

## Teodoro Nguema Obiang Mbasogo / Teodoro Nguema Obiang Mangue (France)

**Case ID:**

ARW-183

**Jurisdiction of Origin of Public Official or Entity Allegedly Involved:**

Equatorial Guinea

**Position of Public Official(s) (yrs in office):**

President (Teodoro Nguema Obiang Mbasogo: 1979-current); Minister of Agriculture and Forestry and son of President (Teodoro Nguema Obiang Mangue: current)

**Jurisdiction of Asset Recovery:**

France

**Jurisdiction of Asset Recovery ? Description:**

Undertaking Recovery Effort, Location of Recovery Effort, Asset Location / Alleged Asset Location

**Asset Recovery Start:**

2007

**Asset Recovery End:**

Ongoing

**UNCAC Offenses Implicated:**

Art.17

Art.20

Art.23

**Money laundering Implicated:**

Yes

**Legal Basis for Asset Recovery:**

Criminal Prosecution

**Intl.Cooperation: MLAT/Letter of Request?:**

No

**Contributing Factors in Asset Recovery:**

Ongoing Case, but Transparency International stated that this is the first time French courts allowed such a complaint by nongovernmental organizations to proceed. Source: Transparency International Press Release, "Biens Mal Acquis' Case: French Supreme Court Overrules Court of Appeal's Decision: The complaint filed by Transparency International France is ruled admissible," November 9, 2010.

**Status of Asset Recovery :**

Ongoing

**Stage in Asset Recovery Chain:**

Before Court of First Instance

**Agreement for Returned Assets:**

Ongoing

**Agreement for Returned Assets - Description:**

N/A

**Case Summary:**

According to Transparency International France, on May 23, 2016, the French Prosecutor's

Office filed an indictment against Mr. Obiang for a trial in the Criminal Court of Paris. (Source: Transparency International France, "Bien Mal Acquis: le Procureur de la Republique demande l'ouverture d'un proces contre Obiang," May 26, 2016, at <https://transparency-france.org/project/bma-procureur-ouverture-proces-o...>) In November 2010, the French Supreme Court overturned a lower court decision and permitted the "Biens Mal Acquis" (?Ill-Gotten Gains?) complaint, originally filed in March 2007 by Transparency International France and SHERPA to proceed. The civil society organizations had filed a complaint against assets allegedly belonging to three African public officials: Omar Bongo, Dennis Sassou Nguesso, and Teodoro Obiang, and their relatives. Transparency International stated that "this decision stands as a considerable legal milestone that goes beyond the 'Biens Mal Acquis' case. For the first time in France, the collective action of an anti-corruption association is deemed admissible before a criminal court." (Source: Transparency International Press Release, "'Biens Mal Acquis' Case: French Supreme Court Overrules Court of Appeal's Decision: The complaint filed by Transparency International France is ruled admissible," November 9, 2010.) According to secondary sources, including GTSpirit.com, on September 29, 2011, the French National Police seized 11 supercars belonging to Mr. Obiang; among the cars seized from the Obiang Paris residence at 42 Avenue Foch were two Bugati Veyrons, a Maserati MC12, a Porsche Carrera GT, a Ferrari Enzo, a Ferrari 599 GTO, Aston Martin V8 V600 LM, Rolls Royce Drophead Coupe, and a Bentley (model not identified) valued at total of \$5 million. (Source: Des, Car News, "11 Supercars of Teodoro Obiang Nguema Mbasogo Seized by French Police," September 29, 2011). According to the Agence France-Presse (AFP), French authorities have seized and auctioned luxury goods purchased by Mr. Obiang in February and July 2012 (respectively, valuable artwork and antiques, and a 1,000 square metre property on 40/ 42 avenue Foch in Paris detained through French and Swiss companies which were alleged to be beneficially owned by Mr. Obiang (two French companies, Foch Services and SCI Avenue du Bois; and five Swiss companies, Ganesha, Re Entreprise, Gep, Nordi And Shipping, Raya Holding) (Source: Decision confirmed by the French Supreme court on March 5, 2014: Cour de cassation, criminelle, Chambre criminelle, 5 March 2014, N° de pourvoi: 13-84977). French authorities issued an Europe-wide arrest warrant against him in July 2012 (Sources: Decision confirmed by the French Supreme court: Cour de cassation, criminelle, Chambre criminelle, 5 mars 2014, N° de pourvoi: 13-84.705, Publié au bulletin; Cour de cassation, criminelle, Chambre criminelle, 19 février 2014, N° de pourvoi: 13-84.705). French newspaper Liberation press release, "Biens mal acquis: saisie record chez Teodoro Obiang", February 2012, available at: <http://www.liberation.fr/monde/2012/02/24/biens-mal-acquis-saisie-record...> AFP press release, "Biens mal acquis: le fils du président de Guinée équatoriale mis en examen", March 19, 2014.) According to a press release from the NGOs Transparency International France and Sherpa, the Paris court (the Tribunal de Grande Instance) issued an indictment against Teodoro Nguema Obiang Mangue on money-laundering charges on March 19, 2014. (Sources: Transparency International press release, "Teodorin Obiang Nguema indicted in Bien Mal Acquis case", March 20, 2014; Human Right Watch news release, "Equatorial Guinea: Indictment of President's Son in France", March 20, 2014.) . According to Sherpa in December 2015, the Court of Cassation rejected Mr. Obiang's petition to have his case dismissed on grounds of diplomatic immunity, thus paving the way for the trial to proceed. (Source: Sherpa Press Release, "No immunity for Teodoro Obiang: a trial is imminent," December 15, 2015.) In parallel, the Obiang family brought several defamation cases in France notably against two NGOs, the Catholic Committee Against Hunger (CCFD -Terre Solidaire) and Transparency International France, and a French news magazine L'Express. According to RFI, the Paris court dismissed the defamation case against Transparency International France on June 26, 2014, and dismissed the one brought against L'Express on July 4, 2014. The libel suit against CCFD was also dismissed and this decision upheld on appeal on April 25, 2013. (Sources: UNCAC Coalition, "Landmark French rulings

dismiss Teodorin Nguema Obiang defamation cases?, July 23, 2014; RFI press release, "Equatorial Guinea leader's son Obiang loses legal case against French magazine", July 5, 2014; Leexpres.fr, "Teodorin Obiang perd son procès en diffamation", June 26, 2014; RFI, "Guinea's Obiang loses libel case against French NGO", April 26, 2013.).

**Disposition of Criminal Case(s):**

In November 2010, the French Supreme Court held that the criminal complaint filed earlier by Transparency International and other non-governmental organizations against Mr. Obiang may proceed. (Source: Supreme Court of France, Case No. 6092, decision of November 9, 2010, L'association Transparence International France, partie civile, reversing High Court of Paris, section 2, judgment of October 29, 2009.) In July 2012, a French court issued an international arrest warrant when for the second time, Mr. Obiang, Jr. did not appear before the Investigating Magistrates "for preliminary examination - a legal procedural step that precedes a criminal indictment under French Law." (Source: Sherpa Press Release, "'Biens Mal Acquis' Case: Teodorin Obiang refuses to appear before judicial authorities," July 13, 2012.) According to a press release from the NGOs Transparency International France and Sherpa, the Paris court (Tribunal de Grande Instance) issued an indictment against Teodoro Nguema Obiang Mangue on money-laundering charges on March 19, 2014 (Source: Transparency International press release, "Teodorin Obiang Nguema indicted in Bien Mal Acquis case", March 20, 2014.)

**Jurisdiction of Asset Recovery: Investigative Agency:**

Investigating Magistrate

**Jurisdiction of Asset Recovery: Prosecuting Authority/Civil Attorney(s):**

Public Prosecutor; (Transparency International France and SHERPA - filed complaint)

**Jurisdiction of Asset Recovery: Courts Involved:**

Supreme Court, Court of Appeals

**Documents:**



Obiang\_France\_SCt\_Judgment\_Nov\_9\_2010.pdf

Obiang\_France\_TransparencyIntl\_Sherpa\_Press\_Release\_Nov\_9\_2010.docx

Obiang\_US\_Senate\_Foreign\_Corruption\_Report\_Feb\_2010.pdf

Obiang-cars-seized-photos-www.gtspirit\_Sep\_2011

**Documents:**

Attachment	Size
 Obiang_France_Biens mal acquis_ Vers l'ouverture d'un procès contre Obiang_May2016.pdf	277.62 KB
 Obiang_III-Gotten Gains_ The Public Prosecutor Requests the Opening of a Trial against Obiang - SHERPA_May2016.pdf	165.67 KB

**Other Sources:**

Transparency International France, "Bien Mal Acquis: le Procureur de la Republique demande l'ouverture d'un proces contre Obiang," May 26, 2016, at <https://transparency-france.org/project/bma-procureur-ouverture-proces-o...> French Supreme Court's November 9, 2010 ruling, reversing appeals court decision and permitting civil suit by Transparency International France and SHERPA to proceed: Cour de cassation sans renvoi, No. 6092; See also Transparency International Press Release, "'Biens Mal Acquis' Case: French Supreme Court Overrules Court of Appeal's Decision: The complaint filed by Transparency International France is ruled admissible," November 9, 2010. Sherpa Press Releases, "No immunity for Teodoro Obiang: a trial is imminent," December 15, 2015, at <https://www.asso-sherpa.org/no-immunity-teodoro-obiang-trial-imminent> and "'Biens Mal Acquis' Case: Teodorin Obiang

refuses to appear before judicial authorities," July 13, 2012, accessed at [http://asso-sherpa.org/sherpa-content/docs/newsroom/Communiqués\\_de\\_press....](http://asso-sherpa.org/sherpa-content/docs/newsroom/Communiqués_de_press....) See also, United States Senate, Permanent Subcommittee on Investigations, Committee on Homeland Security and Governmental Affairs, Majority and Minority Staff Report, "Keeping Foreign Corruption Out of the United States: Four Case Histories," released in conjunction with the Permanent Subcommittee on Investigations, February 4, 2010 Hearing, posted at <http://hsgac.senate.gov/public/index.cfm?FuseAction=Hearings.Hearing&Hea...> links to witness testimonies also at same. See also, Des, Car News, "11 Supercars of Teodoro Obiang Nguema Mbasogo Seized by French Police," September 29, 2011, accessed at <http://www.gtspirit.com/2011/09/29/11-supercars-of-teodoro-obiang-nguema....> Cour de cassation, criminelle, Chambre criminelle, 5 March 2014, N° de pourvoi: 13-84977. Cour de cassation, criminelle, Chambre criminelle, 5 mars 2014, N° de pourvoi: 13-84.705, Publié au bulletin; Cour de cassation, criminelle, Chambre criminelle, 19 février 2014, N° de pourvoi: 13-84.705. French newspaper Liberation press release, "Biens mal acquis: saisie record chez Teodoro Obiang", February 2012, available at: <http://www.liberation.fr/monde/2012/02/24/biens-mal-acquis-saisie-record...> AFP press release, "Biens mal acquis: le fils du président de Guinée équatoriale mis en examen", March 19, 2014, available at: <https://fr.news.yahoo.com/biens-mal-acquis-fils-pr%C3%A9sident-guin%C3%A....> Transparency International press release, "Teodorin Obiang Nguema indicted in Bien Mal Acquis case", March 20, 2014, available at: [http://www.transparency.org/news/pressrelease/teodorin\\_obiang\\_nguema\\_ind...](http://www.transparency.org/news/pressrelease/teodorin_obiang_nguema_ind...) Human Right Watch news release, "Equatorial Guinea: Indictment of President's Son in France", March 20, 2014, available at: <http://www.hrw.org/news/2014/03/20/equatorial-guinea-indictment-presiden....> See also regarding the defamation cases: UNCAC Coalition, "Landmark French rulings dismiss Teodorin Nguema Obiang defamation cases?", July 23, 2014, available at: <http://www.uncaccoalition.org/en/learn-more/blog/350-landmark-french-rul...> RFI press release, "Equatorial Guinea leader's son Obiang loses legal case against French magazine?", July 5, 2014, available at: <http://www.english.rfi.fr/africa/20140705-equatorial-guinea-leaders-son-...> "Teodorin Obiang perd son procès en diffamation?", June 26, 2014, available at: <http://www.lexpress.fr/actualites/1/societe/teodorin-obiang-perd-son-pro...> RFI, "Guinea's Obiang loses libel case against French NGO?", April 26, 2013, available at: <http://www.english.rfi.fr/africa/20130426-guineas-obiang-loses-libel-cas...>