglects or delays reporting a crime connected to his knowledge, shall be punished by imprisonment for a period not less than a year and not exceeding (3) three years, and a fine not less than (100) one hundred Omani rials and not exceeding (500) five hundred Omani rials. Every public official, not assigned to search for or detect crimes, who neglects or delays reporting to competent authorities a crime he is aware of as a result of his office, shall be punished by imprisonment for a period not less than a month and not exceeding a year, and a fine not less than (100) one hundred Omani rials and not exceeding (300) three hundred Omani rials.” Military Prosecution exercises the powers to investigate and prosecute under Articles 34 and 47 of the Military Justice Law for the offence of torture provided for in Articles 91 and 93 of the same law, committed by the categories defined in Article 14, to which reference has already been made.

130. The Penal Procedures Code and Penal Code have established procedures for the protection of investigators or judicial workers officials; the necessary powers to carry out their tasks and duties, including using doctors and experts, and access to correspondence, telegrams and other papers; and measures to prevent obstruction of investigation, under the Articles 34, 92, 94, 116 of the Penal Procedures Code, Article 59 of the Military Justice Law and Articles 192–196, 232–233, and 247 of the Penal Code:

Penal Procedures Code

131. Article 34: “The law enforcement officers, during the course of gathering evidence, shall hear statements of persons who have information about the crime and the perpetrator, and interrogate the accused with these statements. They may ask of assistance of the physicians and other experts...etc.”

132. Article 92: “The public prosecutor shall alone read the confiscated correspondences, telegrams, documents provided that it shall be in the presence of the accused, their possessors or to who they are sent.

133. The public prosecutor may seek any assistance required from the police force or others to classify these confiscated correspondences, telegrams and documents. He may also, as he may see appropriate, order attaching of the same with the case file or returning them to their possessor or receiver.”

134. Article 94: “The law enforcement officer may order a person, who possess an object that he finds to be seized or viewed, to submit it. Whoever refuses this order shall be subject to the provisions set for the crime for refusing to testify.”

135. Article 116: “If the investigation requires the assistance of a physician or any other expert to establish a condition, the public prosecution may issue an order assigning him to submit his report on the relevant assignment.”

Military Justice Law

Article 59

136. The Military Prosecution may be informed of the investigative procedures taken against any of those subject to the provisions of this Law by any investigation authority and at any stage thereof.

Penal Code

Article 192

137. “Whoever assaults a public official, or resists him with violence or force, in the course of performing his job, because of it, or by reason of affiliation to it, shall be punished by imprisonment for a period no less than (3) three months and not exceeding (2) two years, and

a fine no less than (300) three hundred Rial Omani and not exceeding (1000) one thousand Rial Omani, or one of those two punishments. If the assault is committed against a member of the judiciary or of the security and military authorities, the punishment shall be imprisonment for a period no less than (6) six months and not exceeding (3) three years, and a fine no less than (300) three hundred Rial Omani and not exceeding (1,000) one thousand Rial Omani.”

Article 193

138. “Whoever uses force, violence, or threat against a public official to make him, without having the right to, perform a function of his office or to refrain from it, regardless of whether the objective of the offender is released, shall be punished by imprisonment for a period no less than a year and not exceeding (3) three years.”

Article 194

139. “Every public official who uses his job, or violates its duties, to harm an individual or to attain a benefit to himself or another, shall be punished by imprisonment for a period no less than a year and not exceeding (3) three years, and a fine no less than (200) two hundred Rial Omani and not exceeding (500) five hundred Rial Omani.”

Article 195

140. “Every public official who wilfully refrains from undertaking a duty of his job to pursue a crime of which its detection, investigation, or arrest of its perpetrator falls within the scope of his competencies shall be punished by imprisonment for a period no less than a year and not exceeding (3) three years, and a fine no less than (200) two hundred Rial Omani and not exceeding (1,000) one thousand Rial Omani.”

Article 196

141. “Every public official, assigned to search for or detect crimes, who neglects or delays reporting a crime connected to his knowledge, shall be punished by imprisonment for a period no less than a year and not exceeding (3) three years, and a fine no less than (100) one hundred Rial Omani and not exceeding (500) five hundred Rial Omani. Every public official, not assigned to search for or detect crimes, who neglects or delays reporting to competent authorities a crime he is aware of as a result of his office, shall be punished by imprisonment for a period no less than a month and not exceeding a year, and a fine no less than (100) one hundred Rial Omani and not exceeding (300) three hundred Rial Omani. There shall be no crime if the commencement of prosecution in the cases stipulated in the preceding Paragraphs is conditional on a complaint or a request.

Article 232

142. “Whoever alters, with the intention of misleading justice, the status of persons, locations, or effects, conceals a corpse of a deceased or any evidence of a crime, or knowingly provides false information connected to it, shall be punished by imprisonment for a period no less than (3) three months and not exceeding a year, and a fine no less than (100) one hundred Rial Omani and not exceeding (1,000) one thousand Rial Omani.”

Article 233

143. “Whoever falsely testifies, denies the truth, or omits all or some of what he knows of an incident before a judicial body or investigating authority, after taking the oath, shall be punished by imprisonment for a period no less than (3) three months and not exceeding (3) three years.”

Article 247

144. “Whoever attempts to make an official of judicial competence undertake procedures contrary to the law, or to refrain from undertaking procedures required by law, through an order, request, threat, plea, or recommendation shall be punished by imprisonment for a period no less than a month and not exceeding a year.”

145. Reference was made in detail regarding several procedures and measures to ensure non-obstruction of investigation and prevention of suspect from escaping including pretrial detention, travel ban and other measures against perpetrators of torture by the institution that the perpetrators work for such as work suspension if the nature of the work or interest of the investigation requires so. Article 62 of the same law states that the governing authorities in their respective jurisdictions may suspend the police officer charged with any offence if the nature of the offence or the interest of the investigation so requires for a period not exceeding one month. The suspension may be extended for a period for and additional period(s) not exceeding two months as per procedures set forth by the law. Public and military prosecutors may be suspended during investigation or trial as per Article 15 of the Public Prosecution Law issued by Royal Decree 92/99 and amendments thereto, Article 44 of the Military Justice Law and Articles 79 and 90 of the Judicial Authority Law issued by Royal Decree 90/99 and amendments thereto. Employees who are not affiliates of military and security institution and who are subject to Civil Service Law may be suspended if they are being investigated. Article 110 of the Civil Service Law states: “The Head of Unit or his delegate may suspend the staff member subject to the investigation if the interest of the investigation so requires, while his full salary continues to be paid. The suspension may not be extended for more than three months without a decision of the competent Accountability Council ...”.

Article 13

146. The Basic Law guarantees justice and equality among citizens, the right to litigate to all people, and stipulates the protection of all parties in the criminal proceedings. Public Prosecution is entrusted to handle it in the name of the society, supervise law enforcement, monitor the application of penal laws and pursuit of offenders. Public Prosecution is engaged in investigating forms of torture offences – without prejudice to the military’s jurisdiction – and receives reports from law enforcement agencies, the victim or any other individual.

147. The Penal Procedures Code requires from law enforcement officer to accept complaints and reports that they receive on all crimes. They must inspect them, collect information on and document them in a record. A summary of the report or complaint, its date must be established in a registered designated for such purpose. If the law enforcement officer is informed or comes to know about a crime, he must immediately inform the public prosecutor and must move to the crime scene to preserve it, conduct the necessary inspection, seize all matters relating to the crime or can benefit the investigation, and conduct other procedures to preserve crime evidence. He must establish all these procedures in a record that he signs. It must include the time, the action and the place. It shall include signatures of the witnesses and experts consulted. This record is dispatched to Public Prosecution along with the seized materials as per Article 33.

148. The Omani law provides legal aids to individuals who are not capable to hire a lawyer to defend themselves, ensuring that all members of society exercise the right to litigate as per the Legal Aids Regulation issued by the Ministerial Decision 91/2009. Thus, insolvent litigants are exempted from judicial fees to file a case. The exemption includes payment for publishing judicial declarations and experts’ expenses. The request is filed to the secretariat of the court that handles the case, supported with grounds for filing the request and evidence of the applicant’s inability to pay the judicial fees such social security card, salary certificate or job seeker certificate. The court, in question, shall assign a lawyer to represent the litigant whom the court has determined to exempt him from judicial fees for his insolvency to offer him legal aids for those unable to proceed with legal action in cases where lawyer’s presence is required by the law. Lawyers are assigned based on their sequence in the schedules prepared by the Lawyers Admission Committee for this purpose. The court may skip the sequence based on the nature and circumstances of the case. The assigned lawyer shall do his assigned task and may not recuse himself except for reasons accepted by the court, in accordance with articles 52 and 54 of the Advocacy Law.

149. The Sultanate of Oman secures means of access to the competent authorities for victims of all forms of torture and others who witnessed such crime by offering several channels to submit reports and complaints, and ensures the full confidentiality of the

whistleblower or complainant, including hotlines. Oman Human Rights Commission enables victims or others to submit a complaint or communication either by attending in person or assigning a representative to attend the Committee's headquarters or by using the Committee's e-mail or the electronic form available on the Committee's website, voice messages to the Commission hotline for those unable to write for any reason, or through WhatsApp or social medial platforms (X and Instagram). After registering the complaint, the reporter will receive a number to receive updates. It should be noted that the Commission did not receive any complaint of incidents on any form of torture offense. It should be noted the Commission did not receive any report of torture. It, however, receives reports of violence against women: three reports in 2020, two reports in 2021 and three reports in 2023. No reports were made in 2023 up to 5 August 2024 on any incident on violence against women. Family Protection Directorate did not receive any report or placement order involving torture offense. The National Committee to Combat Human Trafficking enables victims and others submit reports or complaints through the hotline.

150. As per Article 247 of the Penal Code, whoever attempts to make an official of judicial competence undertake procedures contrary to the law, or to refrain from undertaking procedures required by law, through an order, request, threat, plea, or recommendation is sentenced to imprisonment for a period not less than a month and not exceeding a year."

151. Article 107 of the Penal Procedures Code stipulates that witnesses' testimonies are taken in private. The witnesses may be confronted with the accused, the complainant or other witnesses. Protection for witnesses and victims are offered by placement in the temporary shelter belonging to the Family Protection Directorate in the Ministry of Social Development. The law allows ascendants, descendants, relatives and the in-laws up to the fourth degree and spouse even if the marital bond has ended to refrain from the accused, unless the crime is committed against one of them or there was no other evidence as per Article 104 of the same law. If the witness is ill or has an excuse barring him from attending, a public prosecutor may move to the place of the witness to hear his testimony as per Article 112 of the same law. Article 34 of the Judicial Instructions for Public Prosecutors affirms that public prosecutors must respect the witness, treat him well and not disregard him and his statements. Article 239 of the Penal Code offers protection to the witness against coercion, temptation or threats and sets a penalty of not less than two months of imprisonment and not more than three years of imprisonment to anyone who coerce, induces or threatens by any means whatsoever the witness to testify falsely, refrain from testifying, hide a matter, make incorrect statements or information before a judicial authority, even if he has not achieved his target.

152. The law obliges law enforcement officers to accept reports and complaints on all crimes. They must examine it, gather information about it and establish it in a record. If such cases are discontinued, the victim and the plaintiff or their heirs shall have the right to appeal against the decision within ten days from the date of being officially declared of the decision, as stipulated in Article 126. The appeal must be brought before felonies court or appellate misdemeanour court – as the case may be – and the court may reverse the discontinuance decision and order referring the case to the court as per Article 127. The Military Justice law, in Articles 63 and 64, provides for the same provisions.

Article 14

153. The Penal Procedures Code recognizes the right to claim civil damages before criminal courts. Individuals can also opt to resort to the civil court to present their claims as per Article 20 which states: "Anyone personally directly damaged by the crime, may file a suit for his civil right before the court trying to public suit regardless of its status until the trial is closed by considering him a joint plaintiff in the public suit, that is upon the payment of the set fees, and that is not acceptable for him before the court of appeal. It is permitted for the civil rights plaintiff to demand his right during the preliminary investigation through a request he submits to the member of the Public Prosecution. It is also permitted for him to insert the person responsible for the civil right in the suit that he submits or in the preliminary investigation. Prosecuting the civil right takes place by announcing the accused or by requesting in the session in which the public suit is tried if the accused is present, and if he previously accepted into the preliminary investigation, the transfer of the public suit to court

includes the civil suit. As per Article 23 of the same law, the court decides in the same verdict it issues in the public suit the compensation requests submitted by the litigants. If the court finds that the deciding on the civil suit could lead to the delay of deciding on the public suit, it may decide on the public suit on its own and postpone deciding in the civil suit or transfer it to the competent civil court.

154. The Civil Transaction Law regulates, in Articles 176 and 180 to 176, the right to make claims against illegal conduct. Article 176 stipulates the following: “1- the party responsible for damage of any kind, even if he lacks capacity, must make restitution for the damage caused. 2- If the damage is direct, restitution must be made even if there is no transgression. If the damage is causal, it must be accompanied with a transgression.” Article 180 states: “If the numerous parties are responsible for the harmful act, each party shall be responsible for his share without being in solidarity with others unless the court determines otherwise.” Article 181 says: “In all cases, compensation shall be estimated by the amount of damage and *lucrum cessans* inflicted on the affected party, provided that the same shall be the natural result of the tort.” Article 182 reads: “Damages shall be estimated in money but the Court may subject to the circumstances and on the application of the injured person order restoration to the former position or decree by way of damages the execution of a certain matter attached to the injurious act.” Article 183 also reads: “Any requirement for exemption from liability for a wrongful act is invalid.” Moreover, Article 184 reads: “Civil liability shall not affect criminal liability when its prerequisites are fulfilled and the criminal penalty shall not affect the limitation of the extent of the civil liability and the estimation of damages.”

155. We have already covered some cases involving torture and inhumane treatment investigated by Military Prosecution and concluded that there were individual acts. Suspects were referred to courts. One case involved three employees who used cruelty against a suspect to cause him to confess. The primary court convicted the suspects and sentenced three to imprisonment for one year and a fine of two hundred Omani rials and obliged them to pay collectively five thousand Omani rials for the physical and emotional damages.

156. The Ministry of Health’s protocols require when a patient is examined if he shows signs of possible torture, to fill a medio-legal form, inform the Public Prosecution and follow up on the case by the Patient Service Department. As for children, their matters are referred to the Ministry of Social Development (Children Affairs Directorate). In case the admitted patient is harmed or tortured while being restrained, Quality Management and Patient Safety Department and the person-in-charge must investigate the incident immediately, make a report, take necessary action against the employee who committed torture or violence and inspect other restraining incidents. Patients who were subject to torture are then referred to the Department of Psychology to start intensive rehabilitation programs. To ensure patients are well-treated, discharged patients are given a form to evaluate the quality of the hospital. Specialists from the Department of Quality Management and Patient Safety follow up these forms.

157. As part of the Sultanate of Oman’s efforts to develop the society and empower its members, the Ministry of Social Development launched the Social Action Strategy (2016–2025), which includes six axes, including the social welfare axis, the social protection axis and the family and community development axis.

Article 15

158. The Penal Procedures Code invalidates any confession taken under torture and coercion and considers such confession to have no weight as per Article 192, which states: “Any statement or confession issued as a result of torture or physical or moral coercion shall be void and of no value for evidence.” Article 189 of the same law states: “It is not permitted to force the accused to take oath or to coerce or seduce him to answer or make specific statements using any means ... etc.” Since the use of torture violates the requirements and the guarantees for fair trial, evidence produced as a result of such exercise is deemed invalid and carries no weight or value during trial as a preventive measure. Article 59 of the Judicial Code of Conduct affirms the exclusion of evidence based on confession resulted from coercion or mental and physical pressure.

159. The legislator in criminal matters has not laid out a specific path of proof – as long as the evidence is obtained legitimately – taking into account the principle of the judge’s discretion, which is firmly established in the Supreme Court judgments. Article 215 of the Penal Procedures Code states: “The judge shall adjudicate a case in accordance to his own conviction that he has established under his discretion. Nonetheless, he may not establish his judgment on any evidence not presented to the litigants before him in the session or on based on his personal information.”

Article 16

160. We have pointed earlier in detail to the national laws that criminalize any act against the safety and dignity of a human being irrespective of magnitude and even if the offender is a normal individual or an employee on the basis of the constitutional approach that rejects all forms of torture, violence or debasing treatment in a manner that constitutes a threat to the rights and freedoms of humans. References were made to the results of visits by the Human Rights Commission and other institutions to prison and to the care provided by prisons to inmates. The Prisons Law mandates the allocation of one place for men and another for women and the isolation of children from such places as stipulated in Articles 2, 13, 28 of the Prisons Law and 21 of the Law on Juvenile Accountability issued by Royal Decree 30/2008, which states: “Placement of a Juvenile Delinquent in a Juvenile Correctional Centre shall be upon a sentence for this. If the Juvenile has a disability, he shall be placed in an appropriate centre. The sentence shall specify the duration of the placement provided that it does not exceed five years for felonies and two years for misdemeanours. No Juvenile shall be kept at the centre when he reaches the age of eighteen. If he reaches this age and the remaining duration of the measures is more than a year, he shall be transferred – except if he has a disability – to one of the prisons if the Court does not decide to keep him in the centre...”. The centre is a home designated to provide shelter, care and rehabilitation for juvenile delinquents whom the court order or sentence their placement. Article 32 of the same law states: “The Public Prosecution may, for the best interest of the investigation or the Juvenile Delinquent, place the Juvenile in the Juvenile Detention Centre for a period not exceeding forty-eight hours from the date of his arrest. The period may be renewed by the permission of the Attorney General for a period not exceeding seven days. The Attorney General may, if he sees fit, propose an extension for additional periods not exceeding forty-five days. If a juvenile is referred to the Court, it may extend his placement for periods not exceeding three months; otherwise, the placement must be terminated.”

161. Any inmate or detainee who violates laws, regulations and systems applicable to prisons or detention centre, face disciplinary action without prejudice to criminal accountability. Disciplinary committee is formed under the chairmanship of an officer of suitable rank and membership of a prison social worker and one of the department officers in accordance to Articles 40 and 41 of the Prisons Law. The following disciplinary action is taken against the inmate who misbehaves or violates the prisons regulations:

- Caution or warning in the presence of guards or inmates.
- Deprivation of all or certain prescribed privileges for a period not exceeding one month.
- Delay the inmate’s transfer to another ward for a period not exceeding six months.
- Return the inmate to the ward where he has been for at least three months.
- Deprivation of remuneration for a period not exceeding 10 days.
- Solitary confinement for a period not exceeding two months.
- rationed food for a period not exceeding (22) days.

162. This is without prejudice to any penalty set forth in Penal Code or any other laws if the violations constitute a criminal offense. The penalties in items (1) and (2) is exercised by the prison warden and the disciplinary committee may assign any penalty. No more than one penalty may be assigned per violation. If multiple violations are committed at one time, the more severe penalty shall apply. All crimes committed by inmates in violation of the Penal

Code and other laws shall be referred to the competent court. The inmate's criminal trial shall not bar from taking disciplinary action if his act constitutes a violation to the provisions of the Prison Law and Executive Regulations in accordance to Articles 42 to 46 of the said law. Article 47 of the Prison Executive Regulations lists the violations from inmates and detainees and divide them into minor violations like appearing in places of work not assigned to him without an excuse, grave violations like assaulting others through battery regardless if there is a mark or not and very grave violations like assaulting police officers inside or outside the prison, causing harm to oneself or committing acts punishable under Penal Code or another law. The procedures and penalties differ depending on the committed violation.

Conclusion

163. In conclusion, the Sultanate of Oman affirms its commitments to combatting all forms of torture and other cruel, inhuman and degrading treatment, the prosecution of offenders and implementation of judgments issued against those who breach the safety of individuals and freedoms. Commission of any of these acts or threaten to commit such acts whether by individuals, groups or public servants and whether they are committed individually or systematically. It should be noted that torture cases in the Sultanate of Oman are scarce involving individual actions on other individuals. The Sultanate of Oman stands with states parties in their efforts to combat crimes and their detection.

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