United Nations S/2003/790

Security Council

Distr.: General
31 July 2003

Original: English

Letter dated 30 July 2003 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 9 May 2003 (S/2003/533).

The Counter-Terrorism Committee has received the attached supplementary report from Oman, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Inocencio F. **Arias**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

03-46279 (E) 250803 030903

0346279

Annex

Letter dated 25 July 2003 from the Permanent Representative of Oman to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

I have the honour to refer to your letter, dated 28 April 2003, acknowledging receipt of my letters enclosing a report and an addendum of the Sultanate of Oman, submitted pursuant to paragraph 6 of resolution 1373 (2001) and the request of the Counter-Terrorism Committee for further information related to these matters.

In this regard, I have the honour to transmit herewith the response of the Government of the Sultanate of Oman to the various points and queries raised in your aforementioned letter (see enclosure).*

(*Signed*) Fuad **Al-Hinai**
Ambassador
Permanent Representative

* Annexes are on file with the Secretariat.

Enclosure

[Original: Arabic]

The reply of the Sultanate of Oman to the comments and questions of the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism respecting the report submitted to that Committee by Oman

Introduction

Further to the report dated 15 January 2002 of the Sultanate of Oman submitted to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism, which the latter then submitted to the President of the Security Council as document S/2002/87, and Oman's addendum to that report (S/2002/87/Add.1) dated 27 June 2002, which was duly submitted by the Chairman of the aforementioned Committee to the President of the Security Council, pursuant to resolution 1373 (2001);

On the basis of the letter dated 28 April 2003 from the Chairman of the above-mentioned Committee (S/AC.40/2003/MS/OC.248), containing a number of preliminary comments/questions on both the report and the addendum previously submitted by Oman to the Chairman of the Committee and requesting Oman to provide further information in response to those comments and queries;

The Sultanate of Oman has the pleasure to submit this report to the Committee in response to and in the same order as the comments and questions that appear in the Chairman's letter, as set forth below:

Subparagraph 1 (b):

Please describe the legal and other measures available to comply with the requirements of this paragraph of the Resolution. Please explain the legal measures available in the Sultanate of Oman as required by subparagraph 1 (b) to criminalize the collection of funds within the Sultanate of Oman by its nationals and entities or within its territory by others for the purposes of terrorism either inside or outside the Sultanate of Oman. For an act to constitute an offence it is not necessary that the funds are actually used to carry out a terrorist offence (please see article 2, paragraph 3, of the International Convention for the Suppression of the Financing of Terrorism).

Response:

In addition to the legal texts previously reviewed in the response to the question relating to subparagraph 1 (b) of the resolution concerning crimes and penalties relating to the activities covered by this subparagraph, including the legal arrangements applied in Oman in order to criminalize the collection of funds within the Sultanate of Oman by its nationals and entities or within its territory by others for the purpose of carrying out terrorist acts either inside or outside the Sultanate of Oman, this issue is regulated by the Non-Governmental Organizations Act promulgated pursuant to royal decree No. 14/2000. The relevant articles of that Act are set forth below:

– Article 41: No group may obtain funds from a foreign individual or party or send any such funds to a foreign group or entity other than with the permission of the Minister responsible for non-governmental organizations (NGOs), namely, the Minister of Social Development. This does not apply to monies for the equipment and tools necessary for the activities of NGOs or for books and printed materials that are not incompatible with the Printed Materials and Publications Act.

– Article 42: The fixed and portable property of an NGO is the property of the organization, not of its members, who have no rights therein. No member who has been dismissed, has resigned or whose membership has otherwise terminated for any other reason has any rights in the property of the organization.

– Article 43: No group is allowed to collect money from the public, organize charitable gatherings or bazaars or similar fund-raising activities other than for purposes that promote the aims of the group or without having obtained permission from the Minister. The Minister shall issue a decision stipulating the conditions, bases and measures relating to the granting of such permission.

– Article 46/2: The Minister may order an NGO to be dissolved in cases where it has used its funds for purposes other than its avowed aims.

Subparagraph 1 (c):

Are the legal freezing measures designated by the Omani Money-Laundering Act applicable to both residents and non-residents holding funds, financial assets or other economic resources in the Sultanate of Oman if they are linked to terrorist-related activities?

Response:

The legal freezing measures designated by the Money-Laundering Act are applied to both residents and non-residents holding funds, financial assets or other economic resources in the Sultanate of Oman if they are linked to terrorist-related activities. The formulation of the legal articles relating to this issue is general rather than specific. Article 2 of the Money-Laundering Act provides that the crime of money-laundering shall be considered to have been committed by any natural or legal person who undertakes any of the following acts:

(a) Changing or transferring money or dealing with the proceeds of a crime in the knowledge or with the suspicion that they have been obtained directly or indirectly from a crime or from an act or acts that constitute involvement in a crime, with the aim of disguising and concealing the nature and source of those proceeds, or assisting any person or persons involved in a crime;

(b) Disguising or concealing the nature, source, location, movement and ownership of the proceeds of a crime and the rights relating thereto in the knowledge or with the suspicion that they have been obtained directly or indirectly from a crime or from an act or acts that constitute involvement in a crime;

(c) Possessing, receiving, acquiring or keeping the proceeds of a crime in the knowledge or with the suspicion that they have been obtained directly or indirectly from a crime or from an act or acts that constitute involvement in a crime.

Knowledge of the illicit origins of the money or property shall be assumed unless the one with rights to or possessor of the money or property can prove he had no such knowledge.

These texts are considered in keeping with the provisions of the Omani Penal Code concerning the justification for applying penal legislation with respect to place. Article 3 of the Code provides that Omani law shall be applicable to all crimes committed on Omani territory or on territory under the control of Oman.

Similarly, article 8 provides that the provisions of Omani law are applicable to any Omani or foreign person who perpetrates, instigates or is an accessory to any of the following:

– The perpetration outside Omani territory of a crime prejudicial to internal or external State security;

– The forgery of the State seal, national bank notes or Omani or foreign banking documents that circulate legitimately or customarily in Oman;

– The traffic in or enslavement of an Omani national.

However, those provisions do not apply to a foreigner whose acts are not incompatible with the precepts of international law.

It should be noted that the executive list of the Money-Laundering Act, preparation of which was recently completed, and in respect of which the necessary procedures for adoption are currently being taken, states in article 2 of the section that refers to the money-laundering-related duties of institutions that institutions have undertaken to do the following:

Verify the identity of clients, in accordance with article 4 of the Act, and obtain all the necessary information and documentation, which includes, in the case of a natural, non-Omani person, the full name, current address and copies of the passport and work permit. The residence permit must be valid. This confirms that the measures referred to above are applied equally to both citizens and residents.

Subparagraph 1 (d):

- **Please outline the existing or proposed laws which aim at prohibiting persons from making funds, financial assets and economic resources available for the benefit of persons described in subparagraph 1 (d).**

Response:

The laws referred to in this subparagraph have already been reviewed in the addendum submitted by the Sultanate (S/2002/87/Add.1).

With respect to proposed laws related to this issue, the proper authorities in Oman are currently considering the International Convention for the Suppression of the Financing of Terrorism.

- **Does the Sultanate of Oman have any provision for regulating alternative remittance systems and informal banking networks (e.g. Hawala)? Please outline such provisions.**

Response:

Banking Act No. 114/2000 and ordinance No. 97/11/43/BM regulate both the banking profession and exchange procedures. That compensates for the lack of any specific provision for regulating alternative remittance systems and informal banking networks.

- **Are there legislative provisions and procedures that enable the economic and financial system of the Sultanate of Oman to guard against operations carried out by entities and legal persons that may be involved, or suspected of being involved, in criminal activities, especially terrorist activities or activities in support of terrorism? If there are none, are any planned?**

Response:

There are legislative provisions and procedures that deal with this issue. The Money-Laundering Act deals with it under the following articles:

Article 5:

Institutions are obliged to retain the documents and papers relating to the identity and addresses of clients and the official records of transactions for a period of no fewer than 10 years from the day following the transaction or the closure of accounts and cessation of working relationship, whichever is later.

Article 6:

Institutions must institute internal oversight measures to detect, foil and take precautions against the crime of money-laundering and must comply with any instructions issued by such a body.

Institutions must put in place programmes to combat the crime of money-laundering. Such programmes should include the following:

(a) The development and application of internal policies, measures and precepts, including the appointment of competent, high-level administrative employees to implement such policies;

(b) The preparation of training courses for the staff concerned, in order to inform them of the latest developments in the money-laundering field and build their capacities to recognize the various forms and methods of counteracting that crime.

Article 11:

Should an institution have any information that makes it appear likely that a client is not acting on his own behalf and that a transaction seems to be in contravention of the provisions of this Act, it must immediately, and before the transaction is completed, convey that information or its suspicions to the proper authorities. Professional clients such as lawyers or those who have official, general powers of attorney, may not use professional confidentiality as a pretext for refusing to reveal the true identity of the person operating the account.

- **Is there legislation in place that obliges other intermediaries (e.g. lawyers, notaries) and other natural or legal persons to report suspicious transactions to the relevant authorities? What penalties apply to those who omit to report?**

Response:

Article 9 of the Money-Laundering Act provides that, as an exception to the provisions relating to the confidentiality of banking operations, institutions and natural and legal persons are obliged to report transactions that they suspect of contravening that Act to the relevant authorities, the central bank and the specialized oversight body. Reports must include all the details and documents available about the transaction.

The public prosecutor may also make it obligatory for institutions and others to supply any additional information relating to suspicious transactions to the central bank or the specialized oversight body.

It should be noted that article 2, paragraph (b) of the above-mentioned Act, the provisions of which have already been set forth in response to the questions relating to paragraph 1 (c), states that the crime of money-laundering shall be considered to have been committed by any natural or legal person who undertakes acts including the following:

Disguising or concealing the nature, source, location, movement and ownership of the proceeds of a crime and the rights relating thereto.

The same applies to failure to volunteer information on any suspicious commercial transactions.

Further reference should also be made to the aforementioned article 11. The penalties imposed on those who omit to report such suspicious commercial transactions to the appropriate authorities are set forth in article 15 of the above-mentioned Act: Anyone who commits or is an accessory to the crime of money-laundering shall be liable to a term of imprisonment of no less than three and no more than 10 years and to a fine of no less than 5,000 rials Omani and no more than the sum involved in the money-laundering crime.

The owner or user of money or property involved in a crime shall be exempt from that penalty provided he notifies the authorities prior to his prosecution of the origin of that money and the identity of those involved in the crime.

- **What penalties apply to the violation of the reporting obligations under Article 9 of the Omani Money-Laundering Act?**

Response:

The penalties are set forth in article 16 of the Money-Laundering Act, which provides that any head or member of the administrative board of an institution, any of its owners or their authorized representatives and any employees or users acting in such capacities who violate the obligations set forth in articles 4, 5, 8 and 11 of this Act shall be liable to a term of imprisonment of no less than six months and no more than three years and to a fine of no less than RO 1,000 and no more than RO 20,000, or to one of those two penalties.

Similarly, article 17 provides that the court shall impose on any institution whose responsibility is proved in accordance with the provisions of article 3 of this Act a fine of no less than RO 10,000 and no more than the equivalent of the money involved in the crime.

• **Are there any other special laws and practical controls and surveillance measures, in addition to the Omani Money-Laundering Act, which exist so as to ensure that funds and other economic resources collected for religious, charitable or cultural purposes are not diverted for other purposes, particularly for financing terrorism?**

Response:

Yes: article 134 of the Omani Penal Code deals with this issue. Please note that the provisions of that article were set forth in the addendum to the report from Oman that was issued as document S/2002/87/Add.1, to which reference should be made.

In addition to the foregoing, the Non-Governmental Organizations Act that was promulgated pursuant to royal decree No. 2000/14 regulated this matter as follows:

Article 7/54 states that, without prejudice to any more severe penalty provided for by the Omani Penal Code or any other law, any person who collects donations or accepts gifts or bequests in contravention of the provisions of this Act shall be liable to a term of imprisonment of no more than six months and a fine of no more than RO 500 or one of those penalties. A judgement may also be passed that allows the Ministry to confiscate what was collected and spend it on good causes.

In addition to that article, a number of relevant articles in the Non-Governmental Organizations Act were reviewed in the response to the questions relating to subparagraph 1 (b).

• **Subparagraph 2 (a):**

Please outline the measures, both legislative and practical, preventing entities and individuals from recruiting, collecting funds or soliciting other forms of support for terrorist activities to be carried out inside or outside the Sultanate of Oman, including, in particular:

– **the carrying out, within or from the Sultanate of Oman, of recruiting, collecting of funds and soliciting of other forms of support from other countries; and**

– **deceptive activities such as recruitment based on a representation to the recruit that the purpose of the recruitment is one (e.g. teaching) different from the true purpose and collection of funds through front organizations.**

Response:

The legislative and practical measures referred to in this paragraph were reviewed in the addendum to the report of Oman referred to above. There are no further details to be given on this issue.

• **What measures does the Sultanate of Oman have in place to prevent terrorists obtaining weapons within or outside its territory, in particular small arms or light weapons?**

Response:

Precautionary measures and procedures are in place to prevent terrorists obtaining weapons within or outside Omani territory, as set forth below:

The Weapons and Ammunition Law, issued pursuant to royal decree No. 90/36 and amended pursuant to royal decree No. 96/48, governs the issues of the acquisition of arms and ammunition and traffic in, repair, import and export of the same and the penalties for violation of the provisions of that law. The relevant articles are set forth below:

Article 3: The weapons listed in tables Nos. 1, 2 and 3 appended to this Law may only be acquired with a licence issued by the Director General of Police and Customs or his authorized representative, who may amend those tables by adding or removing weapons. Under no circumstances may the following be acquired or any licence be issued in respect thereof:

(a) Heavy and light machine guns and submachine guns;

(b) Silencers and gun-mounted sights.

Article 4: Weapons that are kept for their historical value or purchased in order to decorate the home, which are identified in a decision issued by the Director General, are exempt from the licensing provisions referred to in the previous article.

Article 5: Bearing in mind the provisions of article 3 of this Law, it is permissible, according to the procedures determined by the Director General, to acquire the firearms listed in tables Nos. 2 and 3, provided each person is licensed to purchase no more than three thereof and subject to the following conditions:

(a) Conditions governing licences for the purchase of the weapons listed in table No. 2:

(i) The person requesting the licence must be an Omani national;

(ii) He must be at least 25 years old;

(iii) He must be in good mental and psychological health. If necessary, he must provide a certificate to that effect from a Government doctor.

(b) Conditions governing licences for the purchase of the weapons listed in table No. 3:

(i) The person requesting the licence must be an Omani national;

(ii) He must be at least 25 years old;

(iii) He must be physically fit to bear the weapon. The Director General of Police and Customs, in coordination with the Minister of Health, shall issue guidelines on what constitutes and how to establish and furnish proof of such fitness;

(iv) He must undergo a test on security precautions and weapons handling for which the conditions and materials shall be determined by the Director General of Police and Customs;

(v) He must be of proven good character;

(vi) Sentence must not have been passed on him in respect of a crime or misdemeanour in the course of which he used or was carrying a weapon;

(vii) Sentence must not have been passed on him in respect of any crime against State security that is mentioned in the Omani Penal Code.

Article 6: Licences are issued to an individual. The weapon in question may not therefore be given to another person unless a permit has been obtained to that effect in accordance with the provisions of article 5 of this Law. Subject to a decision from the Director General of Police and Customs, permits may be issued for the purchase of firearms by clubs and organizations whose activities necessitate the use thereof. Such firearms and ammunition must be entrusted to a person specified by the club or organization, who shall be the licencee of those arms and ammunition. The use to which they are put shall be specified in accordance with the conditions determined by the Director General of Police and Customs.

Article 7: The permit for the purchase of firearms shall be valid from the date of issue for a period of five years. It may be renewed if a request is submitted during the two months before the expiry date. Permits for cold steel shall have no expiry date.

Article 8: The Director General may refuse or reduce the validity of a permit, or restrict it to certain types of weapon. He may impose any conditions he sees fit and temporarily withdraw or cancel the permit for reasons related to public security or dictated by the public interest.

When a permit is cancelled, the owner of the weapon must, within one month of notification of the cancellation of the permit, relinquish the weapon to a person who has a permit to own or trade in weapons, unless the cancellation notice specifies that the arm must be surrendered forthwith to the police force to which the permit is linked.

In that case, the owner of the weapon must surrender the weapon within one year of notification of the cancellation of the permit. Should he fail to do so, he shall be considered as having relinquished ownership of the weapon to the State. Such weapons become the property of the Royal Oman Police. The owner shall be compensated. Compensation shall be calculated in accordance with the rules and conditions issued by the Director General.

When a permit is temporarily withdrawn, the weapon must be immediately surrendered to the police force to which the permit is linked until such time as it is determined whether the permit is to be withdrawn or restored.

Article 10: Only a person licensed to acquire firearms may purchase the necessary ammunition, which is specifically linked to the arm in question, subject to the terms and conditions determined by the Director General of Police and Customs.

Article 11: The permit shall be considered as withdrawn in the following circumstances:

(a) If the weapon is lost;

(b) If ownership of the weapon is transferred to another person;

(c) In case of death;

(d) Failure to submit a timely request for renewal of the permit;

(e) If the grounds or justification for the granting of the permit no longer exist;

(f) If the person to whom the permit has been issued no longer meets one of the conditions provided for in article 5 of this Law.

Within three days of the date on which the permit was withdrawn, the person to whom the permit has been issued, his heirs or their legal representative must give the weapon to a person in possession of a permit to acquire or trade in arms.

If such action is not possible for any of those parties, the owner of the weapon must, before the expiry of that period, surrender it to the police force to which the permit is linked. The person to whom the permit has been issued, his heirs or their legal representative have the right to surrender the weapon within one year of the date on which the permit was withdrawn.

Should the weapon not be surrendered within that period, the weapon shall be considered to have become the property of the State, and ownership of such weapons will be transferred to the Royal Oman Police. The owner shall be compensated. Compensation shall be calculated in accordance with the rules and conditions issued by the Director General.

Article 12: No changes may be made to the main components of the licensed firearm without special permission from the Director General of Police and Customs.

Article 13: Without permission from the Director General of Police and Customs, it is forbidden to import into or export from the Sultanate any of the arms specified in lists 1 and 2 and paragraphs (a) and (b) of table No. 3 annexed to this Law.

Permits are valid for three months from the date of issue and may be renewed for a similar period. In no circumstances will permits be issued for the import or export of any arms specified in paragraph (c) of the aforementioned table No. 3.

Article 14: Without prejudice to the provisions of the final paragraph of the previous article, no trade may be conducted in or any repairs made to cold steel and the firearms and ammunition detailed in tables Nos. 1, 2 and 3 annexed to this Law, other than with the permission of the Director General of Police and Customs. Permits are valid for two years from the date of issue and may be renewed for a similar period, provided that the request for renewal is submitted at least two months prior to the expiry of the permit.

The Inspector General of Police and Customs shall determine the conditions that must be fulfilled by establishments trading in and repairing arms and the quantity of arms and ammunition from tables Nos. 2 and 3 that each trader shall be permitted annually.

Article 15: Anyone seeking a permit to trade in or repair arms and ammunition must fulfil the following requirements:

(a) Must be at least 30 years of age;

(b) Must be an Omani national;

(c) Must be literate;

(d) Must meet none of the specifications for disqualification for an arms permit that are set forth in article 5 of this Law;

(e) Must deposit with the Police a guarantee of RO 5,000 when trading is involved and RO 1,000 when it is a matter of repair (this condition was dropped pursuant to royal decree No. 96/48);

(f) Registration with the trade index must be completed in accordance with the provisions of the Trade Registration Act;

(g) Must undergo a test, materials and conditions for which shall be determined by the Chief Inspector of Police and Customs.

Article 16: The Chief Inspector of Police and Customs may refuse or curtail a permit to trade in or repair arms and ammunition. He may also withdraw it for reasons of public interest or related to general security.

Should a permit be withdrawn, the police force responsible for the area in which the establishment is located shall ensure that it is closed and that the arms and ammunition it contained are removed. The competent authorities shall deal with the same in accordance with the provisions of article 8 of this Law.

Article 17: No arms or ammunition may be transferred from one place to another without a permit from the Chief Inspector of Police and Customs. That permit shall specify the quantity of arms and ammunition that may be transferred; the party that is operating the transfer and the receiving party; the name of the dispatcher and receiver; the route; time of transfer; and any other conditions that the Chief Inspector of Police and Customs imposes in the interest of general security.

Article 18: A permit to trade in or repair arms and ammunition shall be withdrawn in the following circumstances:

(a) The death of the permit holder;

(b) If a request for renewal of the permit is not submitted in due time;

(c) If there is no need for the permit;

(d) If the permit is withdrawn; the establishment demolished; or a final order is issued to close it. The police force responsible for the area in which the establishment is located shall ensure that it is closed and that the arms and ammunition it contained are removed. The competent authorities shall deal with the same in accordance with the provisions of article 8 of this Law.

Article 19: Any person who, without a permit, acquires any of the cold steel specified in table No. 1 annexed to this Law shall be liable to a term of imprisonment of no more than six months and a fine of no more than RO 300 or to one of the foregoing. This provision does not apply to the traditional weapons referred to in article 4 of this Law.

Article 20: Any person who, without a permit, acquires any of the arms specified in table No. 3 annexed to this Law, or any of their principal components or ammunition, shall be liable to a term of imprisonment of no more than three years and a fine of no more than RO 1,000 or to one of the foregoing.

Article 21: Any person who acquires any of the arms specified in article 3, paragraph (a) of this Law shall be liable to a term of imprisonment of no less than five years and no more than 15 years.

Article 22: Any person who acquires any of the materials specified in article 3, paragraph (b) of this Law shall be liable to a term of imprisonment of no more than one year and a fine of no more than RO 500 or to one of the foregoing.

The same penalty shall apply to anyone who, without a permit, acquires one of the weapons specified in table No. 2 annexed to this Law, one of their main components or their ammunition.

Article 23:

(a) Anyone who, without a permit, trades in, imports, exports or repairs any of the arms specified in table No. 1 or any of the equipment specified in paragraph (b) of article 3 of this Law shall be liable to a term of imprisonment of no more than one year and a fine of no more than RO 1,000 or to one of the foregoing;

(b) Anyone who, without a permit, trades in, imports, exports or repairs any of the arms specified in table No. 2 annexed to this Law shall be liable to a term of imprisonment of no less than one and no more than three years and a fine of no more than RO 1,000 or to one of the foregoing;

(c) Anyone who, without a permit, trades in, imports, or repairs any of the arms specified in table No. 3 annexed to this Law shall be liable to a term of imprisonment of no less than three and no more than five years and a fine of no less than RO 300 and no more than RO 1,000 or to one of the foregoing;

(d) Anyone who, without a permit, trades in, imports, exports or repairs any of the arms specified in article 3, paragraph (a) of this Law, or one of their principal components or the relevant ammunition shall be liable to a term of imprisonment of no less than five and no more than 15 years and a fine of no less than RO 500 and no more than RO 5,000.

Article 24: Any other violation of the provisions of this Law or of relevant decisions shall be punishable by a term of imprisonment of no more than six months and a fine of no more than RO 300 or one of those two penalties.

Article 25: Anyone who, without a permit from the police, discharges a firearm other than to seek help, sets off fireworks or fires rockets, or who causes fire or explosion in a residential neighbourhood, places adjacent thereto, the public highway or the approaches thereto, shall be liable to a fine of no more than RO 200. If the offence is committed at a gathering or party, the penalty shall be a term of imprisonment of no more than three months or a fine of no more than RO 300.

Article 26: In all cases, the arms and ammunition involved in a crime shall be confiscated, in addition to the prescribed penalties.

With respect to the measures that the Sultanate has in place in order to prevent terrorists obtaining weapons outside its territory, there are, in addition to those that have already been mentioned, procedures designed to ensure that anyone who attempts to bring arms into the country shall be denied entry. Such procedures include the meticulous searching at airports of persons and their property. Searches are also carried out at land and sea border entry points, where the search is extended to such means of transport as boats, with the aim of ensuring that no proscribed articles may be brought into the country.

Subparagraph 2 (b):

- **Does the Sultanate of Oman have a body specialized in counter-terrorism, or is that the responsibility of a number of departments or agencies? In the latter case, how is coordination between the various entities effected?**

Response:

General policy for national security is effected through the National Security Council, the members of which include representatives of all parts of the security and military apparatus.

The National Security Council originates from the Joint Security Operations Committee, presided over by the Royal Oman Police and comprising members from the communications and coordination apparatus, the internal security forces and the staff of the Sultan of Oman's Armed Forces, and has full responsibility for counter-terrorism. That includes approving measures to prevent the incidence of terrorist operations (preventive measures) and coping with any terrorist incidents that should occur (measures for dealing with events that have taken place).

- **Does each agency define its strategy independently, or does it carry out measures that have been established at a higher level? Who determines that policy and, if applicable, what is the distribution of tasks among agencies?**

Response:

The security apparatus responsible for counter-terrorism does not define its strategy independently, but carries out and applies the directives of the National Security Council, which formulates the general policies pursuant to which the duties of each security agency are determined in accordance with their specialization.

- **Please describe the mechanisms and systems adopted in the Sultanate of Oman to provide early warning of anticipated terrorist activity in compliance with article (3) (1) of the Arab Convention for the Suppression of Terrorism of 1998. Are those mechanisms and systems also applicable to States other than those which are parties to the aforementioned Conventions? If the Sultanate of Oman's answer to this question is in the affirmative, please provide the CTC with the statutory provisions which enable other States to benefit from those early warning mechanisms and systems?**

Response:

In accordance with the security and judicial executive procedures of the Arab Convention for the Suppression of Terrorism, and in compliance with article 3 thereof, concerning warning of the possible perpetration of a terrorist offence, should any of the contracting States, of which Oman is one, have any information or data on the possible perpetration of a terrorist crime on the territory of one or more other contracting State or against its citizens, residents or interests, it shall notify that State or those States of the information or data in its possession, using form No. 4, "Warning of the possible perpetration of a terrorist offence", and address the specialized counter-terrorism agency in the State whose interests, nationals or residents may be the target of the crime. See model attached.

Furthermore, there are mechanisms and systems that govern the issue of the provision of early warning of likely terrorist activity. Those include the rapid provision to the party concerned of information relating to such activity, with a view to action being taken to prevent its occurrence. The other party shall be notified using methods that ensure the information will reach it in the shortest possible time while respecting the confidential nature of the issue.

Those mechanisms and systems are also applied with respect to States that are not parties to the two aforementioned Conventions. As for the statutory provisions which enable other States to benefit from those early warning mechanisms and systems, the procedures have been taken that were already mentioned in article 5, which provides as follows:

(a) If a non-contracting State or other party requests from one of the contracting States information that it has obtained from another contracting State, the contracting State to which the request is submitted shall consult the contracting State that provided it with the information as to whether to provide the non-contracting State that is seeking the information with the information requested. The specialized counter-terrorism agency in the State that was the source of the information shall be consulted, using form No. 6, "Consultation on the provision of exchanged information to a non-contracting State".

(b) The State that is the source of the information shall give its opinion on the provision of the requested information to the non-contracting State that is seeking the information. That opinion shall be delivered to the party that requested the opinion using form No. 7, "Opinion on the provision of exchanged information to a non-contracting State".

(c) The requested information may only be provided with the approval of the State that is the source of that information. Naturally, the question of the provision of exchanged information to a non-contracting State is governed by the principle of reciprocity and bilateral agreements.

Subparagraph 2 (c):

What provisions exist to exclude from the Sultanate of Oman asylum-seekers, and others, who are persons of the kind mentioned in subparagraph 2 (c) of the Resolution?

Response:

Article 24 of the law concerning the residence of foreigners stipulates that the reasons for giving foreigners the right to political asylum should not conflict with the general policy of the Sultanate and, naturally, that such persons should not be terrorists or wanted by any other State or States for having committed criminal offences.

In addition to the foregoing, article 27 of the above-mentioned law establishes the grounds for refusing political asylum to and removing foreigners from the country. That article also provides that the right to political asylum may, at any time, be made dependent upon new conditions, as circumstances dictate.

Subparagraph 2 (d):

- **The CTC notes that the Sultanate of Oman is a party to the Arab Convention for the Suppression of Terrorism of 1998. In that regard,**

please describe the legal and other measures adopted in the Sultanate of Oman, pursuant to Article (3) (1) of the said Convention, to prevent the use of its territory for the financing, planning, facilitating or commission of terrorist acts outside the Sultanate of Oman.

Response:

There is nothing to be added in this regard, because this matter was fully dealt with in Oman's previous report.

Subparagraph 2 (e):

What is the competence of the courts of the Sultanate of Oman to deal with criminal acts committed by each of the following kinds:

- **an act committed outside the Sultanate of Oman by a person who is a citizen of, or habitually resident in, the Sultanate of Oman (whether that person is currently present in the Sultanate of Oman or not);**

Response:

The principle of personal authority is applied in this case, in accordance with article 10 of the Omani Penal Code, which provides that the law of Oman shall be applied to every Omani national, whether a principal, an accomplice or otherwise involved in the perpetration outside Omani territory of a crime or misdemeanour for which penalties are provided under Omani law, unless final judgement has been passed on that person abroad, he was sentenced, and has served the sentence, or the crime and the punishment come within a general or special amnesty or lapse with the passage of time.

That shall remain the case even if the accused should lose his Omani nationality or acquire it after having committed the crime. In that case, the crime shall be punishable by a three-year term of imprisonment.

Should Omani law differ from the law of the place in which the crime was committed, an Omani judge shall resolve that difference in the best interests of the accused.

Article 11 of the Penal Code provides that Omani law shall be applied to the following:

(a) Crimes committed outside Oman by any Omani official in the course of his duties or on the occasion of him carrying out his duties;

(b) Crimes committed by members of the Omani diplomatic and consular corps who enjoy diplomatic immunity under general international law.

- **an act committed outside the Sultanate of Oman by a foreign national who is currently in the Sultanate of Oman?**

Response:

In this situation, the principle of complete authority is applied in accordance with article 12 of the Omani Penal Code, which provides that the law of Oman shall be applied to every foreign national who is on Omani territory subsequent to the perpetration of the crime, whether a principal, an accomplice or otherwise involved in the perpetration outside Omani territory of a crime or misdemeanour for which

penalties are provided under Omani law, and not specified in articles 8, 10 and 11 of this Code.

In such cases, the following conditions apply:

(a) The law of the country in which the crime was committed must provide a term of imprisonment of at least three years for that crime;

(b) The extradition of the foreign national must not have been requested or accepted;

(c) Final sentence must not have been passed on the foreign national outside Oman. If sentence has been passed, the sentence must not have been applied, nor must the crime or the penalty have lapsed under a general or special amnesty or with the passage of time.

Should Omani law differ from the law of the place in which the crime was committed, an Omani judge shall resolve that difference in the best interests of the accused.

Subparagraph 2 (f):

Please explain what are the legal or other measures available to the Sultanate of Oman to deal with requests from other member States for assistance in the matter of criminal investigations and/or judicial proceedings.

Response:

There are many international and bilateral treaties and conventions that regulate this matter.

- **Please provide a list of the bilateral and multilateral treaties (if any) on mutual assistance in criminal matters to which the Sultanate of Oman is a party and an indication of any further such treaties that are proposed.**

Response:

Set forth below is a list of the bilateral and multilateral treaties on mutual assistance in criminal matters to which the Sultanate of Oman is a party:

1. Treaty on the implementation of judicial rulings in Gulf Cooperation Council States.
2. Gulf Cooperation Council security treaty.
3. The Riyadh Agreement for Judicial Cooperation.
4. The Arab Convention for the Suppression of Terrorism.
5. Convention of the Organization of the Islamic Conference on Combating International Terrorism.
6. United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards.
7. Convention on Offences and Certain Other Acts Committed on Board Aircraft.
8. The Convention for the Suppression of Unlawful Seizure of Aircraft.

9. Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation.

10. Agreement on judicial and legal cooperation with Egypt.

Further agreements that are still being considered by the appropriate authorities include an agreement on judicial and legal cooperation with Turkey and a counter-terrorism agreement between the States of the Gulf Cooperation Council.

- **What is the legal time frame within which a request for judicial assistance in criminal investigations or criminal proceedings (especially those relating to the financing or other support of terrorist acts) is required to be met and how long, on average, does it actually take in practice to implement such a request in the Sultanate of Oman?**

Response:

The legal time frame within which a request for judicial assistance in criminal investigations or criminal proceedings is met ranges from two weeks to a month. On average, the time frame referred to usually corresponds to the time taken to implement such a request in the Sultanate.

Subparagraph 3 (f):

Please explain whether Articles 24 and 31 of the Alien Residence Law (Number 16 of 1995) cover persons mentioned under subparagraph 2 (c) of the Resolution?

Response:

Article 24 of the Alien Residence Law does not cover persons mentioned under subparagraph 2 (c) of the Resolution, but article 31 does.

Subparagraph 3 (g):

What are the criteria for determining political reasons, as referred to in Article 24 of the Alien Residence Law (Number 16 of 1995), in order to grant political asylum?

Response:

The general policy of the Sultanate governs the determination of those criteria. That policy forms part of the authority exercised by the political leadership of the country, which takes into account internal conditions and international considerations relating to the granting of political asylum.

Paragraph 4:

Has the Sultanate of Oman addressed any of the concerns expressed in paragraph 4 of the Resolution?

Response:

At the national level, sustained efforts are being made to both develop and update the legislative system and to identify executive measures and mechanisms, in order to keep abreast of the development of crime in its various forms.

At the regional level, Oman is continuously engaged in negotiations and meetings concerning the preparation of the Arab convention for the suppression of

trans-Arab-border organized crime, with a view to strengthening regional cooperation between Arab legal executive mechanisms.

At the international level, Oman took part in the negotiations over the draft of the United Nations Convention against Transnational Organized Crime, or Palermo Convention. Currently, the competent authorities are considering the matter of ratifying the Convention.

Oman also plays an effective part in every meeting of the Commission on Crime Prevention and Criminal Justice.

It should be noted that Oman has replied to the queries and requests of the Secretary-General of the United Nations concerning legislative developments in the Sultanate and the extent to which they keep pace with international concerns relating to the eradication of international crime.

• **Final question:**

Could the Sultanate of Oman please provide an organizational chart of its administrative machinery, such as police, immigration control, customs, taxation and financial supervision authorities, established to give practical effect to the laws, regulations and other documents that are seen as contributing to compliance with the Resolution.

Response:

Attached hereto is an organizational chart of such administrative machinery as the police, immigration control and customs. Immigration and customs control form part of the responsibilities of the Royal Oman Police.

Also attached hereto is the organizational chart of the Central Bank of Oman, which explains aspects of monetary control.

• **Assistance**

The CTC would like to draw the attention of the Sultanate of Oman to Security Council Resolution 1377 of 12 November 2001. That resolution gives CTC the mandate to explore ways in which States can be assisted to implement Resolution 1373, in particular with regard to the availability from other States and international and regional organizations of relevant assistance programmes. If the Sultanate of Oman is interested in receiving assistance in any area, CTC would welcome a specific request to that effect.

Response:

Oman is highly appreciative of the endeavours exerted by the Counter-Terrorism Committee to explore ways in which States can be assisted to implement Resolution 1373 (2001). It will consider the offer and in due course convey its ideas on means of benefiting therefrom.