



REPRESSION IN PARADISE:

ASSAULT ON THE RULE OF LAW AND FUNDAMENTAL FREEDOMS IN THE MALDIVES

A REPORT BY CIVICUS AND VOICE OF WOMEN (VOW)

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FUNDAMENTAL FREEDOMS IN THE MALDIVES

CIVICUS

Who We Are

CIVICUS is a global alliance of civil society organisations and activists dedicated to strengthening citizen action and civil society around the world. Founded in 1993, CIVICUS strives to promote marginalised voices, especially from the Global South, and has members in countries throughout the world.

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EXECUTIVE SUMMARY

The Maldives, an archipelago of islands in the Indian Ocean, was thrown into a political crisis on 1 February 2018 when the country's Supreme Court ordered the release and retrial of a group of opposition politicians, including exiled former president Mohamed Nasheed. President Yameen Abdul Gayoom refused to comply with the ruling, leading to mass protests in the capital, Malé. In response, the President declared a state of emergency, provided the security forces with sweeping powers and suspended constitutional rights. He also removed and arrested two Supreme Court judges.

Following this, there has been a crackdown by the authorities on all forms of dissent, including through the arbitrary arrest of scores of individuals, attacks against the media, the violent dispersal of peaceful protests and the arrest and detention of protesters.

Many of these actions are in contravention of the Constitution of the Maldives and the Government of Maldives' international human rights obligations under the International Covenant on Civil and Political Rights (ICCPR), which it ratified in 2006. These include the rights to the freedoms of peaceful assembly and expression, due process and fair trial rights, and the right to be free from torture and other ill-treatment.

Because of these restrictions, the space for civil society - civic space - in the Maldives is rated as being 'obstructed' by the [CIVICUS Monitor](#), an online platform that tracks civic space in every country. The obstructed category indicates that power holders contest civic space, undermine civil society organisations (CSOs) and constrain the fundamental civil society rights of association, peaceful assembly and expression.

In response, CIVICUS and the Voice of Women (VOW) Maldives call on the Government of the Maldives to uphold the rule of law and end all restrictions on the freedoms of peaceful assembly and expression. Among other recommendations, the government should immediately and unconditionally release the two Supreme Court judges who were arrested, as well as opposition politicians and others who have been arbitrarily arrested and detained. The government should end all attacks against the media and investigate the use of unnecessary or excessive force against journalists and protesters. Perpetrators should be brought to justice in accordance with international law and international standards.

CIVIC SPACE IN THE LEAD UP TO THE STATE OF EMERGENCY

President Yameen came to power in 2013, in an election mired in [controversy](#). President Nasheed, the first democratically elected president,¹ was [forced to resign](#) in 2012 after a police mutiny and demonstrations that he stated were part of a coup plot. In March 2015, Nasheed was sentenced to 13 years imprisonment on politically motivated charges, in a trial that the [United Nations \(UN\) Working Group on Arbitrary Detention](#) found to be manifestly unfair. He was subsequently granted [political asylum](#) by the United Kingdom. As a result, he was [disqualified](#) from running in the presidential election due to be [held](#) in September 2018. On 16 April 2018, the UN Human Rights Committee [found](#) that restrictions on Nasheed's right to stand for office violated his rights to political participation under article 25 of the ICCPR and called on the Government of Maldives to restore this right. The government [rejected](#) this call.

In recent years, President Yameen has grown increasingly authoritarian by [suppressing peaceful protests](#), shutting down independent media and jailing opponents on spurious grounds. According to [Amnesty International](#), in 2017, the freedoms of peaceful assembly and expression were subject to a crackdown and the criminal justice system was used to silence political opponents, human rights defenders, journalists and civil society.

In October 2016, the Government of Maldives [quit](#) the Commonwealth after facing scrutiny from the body over its failure to implement judicial and other reforms, indicating a worrying disengagement from the international community.

The current crisis began on 1 February 2018, when in a surprise move, the Supreme Court [ordered the release](#) of nine key political prisoners, including Nasheed, ruling that their trials were “politically motivated and flawed.” The Court also restored 12 parliamentarians who had been controversially expelled from parliament in July 2017 for defecting from Yameen's party, giving his opponents a majority in parliament.

The government, however, refused to implement the Supreme Court's judgment, and after the police service announced it would enforce the ruling, the government [fired](#) Police Commissioner Ahmed Areef. On 5 February, President Yameen declared a 15-day [state of emergency](#), stating that the Supreme Court ruling had compromised national security and disrupted the proper functioning of the government. The declaration [suspended](#) the rights to liberty, freedom of assembly, privacy and to obtain remedy from the courts. Basic safeguards surrounding arrest, detention, search and seizures were suspended as well as laws providing certain immunities to judges and the right of judges to be informed if any action is taken against them.

UN High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, [condemned](#) the declaration of the state of emergency and raised concerns that the resulting suspension of constitutional guarantees could potentially lead to a greater number of violations of the rights of people in the Maldives. He said:

¹ Maldives' first multi-party elections took place in October 2008. The Maldivian Democratic Party (MDP) leader Mohamed Nasheed defeated the sitting President Maumoon Abdul Gayoom, who had ruled the country for three decades.

“The Maldives have seen in recent years attacks on political opponents, on journalists, on civil society and human right defenders, and what is happening now is tantamount to an all-out assault on democracy... I am seriously concerned that the measures taken appear to go beyond those permissible during a state of emergency, restricting the basic tenets of democracy and undermining respect for fundamental rights in the country.”

The state of emergency was [extended](#) for another 30 days on 20 February 2018, with President Yameen citing an “ongoing national security threat and constitutional crisis.” The move was [deemed](#) “unconstitutional” by the Maldives Prosecutor-General, as the vote to extend the state of emergency was forced through parliament without a quorum. While the state of emergency was [lifted](#) on 22 March 2018, arrests of government critics have persisted since. The concern among many in civil society is that the current levels of repression will continue in the run-up to the 2018 presidential election.

INDEPENDENCE OF THE JUDICIARY UNDERMINED

A day after declaring the state of emergency, President Yameen deployed security forces to storm the Supreme Court building and [detain](#) the Chief Justice of the Supreme Court, Abdulla Saeed, and another Supreme Court judge, Ali Hameed. Police also arrested Hassan Saeed Hussain, the Chief Judicial Administrator.

Both judges were initially detained in solitary confinement in Dhoonidhoo Detention Centre but on 21 March 2018 were transferred to Maafushi Prison. According to his lawyer, Justice Abdulla Saeed was detained in inhumane and degrading conditions at Dhoonidhoo and received a [death threat](#) to try to make him overturn his ruling after being arrested. On 20 March 2018, politically motivated [charges](#) were brought against the judges under the Anti-Terrorism Act. They were also charged with accepting bribes and obstructing justice. Abdulla Saeed is facing an additional charge of “obstructing state functions,” while Hassan Saeed also face charges of bribery and obstructing law enforcement.

A group of UN experts have [warned](#) that that detention of the two Supreme Court judges is an attack on the independence of the judiciary and undermines the court’s ability to work freely and effectively:

“The independence of the judiciary is under serious threat, along with the principle of separation of powers between the State and the courts... This direct attack on the Supreme Court undermines its legitimacy and independence, and casts serious doubt on its ability to protect constitutional principles and to uphold human rights and fundamental freedoms.”

Due to the judicial crisis, a fact-finding team from LAWASIA, the Law Association for Asia and the Pacific, attempted to visit the Maldives to assess the independence of the judiciary. However, in February 2018 they were [refused entry](#) by the authorities, detained and kept at a closed detention facility under guard and surveillance, and subsequently deported.

The pressure on the judiciary could be seen to have an impact. On 7 February 2018, the three remaining Supreme Court justices [revised](#) the Supreme Court ruling and nullified the order to release the nine opposition figures. They issued a [statement](#) saying that the order has been revoked “in light of the concerns raised by the president.”

ARBITRARY ARRESTS AND HARASSMENT, DUE PROCESS VIOLATIONS AND ILL-TREATMENT IN DETENTION

After the declaration of the state of emergency the authorities undertook a crackdown, arresting and detaining individuals on various trumped-up charges, including bribery and terrorism. In some cases, police used unnecessary force to arrest people. Some were released after their statements were taken, while others remain in detention.

Alongside the Supreme Court judges, another high profile arrest has been of former Maldives President [Maumoon Abdul Gayoom](#), who was arrested on 5 February 2018. On 21 March 2018 he was [charged](#) with terrorism and obstructing justice.

The authorities have also arrested and detained several opposition parliamentarians since the declaration of the state of emergency. They include Ilhaam Ahmed, Ahmed Mahloof, Faris Maumoon, Abdullah Riyaz and Abdullah Sinan, who have since been [charged](#) with terrorism. Other parliamentarians detained include [Ali Azim](#) and [Ibrahim Mohammed Solih](#), who were detained on 16 March 2018 and released after 12 days. Ahmed Mahloof was released on 4 April 2018 and put under [house arrest](#).

Others arrested include 14 members of the Maldivian Democratic Party (MDP); the former Deputy Minister of Tourism, Shalzail Shayam; Coordinator of the Ministry of Home Affairs, Thazmeel Abdul-Samad; the private secretary of former President Gayoom, Najma Ibrahim; and Justice Ali Hameed's driver, Abdullah Al Mamun. At least eight police officials have also been detained, including former Police Commissioner Areef, who faces terrorism charges.

[Fathimath Nasira](#), wife of Ali Hameed, was picked up by police on 7 February 2018. She faces four separate allegations, of accepting bribes, influencing the conduct of a public official, conspiring to overthrow the government, and terrorism, all of which she has denied. According to her lawyers, she was initially detained in solitary confinement, in degrading conditions, and fainted twice in her cell. She was also interrogated without her lawyer and male officers allegedly [entered her cell](#) and stayed through the night. On 15 March 2018, after being released, she was put under house arrest.

Lawyers representing the detainees have also been detained and harassed. Ahmad Zalif, the lawyer of Ilham Ahmed, was [arbitrarily arrested](#) and detained on 20 February 2018. He was accused of obstruction of justice and enforcement of the law for not revealing the whereabouts of his clients' mobile phone. He was [released](#) after 28 days in detention. Lawyer Nazim Sattar, who is representing some of the detainees, was arbitrarily arrested on 16 March 2018, near the Criminal Court. He was [released](#) two days later.

Lawyers have also had their mobile phones seized when visiting their clients at police headquarters. Lawyer Hussain Shameem was [summoned](#) to police headquarters for questioning after speaking at a press conference and a panel discussion. Hisaan Hussain, the lawyer for Chief Justice Abdulla Saeed and other political detainees, was [summoned](#) to the Criminal Court in March and forced to apologize for her comments at a press conference, criticising the courts.

Shahindha Ismail, from the Maldivian Democracy Network (MDN), a CSO, has [criticised](#) the authorities for the revolving door of arrests, detentions and releases:

“None of these arrests have even an ounce of credibility. They were rounded up under an illegitimately declared state of emergency. All the processes that went within this emergency period were arbitrary.”

The MDN has also [raised concerns](#) about the ill-treatment of detainees and inhumane and degrading treatment against them in violation of the Maldives’ 2013 Anti-Torture Act and the UN Convention Against Torture. According to the MDN, some detainees have been refused necessary medical care and potable drinking water and have been fed rotten or expired food. Family visits to detainees are only allowed under heavy surveillance, via a telephone with glass partitioning between the family member and the detainee, violating their right to privacy.

The MDN has further reported that detainees have not been informed of the right to consult an independent medical doctor and those who have requested independent medical consultation have faced refusal from the police. At least one detainee was prevented from undergoing urgent medical surgery before being released. In addition, most detainees have only been allowed a single telephone call since their arrest. Some detainees, the MDN states, have been held up to 48 hours without access to a lawyer. Lawyers have also faced obstructions in getting access to and adequate time with detainees to prepare for their defence, in violation of fair trial standards. A new guideline issued on 13 February 2018 limited lawyer-client meetings to 30 minutes per day, which does not allow enough time for adequate discussion of their cases. Further, a new verbal guideline, limited detainees to only one lawyer as opposed to a maximum of five allowed in earlier guidelines.

The pattern of arrests, detentions and ill-treatment has caused international concern. On 26 February 2018, the European Union [condemned](#) “politically motivated arrests and called for the immediate release of all political prisoners.”

On 28 March 2018, the Inter-Parliamentary Union raised [concerns](#) about the wave of arrests of members of parliament under the state of emergency and the terrorism charges brought against them. On 3 April 2018, the global membership of Parliamentarians for Global Action [condemned](#) “the persistent and repeated violations of the fundamental human rights of parliamentarians that are being committed by the authorities of The Maldives.”

ATTACKS ON THE MEDIA

Article 28 of the Constitution of the Maldives protects the freedom of the media. Despite this, there has been a [climate](#) of attacks and judicial harassment against media workers. This situation has intensified amidst the recent political turmoil. News outlets have been threatened with closure while journalists have been arrested or ill-treated while undertaking their legitimate work.

Police [questioned](#) journalists at the news website Avas and the online newspaper Mihaaru on 1 February 2018 after the outlets published statements issued by the jailed former Vice President, Ahmed Adeeb. Adeeb was [jailed](#) in 2016, and is one of the individuals ordered [released](#) by the Supreme Court in February.

The following day, the Maldives Broadcasting Commission [warned](#) media stations that they could face closure if they were deemed “a threat to national security, incited unrest with false information or endangered the public interest.”

On 3 February 2018, Raajje TV journalist Murshid Abdul Hakeem was [arrested](#) while covering a mass protest in Malé. According to reports, police officers tackled Murshid, pinned him to the ground, handcuffed him and dragged him away.

Pro-government protesters [threatened](#) to burn down Raajje TV on 5 February 2018. A crowd had gathered at the Raajje TV office and thrown rocks at Raajje TV journalists. Prior to this, at a press conference held by the ruling Progressive Party of Maldives (PPM), the party’s Deputy Leader, Abdul Raheem Abdulla, stated that Mohamed Nasheed “should not be able to say whatever he wants on Raajje TV,” and called on security forces to close the station down.

Two journalists working for Agence France-Presse, Indian photographer Money Sharma and British videographer Atish Patel, were [arrested](#) on 9 February 2018. They were handed over to immigration authorities for working in the Maldives in violation of the immigration law and [deported](#).

On 16 February 2018, journalists covering a mass rally in Malé were ordered to discontinue live coverage and leave the area. When they refused, police used unnecessary and excessive force to disperse them. At least a dozen suffered injuries and two were arrested. The MDN [documented](#) some of the injuries suffered by journalists:

- Ahmed Zareer of Raajje TV was beaten on the chest and legs and allegedly sexually abused by the police;
- Hussain Hassan of Raajje TV was ill-treated and strangled by the police before being taken to the police station, where he was beaten before being taken to hospital;
- Hussain Waseem, video journalist for V Media, sustained injuries to his back and was left unable to walk due to police beatings;
- Leevan Ali Nasir, video journalist for V Media, was beaten and arrested;
- Ahmed Dilah, Ibrahim Fauzan and Mohamed Rasheed, camera operators for V Media, were heavily pepper sprayed and had difficulty breathing;
- Abdulla Yaameen, video journalist for Sangu TV, had a pepper spray canister that was sprayed heavily placed inside his mouth, resulting in breathing difficulties, and sustained a blow to his chest by a policeman who used his knee.

On 16 March 2018, Raajje TV reporter Mohamed Wisam and programme head Amir Saleem were [arrested](#) and accused of making a video showing masked men in police uniforms threatening to join anti-government demonstrations. The broadcaster condemned the allegations as “false and baseless.” The two were remanded for ten days by the police but released on 27 March 2018 by the courts. Mohamed Fazeen, another Raajje TV journalist, was also arrested on the evening of 16 March 2018 for “defying police orders” but was [released](#) the following day.

On 15 February, the International Federation of Journalists, Reporters Without Borders and the Committee to Protect Journalists raised concerns about restrictions on and threats to the media and press freedom in the Maldives, and called on the authorities to allow media to carry out work without reprisal. In a joint statement they [stated](#):

“[We] jointly condemn ongoing threats to shut down media organizations in the name of national security during the country's current political crisis and its declaration of a state of emergency. The media in the Maldives are enduring unprecedented restrictions, making it impossible to bring out necessary independent or critical reporting in the public interest.”

The Maldives is currently ranked 117th out of 180 countries by Reporters Without Borders' 2017 [World Press Freedom Index](#).

CLAMPDOWN ON PROTESTS

Article 21 of the ICCPR guarantees the freedom of peaceful assembly while Article 32 of the Constitution of the Maldives provides for the right to the freedom of peaceful assembly without prior permission being needed from the state. However, the state of emergency [suspended](#) this right and imposed a ban on protests.

Despite this, opposition activists and other citizens have taken to the streets to assemble peacefully to make various demands, including to call for the release of those arbitrarily detained. They have been met with unnecessary and excessive force by the police and [almost 200 protesters](#) have been detained.

The day after the Supreme Court ruling, on 2 February 2018, opposition activists [gathered](#) outside the MDP headquarters in Malé to celebrate the decision. Police wearing riot gear and armed with batons and shields arrived and ordered the crowd to disperse and return home. When they refused, police fired teargas canisters and used excessive force to disperse them. Several people were [arrested](#).

On 10 February 2018, youth protestors who took to the streets calling for the implementation of the Supreme Court ruling were [arrested](#) and detained by the police. Among those arrested were five members of the youth wing of the Maldivian Democratic Party (MDP), Safaath Ahmed, Mickail Nasee, Abdullah Anil, Rayyan Jamaal and Aishath Sheena Mohamed.

On 15 February 2018, four members of the MDP National Council - Anwar Ibrahim, Moosa Ali Manik, Hussain Munawwar and Mohamed Moosa Rafeeu - were [arbitrarily arrested](#) on suspicion they were planning to be involved in a mass rally the following day. The four were released nearly a month later without charge.

On 16 February 2018, several protests erupted in various parts of the Maldives calling on the government to implement the Supreme Court ruling. Protests were held in Malé and Addu City, as well as on several islands. Even before protests began in Malé, police [arrested](#) several political activists, including MDP Deputy Leader Mohamed Shifaz, MDP National Council Member Ahmed Adhuham, MDP Economic Committee Chair, Ibrahim Amru and Kanditheemu Constituency President

Mohamed Shameem. Police then used pepper spray and teargas indiscriminately on protesters, journalists and parliamentarians.

Police [arrested](#) at least 17 protesters at demonstrations on 3 March 2018, including three parliamentarians - Abdul Latheef Mohamed, Abdulla Riyaz and Abdulla Shahid - along with several MDP activists and council members.

On 15 March 2018, police [arrested](#) opposition parliamentarians Mohamed Ameeth, Mariya Ahmed Didi and Ali Hussain at a gathering in the capital. Five female protesters were also reportedly pepper-sprayed at close range and were taken to the hospital.

On 18 March 2018, at least 139 peaceful protesters were [detained](#) as they attempted to defy the state of emergency and march into Malé. Witnesses said that masked special operations policemen arrested protesters, while riot police charged with shields and used pepper spray and teargas to break up the protests.

During an opposition protest on 23 March 2018, Abdullah Saleem suffered an epileptic episode after being [pepper-sprayed](#) by the police at very close proximity. He subsequently went into a coma and was [unconscious](#) for two days.

On 24 March 2018, a [rally](#) was organized by the family and friends of prominent blogger Yameen Rasheed, to mark a year since his killing and to demand justice. They also protested against the decision to hold the trial of the alleged perpetrators behind closed doors. The police attempted to disperse the rally and briefly detained two activists.

Civil society groups have accused the Maldives police of double standards. While many anti-government protests have been met with repression, [pro-government](#) rallies have been allowed to take place during the state of emergency, without any restrictions.

THE HUMAN RIGHTS COMMISSION OF THE MALDIVES

There has been an extremely [weak](#) response from the Human Rights Commission of the Maldives to restrictions on fundamental freedoms during and after the state of emergency. The body has failed to investigate effectively cases filed with them related to the use of force by the police against protesters during demonstrations. [Concerns](#) have been raised previously about the independence of the Commission. An 11-point [guideline](#) issued by the Supreme Court in 2015, which imposes excessive and arbitrary restrictions on the Commission, severely undermined its ability to engage with the UN human rights system. Politically-motivated [appointments](#) to the Commission have added to concerns over its independence.

CIVIL SOCIETY MOBILISATION AND CHALLENGES

Despite the hostile environment for human rights defenders and CSOs in the Maldives, they have bravely [spoken out](#) against the restrictions on fundamental freedoms imposed under the state of emergency, as well as its [legality](#), and called for it to be lifted. CSOs have [documented](#) restrictions on the freedom of assembly, the unnecessary and excessive use of force by security forces against protesters and journalists, and the [ill-treatment](#) of detainees. Maldivian CSOs have also been working

with regional and international CSOs to undertake [media advocacy](#) and raise [concerns](#) at the UN Human Rights Council session held in February and March 2018.

However, they have continued to face threats and challenges as a result of speaking out. Shahindha Ismail, human rights defender and Executive Director of the MDN, has been a vocal critic of human rights violations since the state of emergency. On 2 April 2018 police questioned her for allegedly criticising Islam, an allegation she has categorically denied.² These politically-motivated investigations against Shahindha appear to be an attempt by the authorities to obstruct her legitimate work as a human rights defender.

The Asian Forum for Human Rights and Development, the Observatory for the Protection of Human Rights Defenders, Front Line Defenders and Amnesty International have [criticised](#) her targeted harassment and intimidation, stating:

“The authorities must instead launch a prompt, independent and impartial investigation into the online abuse and threats against Shahindha Ismail that she has received because of her legitimate human rights work and the peaceful exercise of her right to freedom of expression.”

Thayyib Shaheem, a Maldivian social media activist, had his phone [disconnected](#) on 6 March 2018. He subsequently found that police had ordered local telecommunications provider Dhiraagu to provide them access to his phone.

Attacks and harassment against human rights defenders have [persisted](#) in recent years, as exemplified by the [killing](#) of blogger Yameen Rasheed in April 2017 and the [disappearance](#) of journalist, Ahmed Rilwan in 2014. These attacks have taken place in a climate of constant threats against and judicial harassment of CSOs and journalists that are critical of the government. Perpetrators of such crimes have enjoyed impunity, something that adds credence to accusations of government and police complicity and negligence.

RECOMMENDATIONS

In the light of recent events, CIVICUS and VOW Maldives make the following recommendations to the Government of Maldives:

- Immediately and unconditionally release the two detained Supreme Court judges and all people who have been arbitrarily detained under the state of emergency for exercising their human rights.
- Implement the ruling of the Supreme Court of 1 February 2018, on the release of political prisoners and ensure that the judiciary can operate in an independent and transparent manner without interference.

² The allegations against Shahindha Ismail stem from a tweet she posted on 21 December 2017 in response to a statement by President Yameen that said he would not allow any religion other than Islam. Shahindha Ismail tweeted in response that “Religions other than Islam exist in this world because Allah allowed for it. No other religion would exist otherwise, would it?”

- End all forms of harassment against human rights defenders and ensure a safe and enabling environment for them to carry out their legitimate work without fear of reprisals.
- Ensure the safety and protect the rights of all journalists and media houses by impartially investigating any allegation of harassment or attack with a view to bringing those responsible to justice.
- Carry out prompt, impartial, independent and efficient investigations into all complaints and reports of unnecessary or excessive use of force by the police against protesters and journalists, bring those responsible to justice, including those with command responsibility, and provide reparations to the victims.
- End the persistent and repeated violations of the human rights of parliamentarians, allow the 12 members of parliament to take their seats as soon as possible and ensure that parliament fully abides by the Constitution when conducting its work.
- Ensure that members of the police are trained to respect human rights.
- Ensure that the Human Rights Commission of the Maldives can operate independently and without government interference.
- Fully cooperate with UN human rights mechanisms, including Special Procedures and the Office of the High Commissioner for Human Rights, to address all of the above concerns.
- Ensure there is a conducive environment to hold free, fair and inclusive elections including the right of individuals to stand for elected office.
- Ensure in the run-up to the 2018 presidential election that all institutions in the Maldives:
 - respect the rights to freedom of association, peaceful assembly and expression;
 - refrain from any intimidation, obstruction, threat, harassment and arbitrary arrest of politicians, journalists, activists and citizens;
 - create an environment where everyone can freely participate in discussing issues of national concern;
 - and ensure that voters can travel safely and securely to the polling booths and back.



Photo credit: Majority World/Getty

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