

The Fight against Impunity for Grand Corruption – Prosecuting Kleptocracy as an International Crime

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Abstract

Corruption constitutes one of the most serious problems the world is facing today. The large-scale looting of public treasuries and resources by heads of state and their allies has devastating consequences for social, economic and political structures, leading to gross human rights violations, distorting markets and allowing organized crime to flourish. Efforts to curb corruption have gained momentum in the last 20 years, leading to the adoption of numerous international legal instruments.

Nevertheless, the perpetrators of grand corruption usually escape any form of criminal liability. Strong arguments speak in favour of including grand corruption on the agenda of international criminal justice. Although there is no specific mention of corruption in the Rome Statute of the International Criminal Court, kleptocracy could be classified as “other inhumane act” within the category of crimes against humanity. It is arguable that legitimately prosecuting corruption requires an amendment of the Statute which is lacking political support in the near future.

Notwithstanding, the mandate given to the ICC is meant to address a reality that is constantly presenting new challenges. The Court’s impact on the rule of law and its deterrent effect is strong in spite of all limitations and criticism. Where corrupt acts fulfill all statutory requirements of crimes against humanity, the ICC should prosecute them. Such efforts have to be complemented on a national and regional level, in particular where corruption does not qualify as a crime against humanity as such. Recent developments raise hopes that impunity for grand corruption can be successfully fought.

Keywords: grand corruption, kleptocracy, impunity, international crime, International Criminal Court

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Introduction

Nowadays it is widely acknowledged that corruption is detrimental to a society's development and economic growth.¹ Corruption undermines democracy and the rule of law, leads to violations of human rights, distorts markets, erodes the quality of life and allows organised crime, terrorism and other threats to human security to flourish. This phenomenon is found in all countries but it is in the developing world that its effects are most destructive.² It has been estimated that USD1 trillion is paid in bribes annually and the cost of all forms of corruption is more than 5% of global GDP.³ As the need for tackling corruption and its devastating consequences became evident, a wide range of international and regional treaties applicable to various corrupt practices have been adopted during the last 20 years. However, none of these treaties provides a comprehensive definition of corruption and the main objective of these legal instruments is fighting corruption at the national level through criminalisation and prevention as well as international cooperation.

Notwithstanding, systemic corruption taking place at the highest level of the state has never been defined as an international crime nor been prosecuted and adjudicated by any international criminal tribunal. It is argued that so-called kleptocracy should be treated as a crime against humanity under customary law and under the Rome Statute of the International Criminal Court *de lege lata*. While there are legal and practical arguments countering this approach, there are strong reasons to advocate for the prosecution of grand corruption. This does not imply that other alternatives such as an anti-corruption court, *ad hoc* mixed courts or specialised mechanisms within international organisations should not be explored. All the contrary, defining grand corruption as an international crime and establishing mechanisms to prosecute and adjudicate it are fundamental to effectively curb the most harmful forms of corruption. In the light of the political hurdles for such developments, making use of the existing system of the ICC could be a powerful means to condemn corruption, create awareness and help the anti-corruption efforts gain momentum.

Definition and cases of grand corruption

Recognising kleptocracy as a crime under international law requires a clear definition of the phenomenon that constitutes grand corruption. Civil society organizations have described grand corruption as taking place at high levels of the political system, when politicians and state agents entitled to make and enforce the laws in the name of the people, are misusing this authority to sustain their power, status and wealth⁴ and as the abuse of power from high ranked public officials, involving considerable amounts of money, high negative social impact, and systematic abuse which authorities are unable or unwilling to sanction.⁵ Academics have described it as large-scale

¹ Council of Europe, Recommendation Rec(4) 2003 on common rules against corruption in the funding political parties and electoral campaigns, p.1.

² Kofi A. Annan, Secretary-General, Foreword to United Nations Convention Against Corruption, adopted in 2003 and entered into force on 24 December 2005.

³ International Chamber of Commerce et al., Clean Business is Good Business 2, 2008, <http://www.weforum.org/pdf/paci/BusinessCaseAgainstCorruption.pdf>; see also The Costs of Corruption, World Bank, 8 April 2004, <http://go.worldbank.org/LJA29GHA80>.

⁴ U4: The Anti-Corruption Resource Centre, The Basics of Anti-Corruption, 2013.

⁵ José Ugaz, Contribution to panel discussion "Ways Forward in Prosecuting Grand Corruption" at the Fifth Conference of States Parties to the United Nations Convention Against Corruption, 25-29 November 2013, Panama City.

ransacking of public treasuries and resources by heads of state and their families and associates,⁶ as abuse of state power⁷ and the large-scale and systematic abuse of public authority.⁸ Chile Eboe-Osuji uses the notion kleptocracy, meaning to dishonestly misappropriate public wealth or property with the intention of permanently depriving the public of such wealth or property.⁹ Ndiva Kofele-Kale calls the phenomenon indigenous spoliation – the illegal act of depredation committed for private ends by constitutionally responsible rulers, public officials or private individuals¹⁰ or the deliberate and systematic plunder of the wealth and resources of a nation by officials in positions of public trust in violation of their fiduciary obligations to the larger community. These definitions of grand corruption include different types of corruption whereas the most important forms are the stealing, privatising and the misappropriation, that is the embezzlement or misuse, of public funds.¹¹

There are numerous examples of large-scale corruption often linked to massive human rights violations. During his *de facto* presidency in Nigeria from 1993-1998, Sani Abacha embezzled some USD 4 billion of public funds, while millions lived in poverty.¹² In the Democratic Republic of Congo, the legacy of Mobutu Sese Seko remains unaddressed, including the estimated USD 12 billion in funds he embezzled.¹³ Indonesia's Suharto died without being convicted of any crime involving corruption that allowed his family to amass an estimated USD 9 billion. Such impunity is exemplary of most cases of grand corruption.

Kleptocracy as a crime under international law

Strong arguments speak in favour of using international criminal law to tackle grand corruption. While the UN Convention Against Corruption contains broad prohibitions on government-side corruption, it fundamentally lacks the necessary enforcement mechanisms to secure compliance.¹⁴ As a result, application of the international current legal regime has not effectively curtailed grand corruption.¹⁵ Domestic legislation may not contain the provisions necessary to hold perpetrators accountable. And even if there is appropriate legislation on the books, most often it will not be

⁶ Sonja Starr, Extraordinary Crimes at Ordinary Times: International Justice beyond Crisis Situations, Harvard Public Law Working Paper No. 133. Harvard Law School. <http://ssrn.com/abstract=934470>, p.27.

⁷ Paul Ocheje, Refocusing International Law on the Quest for Accountability in Africa: The Case Against the „Other“ Impunity, 15 LJIL 749-779 (2002), p. 777.

⁸ Claudio Kirch-Heim, Grand Corruption – A New Crime under International Law? *Bucerius Law Journal Heft 1/2009*, 35-40, p.36.

⁹ Chile Eboe-Osuji, Kleptocracy: A Desired Subject of International Criminal Law That is in Dire Need of Prosecution by Universal Jurisdiction, in: E. Ankumah/E. Kwakwa, *African Perspectives on International Criminal Justice*, 121-132 (2005).

¹⁰ Ndiva Kofele-Kale, The International Law of Responsibility for Economic Crimes, 9 (2nd ed. 2006); Patrimonicide: The International Economic Crime of Indigenous Spoliation, 28 Vand. J. Transnat'l L. 45, 58 (1995).

¹¹ For a non-exhaustive list of types of corruption see Wounters, Jan; Ryngaert, Cedric; Cloots, Ann Sofie, The Fight Against Corruption in International Law, Working Paper No. 94 – July 2012, Leuven Centre for Global Governance Studies, p.35.

¹² Ruben Carranza, Plunder and Pain: Should Transitional Justice Engage with Corruption and Economic Crimes? *The International Journal of Transitional Justice*, Vol. 2, 2008, 310–330, p.312.

¹³ Tim Daniel, Repatriation of Looted State Assets: Selected Case Studies and the UN Convention Against Corruption, in *Global Corruption Report 2004* (Berlin: Transparency International, 2004).

¹⁴ United Nations Convention Against Corruption, G.A. Res.58/4, U.N. Doc. A/RES/58/4 (Oct. 31, 2003), encouraging, but not mandating, the criminalization of domestic corruption.

¹⁵ Philippa Webb, The United Nations Convention against Corruption: Global Achievement or Missed Opportunity? *Journal of International Economic Law*, 8, (2005), 191-229, pp. 193–204, 218–222, explaining the shortcomings of the implementation mechanisms in the current international anticorruption regime.

enforced effectively against heads of state or high-ranking public officials.¹⁶ Some anti-corruption advocates have not only called for grand corruption being classified an international crime, but being considered a crime against humanity.¹⁷ It is argued that compelling a person to live in inhumane or degrading conditions amounts to inhumane treatment that may reach the level of a crime against humanity under customary and conventional law.¹⁸ Going beyond the classification of kleptocracy as crime against humanity, some have even argued in favour of prosecuting grand corruption as a crime against humanity at the International Criminal Court.¹⁹

Corruption as an “other inhumane act” pursuant to Article 7 Rome Statute?

Although corruption is not listed among the crimes contained in the Rome Statute of the ICC, there are strong legal arguments to subsume grand corruption under the catch-all crime of Article 7(1)(k) which criminalizes “other inhumane acts of a similar character”. This article requires that the perpetrator commit “other inhumane acts of a similar character” which cause “great suffering, or serious injury to body or to mental or physical health”. Only an act that attains the same degree of severity is “similar” to the other individual crimes. In this spirit, the ICC Elements of Crimes make clear that the necessary conduct must be comparable in “nature and severity” with the other acts listed in Article 7(1). In 2008, the Pre-Trial Chamber I defined inhumane acts as “serious violations of international customary law and the basic rights pertaining to human beings, drawn from the norms of international human rights law, which are of a similar nature and gravity to the acts referred to in article 7(1)”.²⁰

Acts of grand corruption share significant similarities with other listed acts such as murder and extermination as they kill people, often in large numbers. Like deportation, forcible transfer, and economic persecution, they inflict severe deprivation affecting the fundamental conditions of life.²¹ In regards to the requirement to inflict great suffering or serious injury to body or to mental or physical health, corrupt acts can meet this standard. In the case of embezzlement of funds or goods (e.g. food or medicines), this can immediately cause such consequences.²² As rightly pointed out by Starr, there is no requirement that the suffering or injury be an immediate consequence of the crime, with no intervening causes, as in an act of

¹⁶ Kirch-Heim, see supra, pp. 35-36.

¹⁷ See Seoul Findings, 11th International Anti-Corruption Conference, Seoul, May 2003, [http://www.11iacc.org/download/finish/11IACC SeoulFindings.doc](http://www.11iacc.org/download/finish/11IACC%20SeoulFindings.doc); Nairobi Declaration, adopted at the Regional Conference on the Human Rights Dimensions of Corruption convened by the Kenya National Commission of Human Rights (KNCHR), March 2006; Ilias Bantekas, Corruption as an International Crime and Crime against Humanity: An Outline of Supplementary Criminal Justice Policies, *Journal of International Criminal Justice* 4(3) (2006): 1.

¹⁸ Elias Davidsson, Economic Oppression as an International Wrong or as a Crime against Humanity. *Netherlands Quarterly of Human Rights*, 23 (2005), 173-212, pp. 196-198.

¹⁹ Davidsson, see supra, pp. 196-198; the NGO SERAP Nigeria petitioned the ICC Prosecutor in 2008 to request the Court to use its position and powers to examine and investigate whether grand corruption in Nigeria amounts to a crime against humanity, www.serap-nigeria.org/cases-in-court; Ben Bloom, Criminalizing Kleptocracy? The ICC as a Viable Tool in the Fight Against Grand Corruption, *American University International Law Review* Volume 29, Issue 3 (2014), pp. 627-671.

²⁰ *Prosecutor v. Katanga and Ngudjolo Chui*, PTC I, Decision on the Confirmation of Charges, 30 September 2008, ICC-01/04-01/07-717, para. 448.

²¹ Starr, see supra, p. 49.

²² Martine Boersma, Corruption: A Violation of Human Rights and a Crime Under International Law?, Cambridge: Intersentia (2012), p.336.

violence.²³ It is therefore legitimate to conclude that acts of grand corruption can meet the *actus reus* requirements of Art. 7(1)(k).

The inhumane act must further fulfil the chapeau elements of crimes against humanity, that is it must be part of a widespread or systematic attack directed against any civilian population.²⁴ As regards the nature of the attack, the Elements set out that the acts need not constitute a military attack.²⁵ Rather, Article 7(2) specifically defines it as “a course of conduct involving the multiple commission of acts referred to in paragraph 1 against any civilian population, pursuant to or in furtherance of a State or organizational policy to commit such attack.” The requirement for involvement of multiple acts will typically be fulfilled in cases of kleptocracy where a specific corrupt act will always be part of a broader pattern of corrupt acts. More problematic seems the policy requirement which has been much interpreted divergently by judges at the ICC, which requires that the state or organization actively promote or encourage such an attack. Notwithstanding, in the case of a true kleptocracy, as the term implies, corruption is part of the system, the state institutions and in particular the government. It is a prototypical example of abuse of “governmental institutions, structures, resources, and personnel”—the essence of state policy.²⁶ In regards to the additional requirements of a widespread or systematic attack, these legal elements are met by cases of grand corruption, as by its definition, kleptocracy consists of widespread and systematic practices. Moreover, the involvement of high-level government officials in carrying out state policy to serve private interests confirms the widespread and systematic nature of grand corruption.

In the light of the above, grand corruption may fulfil the *actus reus* of inhumane acts constituting a crime against humanity. Far more problematic is the mental element which consists of both the knowledge of the contextual element and the *mens rea* required for the specific criminal act. In relation to the first element, the accused must understand that his actions are connected to the attack against a civilian population. As the author of a multitude of corrupt acts committed at the highest level of state, the perpetrator of such acts necessarily knows of the nexus between his acts and the broader context of his actions. To establish the *mens rea* for an “other inhumane act”, the perpetrator must act “intentionally” (Article 7(1)(k)) for which Article 30 applies.²⁷ Intent relates to both conduct and consequence. Intent in relation to conduct signifies that the person means to engage in the conduct, i.e. the perpetrator must act voluntary and with some degree of knowledge. This proves unproblematic when considering grand corruption cases where the perpetrator is orchestrating a scheme of corrupt acts. As for the consequence, intent is present when the person means to cause that consequence or is aware that it will occur in the ordinary course of events. If a population is sufficiently vulnerable and a diversion of funds sufficiently large relative to the total amount available to serve that population’s needs, it is clear that great suffering or health injury will follow from the diversion in the ordinary course of events. A perpetrator can see the consequences of his crimes unfold even as he continues to commit them. However, the suffering of the population will usually be a

²³ Starr, see supra, p.49.

²⁴ As stated in the chapeau of Article 7(1) and further elaborated upon in Article 7(2)(a) and in the Elements of Crimes, Introduction to Article 7.

²⁵ Elements of Crimes, Article 7 Introduction §3.

²⁶ M. Cherif Bassiouni, Crimes Against Humanity in International Criminal Law, 2nd ed. 1999, The Hague, at 249.

²⁷ Article 30(1): Unless otherwise provided, a person shall be criminally responsible and liable for punishment of a crime within the jurisdiction of the Court only if the material elements are committed with intent and knowledge.

side-effect of the corrupt scheme, which was not intended as such, but of which the perpetrator is fully aware and accepts as one of the consequences of the corrupt practice.

It is crucial to determine which level of awareness is required by Article 30, more specifically, if it only includes *dolus directus* in the first and second degree or also allows for *dolus eventualis*. *Dolus directus* in the first degree entails that the perpetrator knows of, and wants to achieve, the consequence of the criminal act, which in cases of grand corruption is highly unlikely. *Dolus directus* in the second degree signifies that the perpetrator is aware of the inevitability of the consequence of the criminal action. It is arguable that this might be the case in corruption cases when life-saving means are taken from the population by a kleptocrat. However, such a scenario does not match the cases of such inevitability. Rather, grand corruption cases will typically be characterised by the presence of *dolus eventualis*. In that case, a person, who is going to do something that will cause an event, is fully aware of the possible outcome as a side-effect to such behaviour, but nevertheless decides to continue with the conduct, recognizing and approving the result as a possible cost of attaining the aimed goal.²⁸

There have been divergent interpretations at the ICC as to Article 30.²⁹ In the Lubanga Confirmation of Charges Decision, Pre-Trial Chamber I considered *dolus eventualis* as encompassed by Article 30.³⁰ In the Confirmation of Charges decision in the Katanga & Ngudjolo case, the majority also endorsed this finding but did not have to rule on it in the present case.³¹ In contrast, in the confirmation of charges decisions by Pre-Trial Chamber II in Bemba, Muthaura, Kenyatta & Ali and The Prosecutor v. Ruto, Kosgey and Sang, Article 30 did not encompass *dolus eventualis*.³² Both Pre-Trial Chamber I and Trial Chamber I subsequently reiterated this holding in the Banda & Jerbo Confirmation of Charges Decision and the Lubanga Trial Judgement, respectively.³³

Behind this backdrop of a lacking *mens rea*, it is arguable that grand corruption cannot and should not be conceptualised as an other inhumane act pursuant to Article 7. However, the ICC Appeals Chamber has not ruled on the in- or exclusion of *dolus eventualis* yet. Furthermore, under customary international law, which constitutes one source of law under the Statute,³⁴ it suffices that the perpetrator was reckless in that regard. This is also in line with the *ad hoc* Tribunals' established jurisprudence.³⁵ Future cases might therefore produce different findings and include *dolus eventualis*.

²⁸ Alberto de Martino, *Dolus Eventualis*, in Antonio Cassese (ed.), *The Oxford Companion to International Criminal Justice* (Oxford: Oxford University Press, 2009), pp. 302-304, at p.302.

²⁹ Women's Initiatives for Gender Justice, *Expert Paper Modes of Liability – A review of the International Criminal Court's current jurisprudence and practice*, November 2013, p.9.

³⁰ *Lubanga Confirmation of Charges*, PTC I, 29 January 2007, ICC-01/04-01/06-803, para 353.

³¹ *Katanga & Ngudjolo Confirmation of Charges, Dissenting Opinion of Judge Ušacka*, PTC I, 30 September 2008, ICC-01/04-01/07-717, FN 10.

³² *Prosecutor v. Bemba*, PTC II, ICC-01/05-01/08-424, 15 June 2009, para. 360; *Muthaura, Kenyatta & Ali Confirmation of Charges*, PTC II, ICC-01/09-02/11-382, 23 January 2012, para. 411.

³³ *Banda & Jerbo Confirmation of Charges*, PTC I, ICC-02/05-03/09-121, para. 156; *Lubanga Trial Judgement*, TC I, ICC-01/04-01/06-2842, para. 1011.

³⁴ Article 21

³⁵ See examples on p. 387 in Fn 360 as quoted by G.Werle/ F.Jessberger, *Principles of International Criminal Law*, Oxford, 3rd edition, 2014.

Options and challenges for the ICC Prosecutor

In light of the findings above, should the ICC Prosecutor prosecute and indict cases of grand corruption? To answer this question the chances and obstacles have to be weighed. Such a decision has to be in line with the overall prosecutorial strategy with sets priorities in particular having in mind the realities of the Court, the lessons learned from past cases and the resource constraints the Office of the Prosecutor faces in light of a growing number of cases.³⁶ For the time being, the best option is to focus on explicit cases of corruption where victimization is high and preferably where inhumane acts can be charged in addition to other crimes committed by a perpetrator. The Prosecution is likely to face many hurdles in its investigations into grand corruption cases, partly due to the general difficulty of such investigations, partly due to the dependence on state cooperation and the potential lack thereof. Most likely, the Prosecution will face criticism that it is overstretching the provisions of the Rome Statute in contravention of the intention of the drafters of the Statute by including a new crime.

However, it should be taken into account that the concept of crimes against humanity is still evolving and needs to be defined³⁷ and the historical origins cannot properly serve as a comprehensive guide to its current application. Rather, it is a residual category encompassing the commission of other widespread or systematic atrocities committed in times of peace or during war. This means that successful prosecutions for crimes against humanity will be critical if the ICC is to fulfill its mandate to punish the perpetrators of atrocity crimes and the possibility of such convictions will be critical if it is to fulfill its mandate to prevent.³⁸ The reason that corruption was not included in the Statute was also due to the fact, that the awareness of the devastating impact and the global efforts to combat it only developed recently and were not at the centre-stage at the time of the negotiations of the ICC Statute.

Furthermore, the Office of the Prosecutor conducts financial investigations in all its cases to gain a comprehensive understanding of the case on the one hand and with the objective to trace, freeze and seize assets of the accused on the other hand. As a result, ICC investigators might be well-equipped to address grand corruption cases. Although the recovery of assets is as challenging as for national prosecutors, the OTP should endeavour to retract embezzled and misappropriated money in particular in light of the victims. It should be noted that the ICC offers the unique option for victims of crimes to participate in the proceedings with the possibility to receive reparations.

Prosecuting grand corruption cases would also constitute an influential advocacy for the fight against impunity for kleptocrats as it would shed a light on the circumstances and impact of such crimes, in particular on the connection to gross human rights abuses. Such proceedings might have a strong deterrent effect. Even if such a

³⁶ See OTP Strategic Plan 2012-2015, http://www.icc-cpi.int/en_menus/icc/structure%20of%20the%20court/office%20of%20the%20prosecutor/reports%20and%20state%20statements/statement/Documents/OTP%20Strategic%20Plan.pdf

³⁷ Charles Jalloh, What Makes Crimes Against Humanity Crimes Against Humanity? Working Paper No. 2013-03. Legal Studies Research Paper Series. University of Pittsburgh. <http://ssrn.com/abstract=2210480>

³⁸ Leila Nadya Sadat, Crimes Against Humanity in the Modern Age. *The American Journal of International Law*, Vol. 107 (2013), 334-377, p.377.

deterrent effect cannot be established, the collection of evidence in corruption cases is a powerful means to trigger national proceedings. This is perfectly in line with the mandate and concept of the ICC which complements national efforts to fight impunity and serves as a last resort only if states are unwilling or unable to investigate.³⁹

Finally, prosecuting corruption cases would also respond to increasingly voiced claims to hold the accomplices of human rights abuses such as companies and banks situated mostly in developed countries accountable. This could in return counter the allegations that the ICC exclusively targets African countries.

Alternative solutions to fight grand corruption

Charging cases of grand corruption at the ICC is a good starting point, but it will not suffice to fully address the problem. As Starr argues, if corruption is judged by the standards of crimes against humanity, liability will necessarily depend on the population's level of vulnerability.⁴⁰ A public official who misappropriates large amounts of money in a poor country may commit a crime against humanity. But if a public official steals the same amount of money in a rich country that can easily absorb the loss, there is no basis for such liability. Furthermore, an ideal solution would be to treat grand corruption as a separately defined crime against humanity or even recognize it as an international crime on its own.⁴¹

For this purpose, the Rome Statute would have to be amended or a new international treaty be adopted establishing a separate anti-corruption tribunal. Alternatively, *ad hoc* mixed tribunals could be established to deal with specific cases of kleptocracy.⁴² However, neither option seems feasible at present due to the lack of political will.⁴² Other proposals suggest employing existing regional courts in Africa, Europe, and Latin America to prosecute grand corruption arguing that regional courts tend to enjoy greater credibility and standing in their subscribing states than do global institutions.⁴³ Lastly, advocating for the expansion of universal jurisdiction over grand corruption applied by national courts has been discussed.⁴⁴

Conclusion

Fighting impunity for grand corruption is extremely challenging and complex. There is no doubt that holding perpetrators of grand corruption accountable for their crimes is essential to combat and prevent such systemic corruption. At present, in light of the lack of other mechanisms, the existing legal framework of the International Criminal Court offers the possibility to investigate and prosecute specific cases of grand corruption as an "other inhumane act" constituting a crime against humanity. Such proceedings, although likely to face numerous hurdles, would contribute to the development and advancement of international anti-corruption mechanisms. Moreover, the moral condemnation of corruption through prosecution at the ICC would constitute a powerful disincentive for kleptocrats.

³⁹ Principle of complementarity of the Rome Statute.

⁴⁰ Starr, see supra, p. 52.

⁴¹ Kirch-Heim, see supra, p. 38.

⁴² Abdul Tejan-Cole, Don't bank on prosecuting grand corruption as an international crime, p.36.

⁴³ Global Organisation of Parliamentarians Against Corruption (GOPAC), Prosecuting Grand Corruption as an International Crime. Discussion Paper 1 November 2013, www.gopacnetwork.org.

⁴⁴ Ibid.

Using the ICC framework is only the first step and does not replace or make void other solutions to tackle grand corruption. Most importantly, a multifaceted solution must involve domestic, regional and international legal tools. Notwithstanding, the ICC is stronger than alleged by many critics. To end on a positive note, as pointed out by former ICC President Sang-Hyun Song: “In spite of all the obstacles, limitations and challenges, the ICC has made a strong impact in the direction of peace, stability, human rights and the rule of law ... Through law we can change the world!”⁴⁵

⁴⁵ Lionel Barber, Lunch with the FT: Sang-Hyun Song, Financial Times, 13 March 2015.

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