

## **TI FRANCE'S COMPLAINT AGAINST 3 AFRICAN HEADS OF STATE**

December 2<sup>nd</sup>, 2008

On December 2<sup>nd</sup>, 2008, TI France lodged a complaint with civil party petition in front of a Court in Paris, for concealment of diverted public funds, against 3 African Heads of State and their relatives:

- Mr. Omar Bongo (Gabon)
- Mr. Denis Sassou N'Guesso (Congo)
- Mr. Teodoro Obiang (Equatorial Guinea)

This complaint targets circumstances under which these African Heads of State and their relatives acquired huge patrimonies in France. There is no doubt that their incomes can't justify the acquisition of such a patrimony. There are serious presumptions of diversion of public funds.

The complaint was lodged jointly with a Gabonese citizen, who suffered from growing pressures and harassment from some members of the Gabonese government, who tried to convince him to step back.

For TI France, this action aims mainly at advancing the restitution of stolen assets, which is one of Transparency International priorities. This principle appears in the United Nations Convention against corruption, ratified by France in 2005.

This action also corresponds to the extension of TI France's actions engaged in 2007 from a simple assessment: it appears essential to facilitate judicial actions aiming to the reparation of damages for the victims of corruption.

### **Objectives:**

The main objective of this action is to improve the system of restitution of stolen assets on which France took strong commitments. More specifically, TI France aims at:

- The opening of an « instruction » (deep investigation), in order to determine the origin of the funds used for the acquisition of the patrimony;
- Raising the awareness of the authorities and public opinion on stolen assets.

### **Chronology:**

#### **1<sup>st</sup> complaint lodged by 3 other NGOs**

A first complaint was lodged in March 2007 by 3 other associations (Sherpa, Survie, and Federation of Congolese of the Diaspora). Apart Omar Bongo, Denis Sassou Nguesso and Teodoro Obiang, it also mentioned Eduardo Dos Santos (Angola) and Blaise Compaoré (Burkina Faso). This complaint was based on two different facts:

- There were serious presumptions that these Heads of State were or have been instigators of important diversions of public funds. These suspicions were confirmed by well documented records from international organisations, NGOs, or even creditors of these States.

- There is a strong probability that these Heads of State own an important patrimony in France that their official incomes cannot justify.

This complaint generated the opening of a police investigation, which confirmed the existence of patrimonies in France, through 34 police statements.

➤ Concerning Omar BONGO and his relatives:

- 39 apartments, 17 of which in Omar Bongo's name, most of them located in the 16<sup>th</sup> district of Paris ;
- 70 bank accounts, 11 of which in Omar Bongo's name ;
- 9 cars for a total amount of 1.493.443 euros.

➤ Concerning Denis SASSOU NGUESSO and his relatives:

- 18 apartments ;
- 112 bank accounts ;
- 1 vehicle for an amount of 172.321 euros.

➤ Concerning Teodoro OBIANG and his relatives:

- At least 1 apartment in Teodoro Obiang's name ;
- At least 8 cars for a total amount of 4.213.618 euros.

Despite of these results, the complaint has been classified. The prosecutor considered that the offense was "insufficiently characterized" and he didn't search the origin of the funds used for the acquisition of this patrimony.

Why is TI France lodging a new complaint?

The aim is to overcome the classification of the prosecutor, using another French procedure called civil party petition. The advantage of this type of complaint is that it engenders almost automatically the opening of an instruction if the judge recognizes the admissibility of the plaintiff. An "instruction" is a deeper investigation than the one realised after the complaint of the first associations. The purpose of TI France is specifically the fight against corruption. Therefore, the plaintiffs should be admissible if TI France, acting as a victim, joins the complaint.

In order to lodge a civil party petition, a plaintiff must have lodged a « simple » complaint in the first place. TI France lodged the first complaint on July 9<sup>th</sup>, 2008. This first complaint was classified on September 3<sup>rd</sup>, what we expected as it was the exact same complaint as the one lodged by the 3 others associations. Thanks to this classification, TI F could lodge a civil party petition on December 2<sup>nd</sup>.

Blaise Compaoré and Eduardo Dos Santos no longer appear in the complaint because, even if serious suspicions of diversion of public funds exist, the preliminary police couldn't establish with certitude the existence of a patrimony in France that their incomes could not justify. The chances for the complaint to actually succeed could have been compromised if we decided to keep these two heads of State within its perimeter. Therefore, we decided to focus on the three cases for which we have the more elements.

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