

Teodoro Nguema Obiang Mangue ("Ebony Shine" yacht)

Case ID:

ARW-252

Jurisdiction of Origin of Public Official or Entity Allegedly Involved:

Equatorial Guinea

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

Vice President of Equatorial Guinea (2012-2018) and son of President Teodoro Obiang Nguema Mbasogo (1979 - current)

Jurisdiction of Asset Recovery:

Netherlands

Switzerland

Jurisdiction of Asset Recovery ? Description:

(1) Jurisdiction initiated legal action to recover assets (Switzerland) (2) Jurisdiction of Asset Location/Alleged Asset Location (Netherlands)

Asset Recovery Start:

2016

UNCAC Offenses Implicated:

Art.16

Art.17

Art.19

Art.23

Money laundering Implicated:

Yes

Legal Basis for Asset Recovery:

Actions Initiated by Foreign Jurisdictions

Intl.Cooperation: MLAT/Letter of Request?:

MLAT

Contributing Factors in Asset Recovery:

Ongoing Case

Status of Asset Recovery :

Ongoing

Assets Frozen or Seized (USD):

\$120,000,000

Case Summary:

According to a Dutch court order (ECLI: NL: RBOVE: 2017: 1630), on 2 December 2016, the Public Prosecutor's Office in Geneva, Switzerland, submitted a request for legal assistance to the Dutch Public Prosecution Service, Zwolle location. The reason for this request was the start of an investigation by the Public Prosecution Service in Geneva on 31 October 2016 against Obiang, Vice President of Equatorial Guinea and son of the President, in connection with money laundering. According to the Public Prosecutor's Office in Geneva, the defendant bought a yacht, Ebony Shine, that was docked in (near) Makkum at the time of the start of the investigation. The Swiss prosecution had a strong suspicion that the yacht was bought through acts of misconduct in a public office and bribery, with funds from Equatorial Guinea, that the defendant uses the yacht exclusively for private purposes and that jure imperii

activities of the state of Equatorial Guinea are not involved. The Geneva Public Prosecutor requested that the yacht be seized.

On December 2, 2016, at the request of the Swiss authorities, the Dutch authorities seized Mr. Obiang's 250-foot, \$120 million yacht, 'Ebony Shine,' as it was about to sail to Equatorial Guinea. Mr. Obiang has denied ownership of the yacht, and the government of Equatorial Guinea started legal proceedings in Zwolle, Netherlands to release and return the yacht to the government of Equatorial Guinea. Government lawyers argued in a Dutch court that the yacht belonged to his country's government and was used for defense purposes. In April 2017, the yacht was placed in sequestration in Den Helder port after a judge in Zwolle ruled that the vessel be held by the Dutch Public Prosecution Service (openbaar ministerie) while its owner is investigated under charges of corruption in Switzerland and France.

By a letter of 5 December 2016, the Public Prosecution Service in Geneva additionally requested to seize all available private and public documents relating to the Ebony Shine. On the basis of a decision of 6 December 2016 of the examining magistrate, the Ebony Shine was searched on 8 December 2016, in which a number of goods were seized.

During the proceedings, it was revealed that the yacht is formally owned by a company Named Dara Ltd, registered in the Marshall Islands. Lawyers representing Equatorial Guinea in the Dutch court stated that Dara Ltd is owned 100% by the Ministry of Defense of Equatorial Guinea. The vessel, built by Feadship in Makkum, has two jacuzzis, a spa, a pool and gym, a helipad, several jetskis and a cinema seating 12.

Swiss prosecutors had opened their investigation into Obiang in 2016. In July 2017, a Swiss Federal Court turned down a demand by the government of Equatorial Guinea to release the impounded yacht, which is moored in the Netherlands.

Eleven luxury cars were seized at Geneva airport in October/November 2016 as part of the same investigation - see ARW-253

Jurisdiction of Asset Recovery: Investigative Agency:

Public Prosecutor's Office in Geneva, Switzerland

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

Public Prosecutor's Office in Geneva, Switzerland

Jurisdiction of Asset Recovery: Courts Involved:

RECHTBANK OVERIJSEL (Overijssel District Court), Netherlands

Documents:

Attachment	Size
 Obiang_Yacht_Dutch court order #1_ECLI_NL_RBOVE_2017_1630.pdf	98.63 KB
 Obiang_Yacht_Dutch court order #2_ECLI_NL_RBOVE_2017_1631.pdf	108.98 KB
 Obiang_Yacht_Equatorial Guinea's Teodorin Obiang has had his luxury yacht seized in the Netherlands ? Quartz.pdf	1.46 MB
 Obiang_Yacht_Het superjacht blijft aan de ketting - NRC.pdf	707.75 KB
 Obiang_yacht_Superyacht seized in Den Helder port as part of corruption probe - DutchNews.pdf	663.72 KB