REPUBLIC OF EQUATORIAL GUINEA PRESIDENCY Law No. 4 of 2021, dated 10 May, on the Prevention and Combating of Corruption in the Republic of Equatorial Guinea. EXPLANATORY MEMORANDUM: It is the constant commitment of the Government of the Republic of Equatorial Guinea to promote good governance, transparency and a culture of accountability in the management of public affairs. Whereas, in May 2018, the Republic of Equatorial Guinea ratified the United Nations Convention against Corruption and, in June 2019, ratified the African Union Convention on the Prevention and Combating of Corruption. Whereas one of the fundamental pillars in the fight against corruption is the formulation and implementation of proactive policies that promote public participation and reinforce the principles of integrity, transparency and accountability. In this regard, it is essential to establish an appropriate legal framework to effectively prevent, detect, prosecute and punish corruption offences. Whereas it is desirable to compile, organise and set out measures aimed at establishing, maintaining and strengthening standards of conduct for the proper, honourable and appropriate performance of public duties, with a view to preventing conflicts of interest, ensuring the preservation and appropriate use of the State's resources and assets allocated to public officials in the performance of their duties, and the obligation to report acts of corruption of which they become aware by virtue of their duties. Concerned at the seriousness of the problems and threats posed by corruption to the stability and security of nations, as it undermines the institutions and values of democracy, ethics and justice, thereby jeopardising sustainable development and the rule of law. Equally concerned by the links between corruption and other forms of crime, in particular organised crime and money laundering, which threaten the political stability and sustainable development of peoples.

REPUBLIC OF EQUATORIAL GUINEA PRESIDENCY Bearing in mind the principles of the proper management of public affairs and assets, good governance, fairness, accountability and equality before the law, and the fight against corruption. Having regard to Article 15.2 of the Constitution; Having regard also to Article 3 et seq. of Decree-Law No. 1/2004, dated 5 February, on Ethics and Dignity in the Exercise of Public Office, and Decree-Law 1/2020, dated 13 July, on the Prevention and Combating of Corruption in Equatorial Guinea, there arises the need for LAW ON THE PREVENTION AND COMBAT OF CORRUPTION IN EQUATORIAL GUINEA, TITLE I GENERAL PROVISIONS CHAPTER 1 PURPOSE, OBJECTIVES AND SCOPE OF THE LAW Article 1. The purpose of this Law is: a) To establish the standards of conduct to be observed by persons subject to this Law for the purposes of safeguarding public assets and ensuring

PEACE REPUBLIC OF EQUATORIAL GUINEA PRESIDENCY b) c) d) integrity, legality, transparency, participation, efficiency, loyalty, fairness, accountability, responsibility and shared responsibility, as enshrined in the Constitution; as well as the criminalisation of offences against public assets and the penalties to be applied to legitimate. The establishment of a system for the declaration of assets and interests. The establishment of the National Commission for the Prevention and Combating of Corruption. The recognition of the rights of whistleblowers within the General State Administration, establishing a comprehensive framework for their protection and safeguarding, Article 2. Objectives The objectives of this Act are: To promote mechanisms for good governance, transparency and accountability in the management of public finances, as well as for the prevention of and the fight against corruption. To promote, facilitate and regulate cooperation between public institutions, with a view to ensuring the effectiveness of measures and actions aimed at preventing, detecting, suppressing and eradicating corruption. To promote socio-economic development with a view to removing the obstacles that prevent the enjoyment of economic, social, cultural, civil and political rights.

e 7 A e >" e REPUBLIC OF EQUATORIAL GUINEA PRESIDENCY 5. To promote public policies to combat corruption, as well as the oversight and control of public resources. 6. To establish mechanisms for the prevention of acts of corruption and administrative offences. 7. To establish basic guidelines defining the coordination of the competent authorities for the formulation of public policies in 8. To establish policies for the promotion and fostering of professional ethics in the public service, as well as accountability, transparency, oversight and control of public resources. 9. To create and implement electronic systems for the provision, exchange, systematisation and updating of information generated by the competent institutions of the General State Administration. Article 3. Scope of Application and Jurisdiction. This Act applies to any person who holds or has held public office, whether permanent or temporary, remunerated or unpaid, arising from election, appointment, designation or contract, and to any other natural or legal person, whether public or private, in accordance with the terms set out in this Act. This Act shall also apply where the offence is committed on board a vessel flying the State's flag or an aircraft registered in accordance with its laws at the time of the offence. The provisions of this Act shall also apply where: (a) the offence is committed against one of its nationals; (b) the offence is committed by one of its nationals or by a stateless person who has their habitual residence in its territory; (c) the offence is committed against the State.

YaDÚ aa 104 Das REPUBLIC OF EQUATORIAL GUINEA PRESIDENCY CHAPTER II ACTS OF CORRUPTION AND DEFINITIONS Article 4. Acts of corruption For the purposes of this Act, the following constitute acts of corruption: Illicit enrichment. Bribery of a public official. Bribery within the judicial system. Bribery of a foreign public official or an official of a public international organisation. Bribery in the private sector. Demands for or offers of sexual favours. Trafficking in influence. Embezzlement, misappropriation or other forms of misappropriation of assets by a public official; misappropriation of assets in the private sector. Abuse of office. Abuse of assets of general interest. Illegal exemptions and remissions; - Undue or excessive charges, . Concealment of corruption. O. Obstruction of justice. E grip 500 mp S O Article 5. Definitions. For the purposes of this Act, the following definitions shall apply: (a) 'Property' means assets of any kind, whether tangible or intangible, movable or immovable, and documents or legal instruments evidencing ownership or other rights over such assets; (b) 'Conflict of interest' means where there is, or may be, a conflict of interest

PRESIDENCY c) d) e) g) h) k) Corruption: acts or practices, including related offences, as set out in this Act. Confiscation: the permanent deprivation of property by order of a court Affidavit: the obligation of a public official to declare, under oath to tell the truth, to the administration and to their line manager, the economic, financial and professional activities in which they engage, other than their public duties, as well as their family ties, with the aim of ensuring the transparency of their circumstances; Declaration of Assets: the obligation of a public official to disclose, under oath to tell the truth, to the administration their financial position at the time of the declaration, as well as that of their spouse or descendants. Where applicable; Report: the act by which a natural or legal person, with or without an interest in the matter, brings to the attention of the competent authority the commission of acts or evidence of criminal offences or administrative offences constituting corruption. Whistleblower: the natural or legal person, the senior official, civil servant or other public sector employee who, acting in good faith, discloses information with a reasonable appearance of veracity regarding facts that may constitute a criminal offence or an administrative offence, in particular offences against the Public Administration or the Public Treasury, or regarding facts that may give rise to liability for corruption. Public Ethics: adherence to the constitutional and legal principles governing the public administration by the persons referred to. False accusation: the act whereby a natural or legal person, with the malicious intent to harm another, brings to the attention of the Commission facts or evidence of criminal offences or administrative offences that are unfounded and do not constitute corruption or an administrative offence. The victim of a false allegation is entitled to bring criminal and administrative proceedings against the person making the false allegation. Public Official:

Mao PAZ REPUBLIC OF EQUATORIAL GUINEA PRESIDENCY e ¡)Any person holding a legislative, executive, administrative or judicial office of the State, whether appointed or elected, permanent or temporary, remunerated or honorary, regardless of that person's age or the nature of the office; e ii) Any other person performing a public function, including for a public body or a public enterprise, or providing a public service; and, e ii) Any other person defined as a 'public official' under the State's domestic law. 1) A foreign public official means any person holding a legislative, executive, administrative or judicial office in a foreign country, whether appointed or elected; and any person performing a public function for a foreign country, including for a public body or a public enterprise. (m) Official of a public international organisation: any person holding a legislative, executive, administrative or judicial office in a foreign country, whether appointed or elected; and any person performing a public function for a foreign country, including for a public body or a public enterprise, n) Family group: this includes the spouse, cohabiting partner, children (both minors and adults) and persons under the guardianship of the obligated party. (0) Seizure: the temporary prohibition on transferring, converting, disposing of or moving assets, or on assuming temporary custody or control of assets, on the basis of an order issued by a court or other competent authority. TITLE II: PREVENTIVE MEASURES AGAINST CORRUPTION AND THE PRESERVATION OF PUBLIC ASSETS CHAPTER 1: GENERAL MEASURES FOR THE PREVENTION OF CORRUPTION Article 6.— Preventive measures against corruption. 7

PEACE REPUBLIC OF EQUATORIAL GUINEA PRESIDENCY Every public body of the Republic of Equatorial Guinea must: pa 8. 5 10. - Prevent acts of corruption within its ranks. Adopt mechanisms to raise awareness, prevent and combat corruption. - Periodically evaluate the relevant instruments and measures to determine whether they are adequate for combating corruption. Conduct its activities transparently. + Issue reports on activities carried out in the field of corruption prevention when requested to do so by a competent body. . Comply with the deadlines set for decision-making in procedures falling within its remit. Maintain good cooperation with other institutions, adhering to the deadlines set for reporting on its activities or providing information to other institutions upon request. Treat users of public services fairly and avoid unjustified delays. Set up a website to publicise its activities. Promote training and capacity-building programmes that enable them to fulfil the requirements for the proper, honourable and due performance of their duties and provide them with specialised and appropriate training so that they are more aware of the risks of corruption inherent in the performance of their duties. Such programmes may refer to codes or standards of conduct in the relevant areas. Article 7. Preservation of public assets Public servants must administer and safeguard the State's assets with decency, dignity, integrity and honesty, ensuring that the use of such assets and the expenditure of the resources comprising them are carried out in accordance with the law, CHAPTER 11: REGIME FOR DECLARATION OF ASSETS AND INTERESTS Article 8. Declaration of Assets and Interests 8

, THE REPUBLIC OF EQUATORIAL GUINEA PRESIDENCY A system for the declaration of income, assets and liabilities by those holding public office is hereby established for the following purposes: a. To promote the integrity of public officials. b. To detect and verify significant and unjustified changes in the assets of those subject to the regime and to initiate the administrative and criminal proceedings established by law. c. To detect and prevent conflicts of interest Article 9, Persons subject to the regime, 1. All public officials, State dignitaries, and public and quasi-public sector employees holding senior positions, as well as those officials exposed to a higher risk of corruption, are required to submit a declaration of assets and interests in accordance with the terms set out in this Act and its implementing regulations. 2. Without prejudice to any specific application criteria that may be laid down in the regulations implementing this Act to determine the scope of the categories set out in paragraph 1 of this Article, the following is a list of persons who perform functions which, as a minimum, must be considered as persons subject to this obligation for the purposes of this Chapter: a) Members of the Executive Branch b) Members of the Chamber of Deputies and the Senate. c) Magistrates and judges of the Judiciary; the President and Magistrates of the Supreme Court of Justice; d) The President and members of the Constitutional Court; e) The Attorney General of the Republic, Deputy Attorneys General, and other prosecutors of the courts and tribunals. f) Members of the Superior Council of the Judiciary, the Council of the Republic, the National Council for Economic and Social Development, and other bodies established in accordance with the Constitution and other laws. g) The President and members of the Court of Auditors. 9

PRESIDENCY h) Ombudsman, 1) Councillors and Advisers. J) Secretaries-General, Under-Secretaries and Directors-General. k) Members of local authorities. 1) Provincial Governors, Government Delegates and Deputy Government Delegates. m) Mayors and Chairpersons of Local Councils. n) Ambassadors, Consuls and officials on permanent official mission abroad. 0) Serving personnel of the Armed Forces and State Security Forces. p)

Directors and senior officials serving in centralised or decentralised public administrations, state-owned enterprises and companies, and personnel appointed on the State's recommendation to mixed-ownership companies, public limited companies with state shareholdings, and other public sector bodies. q) Others to be designated by the regulations and/or the enforcement authority. Article 10. Submission of Declarations Those subject to this obligation must submit their declarations of assets and interests; a) Initially, before taking up the duties assigned to them. b) An annual update, on the date determined by the competent authority, and c) A final declaration, upon ceasing to hold the office or position. Article 11. Content of the Declaration a) The Declaration must contain, as a minimum, a detailed list of all assets, income, credits and debts, duly itemised, both in the country and abroad, whether held directly or of which the person is the ultimate beneficiary, belonging to the person subject to the obligation, their spouse or cohabiting partner, and their dependent children. The cohabiting partner shall be 10

(AD): REPUBLIC OF EQUATORIAL GUINEA PRESIDENCY required to submit a declaration of assets by the person subject to this obligation. b. It shall also include details of employment history, activities, connections and interests relevant to the detection of conflicts of interest in the exercise of public office, C. The regulations shall specify the format of the declaration form. Without prejudice to any additional details provided in the declaration form drawn up for the purposes of this Act, the Declaration of Assets and Interests must include the following information: 1. Identification details of the person subject to the obligation, such as their identity document, tax and/or employment identification number, marital status, the post and role they hold, and the State body or state-owned company in which they hold that post. 2. Identification details of the members of their household. 3. All immovable property of any kind, situated both within the country and abroad, and any significant improvements made to such property. 4. All registrable movable property of any kind, located both within the country and abroad, 5. Other movable and non-movable property. Property over which, whilst not being the owner, the person has the right of use, enjoyment or usufruct for any reason or under any title. 6. Securities, shares and other tradable assets listed on the stock exchange or on various markets, specifying the quantity, currency and market value. 7. Holdings in unlisted companies or sole proprietorships, and such a company's holdings in other legal entities. 8. Rights in partnerships, sole proprietorships or companies, established in the country or abroad, whether in terms of management or capital. 9. Membership of boards of directors, boards of administration and supervision, advisory boards, or any other governing body, whether remunerated or honorary. 10. The value of account balances, investments and other financial products of any kind of which the individual is the holder, joint holder or beneficiary, whether domestic or foreign. 11

Yun A ea (+ ka) E. REPUBLIC OF EQUATORIAL GUINEA PRESIDENCY 11. Holdings of cash in national or foreign currency, as well as virtual currencies, 12. All receivables and liabilities. 13. All income received, detailing the type of income, its value and the source. any income obtained by the obliged party arising from such assets, 15. Assets and/or funds involved in trusts in which the obliged party participates in any capacity. 16. Gifts and benefits, including travel and other activities involving immediate consumption. 17. Employment, professional, business, sectoral advocacy and public interest activities, whether remunerated or on an honorary basis, carried out or previously carried out by the reporting person, including Where applicable, the value, date of acquisition and source of funds must be stated, Article 12. Method of Declaration Article 13. Verification of Declarations of Assets and Interests a. The Enforcement Authority shall periodically review the content of the Sworn Declarations of Assets and Interests in order to detect any possible unjustified increases in assets, conflicts of interest, or omissions or falsehoods in the information declared. In accordance with 12

(REPUBLIC OF GUIN PRESIDENCY In this regard, the Enforcement Authority may request clarifications and/or additional information. . In addition to periodic verification, verification procedures may be initiated following complaints from members of the public or on the Authority's own initiative, and based on public information. In order to verify the declarations of assets and interests of those subject to the obligation, it must be ensured that the Enforcement Authority has unrestricted and immediate access to all information of a public nature, whether managed by public or private bodies. Measures must also be put in place to guarantee access to relevant information of a restricted nature, such as banking or tax information. In the case of an automated database, the necessary means must be provided to enable the competent authority to access the database remotely. The Enforcement Authority may request clarifications and additional information from the declarant should this be necessary during the verification process. The Enforcement Authority may take the measures provided for in this Act against those subject to the obligation who omit information or provide false or inaccurate details in the Sworn Declarations of Assets and Interests. Furthermore, it shall have the power to initiate or refer the case, as appropriate, so that the relevant criminal or administrative proceedings may be taken. Where the verification of declarations of assets and interests reveals indications of potential or actual conflicts of interest, or current or potential breaches of the rules on incompatibilities or other duties established by law or regulation for the performance of public office, the enforcement authority shall notify the person subject to these obligations and the body in which they hold office, in order to prevent a potential conflict, resolve an existing conflict, or bring an existing conflict to an end. Article 14. Disclosure of Declarations of Assets and Interests a. The information contained in the Sworn Declarations of Assets and Interests is in the public domain. The regulations under this Act

 shall determine which information contained in the Declarations of Assets and Interests is exempt from disclosure in order to protect certain private data, such as bank account identification numbers. At all times, exceptions to disclosure must not undermine the public interest or the objectives of this Act. The information contained in the Declarations of Assets and Interests shall be made available free of charge via the internet. The Enforcement Authority shall publish, at least annually, the full list of persons subject to these obligations and the list of those who have complied with and those who have failed to comply with the obligations set out in this Chapter, indicating the body in which they serve and any other relevant information. Article 15. Administrative Sanctions d. Obligated persons who fail to submit the declaration of assets and interests within the established time limits shall be required, in accordance with the regulations to be drawn up for this purpose, to do so; they may not assume their duties. Obligated persons who, having been required to do so in accordance with the provisions of sub-paragraph (a) of this Article, fail to submit the updated declaration of assets and interests, shall be penalised with a fine equivalent to half their monthly salary and benefits, each month, until they comply with the obligation to declare. Unjustified failure to submit the declaration of assets and interests on any of the occasions specified in Article 10 of this Act,

 e. Obligated parties who deliberately omit information or who provide false details in their declaration of assets or interests shall be required to rectify their declaration of assets within thirty days; after this period, they shall be penalised with a fine equivalent to 50 per cent of the value of the undeclared assets. In the case of public officials holding elected office, in addition to the provisions of this sub-clause, they shall be removed from public office in accordance with the rules set out in their internal regulations; and, in the case of senior officials, the relevant file shall be forwarded to their line manager for the initiation and processing of the corresponding disciplinary and/or criminal proceedings. f. Authorities who, having failed to fulfil any legal obligation or duty, have hindered, obstructed or prevented the enforcement authority from fulfilling its obligations shall be penalised with a fine, the amount of which shall be determined in the regulations implementing this Act. g. Any person who has left public office and is in arrears with the submission of at least ONE (1) Declaration of Assets and Interests, shall not be permitted to hold public office again for the FIVE (5) years following the date of cessation, or until such time as they have complied with the requirement to submit said declaration. The Competent Authorities shall check for any non-compliance prior to making any appointment. h. All administrative sanctions listed in this Act shall be imposed by the Enforcement Authority irrespective of any other applicable administrative sanctions or any criminal sanctions that may apply in each case. Article 15A. Criminal Penalties Officials who, by virtue of their office, are required under this Act to submit a declaration of assets and interests, and who deliberately falsify or omit information that such declarations must contain in accordance with applicable laws and regulations", shall be punished in accordance with the offences set out in this Act and in the current Criminal Code. 15

E The REPUBLIC OF EQUATORIAL GUINEA PRESIDENCY of CHAPTER 111: | RULES ON INCOMPATIBILITIES AND CONFLICTS OF INTEREST Article 16, Incompatibilities (a) Persons holding public office are prohibited, whilst performing such duties, whether on an honorary or remunerated basis, (b) Those officials who have been involved in decision-making regarding the immediately preceding or subsequent matter, respectively. (d) These incompatibilities shall apply without prejudice to those set out in the specific regulations governing each office. Article 17. Duty of Abstention. Without prejudice to other specific regulations applicable to certain public offices, the regulations under this Act shall determine the cases in which a person holding public office must abstain from taking part in particular matters and the procedure to be followed in such cases. Article 18. Recusal and Self-Recusal

REPUBLIC OF EQUATORIAL GUINEA PRESIDENCY Article 19. Breach of the rules on conflicts of interest Acts issued with the decisive involvement of a public official in a conflict of interest, within the terms of this Act, shall be declared null and void as of right and revoked through administrative proceedings, except in cases where this is necessary to safeguard the rights of third parties acting in good faith, and in cases where such nullity would affect the public interest. Decisive involvement shall include that of the public official who issued the act, that of any person who produced technical reports or opinions on which it was based, and any other decisive participation in its issuance or justification. a The public official involved and any third parties acting in bad faith shall be jointly and severally liable for any damage caused to the public purse, without prejudice to any other legal consequences that may arise from their irregular conduct. CHAPTER IV: REGULATIONS ON GIFTS. Article 20. Prohibition on gifts. Persons holding public office may not accept gifts, donations, free transfers of goods or services, or any other form of undue benefit, by reason of or in connection with the performance of their duties. Article 21. Exceptions to the prohibition on gifts. 1. Gifts received as a matter of courtesy or diplomatic custom are exempt from the prohibition, provided they do not originate from the prohibited sources indicated in the following article, The Enforcement Authority shall issue regulations governing the establishment of a register for this purpose and specifying in which cases and how such items are to be incorporated into the State's assets. 17

1PAZ_. REPUBLIC OF EQUATORIAL GUINEA PRESIDENCY 2. Furthermore, public officials may accept full or partial reimbursement of travel expenses incurred in attending conferences, cultural events and training courses. The Enforcement Authority shall lay down regulations governing the establishment of a register for this purpose and specifying in which cases and how such travel must be recorded, in particular those journeys which, by way of exception, are funded by any of the sources prohibited by this Act. Article 22. Prohibited sources of gifts Gifts may not come from a person or entity: a. Regulated, supervised, authorised or contracted by the jurisdiction in which the public official carries out their duties. b. Which seeks a decision or action, or has interests that could be significantly affected by an action or omission on the part of the jurisdiction in which the public official carries out their duties. Article 23. Breaches of the rules on gifts. The enforcement authority shall determine, by means of regulations, the breaches of the gift regime, without prejudice to any other legal consequences that may arise from such irregular conduct, CHAPTER Y: PUBLIC INFORMATION AND CITIZEN PARTICIPATION Article 24. Public Information In view of the need to combat corruption, and in accordance with the regulations applicable for that purpose, the necessary measures shall be adopted to 18

PRESIDENCY to ensure the transparency of public administration bodies, including with regard to their organisation, functioning and decision-making processes. Article 25. Transparency in the private sector The necessary measures shall be taken to promote transparency regarding the identity of natural and legal persons involved in the establishment and management of private enterprises. Article 26. Public participation The necessary measures shall be taken to encourage the active participation of individuals and groups outside the public sector, such as civil society and non-governmental organisations (NGOs), in preventing and combating corruption, and to raise public awareness of the existence, causes and seriousness of corruption, as well as the threat it poses. TITLE HI ON THE NATIONAL COMMISSION FOR THE PREVENTION AND COMBAT OF CORRUPTION CHAPTER I ESTABLISHMENT, INDEPENDENCE AND ORGANISATION Article 27. Establishment of the National Commission 1. By this Act, the National Commission for the Prevention and Combating of Corruption (CNPLCO), hereinafter the "Commission", is hereby established; it is a public-law body endowed with its own legal personality and full capacity to act with operational autonomy in fulfilment of the purposes set out in this Act. The Commission is a preventive and law-enforcement agency responsible for preventing, detecting, uncovering and investigating corruption offences, including those committed by high-ranking officials. 19

a lo A k 8 REPUBLIC OF EQUATORIAL GUINEA PRESIDENCY 2. The Commission must be operationally independent and autonomous. It shall also have the authority and capacity to carry out its anti-corruption functions freely, including the autonomous decision to access a wide range of information, to prevent and investigate corruption offences, and to forward specific information to the relevant agencies. The Commission must be able to enter into agreements and collaborate independently with other competent national authorities in the exchange of information. It must be able to obtain and deploy the necessary resources to carry out its functions without any undue political, governmental or industrial influence or interference that might compromise its operational independence. 3. The National Commission for the Prevention and Combating of Corruption shall be governed by Regulations setting out its organisation, resources, internal operation and controls. The Regulations shall be approved by the Council of Ministers within three months of the adoption of this Act, on the proposal of the Commission, and shall be published in the Official Gazette. Article 28. Chair, Deputy Chair and Staff. 1. The Commission shall be headed and represented by a Chairperson, who shall be selected through a special competitive process and removed from office on the grounds set out in Article 29 of this Act. The appointment of the Chairperson is subject to confirmation by the Senate, and their removal from office may only be effected by the President of the Republic of Equatorial Guinea in the manner described and on the grounds for removal set out in this Act, 2. The Chairperson shall be assisted by the Vice-Chairperson and an appropriate number of staff and experts in the various fields of competence relating to the fight against corruption. The Vice-Chairperson is appointed through the same special process. 3. The term of office of the Chairperson and Vice-Chairperson of the Commission shall be four years, renewable once. 20

THE REPUBLIC OF EQUATORIAL GUINEA PRESIDENCY 4. The President and Vice-President must be citizens of recognised moral character and standing in public life. They must not have been convicted of a criminal offence or been involved in any breach of public honour or trust. They must be of good repute and honest conduct, and must have experience and expertise in fields relevant to the Commission's functions. 5. The Commission shall be composed of staff with appropriate qualifications and relevant experience in the fight against corruption. Commission staff must submit a declaration of assets and interests to the Chair of the Commission. Article 29. Selection process and grounds for dismissal 1. The Ministry of Justice, Religious Affairs and Prisons and the Ministry of Finance, Economy and Planning shall identify and nominate three (3) candidates for the posts of Chair and Deputy Chair of the Commission respectively. The Council of Ministers shall select one candidate for each post and shall submit its proposal to the Senate for confirmation of the selection. 2. The Ministry of Justice, Religious Affairs and Prisons and the Ministry of Finance, Economy and Planning may, in order to identify the most suitable candidates: (i) publish notices setting out the conditions and dates of the competition; (ii) consider the documents submitted by candidates for the two posts to demonstrate that they possess the professional experience and qualities required to perform the official duties of the Chair and Vice-Chair of the Commission; and (iii) interview the candidates. 3. The Chair or Vice-Chair shall be removed from office when: 1. A written resignation is submitted. li. They are appointed or elected to another post with their 21

Dal pu 5L_ PEACE REPUBLIC OF EQUATORIAL GUINEA PRESIDENCY consent. tii, Are unable to exercise their authority due to a medical condition. IV. A court ruling comes into force declaring them to be lacking legal capacity, limiting their legal capacity, or declaring them missing or deceased. V. A guilty verdict is handed down against them. VI. They establish permanent residence in another country. VII. It is determined that they have a conflict of interest arising from other part-time work or other activities undertaken. viii. They fail to submit their declaration of assets and interests on the occasions and dates established for this obligation. ix. They acquire citizenship of another country. Article 30. Authority of the Chair of the Commission. The Chairperson: l. Is responsible for the Commission's activities and, amongst other things, for the legality of the Commission's operational investigations and pre-trial investigations, and for ensuring respect for and observance of due process and rights and freedoms. . Organises the Commission's work and determines the duties of the Vice-Chair and other staff. . Approves the organisational structure and the necessary staffing levels, and is responsible for appointing and dismissing staff members. Within the scope of his or her authority, he or she issues orders and directives and gives instructions that are binding on the Commission's staff. He or she approves long-term strategic plans and short-term operational plans for the Commission. Establishes the procedure for the recording, processing, storage and destruction of information obtained by the 22

A A ' $ REPUBLIC OF EQUATORIAL GUINEA PRESIDENCY The Commission takes measures to prevent unauthorised access to restricted information and establishes rules for the protection of data privacy. 7. Establishes incentives for persons who assist in the prevention, detection, identification and investigation of criminal offences over which the Commission has investigative jurisdiction. 8. Resolves matters relating to incentives and disciplinary measures for Commission staff, in accordance with internal control decisions to be set out in the Commission's implementing regulations. 9. Represents the Commission in dealings with other government agencies, local self-governing bodies, civil society groups, foreign agencies, international and foreign organisations, etc. 10. Ensures, in accordance with this Act, that the Commission's activities are open and transparent; and reports on the Commission's activities in the manner set out in this Act. 11. Exercises any other powers in accordance with this Act, its regulations, and other laws. In the absence of the Chair, the Deputy Chair acts on his or her behalf. CHAPTER 11: FUNCTIONS, POWERS AND PROCEDURES OF THE COMMISSION Article 31. Functions. The functions of the National Commission for the Prevention and Combating of Corruption are: (a) To establish national strategy and policies, improve understanding of the risk of corruption, and ensure cooperation and coordination at 23

REPUBLIC OF EQUATORIAL GUINEA PRESIDENCY D) d) g) h) national. A Presidential Decree shall establish a National Multidisciplinary Task Force comprising all relevant agencies, in order to monitor the implementation of national policies and ensure appropriate coordination and cooperation between the agencies involved. The Commission shall act as the Secretariat of the National Task Force. To ensure the proper application of preventive measures, including the system for declaring assets and interests, and the rules for avoiding conflicts of interest. To carry out operational investigations to anticipate, detect, uncover and eliminate corruption offences over which it has investigative jurisdiction in accordance with the Act; take measures to trace and seize funds or any other property that may be subject to confiscation or special confiscation in criminal cases over which it has investigative jurisdiction in accordance with the Act; exercise custody of funds and any other related property. To seek confidential and voluntary cooperation from persons reporting corruption offences. To access relevant information and collaborate with other government agencies and competent authorities in order to carry out its functions, and to refer cases of a criminal nature to the Anti-Corruption Prosecutor or any other relevant agency. Report on its activities in the manner set out in this Act and inform the public of the results of its work. Act as the sanctioning authority for administrative offences defined in this Act. To act as the focal point for the implementation of the United Nations Convention against Corruption, the African Union Convention and other relevant conventions ratified by Equatorial Guinea, and to promote international cooperation in accordance with the relevant laws and conventions ratified by Equatorial Guinea. To issue such regulations and guidelines as are necessary to fulfil the objectives and carry out the functions assigned under this Act. Article 32. Definition of the Commission's functions. 24

REPUBLIC OF EQUATORIAL GUINEA PRESIDENCY 1. The functions of the National Commission for the Prevention and Combating of Corruption shall, in all cases, be understood to be without prejudice to those carried out by the Financial Control Authority, the Accounting Office, the Court of Auditors, the Ombudsman or equivalent institutions exercising control, supervisory and audit powers over the bodies falling within their respective areas of responsibility. 2. Should the judicial authority initiate proceedings to determine the criminal relevance of facts that are also the subject of investigations by the National Commission for the Prevention and Combating of Corruption, the Commission must coordinate its action(s) without delay when so requested by the judicial authority, or when it becomes aware that proceedings have been initiated. In such cases, the Commission shall automatically share all the information in its possession and, if requested, shall provide the necessary assistance and cooperation. Article 33. Powers of the Commission In order to fulfil the duties entrusted to it by this Act, the Commission: 1. Has the power to request and obtain, in a timely manner, financial, administrative and compliance information held by other relevant agencies. It may also enter into arrangements to collaborate independently with other competent or administrative authorities. Where the Commission requests cooperation in the performance of its functions, those from whom cooperation is sought must provide assistance in accordance with the terms and within the time limit set out in the Commission's Regulations. Entities that have received such a request must provide the information within three (3) working days. The Commission may extend the deadline for providing such information to ten (10) days, subject to a request from the entity concerned, in cases where there are justified grounds for not providing the information within the specified time limit. The Commission shall use such information in accordance with the laws on the protection of personal data. 25

REPUBLIC OF EQUATORIAL GUINEA PRESIDENCY 2. It may request from other law enforcement authorities, through the anti-corruption prosecutor in accordance with the procedure laid down by law, operational materials and criminal records relating to criminal offences over which the Commission has investigative jurisdiction in accordance with the law, 3. For the purposes of operational investigations and investigative efforts, it may establish information systems and maintain operational records to the extent and in the manner required by law. 4. On the basis of the relevant court order, to seal off, or take custody of, files, cash offices, premises (other than residential) or other storage facilities for up to ten (10) days, and to seize objects and documents in accordance with the Criminal Procedure Act of Equatorial Guinea. 5. To engage qualified specialists and experts from any institution or organisation, on a voluntary or contractual basis, to enable the Commission to fulfil its obligations. 6. On the basis of a written decision by the Chair or Vice-Chair of the National Commission, agreed by the Prosecutor, to establish joint investigation teams comprising operational and investigative staff from different law enforcement agencies, 7. To seek voluntary and confidential cooperation from individuals, and to offer incentives to those who assist in the prevention, detection, investigation and prosecution of criminal offences over which the Commission has investigative jurisdiction, Article 34. Procedures. 1. The Commission may, in the exercise of its functions, carry out investigations and inspections at national level, for which purpose it may access any information held by natural or legal persons, whether public or private, in accordance with the legally established procedure. 26

REPUBLIC OF EQUATORIAL GUINEA PRESIDENCY 2. The Chair and Vice-Chair of the Commission, as well as staff carrying out investigative functions by express delegation, may: request information, carry out on-site inspections and examine documents, records, accounts and databases, regardless of the medium in which they are stored or the physical and logistical equipment used. (b) Conduct any personal interviews they deem appropriate; in all such cases, those interviewed have the right to be assisted by a person of their choice; (c) In order to ensure the security of the data collected, they may request copies or photocopies of the documents obtained, regardless of the medium on which they are stored. 3. Officials employed by the Commission who are assigned inspection duties shall have the status of Commission Agents. Documents drawn up by them in accordance with the relevant legal requirements, setting out the facts they have gathered, shall be presumed to be true unless proven otherwise. 4. The Commission's Regulations shall lay down the procedures governing its actions, which must guarantee the rights of the parties concerned and the ability of the bodies, institutions and entities under investigation to make such representations as they deem appropriate before a decision is taken. S. In all cases, persons subject to the procedures described above shall be protected by the principle of the presumption of 27

REPUBLIC OF EQUATORIAL GUINEA PRESIDENCY Innocence. Article 35. Confidentiality 1. The Commission's proceedings shall be subject to the strictest confidentiality to ensure that they may be successfully completed and to protect the rights of the persons and entities concerned. 2. To ensure the confidentiality of its proceedings, the Commission's staff are bound by a duty of professional secrecy. Failure to comply with this duty shall render them liable to the appropriate disciplinary measures. 3. The Commission must inform the parties likely to be affected by its actions and grant them a hearing before a decision is taken. Exceptionally, where necessary to ensure the successful completion of its actions, it may defer informing the parties concerned and, instead, inform the head of the relevant body or entity, Article 36. Protection and disclosure of data 1. The processing and disclosure of data obtained by the Commission as a result of its actions, in particular personal data, are subject to the provisions of the current text of Law 1/2016 of 22 July on the Protection of Personal Data. 2. The Commission shall not disclose the data it collects, except to those bodies or entities which, in accordance with the laws and regulations in force, may or must have access to such data by virtue of their functions. Under no circumstances may the data obtained be used or disclosed for purposes other than those set out in this Act, 3. The data and information collected by the Commission in the performance of its duties shall be forwarded to the relevant body, authority or controller in each case in order to initiate any necessary disciplinary or criminal proceedings. 28

PEACE REPUBLIC OF EQUATORIAL GUINEA PRESIDENCY Article 37. Annual Report 1. The National Commission for the Prevention and Combating of Corruption shall draw up and publish an annual report containing detailed information on its activities and actions, which shall be submitted to the National Parliament. . The published annual report shall set out, as a minimum, the number and types of actions taken, specifying the proceedings initiated, the results of investigations, and the recommendations and orders issued to the parties concerned, as well as the number of cases referred to the judicial authorities or the Public Prosecutor's Office. The report must also set out the implementation of the previous year's budget, the staffing levels, and the corresponding list of posts. CHAPTER II LEGAL, ECONOMIC AND FINANCIAL FRAMEWORK Article 38, Legal framework governing staff, L. The Commission's staff shall consist of civil servants of the State. However, where necessary, the Commission may request the Government to recruit any expert staff. The selection, training, recruitment, mobility, remuneration and disciplinary measures for the Commission's staff shall be governed by the provisions of the Civil Servants Act. . The Commission's staff shall be liable to disciplinary, civil, administrative or criminal proceedings for their unlawful acts or omissions, Should a member of staff, in the course of their duties, violate any freedom or right, the Commission shall take measures within its terms of reference to restore such rights and freedoms, compensate for any financial and moral damage, if any, and hold the guilty party legally liable. 29

REPUBLIC OF EQUATORIAL GUINEA PRESIDENCY 4. In the performance of their duties, the Commission's staff represent the State, act on its behalf and are under its protection. No person other than authorised officials of government agencies, in circumstances provided for by law, may interfere with their lawful activities. 5. Additional internal controls to prevent the abuse of office by Commission staff shall be laid down in the Regulations. Article 39, Funding and Assets 1. The National Commission for the Prevention and Combating of Corruption shall be endowed with its own assets. 2. To ensure the fulfilment of its objectives, the Commission shall have sufficient resources, the source of funding being the allocation from the General State Budget. 3. The Commission shall also have at its disposal any other resources: a) The property and rights constituting its assets and the income derived therefrom. b) Any other resources that may be lawfully allocated to it. Article 40. Budget, accounting procedures and financial control 1. The National Commission for the Prevention and Combating of Corruption shall draw up and approve a draft budget each year, which it shall submit to the Ministry of Economy, Finance and Planning for inclusion in the General State Budget. 2. The rules governing amendments to and the allocation of appropriations in that budget shall be those laid down in the Commission's Regulations. 30

CHAIRMANSHIP 3. The Chairman of the Commission shall be responsible for approving expenditure and authorising payments, except where this responsibility is reserved for the Government, and for the Commission's financial reports. . The Commission shall prepare its accounts and present its financial statements in accordance with the Public Finance Act and the regulations and accounting principles contained in the General Public Accounting Plan. - Without prejudice to the powers conferred on the Audit Office, the Commission's financial management shall be subject to State financial control. TITLE IV ON THE REPORTING OF CORRUPTION, THE PROTECTION OF WHISTLEBLOWERS AND FALSE ALLEGATIONS CHAPTER 1 ON THE PROTECTION OF WHISTLEBLOWERS Article 41.— Rights of the whistleblower. From the moment a whistleblower lodges a report with the Commission, they shall enjoy the following rights: (a) That reports lodged are processed through channels and procedures that guarantee the confidentiality of the whistleblower, without prejudice to the provisions of procedural rules. All persons involved in the processing of the complaint or who have knowledge of it shall be bound by a duty of confidentiality in their actions. Under no circumstances shall complainants be deemed to have breached their duty of confidentiality in the performance of their duties. 31

REPUBLIC OF EQUATORIAL GUINEA PRESIDENCY agreed in respect thereof. Cc) That the complaint lodged be resolved by means of an express decision and that no further action be taken in respect of the complaint lodged. (f) In the event of suffering damages as a result of the complaint by the Public Administration, in accordance with the provisions of the Administrative Procedure Act. Article 42.—Complaints Procedure and Protection to contact the Commission via a confidential complaints channel, through which the confidentiality of the complainant's identity shall be guaranteed and the rights recognised under this Act shall be protected. 2. Anonymous complaints shall not be accepted for processing, nor shall those that cannot be substantiated by documents or verified information. In all cases, the information disclosed by the complainant must identify the facts that may constitute a criminal offence or an administrative offence, the alleged perpetrators and, where known, the date on which the acts were committed, the financial impact of the unlawful act, as well as any other circumstances that may facilitate the investigation, 3. Once a complaint has been lodged with the Commission, the Commission shall have a period of fifteen days from the date of its registration to decide whether to initiate proceedings 32

REPUBLIC OF EQUATORIAL GUINEA PRESIDENCY of a confidential investigation, which must be communicated to the complainant. 4. The preliminary investigation of the facts, as well as the involvement of the alleged perpetrators, shall be carried out within a maximum period of three months from the decision to initiate proceedings. However, this time limit may be extended for as long as necessary, up to a maximum of six months, in cases where the complexity of the matter or the need for cooperation from other public authorities so warrants. 5. At any stage of the confidential information procedure, complainants may request that the Commission adopt protective measures against any actions, whether by act or omission, that infringe their rights and that have been taken as a result of the complaint lodged. To this end, the Commission may agree, amongst other measures, to suspend any decisions, agreements or rulings that cause harm or prejudice to the complainant's personal status or professional career. In all cases, the right to be heard shall be guaranteed to any persons or bodies that may be affected by the precautionary measures agreed by the Commission. l. If, on the basis of the proceedings conducted, there are reasonable grounds to believe that a criminal offence has been committed, the Commission shall issue a reasoned decision to refer the case to the Public Prosecutor's Office, without prejudice to the Commission's right to bring a private prosecution. In the event of referral to the Public Prosecutor's Office, the Commission shall state whether, in its view, there are circumstances that may pose a serious danger to the complainant and their property, their spouse or a person with whom they have a similar emotional bond, or their ascendants, descendants, siblings and witnesses, in accordance with the legal system in force. 2. If, on the basis of the investigations carried out, it is found that an administrative offence not provided for in this Act has been committed, the Commission shall issue a reasoned decision urging the competent body to initiate the corresponding proceedings. In this case, the competent body 33

CHAIRMANSHIP shall be obliged to authorise the initiation of proceedings and to inform the Commission of the outcome of the proceedings, which shall subsequently be notified to the complainant. . Should no offence of any kind be found to have been committed, the Commission shall issue a reasoned decision to close the confidential investigation and shall forward this decision to the complainant, informing them of the steps that have been taken. . In any event, the Commission must inform the complainant of the decision bringing the proceedings to a close and of the steps that have been taken. TITLE V ON CORRUPTION OFFENCES, ADMINISTRATIVE OFFENCES, PENALTIES AND SANCTIONS CHAPTER 1: PERSONS CRIMINALLY LIABLE FOR OFFENCES OF CORRUPTION Article 43.— Persons liable for offences of corruption 1. The following are criminally liable for offences involving acts of corruption: the natural and legal persons specified in Article 6 of this Act. The perpetrators, accomplices, collaborators, instigators and those who conceal the offence are criminally liable for offences involving acts of corruption. . For the purposes of this Act, the following are punishable: the completed offence, the attempted offence, the attempt, and conspiracy to commit the offence of corruption. 34

REPUBLIC OF EQUATORIAL GUINEA PRESIDENCY 3. The offences of corruption defined in this Title shall be punishable without prejudice to the application of ancillary, administrative or disciplinary sanctions, CHAPTER II: OFFENCES OF CORRUPTION AND THEIR PENALTIES Article 44.—Illicit Enrichment. A public official shall be guilty of illicit enrichment if they have intentionally obtained an increase in assets that is disproportionate to their legitimate income and which they cannot reasonably justify, once the relevant proceedings have been initiated. : Any person who commits the offence defined in this article shall be punished with a term of imprisonment of between six months and one day and six years. Furthermore, the following additional penalties shall apply, as appropriate: (i) a fine equivalent to three times the value of the bribe or undue advantage in the relevant offence; (ii) forfeiture of the proceeds of the offence in accordance with the article on freezing, seizure and forfeiture of this Act. Article 45.—Bribery of a public official Bribery of a public official is deemed to have occurred when the following acts are committed intentionally: (a) the promise, the offering or the granting to a public official, directly or indirectly, of an undue benefit which redounds to their own advantage or to that of another person or entity, with the aim of inducing that official to act or refrain from acting in the performance of their official duties; (b) the solicitation or acceptance by a public official, directly or indirectly, of an undue advantage for their own benefit or that of another person or entity, with the aim of inducing that official to act or refrain from acting in the performance of their official duties. 35

PRESIDENCY Any person who commits the offence defined in this article shall be liable to a term of imprisonment of between six years and one day and twelve years. In addition, the following additional penalties shall apply, as appropriate: (1) a fine equivalent to three times the value of the bribe or undue advantage involved in the relevant offence; (ii) forfeiture of the proceeds of crime in accordance with the article on the freezing, seizure and forfeiture of assets under this Act. Article 46.—Bribery within the judicial sphere Bribery within the judicial sphere is deemed to have occurred when the following acts are committed intentionally: (a) the promise, offer or granting to a judge, magistrate, public prosecutor, arbitrator, court clerk, lawyer, investigator or expert, either directly or indirectly, of an undue benefit for their own gain or that of another person or entity, with the aim of inducing that official to act or refrain from acting in the performance of their official duties; (b) the solicitation or acceptance by a judge, magistrate, public prosecutor, arbitrator, court clerk, lawyer, investigator or expert, either directly or indirectly, of an undue benefit that redounds to their own advantage or to that of another person or entity, with the aim of inducing that official to act or refrain from acting in the performance of their official duties. Any person who commits the offence defined in this article shall be liable to a term of imprisonment of between six years and one day and twelve years. Furthermore, the following additional penalties shall apply, as appropriate: (1) a fine equivalent to three times the value of the bribe or undue advantage in the relevant offence; (ii) forfeiture of the proceeds of the offence in accordance with the article on the freezing, seizure and forfeiture of this Act. Article 47.— Bribery of a foreign public official or an official of a public international organisation. The bribery of a foreign public official or an official of a public international organisation is deemed to have taken place where the following is intentionally committed: (a) the 36

% A aa) REPUBLIC OF EQUATORIAL GUINEA PRESIDENCY the offering or granting, directly or indirectly, to a foreign public official or an official of a public international organisation of an undue advantage for their own benefit or that of another person or entity, with the intention that such official act or refrain from acting in the performance of their official duties in order to obtain or retain a commercial transaction or other undue advantage in connection with the conduct of intentional commercial activities; (b) the solicitation or acceptance by a foreign public official or an official of a public international organisation, directly or indirectly, of an undue advantage for their own benefit or that of another person or entity, with the aim of inducing that official to act or refrain from acting in the performance of their official duties. Any person who commits the offence defined in this article shall be liable to a term of imprisonment of between six months and one day and six years. Furthermore, the following additional penalties shall apply, as appropriate: (i) a fine equivalent to three times the value of the bribe or undue advantage in the relevant offence; (ii) forfeiture of the proceeds of the offence in accordance with the article on freezing, seizure and forfeiture of this Act, Article 48.— Bribery in the private sector Bribery in the private sector is deemed to have occurred when the following acts are committed intentionally: (a) the promise, offer or granting, directly or indirectly, to a person who manages a private-sector entity or performs any function therein, an undue advantage for their own benefit or that of another person, with the intention that, by breaching the duty inherent in their functions, they act or refrain from acting; b) the solicitation or acceptance, directly or indirectly, by a person who heads a private-sector entity or holds any position therein, of an undue advantage for their own benefit or that of another person, with the intention that, in breach of the duty inherent in their functions, they act or refrain from acting. 37

PRESIDENCY Any person who commits the offence defined in this article shall be liable to a term of imprisonment of between six months and one day and six years. In addition, the following additional penalties shall apply, as appropriate: (i) a fine equivalent to three times the value of the bribe or undue advantage involved in the relevant offence; (ii) forfeiture of the proceeds of crime in accordance with the article on the freezing, seizure and forfeiture of assets under this Act. Article 49.— Sexual Demand or Offer A sexual demand or offer is deemed to have been made where the following acts are committed intentionally: (a) the promise, offer or granting to a public official , directly or indirectly, of an undue benefit of a sexual nature which is for their own benefit or that of another person or entity, with the aim of inducing that official to act or refrain from acting in the performance of their official duties; (b) the solicitation or acceptance by a public official, either directly or indirectly, of an undue benefit of a sexual nature which is for their own benefit or that of another person or entity, with the aim of inducing that official to act or refrain from acting in the performance of their official duties. Any person who commits the offence defined in this article shall be liable to a term of imprisonment of between six months and one day and six years. Furthermore, the following additional penalties shall apply, as appropriate: (i) a fine equivalent to three times the value of the bribe or undue advantage in the relevant offence; (11) forfeiture of the proceeds of crime in accordance with the article on the freezing, seizure and forfeiture of this Act. Article 50.—Influence peddling An offence of influence peddling is deemed to have been committed when the following acts are intentionally committed: (a) the promise, offer or granting to a public official or any other person, directly or indirectly, of an undue advantage with the aim of inducing the public official or that person to abuse their actual or supposed influence, in order to obtain from a State administration or authority a 38

qa ke A REO REPUBLIC OF EQUATORIAL GUINEA PRESIDENCY confiscation under this Act. Article 51.— Embezzlement, misappropriation or other forms of misappropriation of assets by a public official. and confiscation as provided for in this Act, mn O- js Article 52.—Misappropriation of property in the private sector 39

A E Y REPUBLIC OF EQUATORIAL GUINEA PRESIDENCY Any person who heads a private-sector entity or performs any function commits the offence of misappropriation of assets in the private sector; (ii) confiscation of the proceeds of crime in accordance with the article on freezing, seizure and confiscation of this Act, Article 53.— Abuse of office Abuse of office is defined as a situation where a public official, authority or member of an institutional or local administration, in the course of their duties, performs or omits an act in breach of the law, with the aim of obtaining an undue benefit for themselves or for another person or entity. Any person who commits the offence defined in this Article shall be liable to a term of imprisonment of between six years and one day and twelve years. Furthermore, the following additional penalties shall apply, as appropriate: (1) a fine equivalent to three times the value of the bribe or undue advantage involved in the relevant offence; (ii) forfeiture of the proceeds of crime in accordance with the article on the freezing, seizure and forfeiture of this Act. Article 54.—Misuse of public assets

PEACE REPUBLIC OF EQUATORIAL GUINEA PRESIDENCY or makes unlawful use of such property, commits the offence of misuse of public property . Any person who commits the offence defined in this article shall be punished with a term of imprisonment of between six years and one day and twelve years. Furthermore, the following additional penalties shall apply, as appropriate: (i) a fine equivalent to three times the value of the bribe or undue advantage involved in the relevant offence; (ii) forfeiture of the proceeds of the offence in accordance with the article on the freezing, seizure and forfeiture of this Act. Article 55 – Illegal exemptions and remissions Any public official, senior civil servant, or director of autonomous bodies, local authorities or state-owned enterprises who, without authorisation by law or the competent authority, agrees for any reason to an exemption or remission from taxes, duties, fines, bonds or other charges, or to hand over public property free of charge or at a reduced price, commits the offence of unlawful exemption and remission. Any person who commits the offence defined in this article shall be liable to a term of imprisonment of between six months and one day and six years. Furthermore, the following additional penalties shall apply, as appropriate: (i) a fine equivalent to three times the value of the bribe or undue advantage in the relevant offence; (ii) forfeiture of the proceeds of the offence in accordance with the article on the freezing, seizure and forfeiture of this Act. Article 56.— Undue or excessive charges Any public official, senior civil servant, or director of autonomous bodies, local authorities and state-owned enterprises who, knowingly, demand an undue payment or receive an excess payment due for a service, fee, tax, fines or bonds, revenue or interest, benefits or salary income, commits the offence of undue or excessive charges. 41

REPUBLIC OF EQUATORIAL GUINEA PRESIDENCY Any person who commits the offence defined in this article shall be liable to a term of imprisonment of between one month and one day and six months. In addition, the following additional penalties shall apply, as appropriate: (1) a fine equivalent to three times the value of the bribe or undue advantage involved in the relevant offence; (11) forfeiture of the proceeds of crime in accordance with the article on the freezing, seizure and forfeiture of assets under this Act. | Article 57.— Concealment of corruption It shall be an offence of concealment of corruption to conceal or continuously retain property whilst knowing that it is the proceeds of any of the offences defined under this Act. Any person who commits the offence defined in this Article shall be liable to a term of imprisonment of between six years and one day and twelve years. Furthermore, the following additional penalties shall apply, as applicable: (i) a fine equivalent to three times the value of the bribe or undue advantage in the relevant offence; (ii) forfeiture of the proceeds of crime in accordance with the article on freezing, seizure and forfeiture of this Act. Article 58.—Obstruction of justice A person commits the offence of obstruction of justice if they intentionally carry out the following acts: (a) the use of physical force, threats or intimidation, or the promise, the offer or the granting of an undue benefit to induce a person to give false evidence, or to hinder the giving of evidence or the production of evidence in proceedings relating to the commission of offences defined under this Act; b) The use of physical force, threats or intimidation to hinder the performance of the official duties of a judicial officer or a law enforcement officer in relation to the commission of criminal offences defined in this Act. 42

REPUBLIC OF EQUATORIAL GUINEA PRESIDENCY Any person who commits the offence defined in this article shall be liable to a term of imprisonment of between one month and one day and six months. In addition, the following additional penalties shall apply, as appropriate: (1) a fine equivalent to three times the value of the bribe or undue advantage involved in the relevant offence; (ii) forfeiture of the proceeds of the offence in accordance with the article on the freezing, seizure and forfeiture of this Act. CHAPTER III ADMINISTRATIVE OFFENCES, SANCTIONS AND REMEDIES Article 59.— Legal Framework 1. Failure to comply with the obligations set out in this Act shall be penalised as administrative offences, in accordance with the provisions of this Chapter, without prejudice to other administrative and disciplinary sanctions set out in Titles II and III of this Act and its specific regulations, and any other liability that may arise. 2. The power to impose sanctions in respect of the offences defined in this Chapter shall lie with the National Commission for the Prevention and Combating of Corruption and shall be exercised in accordance with the provisions of this Act, its implementing regulations, this Chapter, the Law on the Legal Regime of the General State Administration, and the sanctioning procedure set out in the Law on Administrative Procedure. Article 60.— Persons Liable 1. In general, natural or legal persons, whatever their nature, who carry out acts or commit omissions defined in this Chapter shall be liable for administrative offences. 2. In particular, the persons listed in Article 6 of this Act shall be liable. 43

REPUBLIC OF EQUATORIAL GUINEA PRESIDENCY Article 61.— Classification of administrative offences The administrative offences provided for in this Chapter are classified as minor, serious and very serious. . Article 62.—Minor Offences The following constitute minor offences: a) Unjustified failure to comply with the obligation to respond within the prescribed time limit to a request for access to information of public interest. b) Failure to comply with applicable active disclosure obligations, where such failure does not constitute a serious or very serious offence. c) Unjustified delay in providing the requested information. d) Providing the requested information only in part or under conditions other than those requested. Article 63.—Serious Breaches The following constitute serious breaches: a) Repeated failure to comply with the obligation to respond within the prescribed time limit to a request for access to information of public interest; b) Failure to cooperate in the processing of complaints lodged with the Commission; c) The provision of false information or information whose authenticity, reliability, integrity, availability and chain of custody have not been verified. (d) The repetition of at least two minor infringements; (e) Repeated failure to comply with the applicable obligations regarding active disclosure, or the publication of false information or information whose authenticity, reliability, integrity, availability and chain of custody have not been verified; f) Failure to respond to a request for information; and, g) Repeated commission of minor offences, 44

CHAIRMANSHIP A repeat offence shall be deemed to have occurred where, within a period of one year, more than one offence of the same nature has been committed, provided this has been established by a final decision. Article 64.—Very Serious Offences The following constitute very serious offences: a) Failure to comply with the obligations to appear before and cooperate with the Commission where an express request has been disregarded . b) Arbitrary denial of the right of access to information of public interest. c) Failure to comply with decisions issued by the Commission. d) The repetition of at least two serious infringements. e) Failure to comply with the obligation to provide information of public interest requested by the Commission in order to comply with a decision. Recidivism shall be understood to mean the commission, within a period of one year, of more than one infringement of the same nature, where this has been declared as such by a final decision. Article 65.—Disciplinary sanctions Disciplinary offences committed by members of constitutional bodies, senior officials, civil servants and other staff employed by the bodies referred to in Article 6 of this Act shall be subject to the appropriate sanctions in accordance with the disciplinary regime applicable in each case, and without prejudice to the provisions of Law 2/2014 of 28 July on Civil Servants. Article 66.— Procedure 1. For the imposition of administrative and disciplinary sanctions 45

REPUBLIC OF EQUATORIAL GUINEA PRESIDENCY As set out in this Chapter, the provisions laid down in the relevant disciplinary procedure shall be followed, depending on whether the offences are attributable to staff employed by public bodies, in accordance with the civil service, statutory or labour disciplinary regime applicable in each case, 2. In all cases, the procedure shall be initiated by the Commission, either on its own initiative or following a reasoned request from other bodies or a complaint from the public. The Commission shall also be the competent body for conducting the investigation and for imposing the appropriate sanctions in each case, from amongst those provided for in this Chapter. 3. Where the alleged perpetrators are senior officials or members of constitutional bodies, the Commission shall submit the proposed sanction to the Presidents of those bodies, in accordance with the provisions of the disciplinary regulations of those constitutional bodies. 4. The power to impose sanctions shall lie with: (a) the Presidents of the constitutional bodies, upon a proposal from the Commission, where the person responsible is a member of the relevant body; b) The National Commission for the Prevention and Combating of Corruption, in all other cases. Article 67.— Appeals 1. The acts and decisions of the Commission's bodies other than the Chairperson may be subject to administrative appeals in accordance with the provisions of the Law on Administrative Procedure. Under no circumstances may reports or annual reports issued by the Commission be the subject of an appeal. 2. Acts and decisions of the Chair of the Commission shall be final at the administrative level and may only be appealed before the 46

REPUBLIC OF EQUATORIAL GUINEA PRESIDENCY Contentious-Administrative Jurisdiction. CHAPTER IV IMPOSITION AND ENFORCEMENT OF PENALTIES Article 68.— Imposition and enforcement of penalties In general, the regime governing the imposition and enforcement of the penalties established in this Act shall be in accordance with the provisions of the current Criminal Code. CHAPTER V: CIVIL LIABILITY FOR CRIMINAL OFFENCES AND MISDEMEANOURS RELATING TO CORRUPTION Article 69.— Civil Liability 1. Any person found criminally liable for any criminal offence or misdemeanour provided for in this Act shall also be held civilly liable. 2. Civil liability consists of compensation for the damages caused to the Public Administration or to third parties with a legitimate interest in the matter. 3. Civil liability shall be enforced in accordance with the provisions of the current Criminal Code. 4. In all cases, once the relevant criminal proceedings have been instituted, the judicial authority shall determine the civil liability of those identified as perpetrators and accomplices in the offence; and in the final judgement, the Court shall rule on the civil liability of the defendants in accordance with the provisions of the Code of Criminal Procedure. 47

p Est REPUBLIC OF EQUATORIAL GUINEA PRESIDENCY CHAPTER VI ADDITIONAL PENALTIES FOR CORRUPTION OFFENCES: CONFISCATION, SEIZURE, FORFEITURE, FINES AND DISQUALIFICATION Article 70.— Penalties involving the deprivation of other rights 1. In addition to the principal penalty for corruption offences, penalties involving the deprivation of other rights, as set out in the current Criminal Code and established by law, may be imposed, taking into account the seriousness of the offence, the degree of involvement and the public responsibility of the perpetrator. 2. Penalties involving the deprivation of other rights are: loss of nationality, disqualification, suspension of a driving licence, civil interdiction, forfeiture and restraining orders. Article 71.— Seizure and confiscation 1. The identification, tracing and seizure of the proceeds of crime arising from the offences set out in this Act shall be carried out with a view to their confiscation. This also applies to property whose value is equivalent to the proceeds of crime, and to property, equipment or other instruments used or intended to be used in the commission of such offences. 2. A Special Office shall be established within the Anti-Corruption Prosecutor's Office to administer seized and confiscated assets. It shall be composed of experts specialising in finance, accountants and forensic experts, under the supervision of prosecutors, to enable the effective administration of seized and confiscated assets. The structure, resources and organisation of the Office shall be determined by Ministerial Regulations. 3. Proceeds of crime that have been transformed or converted are subject to the measures set out in paragraph 1. 48

CHAIR 4. Proceeds of crime commingled with property acquired from legitimate sources are subject to the measures set out in paragraph 1 up to the value of the commingled proceeds. . Income or other benefits derived from the proceeds of crime, or derived from property transformed, converted or commingled with such proceeds of crime, are subject to the measures set out in paragraph 1. Without prejudice to existing provisions, proceeds of crime confiscated within the country may be allocated to a special fund to support the anti-corruption efforts of various relevant agencies, including the National Commission, the Anti-Corruption Prosecutor and the relevant courts. . Proceeds of crime abroad that have been confiscated and repatriated may be allocated to a special fund to support social protection programmes. CHAPTER V CIRCUMSTANCES AFFECTING CRIMINAL LIABILITY CRIMINAL LIABILITY Article 72.— Mitigating and aggravating factors In determining the severity of penalties, the rules on the modification of circumstances affecting criminal liability set out in the current Criminal Code, relating to mitigating and aggravating factors, shall apply. CHAPTER VIH GENERAL PROVISIONS ON CORRUPTION OFFENCES Article 74.— Exemption from criminal liability for corruption offences 49

PRESIDENCY Persons under the age of sixteen, those of unsound mind and diplomats accredited to Equatorial Guinea are exempt from criminal liability for corruption offences. Article 75.— Limitation period for corruption offences For the purposes of this Act, acts constituting corruption offences shall be subject to a limitation period of thirty (30) years from the date of their commission. Article 76.—Extinction of criminal liability for corruption offences Criminal liability for the offences provided for in this Act shall be extinguished by: 1. The death of the offender. 2. An amnesty. 3. The serving of the sentence; and 4. A pardon. ADDITIONAL PROVISIONS: First. - The Commission is authorised to adopt whatever measures are necessary to ensure that its activities are effective throughout the national territory. Second. - The Commission is authorised to issue whatever provisions it deems necessary for the implementation and effective operation of this Act. TRANSITIONAL PROVISIONS: First. – Within sixty days of the entry into force of this Act, the Presidency of the Republic shall appoint the Chair and Deputy Chair of the Commission in accordance with the procedure set out in Article 29 of this Act. Second. – Within sixty (60) days of the appointment of the Chair and Deputy Chair of the Commission, the regulations must be published 50

PRESIDENCY relevant to the system for declaring assets and interests, as well as the relevant regulations governing the organisation and operation of the Commission. Third. – Within six months of the publication of this Act, all other regulations relevant to compliance with this Act must be published. REPEAL PROVISION: Sole. Any provisions of equal or lower rank that conflict with the provisions of this Act are hereby repealed, in particular Decree-Law 1/2004 of 5 February on Ethics and Dignity in the Exercise of Public Office and Decree-Law 1/2020, dated 13 July, on the Prevention and Combating of Corruption in the Republic of Equatorial Guinea. FINAL PROVISION: This Act shall enter into force on the date of its publication in the Official State Gazette, without prejudice to its publication in the Official Media. Given at Bata on the tenth day of May in the year two thousand and twenty-one. COBTANG NGUEMA MBASOGO PRESIDENT OF THE REPUBLIC Government Secretariat.