



INTERNATIONAL COURT OF JUSTICE

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Press Release

Unofficial

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***Request relating to the Return of Property Confiscated in Criminal Proceedings
(Equatorial Guinea v. France)***

**The Court rejects Equatorial Guinea's Request for the
indication of provisional measures**

THE HAGUE, 12 September 2025. The International Court of Justice today delivered its Order on the [Request for the indication of provisional measures](#) submitted by Equatorial Guinea in the case concerning the *Request relating to the Return of Property Confiscated in Criminal Proceedings (Equatorial Guinea v. France)*. Public hearings on that Request were held on 15 July 2025 (see press release [2025/34](#)).

In its Order, the Court notes that it may only indicate provisional measures if it is satisfied that the rights asserted by the party requesting such measures are at least plausible.

The Court considers that the right for which Equatorial Guinea seeks protection through the present Request is the right it allegedly possesses, under Article 57, paragraph 3 (c), of the Convention against Corruption, to the return of the building located at 42 avenue Foch in Paris.

The Court observes that Article 57, paragraph 3 (c), of the Convention provides that a requested State party “shall . . . give priority consideration” to three possibilities: (i) the return of such property to the requesting State party; (ii) the return of such property to its prior legitimate owners; or (iii) the provision of compensation to the victims of the crime.

The Court considers that the phrase “shall . . . give priority consideration”, read in conjunction with the listing of three possibilities, suggests that the requested State party has some discretion as to the course of action ultimately adopted and that the return of the confiscated property to the requesting State party is only one of the possibilities to which the requested State party shall give priority consideration in performing the obligation incumbent upon it under Article 57, paragraph 3 (c).

Having examined the arguments of both Parties, “the Court concludes that Equatorial Guinea has not demonstrated, in the course of these incidental proceedings concerning the indication of provisional measures, that it possesses a plausible right to the return of the building located at 42 avenue Foch in Paris on the basis of the provision it invokes in that respect”.

Recalling that the conditions for the indication of provisional measures are cumulative, and having found that one such condition has not been met, the Court observes that it is not required to examine whether the other conditions are satisfied.

It concludes that the circumstances, as they now present themselves to it, are not such as to require the exercise of its power under Article 41 of the Statute to indicate provisional measures.

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The operative part of the Court's [Order](#) reads as follows:

“For these reasons,

THE COURT,

By thirteen votes to two,

Rejects the Request for the indication of provisional measures submitted by the Republic of Equatorial Guinea on 3 July 2025.

IN FAVOUR: *President* Iwasawa; *Vice-President* Sebutinde; *Judges* Tomka, Abraham, Xue, Bhandari, Nolte, Charlesworth, Brant, Gómez Robledo, Cleveland, Aurescu, Tladi;

AGAINST: *Judge* Yusuf; *Judge ad hoc* Elias.”

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Judge TOMKA appends a declaration to the Order of the Court; Judge YUSUF appends a separate opinion to the Order of the Court; Judge NOLTE appends a declaration to the Order of the Court; Judge TLADI appends a separate opinion to the Order of the Court; Judge *ad hoc* ELIAS appends a dissenting opinion to the Order of the Court.

A summary of the Order appears in the document entitled “Summary [2025/6](#)”, to which summaries of the opinions and declarations are annexed. This summary and the full text of the Order are available on the [case page](#) on the Court’s website

Earlier [press releases](#) relating to these proceedings are available on the Court’s website.

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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