

## **“Biens Mal Acquis” Case: Teodorin Obiang refuses to appear before judicial authorities**

### **The judges release an international arrest warrant**

**Paris, 13 July 2012.** Teodoro Nguema Obiang (TNO), son of the President of Equatorial Guinea and recently appointed “second vice president”<sup>1</sup>, refused for the second time to appear before the investigating judges of the “Biens Mal Acquis” (“Illicit Enrichment”) case. He was summoned on July 11 for his preliminary examination – a legal procedural step that precedes a criminal indictment under French Law<sup>2</sup>. The arrest warrant, that remained outstanding since the first summons in March<sup>3</sup>, was issued right away.

**SHERPA and Transparency International France (TI France) welcome this measure, which confirms once again the allegations they have been asserting for five years. The decision of the investigating magistrates to indict TNO does not come as a surprise, given the accumulation of incriminating evidence over the last months.**

In September 2011, the French judges seized some [fifteen luxury cars](#) of his: Maserati, Aston Martin, Rolls Royce, Porsche, Bugatti, Bentley, Ferrari... Last February, three truckloads of luxury assets, such as antique furniture, works of art and cases of wine were seized in an unprecedented ten-day-search, as suspected proceeds of corruption.

TNO’s lavish possessions are vastly out of proportion with his official income: according to the US Department of Justice, which initiated civil proceedings in order to confiscate his US-based assets<sup>4</sup>, TNO has spent more than \$300 million worldwide between 2000 and 2011, while his salary as Minister of Agriculture and Forestry is estimated at less than \$100,000 per year<sup>5</sup>.

*“The release of an international arrest warrant against a political leader in office is obviously a major step in the case; however, it is too soon to prejudge the outcome of the proceeding, so numerous are the obstacles...”* declared Mr William Bourdon, President of SHERPA and TI France’s lawyer.

Assistant Attorney General Breuer,  
on American proceedings:

*« We are sending the message loud and clear: the United States will not be a hiding place for the ill-gotten riches of the world’s corrupt leaders. »*

The very first barrier to overcome is the controversial claim to diplomatic immunity, particularly an immunity of convenience that TNO seeks to enjoy through UNESCO. Indeed, on the 13<sup>th</sup> of October 2011, the Equatoguinean government named TNO as deputy permanent delegate to UNESCO, just two weeks after the seizure of his luxury cars by French judicial authorities.

In addition to this timing, the fact that the appointment resolution stated clearly that President Obiang of the Republic Equatorial Guinea (TNO’s father) decided to make the appointment specifically *“in response to the*

<sup>1</sup> <http://www.guineaecuatorialpress.com/noticia.php?id=126&lang=en>

<sup>2</sup> In France, judges can only (and have to) press charges “where there is sufficient reliable and consistent evidence that render his or her participation likely either as author or as accomplice, in the commission of an offence”

<sup>3</sup> [www.asso-sherpa.org/archives/2064](http://www.asso-sherpa.org/archives/2064) [French]

<sup>4</sup> In October, 2011, American authorities announced they had launched proceedings to recover more than 70 million dollars of assets. See the press release of the US Department of Justice, dated October 25, 2011 :

<http://www.justice.gov/opa/pr/2011/October/11-crm-1405.html>

<sup>5</sup> <http://www.asso-sherpa.org/archives/2240> [French]

*circumstances of Teodoro Obiang Mangué*<sup>6</sup>, raises concerns about the possibly dubious motivations of such a nomination, namely to bypass criminal proceedings in France.

France, as Host State of UNESCO, has the power and the duty to oppose the nomination of « Teodorin » Obiang by refusing to grant him the special diplomatic visa to which corresponding privileges and immunities are attached, thus allowing the French proceedings to take their due course.

It is unacceptable that an international organisation such as UNESCO can be manipulated in order to disrupt the progress of a legally opened investigation in France.

**SHERPA and TI France urgently call on the French Government to declare TNO *persona non grata* in accordance with article 9 of the Vienna Convention on Diplomatic Relationships. We call on concerned citizens of all countries to sign our [online petition](#) to support this approach.**

Mr William Bourdon, President of SHERPA and legal counsel for TI France, will be holding a press briefing on Monday 16, 2012 at 6:00pm at his office. This meeting will be focused on the international arrest warrant as well as the controversial UNESCO-Obiang Prize for Research in the Life Sciences<sup>7</sup>, due to be awarded on July 17.

Please, confirm your presence by sending us an email: [communication@asso-sherpa.org](mailto:communication@asso-sherpa.org)

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**SHERPA** is a development organisation whose purpose is to protect and defend people victims of economic crimes. SHERPA gathers legal professionals and lawyers convinced that law is a precious tool to promote global development.

**Transparence International France** is the French section of Transparency International (TI), the main civil society organisation focusing on transparency and integrity in public and economic life.

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<sup>6</sup> See the official press release of October 19, 2011 : <http://www.guineaecuatorialpress.com/noticia.php?id=1994>

<sup>7</sup> <http://www.asso-sherpa.org/archives/2067> [French]

## “BIENS MAL ACQUIS” CASE: A CHRONOLOGY

**2007** – French NGO CCFD-Terre Solidaire issued a report “Stolen Assets – Dictators’ Wealth and Western Connivance”<sup>8</sup> which estimated the amount of stolen assets located in Western countries.

**March 2007: first Complaint** - SHERPA, along with two other French NGOs (Survie and Federation des Congolais de la Diaspora), filed a legal complaint before the French Public Prosecutor against the ruling families of Angola, Burkina Faso, Congo, Equatorial Guinea and Gabon, alleging that some of them owned millions of Euros worth of properties in France that could not be the fruit of their sole official revenues.

**Late 2007:** Preliminary Investigation - The probe confirmed most of our allegations and further uncovered various additional properties and assets (luxury cars, bank accounts). Despite these conclusive results, the case was dismissed on November 7, 2007 by the French Prosecutor.

**July 9th 2008: Second complaint** - \_ On July 9, 2008, TI France, together with Congolese and Gabonese citizens, lodged another complaint before the French Public Prosecutor. This complaint was strictly identical to the one filed by SHERPA sixteen months earlier. The sole purpose was to enable TI France as well as Gabonese and Congolese citizens to later file a complaint with civil party petition before the investigating judge (Article 85 of French Criminal code of procedure). Therefore, it is unsurprising that the Public Prosecutor decided on **September 3rd 2008** not to pursue the case.

On **December 2nd 2008**, TI France and Gregory Ngbwa Mintsa, a Gabonese citizen, filed the **complaint with civil party petition** hoping to trigger a judiciary inquiry. The same day, Omar Bongo’s lawyers announced their intention to sue Sherpa and TI for libel.

**April 20th 2009:** The Public Prosecutor Office in Paris officially opposed the opening of a judiciary inquiry.

**May 5th 2009: The Dean of the Investigating Judges at the Financial Section of the Paris Court** dismissed the Gabonese citizen’s civil party petition, but admitted Transparence International France as a civil party. The Public Prosecutor immediately appealed the decision.

**October 29th 2009: Decision of the Paris Court of Appeal** - Inadmissibility of Transparence International France as a civil party. At this point, TI France appealed to the Supreme Court.

**December 2010** – The Supreme Court held the complaint admissible and opened judicial inquiry.

**September 2011** – Investigating judges ordered a search in Teodorin Obiang’s private mansion, located in uptown Paris Avenue Foch, and the seizure of his luxury cars.

**October 2011** – Equatorial Guinea announced Teodorin Obiang’s nomination as deputy permanent delegate to UNESCO, in a move that may be an attempt to grant Teodorin [immunity](#) from prosecution in France.

**14th au 24th February 2012** – Search of the private mansion of the Avenue Foch and seizure of three truckloads of TNO’s luxury assets.

**1st March 2012** –TNO was summoned by the investigating judges, in order to press charges against him. He refused to appear.

**April 2012** – The judges have obtained the authorisation to release an international arrest warrant against TNO.

**11th June 2012** – The US Department of Justice filed an amended complaint that brought a wealth of new elements as to TNO’s source of wealth and spending abuses.

**11th July 2012** – TNO was summoned for the second time by the French investigating magistrates; as he refused again to appear, the judges had no option but to issue the outstanding international arrest warrant against him.

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<sup>8</sup> This report was updated and expanded in 2009 and is available online in French : <http://www.ccf.asso.fr/BMA/>