

Teodoro Nguema Obiang Mbasogo / Teodoro Nguema Obiang Mangué (United States)

Case ID:

ARW-184

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); Second Vice President and son of President (Teodoro Nguema Obiang Mangué: current)

Jurisdiction of Asset Recovery:

United States

Jurisdiction of Asset Recovery ? Description:

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

Asset Recovery Start:

2004

Asset Recovery End:

Ongoing

UNCAC Offenses Implicated:

Art.17

Art.20

Art.23

Money laundering Implicated:

Yes

Legal Basis for Asset Recovery:

Other / Settlement Agreement in Non-Conviction Based Confiscation Case

Intl.Cooperation: MLAT/Letter of Request?:

No

Basis for Intl Cooperation:

N/A

Contributing Factors in Asset Recovery:

Ongoing Case

Status of Asset Recovery :

Ongoing

Stage in Asset Recovery Chain:

Final Judgment (No Appeal)

Assets Adjudicated, Not Yet Returned - Description:

Unspecified amount (includes Malibu mansion, Ferrari, two statues and US\$11.3 million)

Agreement for Returned Assets:

Ongoing

Agreement for Returned Assets - Description:

Ongoing but returned funds to be used to establish a charity for benefit of people of Equatorial Guinea

Case Summary:

On October 10, 2014, Mr. Obiang announced that he had reached a settlement with the Department of Justice in which he agreed to forfeit his Malibu mansion, a Ferrari, two statues, US\$10.3 million being held in escrow and to make a payment for US\$1 million. The proceeds are to be used to establish a charity that would benefit the people of Equatorial Guinea. (Source: US v. One White Crystal-Covered "Bad Tour" Glove and Other Michael Jackson Memorabilia; Real Property Located on Sweetwater Mesa Road in Malibu, California; One 2011 Ferrari 599 GTO, et al, Case No. 2:11-cv-03582-GW-SS (C.D. Cal), Joint Stipulation and Settlement Agreement filed October 10, 2014; PR Newswire, "Vice President of Equatorial Guinea Settles Case with Justice Department.") In October 2011, the US Department of Justice had announced the filing of two civil asset forfeiture suits, in California and in Washington, D.C., against more than \$70.8 million in alleged proceeds of corruption by Mr. Teodoro Nguema Obiang Mangue. The Justice Department stated that the cases originated as part of its Kleptocracy Asset Recovery Initiative. (Source: US Department of Justice Press Release, "Department of Justice Seeks to Recover More Than \$70.8 Million in Proceeds of Corruption from Government Minister of Equatorial Guinea," October 25, 2011.) In February 2010, the U.S. Senate Permanent Subcommittee on Investigations had conducted hearings and released an extensive investigative report which concluded that "From 2004 to 2008, Teodoro Nguema Obiang Mangue, son of the President of Equatorial Guinea, has used U.S. lawyers, bankers, real estate agents, and escrow agents to move over \$110 million in suspect funds into the United States. Mr. Obiang is the subject of an ongoing U.S. criminal investigation, has been identified in corruption complaints filed in France, and was a focus of a 2004 Subcommittee hearing showing how Riggs Bank facilitated officials from Equatorial Guinea in opening accounts and engaging in suspect transactions." (Sources: U.S. Senate Permanent Subcommittee on Investigations Majority and Minority Staff Report, "Keeping Foreign Corruption Out of the United States: Four Case Studies" and report of the Senate Hearing 111-540 on February 4, 2010.) The assets involved in the California suit included a Malibu mansion on Sweetwater Mesa Road, a 2011 Ferrari, and Michael Jackson Memorabilia; the Washington, DC suit involves a Gulfstream G-V private jet. In August 2013, the California court granted a summary judgment, dismissing the case against the assets but declining to rule on the charge of bank fraud. (Sources: US v. One White Crystal-Covered "Bad Tour" Glove, et al, Case No. 2:11-cv-03582-GW-SS (C.D. Cal), First Amended Verified Claim for Forfeiture In Rem filed October 13, 2011, US v. One Gulfstream G-V Jet Aircraft Displaying Tail Number VPCES, et al, Case No. 1:11-cv-01874-ABJ (D.D.C.), Complaint for Forfeiture In Rem filed October 25, 2011). As part of the settlement, the civil forfeiture action filed in Washington DC was to be dropped.

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:

U.S. Senate Permanent Subcommittee on Investigations; Foreign Corruption Investigations Group (Miami) and HSI Asset identification and Removal Group (Miami) of the Immigration and Customs Enforcement; HSI Office of the Special Agent in Charge (Los Angeles)

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

Department of Justice, Criminal Division, Asset Forfeiture and Money Laundering Section

Jurisdiction of Asset Recovery: Courts Involved:

US District Court for the Central District of California; US District Court for the District of Columbia

Documents:

Obiang_US_Senate_Foreign_Corruption_Report_Feb_2010.pdf

Obiang_US_Senate_Investigation_Riggs_Bank_July_2004.pdf

Obiang_Suits_Filed_DOJ_PR_Oct_25_2011

Obiang_CDCA_First_Amended_Verified_Complaint_Oct_2011

Obiang_DDC_Complaint_Oct_25_2011

Obiang_US_Visa_Mansion_NYTimes_Nov_17_2009

Documents:

Attachment	Size
 Obiang_US_CDCA_Ruling_Mtn_Summary_Judg_Aug_20_2013.pdf	22.05 KB
 Obiang_US_DDC_Amended_Complaint_Main_Jun_17_2013.pdf	2.5 MB
 Obiang_US_DDC_Mtn_Dismiss_Exhibit_5_Oct_4_2013.pdf	561.48 KB
 Obiang_Statement_Settlement_Oct_10_2014.pdf	175.78 KB
 Obiang_CDCA_Stip_Settlement_Ag_10102014.pdf	427.2 KB
 Obiang_CDCA_Notice_settlement_10102014.pdf	85.82 KB

Other Sources:

U.S. Senate Permanent Subcommittee on Investigations Majority and Minority Staff Report, "Keeping Foreign Corruption Out of the United States: Four Case Studies" and report of the Senate Hearing 111-540 on February 4, 2010, available at the website of the Government Printing Office at <http://www.gpo.gov/fdsys/pkg/CHRG-111shrg56840/html/CHRG-111shrg56840.htm>; 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. US Department of Justice Press Release, "Department of Justice Seeks to Recover More Than \$70.8 Million in Proceeds of Corruption from Government Minister of Equatorial Guinea," October 25, 2011; US v. One White Crystal-Covered "Bad Tour" Glove and Other Michael Jackson Memorabilia; Real Property Located on Sweetwater Mesa Road in Malibu, California; One 2011 Ferrari 599 GTO, et al, Case No. 2:11-cv-03582-GW-SS, First Amended Verified Claim for Forfeiture In Rem filed October 13, 2011 and Final Ruling on Defendant's Motion for Summary Judgment, August 20, 2013, Joint Stipulation and Settlement Agreement filed October 10, 2014, 2014; US v. One Gulfstream G-V Jet Aircraft Displaying Tail Number VPCES, et al, Case No. 1:11-cv-01874-ABJ (D.D.C.), Complaint for Forfeiture In Rem filed October 25, 2011 and Amended Complaint filed June 17, 2013, and Defendant's Motion to Dismiss filed October 4, 2013. See also, Ian Urbina, "Taint of Corruption Is No Barrier to U.S. Visa," New York Times, November 16, 2009 (which valued

the Malibu mansion at \$35 million and showed a photo of it.) and 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... PR Newswire, "Vice President of Equatorial Guinea Settles Case with Justice Department," October 10, 2014, at <http://www.prnewswire.com/news-releases/vice-president-of-equatorial-gui...>