



SILENCE DOES NOT MEAN CONSENT:
THE DIRE STATE OF CIVIL SOCIETY IN
EQUATORIAL GUINEA

June 2019

Published by CIVICUS, May 2019

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Executive Summary

Located in the west of Central Africa between Cameroon and Gabon, and with a population of less than a million people, Equatorial Guinea is often described as one of the most censored countries in the world. The space for civil society - civic space - is closed, and consequently, independent journalists and human rights defenders (HRDs) are vulnerable to judicial persecution, threats and attacks from the state. Recent acts of intimidation, arbitrary arrest, detention and harassment of HRD Alfredo Okenve on the day he was supposed to receive a human rights award from the French Embassy in the capital city of Malabo exemplify the risks faced by HRDs.

President Teodoro Obiang Nguema Mbasogo is Africa's longest-serving head of state and the world's longest-serving non-royal leader, having seized power from his uncle Francisco Macías Nguema through a coup d'état in 1979. Equatorial Guinea remained isolated until oil was discovered in the early 1990s and the country opened up to more foreign investment. However, despite the vast amounts of funds secured from the sale of oil, Equatorial Guinea's human development indicators remain extremely low. Much of the wealth is controlled by President Obiang's family and close associates while a majority of citizens lack basic services and live in poverty. President Obiang and his ruling Democratic Party of Equatorial Guinea (PDGE) have used violence, repression, intimidation and harassment to maintain control of all state institutions and military forces for four decades. Groups or political parties and activists that are perceived by government officials to threaten the power base of the PDGE are either co-opted, harassed, intimidated, or forced to self-censor.

Elections are organised regularly but are often characterised by intimidation and arrests of members of the political opposition, banning of political parties and their leaders, restrictions on the freedom of assembly and control of the media environment by the state. Acts of repression against the opposition often pave the way for the PDGE to win elections by an absolute majority, enabling the party to maintain control over local municipalities, national government and state institutions. While the constitution guarantees the right to the freedom of association, restrictive legislation and policies are used to curb the formation of civil society groups. The registration process is cumbersome and there

are no independent organisations that focus on human rights, corruption and democracy and governance issues. The judiciary - including judges, attorney generals and the bar association - is controlled by President Obiang and a small, powerful group of individuals from the executive branch and the military. Justice is selectively applied and all affairs of the state revolve around the PDGE and the president's family.

The government and PDGE strictly control the media environment, including state-owned and private radio and TV stations, written publications and the internet. Independent journalists and civil society activists are compelled to self-censor or face arrest and incarceration and some are forced into exile. The government has a strategy of hosting international events and using these for public relations purposes to position Equatorial Guinea towards the international community as a peaceful, stable and developed state.

Ahead of Equatorial Guinea's Universal Periodic Review (UPR) session at the United Nations (UN)

THE GOVERNMENT HAS A STRATEGY OF HOSTING INTERNATIONAL EVENTS AND USING THESE FOR PUBLIC RELATIONS PURPOSES TO POSITION EQUATORIAL GUINEA TOWARDS THE INTERNATIONAL COMMUNITY AS A PEACEFUL, STABLE AND DEVELOPED STATE.

Human Rights Council on 13 May 2019, this policy brief sheds light on some recent human rights violations committed by the regime and restrictions placed on citizens. Since assuming power four decades ago, President Obiang has refused to implement any verifiable and irreversible democratic or political reform. The ruling PDGE party, maintaining stringent control over all aspects of governance, has completely closed spaces for civil

society reforms. Given this, Equatorial Guinea's UPR hearing offers a rare opportunity to hold the government responsible for human rights violations. The African Union (AU), donors, multilateral organisations and global civil society have a responsibility to exert pressure on the government to implement much-needed reforms.

The dire state of civil society rights in Equatorial Guinea

1. Freedom of expression stifled and media censored

President Obiang and his ruling PDGE party have for decades restricted the freedom of expression and sustained the party's dominance over the state by their stringent control of the media environment.¹ All broadcast media are owned by the state, with the exception of RTV-Asonga, a radio and television network owned by the president's son, Vice President Teodoro Nguema Obiang Mangue.² The government uses the state-owned RTVGE television station as a propaganda platform which only broadcasts activities related to the governing party.³ Very few private newspapers exist and these are owned by government supporters or must exercise high levels of self-censorship to avoid reprisals by the state. Journalists, including those employed by the state, who publish content critical of the president, his family and the country's security forces are dismissed or judicially persecuted.

In the light of these severe restrictions, Equatoguineans who can afford the hefty costs rely on online news sources for information. However, even though Equatorial Guinea has one of the lowest internet penetration rates in Africa, the authorities regularly block websites, including those of exiled journalists, the political opposition and foreign news sources, including Spanish-language newspapers.⁴ The authorities also block social media platforms to prevent citizens from communicating freely and prevent state media coverage of protests and democratic uprisings in other countries.

¹ 'Guinée Équatoriale: Libérez le dessinateur emprisonné Ramón Esono Ebalé', Pen International, 12 October 2017, <https://pen-international.org/news/guinée-équatoriale-libérez-le-dessinateur-emprisonné-ramón-esono-ebalé>.

² 'The worst of the worst 2011: Equatorial Guinea,' Refworld, <https://www.refworld.org/docid/4e049a49c.html>, 2011

³ 'Equatorial Guinea: Stop the Press', Pulitzer Centre, 18 March 2012, <https://pulitzercenter.org/reporting/equatorial-guinea-stop-press>.

⁴ 'Expression in Equatorial Guinea', CIVICUS Monitor, 1 June 2016, <https://monitor.civicus.org/country/equatorial-guinea>.

These restrictions intensify during election periods as the government limits or completely bans access to media coverage to the political opposition. This limits the opposition's ability to mobilise, hold rallies and inform citizens about their political strategies.⁵ Prior to the presidential elections in 2016, 12 journalists from Africa 24 were detained at the airport in Malabo and accused of being members of a terrorist organisation, even though they had received the required permits to cover the elections. These restrictions make Equatorial Guinea one of the most censored countries in the world.

2. Use of laws and policies to control the media environment

Even through the Constitution of Equatorial Guinea (Article 13 (b)) guarantees the right to the freedom of expression, the authorities use the Press, Printing and Audiovisual Law (Law No. 6/1997) to target journalists and media agencies. Article 10 of this law recognises the right of the media to receive and



publish information, but in practice, these rights are restricted if, for example, the authorities consider the information published to be defamatory.⁶ The publication of information or request for information by journalists or media agencies which the authorities deem violate the personal honour or reputation of a family or individual is considered an act of defamation. In addition, libel and defamation continue to be codified under Article 240 of the Criminal Code, making these criminal rather than civil matters.⁷ On 16 September 2017, blogger and cartoonist

Ramón Esono Ebalé was arrested by security forces in Malabo and questioned about his cartoons, which were critical of President Obiang.⁸ Even though he was interrogated about his cartoons, and led

⁵ 'Government blocks internet and arrests opposition during elections', EG Justice, 15 November 2017, <http://www.egjustice.org/post/government-blocks-internet-and-arrests-opposition-during-elections>.

⁷ 'Republic of Equatorial Guinea: Joint submission to the UN Universal Periodic Review, 33rd Session of the UPR Working Group', CIVICUS, CPJ, Centro de Estudios e Iniciativas para el Desarrollo (CEID), ONG Cooperación y Desarrollo and EG Justice, 4 October 2018, <https://www.civicus.org/documents/JointUPRSubmissionEquatorial%20Guinea.pdf>.

⁸ 'Free Ramon', EG Justice, 2017, <http://freenseramon.egjustice.org>.

to believe he had been arrested because of them, he was later charged with engaging in counterfeit activities and money laundering under the Criminal Code and Criminal Procedure.⁹ He was ordered by a judge to pay 2 million FCFA (approximately US\$3,500) as surety and all his assets in Equatorial Guinea were seized by the authorities.¹⁰ Ramón was jailed at Black Beach prison in Malabo, where he spent six months, before being released on 7 March 2018 following a show trial during which the state’s main witness confessed to having following “superior” orders to accuse Ramon falsely.¹¹ After his release from prison, the authorities still refused to issue Ramón a new passport during the normal timeframe, meaning that Ramón was unable to travel out of Equatorial Guinea to join his family until almost four months after his release.¹²

“STATE AUTHORITIES LABEL CSOS THAT ARE NOT ALIGNED POLITICALLY WITH THE REGIME AS “ENEMIES OF THE STATE”

3. Associational rights guaranteed in the Constitution but severely curtailed in practice

Civil society organisations (CSOs) are governed by Law No 1/1999 on the Regime of NGOs. The legally prescribed process of registering CSOs is cumbersome and involves many administrative hurdles designed to discourage the registration of independent CSOs. In effect this process is used by the authorities to prevent organisations from registering that work on issues considered sensitive by the government, including human rights promotion, equitable use and distribution of oil revenues and good governance.

⁹ ‘Cartoonist Ramón Esono Ebalé finally released from jail in Equatorial Guinea’, PRI, 5 March 2018, <https://www.pri.org/stories/2018-03-05/cartoonist-equatorial-guinea-has-been-cleared-charges-hes-still-jail>.

¹⁰ Ibid.

¹¹ ‘PEN SA Concerned at Blocking of Cartoonist Ramón Esono Ebalé’s Movement from Equatorial Guinea’, PEN South Africa, 7 May 2018, <http://pensouthafrica.co.za/pen-sa-concerned-at-blocking-of-cartoonist-ramon-esono-ebales-movement-from-equatorial-guinea>.

¹² ‘CPJ joins call for Equatorial Guinea to renew cartoonist's passport’, CPJ, 1 May 2018, <https://cpi.org/blog/2018/05/cpj-joins-call-for-equatorial-guinea-to-renew-cart.php>.

The first phase of the registration process requires that representatives of CSOs submit their bylaws, articles of association and constitutions to a state notary for approval before they can be submitted for processing to the Ministry of Interior.¹³ However, there are only two notaries who provide civil and legal services in the entire country: one in the city of Bata and one in Malabo. Given the high demand on the time of these two civil servants, it is not a priority to approve documents submitted by CSOs.¹⁴ Government restrictions limit the ability of CSOs to receive funding from domestic and international sources. Further, state authorities label CSOs that are not aligned politically with the regime as “enemies of the state.”¹⁵

In March 2016, the authorities accused Centro de Estudios e Iniciativas para el Desarrollo (Centre for the Studies and Initiatives for Development, CEID) of inciting young people to violence and insurrection during a rally in January 2016, and indefinitely suspended the organisation. Similarly, ahead of municipal elections in 2017, the authorities wrongfully accused the Secretary General of an opposition party, Ciudadanos por la Innovacion (Citizens for Innovation, CI), of inciting violence and civil disobedience during his campaign ahead of the presidential election in 2016. A judge hastily found him guilty of slander and banned him from participating in political activities for life.

Although the Constitution recognises the right to form and belong to trade unions, the Law on Trade Unions (1992) imposes a number of restrictive provisions that make it difficult for trade unions to register and represent their members. While the law codifies that the state will recognise the right of employees in the public administration to organise and that it shall be regulated by law,¹⁶ it also stipulates that trade unions should have at least 50 members from the same workplace and geographic location before they can be registered. This requirement effectively prevents unions from registering since very few employers employ large numbers of people and there are many geographic divisions in

¹³ ‘State of civil society in Equatorial Guinea: An interview with CEID’, CIVICUS, 8 February 2017, <https://www.civicus.org/index.php/media-resources/news/2731-state-of-civil-society-in-equatorial-guinea-an-interview-with-ceid>.

¹⁴ ‘Disempowered Voices: The Status of Civil Society in Equatorial Guinea’, EG Justice, 2011, <http://egjustice.org/sites/default/files/EITI%20Civil%20Society%20Report%20-%20Final%20Published%20Version%20Color.pdf>.

¹⁵ CIVICUS, 8 February 2017, op. cit.

¹⁶ ‘Observation (CEACR) – adopted 2016, published 106th ILC session (2017)’, International Labour Organization, 2017, http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100_COMMENT_ID:3296757.

Equatorial Guinea. Workers are also intimidated and discouraged from joining any organisations that are independent of the government. This means that in effect, the government only recognises the union of small farmers.

For many years, associations such as the Workers' Unions of Equatorial Guinea, the Independent Service Union, the Teachers' Union Association and the Rural Workers' Organisation have unsuccessfully sought to be registered and recognised by the government.¹⁷ In some cases, the state notaries have told applicants that trade unions are not allowed in Equatorial Guinea.¹⁸ In a few instances, applicants have submitted complaints to the International Labour Organization concerning the government's refusal to legalise the activities of trade and labour unions. Those who have made such submissions have been identified, harassed and intimidated by the government.

4. The state's double standards towards the freedom of assembly

The Constitution of Equatorial Guinea (Article 13 (k)) guarantees the right to the freedom of association. It states that every citizen shall enjoy rights and freedoms including the freedom of association and assembly and the right to strike.¹⁹ However, Article 7 of the Law 4/1992 on Freedom of Assembly and Demonstrations, which covers public meetings, unreasonably requires protest organisers to inform the Director General of National Security seven days before the start of a protest. In practice, notifications from civil society and the political opposition on the holding of peaceful protests always lead to a ban on the protest being held.

Three days before the 2016 elections, security forces surrounded a building where CI members were holding a rally, and fired teargas and rubber bullets at attendees. More than 150 people were trapped in the building for 48 hours. Security forces arrested 40 members and injured more than six. On 8 March 2017, security forces arrested 61 individuals, mostly women, at the premises of the opposition

¹⁷ 'Equatorial Guinea - Trade unions still not recognised', International Trade Union Confederation, 2011, <https://survey.ituc-csi.org/Trade-unions-not-recognised,6145.html>.

¹⁸ '2008 annual survey of violations of trade union rights – Equatorial Guinea', Refworld, 20 November 2008, <http://www.refworld.org/docid/4c52ca9328.html>.

¹⁹ Constitution of the Republic of Equatorial Guinea, <http://www.wipo.int/edocs/lexdocs/laws/en/gq/gq001en.pdf>.

party Convergencia para la Democracia Social (Convergence for Social Democracy, CPDS) in the city of Mbini during a training session on International Women's Day.²⁰ Some of those arrested were physically assaulted at the police station before they were released later that day.

In comparison, requests to hold demonstrations by supporters of the government are always allowed and encouraged. For example, on 19 June 2017, the authorities authorised protests led by government officials and members of the ruling party in front of the French Embassy. Protesters criticised the French prosecution of President Obiang's son for money laundering and other corruption charges, and called on the French Government to respect the territorial integrity and sovereignty of Equatorial Guinea.²¹ As on many other occasions, civil servants were forced to participate and support the government or ruling party's demands, while gatherings of members of the political opposition are violently dispersed and supporters were intimidated.

5. Human rights defenders perceived as enemies of the state and treated as such

The activities of HRDs and community activists are severely restricted. The authorities often subject HRDs and activists to online and physical surveillance, arbitrary arrests and incommunicado detention, and many forms of intimidation. In general, the government views the activities of HRDs as a threat to the state and considers HRDs to be enemies of the state. Several HRDs work in the civil service or academic institutions and it is common for the government to institute punitive measures by firing them or withholding their salaries indefinitely.

Alfredo Okenve, HRD and vice president of CEID, has been under house arrest since March 2019. His travel documents have been confiscated by the state and he has been banned from travelling outside Equatorial Guinea. Alfredo was arrested at Malabo airport on 15 March 2019, on the day he was due to receive a Franco-German Human Rights Award at the French Embassy in Malabo. Previously, on 27

²⁰ 'Amnesty International report 2017/2018,' Refworld, 22 February 2018, <http://www.refworld.org/docid/5a99390da.html>.

²¹ 'Widespread protests in Equatorial Guinea about Trial of Vice-President of the nation', Voice of Africa, 20 June 2017, <http://www.voiceofafrica.tv/en/widespread-protests-in-equatorial-guinea-about-trial-of-vice-president-of-the-nation-d2687>.

October 2018, he was viciously attacked by state security forces and left for dead in a rural area. Following this attack, he was flown to Spain for medical attention; he was arrested on his return to Equatorial Guinea.

Previously, on 17 April 2017, Alfredo was detained together with CEID president Enrique Asumu after they participated in events marking CEID's 20th anniversary on 14 and 15 April 2017.²² The events marking the anniversary were attended by representatives from civil society and embassies, as well as the Minister of Mines. Alfredo and Enrique were prevented from travelling from Malabo to Bata by security officials who claimed they were acting under the orders of the Minister of National Security. After they visited the office of the Minister of National Security, adjacent to the Central Police Commissary, to find out why they had been prevented from flying, they were instead interrogated and detained. They were not charged or brought before a judge. Several other CEID members who participated in the events were interrogated and released.²³ Enrique and Alfredo were released on 25 April and 4 May 2017 respectively after they had each paid an illegal fine of 2 million FCFA (approximately US\$3,500).



On 12 November 2017, during legislative elections, civil society activist Raimundo Nandong was arbitrarily arrested outside a polling station in Bata. He is a member of the youth coalition Locos por Cultura (Crazy for Culture), director of the Biyeyema theatre group, and a CEID board member.²⁴ On 16 January 2017, police arrested activists Anselmo Santos Eko Anvom and Urbano Elo Ntutum in Bata

²² 'Urgent: the President and the Vice President of CEID arrested in "Guantanamo"', CEID, 17 April 2017, <http://www.ceidge.org/index.php/quienes-somos-3/39-urgent-the-president-and-the-vice-president-of-ceid-arrested-in-guantanamo>.

²³ Ibid.

²⁴ 'URGENTE: Detención arbitraria de Raimundo B. Nandong "Russo", directivo de CEIDGE', CEID, 14 November 2017, <http://www.ceidge.org/index.php/quienes-somos-3/54-urgente-detencion-arbitraria-de-raimundo-b-nandong-russo-directivo-de-ceidge>.

as they distributed flyers for an event on the electoral census and broader issues affecting citizens.²⁵ The two are members of CPDS. They were interrogated and detained at Bata Central Police Station. The police accused them of attempting to disrupt public activities.

6. Engagements with international community a smokescreen to hide human rights violations



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The regime in Equatorial Guinea is sustained by oil revenues and thus needs a constant flow of investment in the energy sector. Because President Obiang is often criticised for his appalling human rights record and the poverty and inequality faced by a majority of Equatoguineans, he is constantly looking for ways to convince the international community that the country is stable and prosperous. In July 2018, for example, President Obiang announced that his government would grant amnesty to all political prisoners. However, several months

since the declaration was made, no political prisoner has been released, demonstrating that his announcement was a smokescreen aimed at persuading the international community that he was committed to implementing some level of political reform.

Further, the high levels of censorship across the board in Equatorial Guinea and the regular restrictions on social media and news websites mean that most of the human rights violations that take place are not widely reported inside the country. Instead, the government attempts to paint a picture of Equatorial Guinea as a bastion of peace and stability. Towards that end, it hosts international events and participates in multilateral processes to divert attention from its deplorable human rights record, high levels of inequality, poverty and corruption. Between 2012 and 2015, the government twice

²⁵ 'Authorities must End Clampdown on Freedom of Expression', EG Justice, 20 January 2016, <http://www.egjustice.org/post/authorities-must-end-clampdown-freedom-expression>.

hosted the African Cup of Nations (CAN) football tournament, directing vast funds that could have been used to address urgent social needs towards a public relations exercise.²⁶

While generally journalists from foreign media agencies are often denied visas for Equatorial Guinea,

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during the CAN tournaments visas were given to the many journalists who travelled to cover the events. New and renovated stadia masked the closed spaces for civil society and the challenging conditions in which citizens struggle to make ends meet. The presence of thousands of fans, media and dignitaries belied the restrictions on civic space and the stifling of the rights of citizens. In 2017, Equatorial Guinea was elected as a non-permanent member of the UN Security Council to serve a two-year term. Despite its notorious human

rights record, its candidature was supported by the AU and the UN Africa Group.

In 2008, local and international civil society activists and groups were critical of a decision by the UN Educational, Cultural and Scientific Organisation (UNESCO) to approve the UNESCO-Obiang Nguema Mbasogo Prize for Research in the Life Sciences. The Prize was established by the Executive Board of UNESCO and funded by President Obiang and endowed to his name. Human rights and anti-corruption groups noted that the prize undermined the integrity of UNESCO, given President Obiang's territorial rule as well as his failure to invest in science, education, or research in Equatorial Guinea. Despite the intense advocacy, UNESCO has joined the Obiang regime to award the prize on three occasions, and is currently in the process of renewing the award for three additional years.

²⁶ 'Dictators continue to score in international sporting events', Freedom House, 20 August 2013, <https://freedomhouse.org/blog/dictators-continue-score-international-sporting-events>.

CONCLUSION

The control of state institutions, the media and the judiciary by President Obiang and his PDGE party has enhanced the dominance of the President and his family. As a result, the rule of law is not respected and HRDs and journalists are intimidated and subjected to arbitrary arrests and judicial persecution for raising concerns over issues affecting citizens. This had led to high levels of censorship and forced several HRDs and activists into exile.

In the immediate term, Equatoguinean HRDs and activists in exile need support from civil society groups working at the national and international level. They need to be supported to be able to disseminate information on human rights violations and to have secure channels to communicate. Members of the international community, including representatives of diplomatic missions and heads of government, need to continue to raise concerns about the state of human rights in Equatorial Guinea with other governments and in regional and international human rights institutions. Because the judiciary is controlled by the state and the rule of law is unevenly applied, regional bodies such as the African Commission on Human and Peoples' Rights and AU, international human rights treaty bodies and UN Special Rapporteurs should continue to work with HRDs working on Equatorial Guinea to hold the government accountable for its actions.

Equatorial Guinea's membership of the UN Security Council emboldens the government to continue to mask its dismal human rights record, but the upcoming review of Equatorial Guinea under the UPR mechanism is a major opportunity for the international community to ensure that the government takes responsibility for its human rights abuses and acts to improve its human rights record.

RECOMMENDATIONS

TO THE GOVERNMENT OF EQUATORIAL GUINEA:

- Allow independent private newspapers, radio and television stations to operate freely without fear of reprisals or intimidation, in line with constitutional guarantees and international standards of the freedom of expression and media freedom.
- Allow journalists and media personnel to report on issues affecting citizens without fear of intimidation or harassment.
- Respect the freedom of expression of all citizens, including representatives of political parties, and stop targeting individuals who hold views that differ from those of the government.
- Cease all forms of persecution, online censorship and monitoring of individuals, and refrain from blocking websites and social media outlets used by citizens to express views that differ from the government's position.
- Review Law No 1/1999 on the Regime of NGOs, to eliminate restrictions on CSOs, and specifically to allow them to register easily and be recognised as independent actors.
- Stop infringing on and interfering arbitrarily with CSOs' ability to work, and stop banning CSOs.
- Allow labour unions to register and operate legally so they can enhance the welfare and well-being of workers.
- Allow citizens to organise and participate in peaceful protests freely, in line with constitutional guarantees of the freedom of assembly.
- Conduct independent investigations into the brutal assault against HRD Alfredo Okenve and ensure that the perpetrators are held accountable.
- Guarantee the rights of all HRDs to enable them carry out their activities without fear of intimidation and persecution.

TO THE AFRICAN UNION:

- Call on the government of Equatorial Guinea to release all social and political activists and innocent citizens in detention and to create an enabling environment in which civil society and HRDs can carry out their activities without fear of reprisals, in line with the African Charter on Human and Peoples' Rights.
- Call on the government of Equatorial Guinea to take steps to lift all restrictions on political parties and their leaders before the next elections, and to ensure that the freedoms of association, peaceful assembly and expression are respected in all future election processes, in line with the African Charter on Elections, Democracy and Governance.



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