

## **Statement**

### **African chapters of Transparency International renew their call for effective implementation of the “restitution of stolen assets” principle**

Transparency International in France (TI France), a chapter of the global anti-corruption organisation Transparency International (TI), together with the French organisation Sherpa, lodged a complaint for “concealment of stolen assets” before a French Court on 9 July 2008 and again on 2 December 2008, against the heads of state of Gabon [1], Congo-Brazzaville, and Equatorial Guinea, and several of their family members.

This complaint is based on an investigation led by the French police. The investigation concluded that the persons cited own significant assets (including real estate and multiple bank accounts) in France, suspected of having been acquired with funds diverted from the public treasury [2].

The legal action launched by TI France has already helped to increase a public focus on the fact that stolen assets from developing countries can be hidden abroad with impunity. Above all, the action shows that it is possible to fight this impunity within the framework of, and using the tools provided by international law.

#### **With this important initiative as a basis, 14 African chapters and partner organisations of Transparency International**

- Reiterate that the misappropriation of public wealth by unscrupulous leaders is one of the major causes of the continued poverty of millions of Africans;
- Recall the provisions for the recovery of stolen assets (article 16) of [the African Union Convention on Preventing and Combating Corruption](#) adopted in Maputo in 2003;
- Reiterate our [Nyanga Declaration](#) of 2001, and renewed in Nairobi in 2004, in support of increased efforts aimed at the repatriation of stolen assets to Africa and exhorting the members of the United Nations to adopt an international treaty aiming to expedite the tracing, recovery and repatriation of wealth stolen from developing countries and transferred abroad;
- Reiterate the responsibility of countries in the North in the misappropriation of public money at the expense of countries in the South;
- Welcome the fact that the complaint of TI France also acknowledges the complicity of intermediaries (banks and others) who facilitated the transfer of the alleged illegally acquired funds;
- Recall the reprisals faced by those fighting for good governance and transparency in Africa in recent years [3]. These reprisals include physical threats against, or arbitrary imprisonment of, citizens whose only alleged “wrongdoing” is to advocate for a transparent management of public resources;

- Recognising that such threats alone show the need for civil society in all countries to mobilise to bring to justice those accused of seeking to conceal illegally acquired public funds abroad;
- Announce our full support for the legal action of TI France, which was lodged on the basis of a solid legal dossier and constitutes an important contribution to the implementation of the principle of asset recovery enshrined in international law by the [UN Convention against Corruption](#) adopted in 2003, and ratified by France. As a civil society organisation specialising in the fight against corruption and operating in a country that has ratified the aforementioned convention, TI France has a duty to ensure that the French judiciary examines the lawful or unlawful origin of the funds in question.

**Congo-Brazzaville, Gabon, Equatorial Guinea and France are not the only states to be concerned by the problem of concealment of stolen assets from developing countries.**

Governments as well as civil society organisations, in the South and in the North, must increase their efforts to ensure that the principle of asset recovery is implemented.

**As chapters and partner organisations of TI in Africa, we therefore call upon:**

- **Governments** to respect and implement the international legal frameworks on asset recovery;
- The **international community** to support the capacity development of civil society organisations and legal institutions in Africa to allow them to fully play their part in this effort;
- **Civil society organisations** in the North and in the South to consider the legal action initiated by TI France and its partner organisation Sherpa as a potential precedent. Similar actions should be launched where there are strong and compelling reasons to believe that public funds have been misappropriated in a developing country and transferred abroad, in order to obtain the restitution of these funds.

*TI Cameroon*

*Transparency Ethiopia*

*Ghana Integrity Initiative*

*Transparency International Kenya*

*Center for Transparency and Accountability in Liberia*

*TI Initiative Madagascar*

*Coalition Contre la Corruption – Mauritanie*

*Transparency Maroc*

*Association nigérienne de lutte contre la corruption*

*Transparency In Nigeria*

*Transparency Rwanda*

*National Accountability Group – Sierra Leone*

*TI Zambia*

*TI Zimbabwe*

Adopted at the 2009 Transparency International Annual Membership Meeting held in Berlin 17-18 October 2009 by 14 African TI chapters and partner organisations.

Notes :

[1] *President Omar Bongo Ondimba, deceased in 2009.*

[2] *This complaint, currently under examination by the French judiciary, was lodged jointly with a Gabonese citizen and taxpayer. It follows 34 police statements, showing that the concerned heads of states and their relatives have properties in France that could not have been acquired with their own official salaries. There are also various other sources (reports of international organisations, members of Parliament, civil society organizations and journalists), that strongly suggest a misuse of public money by the three heads of state.*

[3] On 31 December 2008, several anti-corruption activists were arrested in Libreville, Gabon, on the grounds of “propaganda”.

Also refer to the [resolution](#) of Transparency International Annual Membership Meeting 2006, in Guatemala City, which called on Congolese authorities to release Christian Mounzeo, anti-corruption activist and member of the Extractive Industries Transparency Initiative (EITI) international board.

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*Transparency International is the global civil society organisation leading the fight against corruption*