



# INTERNATIONAL COURT OF JUSTICE

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## Press Release

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**Equatorial Guinea institutes proceedings against France with regard to a dispute concerning the alleged violation, by France, of its obligations under the United Nations Convention against Corruption, and asks the Court to indicate provisional measures**

THE HAGUE, 30 September 2022. Yesterday, the Republic of Equatorial Guinea (hereinafter “Equatorial Guinea”) instituted proceedings against the French Republic (hereinafter “France”) before the International Court of Justice, the principal judicial organ of the United Nations, with regard to a dispute concerning the alleged violation, by France, of its obligations under the United Nations Convention against Corruption of 31 October 2003 (hereinafter the “Convention”), on the grounds that France has not returned to Equatorial Guinea property which “constitutes the proceeds of a crime of misappropriation of public funds committed against it, including immovable property of which it was the effective and legitimate owner before its confiscation by France”.

In its Application, Equatorial Guinea states that, on 15 September 2011, it acquired from Mr. Teodoro Nguema Obiang Mangue all of the shares of five Swiss companies, one of which owns the entire share capital of two French companies, including “Société du 42 avenue Foch”, which managed the building located at the same address in Paris, France. Equatorial Guinea further contends that, “[o]n 28 July 2021, the French *Cour de cassation* upheld the conviction of Mr. Teodoro Nguema Obiang Mangue for the offence of laundering the proceeds of misappropriation of public funds, misuse of corporate assets and breach of trust”, and that the *Cour de cassation* “also upheld the confiscation of the building [located at 40-42 avenue Foch], the property that had been seized and other moveable property”.

Equatorial Guinea asserts that it has initiated requests, on the basis of the Convention, for the return of certain assets corresponding to property confiscated by France, to which the latter has not responded. It adds that, on 29 July 2022, France announced “the imminent offering for sale of an item of property whose return is sought by Equatorial Guinea, namely the building located at 40-42 avenue Foch in Paris”.

The Applicant considers that, “by disregarding its request for the return of certain assets corresponding to property confiscated by decision of the French courts as the proceeds of misappropriation of public funds committed against Equatorial Guinea, France has violated its obligations under the Convention”.

Consequently, Equatorial Guinea “respectfully requests the Court to adjudge and declare:

- (a) that France has violated, and continues to violate, the United Nations Convention against Corruption of 31 October 2003, by not returning to Equatorial Guinea property whose return it has requested and which constitutes the proceeds of a crime of misappropriation of public funds committed against it, including immovable property of which it was the effective and legitimate owner before its confiscation by France;
- (b) that France has violated, and continues to violate, the United Nations Convention against Corruption of 31 October 2003, by not extending to Equatorial Guinea the co-operation and assistance required for the purpose of returning to Equatorial Guinea property whose return it has requested and which constitutes the proceeds of a crime of misappropriation of public funds committed against it, including immovable property of which it was the legitimate owner before that property was expropriated as a result of the confiscation;
- (c) that France has engaged, and continues to engage, its responsibility as a result of that violation;
- (d) that France must, by means of its own choosing, return to Equatorial Guinea all property that Equatorial Guinea has requested to be returned to it”.

Equatorial Guinea states that, “[h]aving exhausted all procedures prior to the seisin of the Court, [it] is entitled to proceed to that seisin, and the Court is fully competent to entertain its Application”.

As basis for the jurisdiction of the Court, the Applicant invokes Article 36, paragraph 1, of the Statute of the Court and Article 66 of the Convention, to which both States are parties.

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The Application also contains a Request for the indication of provisional measures, filed pursuant to Article 41 of the Statute of the Court and Articles 73, 74 and 75 of the Rules of Court. According to Equatorial Guinea, this Request is aimed at “preserv[ing] its rights” and it falls within the prima facie jurisdiction of the Court. Equatorial Guinea contends that the measures requested are “necessary to protect its right to the return of the building located at 40-42 avenue Foch” and that there is “an imminent risk of irreparable prejudice to [this] right”, since “the competitive bidding procedure and sale of the building would make it impossible for th[is] property to be returned”.

Equatorial Guinea “asks the Court to indicate, pursuant to Article 41 of its Statute, the following provisional measures:

- (a) France must suspend the competitive bidding procedure in respect of the building located at 40-42 avenue Foch in Paris.
- (b) France must take all measures within its power to ensure that the building located at 40-42 avenue Foch in Paris is not offered for sale.
- (c) France must refrain from any action which might aggravate or extend the dispute before the Court or make it more difficult to resolve”.

Pursuant to Article 74 of the Rules of Court, “[a] request for the indication of provisional measures shall have priority over all other cases”.

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*Note:* The Court’s press releases are prepared by its Registry for information purposes only and 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 Court is composed of 15 judges elected for a nine-year term by the General Assembly and the Security Council of the United Nations. The seat of the Court is at the Peace Palace in The Hague (Netherlands). The Court has a twofold role: first, to settle, in accordance with international law, through judgments which have binding force and are without appeal for the parties concerned, legal disputes submitted to it by States; and, second, to give advisory opinions on legal questions referred to it by duly authorized United Nations organs and agencies of the system.

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