



# INTERNATIONAL COURT OF JUSTICE

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## Press Release

Unofficial

No. 2016/28

30 September 2016

### **Immunities and Criminal Proceedings (Equatorial Guinea v. France)**

#### **Request for the indication of provisional measures submitted by Equatorial Guinea**

THE HAGUE, 30 September 2016. The Republic of Equatorial Guinea (hereinafter “Equatorial Guinea”) yesterday filed in the Registry of the International Court of Justice (ICJ), the principal judicial organ of the United Nations, a Request for the indication of provisional measures in the case concerning Immunities and Criminal Proceedings (Equatorial Guinea v. France).

It is recalled that, on 13 June 2016, Equatorial Guinea instituted proceedings against the French Republic (hereinafter “France”) with regard to a dispute concerning the immunity from criminal jurisdiction of the Vice-President of the Republic of Equatorial Guinea, Mr. Teodoro Nguema Obiang Mangue, and the legal status of the building which “houses the Embassy of Equatorial Guinea in France”, located on avenue Foch in Paris.

The case arises from criminal proceedings initiated against Mr. Teodoro Nguema Obiang Mangue before French courts from 2007, pursuant to a number of complaints lodged by associations and private individuals against certain African Heads of State and members of their families, in respect of acts of “misappropriation of public funds in their country of origin, the proceeds of which have allegedly been invested in France”. On 23 May 2016, the Financial Prosecutor filed her final submissions “seeking separation of the complaints, and either their dismissal or their referral to the *Tribunal correctionnel*”. The Prosecutor found that the individual concerned “enjoys no immunity that might bar prosecution” and that the building located on avenue Foch was not protected by immunity, since it did not form part of the diplomatic mission of the Republic of Equatorial Guinea in France.

In its Request for provisional measures, Equatorial Guinea states that, by an order dated 5 September 2016, the investigating judges of the Paris *Tribunal de grande instance* referred Mr. Teodoro Nguema Obiang Mangue to the Paris *Tribunal correctionnel*, and that, on 21 September 2016, the Financial Prosecutor issued a summons, ordering Mr. Teodoro Nguema Obiang Mangue to appear on 24 October 2016 before the 32nd *Chambre correctionnelle* of the *Tribunal correctionnel* for a hearing on the merits. Equatorial Guinea consequently notes the urgency of its request. It further claims that “[t]he imminence of criminal proceedings” against Mr. Teodoro Nguema Obiang Mangue “constitutes an impediment to the exercise of his functions in the interest of his country”, adding that the “premises of the diplomatic mission at 42 avenue Foch . . . are now open to confiscation by the courts, and the diplomatic mission to expulsion as a result of the judicial sale of the building”, which, in its view, “is affecting the ability of the Embassy of Equatorial Guinea to carry out its day-to-day activities”.

Equatorial Guinea therefore contends that “[t]he pursuit of criminal proceedings in France against the Vice-President and the property of Equatorial Guinea, and France’s refusal to respect the building located at 42 avenue Foch in Paris as premises of Equatorial Guinea’s diplomatic mission in France, create a real and imminent risk of irreparable prejudice to the rights of Equatorial Guinea”.

Equatorial Guinea therefore asks the Court, “pending its judgment on the merits, to indicate the following provisional measures:

- (a) that France suspend all the criminal proceedings brought against the Vice-President of the Republic of Equatorial Guinea, and refrain from launching new proceedings against him, which might aggravate or extend the dispute submitted to the Court;
- (b) that France ensure that the building located at 42 avenue Foch in Paris is treated as premises of Equatorial Guinea’s diplomatic mission in France and, in particular, assure its inviolability, and that those premises, together with their furnishings and other property thereon, or previously thereon, are protected from any intrusion or damage, any search, requisition, attachment or any other measure of constraint;
- (c) that France refrain from taking any other measure that might cause prejudice to the rights claimed by Equatorial Guinea and/or aggravate or extend the dispute submitted to the Court, or compromise the implementation of any decision which the Court might render”.

#### History of the proceedings

The history of the proceedings can be found in Press Releases No. 2016/18 of 14 June 2016 and No. 2016/23 of 13 July 2016, available on the Court’s website ([www.icj-cij.org](http://www.icj-cij.org)).

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The full text of the Request for the indication of provisional measures will be available shortly on the Court’s website.

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Note: The Court’s press releases do not constitute official documents.

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The International Court of Justice (ICJ) is the principal judicial organ of the United Nations. It was established by the United Nations Charter in June 1945 and began its activities in April 1946. The seat of the Court is at the Peace Palace in The Hague (Netherlands). Of the six principal organs of the United Nations, it is the only one not located in New York. The Court has a twofold role: first, to settle, in accordance with international law, legal disputes submitted to it by States (its judgments have binding force and are without appeal for the parties concerned); and, second, to give advisory opinions on legal questions referred to it by duly authorized United Nations organs and agencies of the system. The Court is composed of 15 judges elected for a

nine-year term by the General Assembly and the Security Council of the United Nations. Independent of the United Nations Secretariat, it is assisted by a Registry, its own international secretariat, whose activities are both judicial and diplomatic, as well as administrative. The official languages of the Court are French and English. Also known as the “World Court”, it is the only court of a universal character with general jurisdiction.

The ICJ, a court open only to States for contentious proceedings, and to certain organs and institutions of the United Nations system for advisory proceedings, should not be confused with the other — mostly criminal — judicial institutions based in The Hague and adjacent areas, such as the International Criminal Tribunal for the former Yugoslavia (ICTY, an ad hoc court created by the Security Council), the International Criminal Court (ICC, the first permanent international criminal court, established by treaty, which does not belong to the United Nations system), the Special Tribunal for Lebanon (STL, an international judicial body with an independent legal personality, established by the United Nations Security Council upon the request of the Lebanese Government and composed of Lebanese and international judges), or the Permanent Court of Arbitration (PCA, an independent institution which assists in the establishment of arbitral tribunals and facilitates their work, in accordance with the Hague Convention of 1899).

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