

## Teodoro Nguema Obiang Mbasogo (Spain)

**Case ID:**

ARW-182

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

Equatorial Guinea

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

President (1979-current)

**Jurisdiction of Asset Recovery:**

Spain

**Jurisdiction of Asset Recovery ? Description:**

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

**Asset Recovery Start:**

2008

**Asset Recovery End:**

Ongoing

**UNCAC Offenses Implicated:**

Art.17

Art.20

Art.23

**Money laundering Implicated:**

Yes

**Legal Basis for Asset Recovery:**

Case in Investigatory/Asset Restraint Stage

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

No

**Contributing Factors in Asset Recovery:**

Ongoing Case

**Status of Asset Recovery :**

Ongoing

**Stage in Asset Recovery Chain:**

Investigation/Asset Tracing/Asset Restraint

**Agreement for Returned Assets:**

Ongoing

**Agreement for Returned Assets - Description:**

N/A

**Case Summary:**

In July 2004, the U.S. Senate Permanent Subcommittee on Investigations issued its report, "Money Laundering and Foreign Corruption: Enforcement and Effectiveness of the PATRIOT Act, Case Study Involving Riggs Bank" examining the Bank's extensive relationship with Equatorial Guinea and with Mr. Obiang and his family and associates. The Senate Report stated, "Over three and one-half years, from June 2000 to December 2003, sixteen wire transfers were sent from the E.G. [Equatorial Guinea] oil account to Kulunga Company SA, an E.G. corporation, totaling over \$26.5 million." The Senate Report stated that all sixteen wire transfers were made from Riggs Bank to the Kalunga Company accounts held at Bank

Santander in Madrid, Spain. (Source: Senate Report, at 54 and 55) The Senate Report added that the Subcommittee had reasons to believe that at least one of the accounts opened under the Kalunga Company or another company's name may be "owned in whole or in part by" Mr. Obiang. (Source: Senate Report, at 6.) According to the Open Society Foundations, investigations undertaken by the Asociación Pro Derechos Humanos de España (APDHE), a Spanish human rights organization "revealed close correlations in timing between at least five of these transfers and nine real estate purchases in Madrid, Gijón, and Las Palmas de Gran Canaria in the Canary Islands on behalf of the President, members of his family, and other close associates." (Source: Open Society Foundations, APDHE v. Obiang Family," last accessed on March 29, 2011.) On October 22, 2008, APDHE submitted its complaint to Instructing Judge Baltasar Garçon and the next day, Judge Garçon referred the case to the office of the National Criminal Court Prosecutor. On January 21, 2009, the Office of the Prosecutor (Fiscalía) concluded that there is a case to answer and opened an official investigation in the Pre-Trial Investigative Court and that the investigation should commence in Gran Canaria rather than in Madrid, because the Kalunga account where the money was received was not in Madrid, but at the Banco Santander in Las Palmas, Gran Canaria. On February 6, 2009, Judge Garçon issued an order ratifying the determination of the Prosecutor requiring transfer of the case to the Pre-Trial Investigative Court in Las Palmas. The case is pending investigation. (Source: Open Society Foundations, APDHE v. Obiang Family," last accessed on November 7, 2013.) The APDHE complaint named as defendants Marcellino Owono Edu (Minister for Mining, Industry and Energy) and his wife, Constanza Nchama Angue; Miguel Abia Biteco (former Prime Minister) and his wife, Dorotea Anita Roka Elobó; Gabriel Nguema Lima (son of President Obiang, also known as Gabriel M. Obiang Lima; also former Deputy Minister for Mining, Industry and Energy) and his wife, Virginia Esther Maye Mba; Teodoro Biyogo Nsue (Ambassador to Brazil, U.S. and UN and brother in law of President Obiang) and his wife, Elena Mensa; Pastor Micha Ondo Bile (Minister of Foreign Affairs, International Cooperation and Francophony) and his wife Magdalena Ayang; Atanasio Ela Ntugu (former Minister for Mining, Industry and Energy) and any additional persons who may appear to be criminal liable during the course of investigation for money laundering. (Source: English translation of APDHE's complaint dated September 22, 2008.) The complaint stated that Kalunga Company S.A. was a shell entity which did not conduct any business, and that the funds transferred to its Spain account had originated from the "Oil Account" at Riggs Bank for which President Obiang, his son Gabriel M. Obiang Lima and his nephew Melchor Esono Edjo were signatories. Two signatories were sufficient to authorize withdrawals from the Oil Account, and one of them always had to be President Obiang. Total of nine properties alleged to have been purchased in Spain with the Kalunga funds included two properties registered in President Obiang's name: (1) Housing unit at calle Dolores de la Rocha SN, 4th floor, door C, CP 35001, Las Palmas de Gran Canaria, registered with the Land Registry of Las Palmas de Gran Canaria number one in the name of Teodoro Obiang Nguema Mbasogo, and (2) property located at calle Eufemiano Jurado SN, 2nd floor, CP 35106, Finca Las Labradoras, Las Palmas de Gran Canaria, registered with the Land Registry of Las Palmas de Gran Canaria number one in the name of Teodoro Obiang Nguema Mbasogo. (Source: English translation of APDHE's complaint dated September 22, 2008.)

#### **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 Origin: Prosecuting Authority/Civil Attorney(s):**

N/A

**Jurisdiction of Origin: Courts Involved:**

N/A

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

Instructing Judge Baltasar Garzon; Fiscalía de la Audiencia Nacional (National Criminal Court Prosecutor); Asocacion Pro Derechos Humanos de Espana (Attorneys Manuel Olle Sese and Almudena Bernabeu)

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

[Juzgado de Instruccion, Las Palmas de Gran Canaria?]


**Documents:**

Obiang\_Spain\_APDHE\_Complaint\_English\_Oct\_22\_2008.pdf

Obiang\_Spain\_APDHEvObiang\_Soros\_Fdn\_March\_2011.pdf

Obiang\_US\_Senate\_Investigation\_Riggs\_Bank\_July\_2004.pdf

**Documents:**

<b>Attachment</b>	<b>Size</b>
 APDHE v Obiang_Open_Society_Fdn_Jan_22_2015.pdf	333.61 KB

**Documents Links:**

**Other Sources:**

U.S. Senate Permanent Subcommittee on Investigations Minority Staff Report, "Money Laundering and Foreign Corruption: Enforcement and Effectiveness of the Patriot Act, Case Study Involving Riggs Bank," July 15, 2004, accessed at [http://hsgac.senate.gov/public/\\_files/ACF5F8.pdf](http://hsgac.senate.gov/public/_files/ACF5F8.pdf); Open Society Justice Initiative of the Open Society Foundations, "APDHE v. Obiang Family," last accessed on January 22, 2015, at <http://www.soros.org/initiatives/justice/litigation/obiangfamily> (which also provides links at bottom to text of APDHE's complaint in Spanish and English translation). Sherpa Press Release, "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....)