World needs anti-corruption court – top judges

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The coronavirus provides compelling proof that the world needs an International Anti-Corruption Court to punish and deter kleptocrats who enjoy impunity in the countries they rule. That is argued by two top judges – Richard Goldstone, the retired justice of SA’s Constitutional Court and a member of the board of Integrity Initiatives International, and Mark L Wolf, a senior US district judge in Massachusetts and the chair of Integrity Initiatives International. In an article in The Boston Globe they predict that the response to the pandemic will be a bonanza for kleptocrats – an opportunity for the corrupt leaders of many countries to further enrich themselves. Governments are poised to provide trillions of dollars to counter the pandemic, without even the usual, often ineffective, safeguards to assure that the funds are properly spent. 'The coronavirus will, therefore, provide additional compelling proof that the world needs an International Anti-Corruption Court (IAAC) to punish and deter kleptocrats who enjoy impunity in the countries they rule,' they write. Recalling several instances of how funds to combat ebola were embezzled during that crisis in Africa in 2014, they argue the close connection between grand corruption and harm to human health is vividly demonstrated by the experience of Angola. They write: ‘President José Eduardo dos Santos, who held office for 38 years until 2017, made his daughter, Isabel, the head of the national oil company and the wealthiest woman in Africa – worth more than $2bn. At the same time, Angola has had the highest percentage of children of any country who do not live to the age of five. Despite Angola’s vast natural resources and wealth, more than half of the country’s population has no access to healthcare. There will be no treatment for them as the coronavirus hits Angola.

The judges make the point that grand corruption does not flourish because of a lack of laws. They say kleptocrats enjoy impunity in their own countries because they control the administration of justice. They will not permit the prosecution and punishment of their collaborators and themselves. Therefore, the judges argue in The Boston Globe, an IACC is essential to serve as a court of last resort, providing a forum for enforcing existing national laws, or new uniform international counterparts, against kleptocrats. The IACC would be staffed by expert investigators and receive evidence from private companies that are often employed to trace illicit assets. It would employ prosecutors experienced in developing and presenting international cases, and judges with the demonstrated ability to preside in complex criminal proceedings. In addition to incarcerating kleptocrats, it would recover the ill-gotten gains laundered in countries that join the IACC. The IACC would operate on the principle of complementarity – exercising its authority to prosecute only if a country was found to be unable or unwilling to prosecute its leaders itself. 'In essence, the IACC would assure that there is a court in which kleptocrats will be punished.’ They note Colombia and Peru are leading a campaign to have the UN commit to creating the court at a 2021 special session on corruption, giving ‘reason to hope that one of the few positive things to emerge from the pandemic will be the creation of the IACC’.

Full report in The Boston Globe

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