CORRUPTION AS A CRIME AGAINST HUMANITY: ANY JUSTIFICATION?

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Abstract

Corruption is an age-old menace having devastating impact on global peace, economic development and progress. It covers a wide range of practices which is bordering on law, economics, security, religion, morality and above all, survival! Corruption impeaches good governance, rule of law, harmony, peace, progress and development. According to the World Bank, more than one trillion dollars is paid in bribes every year and the cross-border flow of proceeds from corruption, criminal activities and tax evasion is estimated at 3.61 trillion dollars every year or the equivalent of 32.5 percent World’s Gross Domestic Product. Similarly, the African Union (AU) estimated that corruption costs African economies in excess of 148 billion dollars a year which represents 25 percent of Africa’s Gross Domestic Product. The cumulative effects of this are slow but painful death of millions of lives who ought to be beneficiaries of the stolen funds. Notwithstanding the overwhelming effect of corruption, it is not listed as one of the crimes against humanity in the Rome Statute. This paper therefore is an attempt to examine the meaning and effect of corrupt practices with a view of justifying the inclusion of corruption as a crime against humanity.

Keywords: Corruption, Crime, Humanity, Bribes, Peace & Good Governance

Introduction

The idea of including the offense of corruption as a crime against humanity may sound interestingly astonishing especially when viewed against the backdrop of universal jurisdiction. However, a detailed examination of corruption, its effects vis-à-vis the effects of the offences that constitute crimes against humanity may provide the necessary nexus on why the argument that corruption should be accommodated as a crime against humanity might be, perhaps plausible.
Whereas, there are local, regional, and international legal instruments\(^1\) put in place to regulate and punish corrupt practices, the enforcement mechanisms have not been thorough and the overall effects of corruption have been mischievously underestimated. Like any of the offenses which constitute crimes against humanity, corrupt practices are universally odious and the perpetrators should be considered as *hostis humanigeneris* (An enemy of all humankind).\(^2\)

This troubling practices in most cases flourishes where the criminal justice system and governance are weak, where decision-making is unaccountable and access to decision-makers is dependent on restricted social networks, where earning does not correspond with the basic needs of life and where government control and enforcement of the existing laws are weak.\(^3\) In few instances, corrupt acts are a response by individuals to a culture that stress economic success as an important goal but nevertheless strongly restricts access to opportunities; it flourishes in a culture that encourages display of affluence without any regard as to how the wealth has been obtained.\(^4\)

The scope of this research is to examine corruption from the specific perspective of fraud, extortion, embezzlement, bribery and abuse of public property or office for private gain. In the same vein, the research will demonstrate using specific examples how the offense of corruption can be accommodated within the general purview of crimes against humanity on one hand and within the specific meaning of extermination and other inhumane act as defined by the statute on the other hand.

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\(^2\) David Luban (A Theory of Crimes Against Humanity” Georgetown University Law Center 29 Yale Journal of International Law, 2004 @ Page 8


Corruption and its Effects

Corruption is a global challenge which cut across all systems and regimes. It does not dispose itself to any coloration in the forms of religious denominations, political system, age, or gender. Corruption is found in political, social, religious, and economic systems. Each country suffers one form of corruption or the other.\(^5\) It is a pervasive global threat which continuous to be a major concern for all organizations of all sizes across all regions and in virtually all sector\(^6\). It is a cancer in Africa as well as around the world because it siphons off resources that should be used to lift people out of poverty\(^7\).

To define corruption, it is crucial to note that there are as many definitions as there are many societies, countries and institutions dealing with the problem of corruption. This is so because what is regarded as corruption depends on the actors, profiteers, initiators, how and where it takes place\(^8\). Therefore, the meaning of corruption varies from country to country depending on the legal and or moral standards or acceptable norms of a given society or country\(^9\). However, this writer’s choice of definition is influenced by the features of economic crime as published by the global economic crime survey 2014. They are asset misappropriation, procurement fraud, bribery and corruption, cybercrime, and accounting fraud.\(^10\)

In Nigeria for instance, section 2 of the ICPC\(^11\) Act defines corruption to include, bribery, fraud, and other related offences

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while the EFCC\textsuperscript{12} has powers to investigate and prosecute offences such as advance fee fraud, money laundering, counterfeiting, illegal funds transfers, futures and market fraud, fraudulent encashment of negotiable instruments, fraudulent diversion of funds, computer fraud, contract scam, forgery of financial instruments and issuance of dud cheque.

In Zambia, corruption is defined as the soliciting, accepting, obtaining, giving, promising or offering of gratification by way of bribe, or other personal temptations of inducement or misuse or abuse of a public office for private advantage or benefit.\textsuperscript{13} The summary of the above definitions therefore is that corruption includes any conduct, action or behaviour that departs from legitimately established laws, procedures, and practices.

Flowing from the above, it is apt to consider the various dimensions in which corruption emanates. Corruption comes in different dimensions; ranging from bribery, diversion of public funds, tax evasions, selling justice for money, sales and leakage of examination questions, lecturers selling marks for sexual favours, police extortion of motorists, favouritism in bidding process and appointments, admissions through connections, over invoicing and falsification of documents, immigration officers collecting money to issue passports, money laundering, forgery and counterfeiting, illegal trade in arms, misappropriation and misuse of public funds, violation of office oath, political patronage, divide and rule techniques and looting of public funds.\textsuperscript{14}

The above points were re-echoed by Michael Adegbola\textsuperscript{15} when he says, corruption covers a wide range of social misconduct which include: fraud, extortion, embezzlement, bribery, nepotism, influence peddling, bestowing of favours on friends without due regards to procedure, rigging elections, abuse of public property, the leaking of official government secret, sales of expired and defective goods like drugs, food, electronics and spare parts to the public. The prevailing atmosphere for corruption to strive

\textsuperscript{12} The Economic and Financial Crimes Commission (Establishment) Act 2004
\textsuperscript{13} The Zambian Anti-Corruption Act 1996 (No: 42)
\textsuperscript{15} The Role of Religious Leaders in Combating Corruption: The Christian Perspective available at michael-adegbola.blogspot.com Thursday 16 January, 2014
therefore is that of deceptiveness, fraudulent impressiveness and the false pretensions and counterfeit appearances.

**Key Drivers and Effects of Corruption**

In discussing the key drivers of corruption, I will adopt the five key drivers provided by Lawrence Cockroft\(^\text{16}\) in his book\(^\text{17}\) and will reproduce same verbatim:

1. The size of the ‘unrecorded economy’. In many countries, from Russia to Nigeria, unrecorded transactions amount to at least 40% of GDP, constituting a vast reservoir from which corrupt payments can be made without trace.

2. The system of ‘political finance’ by which huge sums of money, often gained corruptly are invested in the political process with the expectation of a corruptly gained reward once power is secured or re-secured. This is easily discernible in most political systems from the United States to India.

3. The role of organized crime in securing political support and cover for trading operations ranging from drugs to counterfeit pharmaceuticals- a recognized practice from Italy to Thailand.

4. The role of national and international companies in the ‘mispricing’ of products which enable a large chunk of profits to be moved to havens where tax is low or non-existent- a common phenomenon in Russia to Peru.

5. The system by which illegally and corruptly gain products such as oil, timber, and rare minerals transit from the illegal sector to the legal sector such as timber from Cambodia or counterfeit drugs in South East Asia\(^\text{18}\).

The effect of the above five key drivers in any economy or society is always catastrophic. It impedes economic growth by

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\(^{16}\) A development economist and former Chair of Transparency International

\(^{17}\) “Global Corruption, Money, Power and Ethics in the Modern World” Published by University of Pennsylvania Press, February 24, 2015

discouraging foreign and domestic investment, taxing, and dampening entrepreneurship, lowering the quality of public infrastructure, decreasing tax revenues, diverting public talent into rent seeking and distorting the composition of public expenditure. It reduces governance capacity, weakens political institutions and citizen participation in politics and lower quality government services and infrastructure such as clean water, good roads, hospital, and basic needs of life.\(^\text{19}\)

Michael Johnston in his article\(^\text{20}\) opined that extensive corruption threatens the basic notion of a fair return to investment, risk, and work. It undermines basic property rights, the court, police, banking, and currencies. It creates an environment where contracts cannot be readily enforced, assets cannot be protected, regulatory processes become tools of self-enrichment and the basic safety of persons and property is not assured. Corruption erodes the institutional capacity of government as procedures are disregarded, resources are siphoned and public offices are bought and sold.\(^\text{21}\) Because of corruption, nearly 1.2 billion people in the world do not have guaranteed access to water and more than 2.6 billion are without adequate sanitation with devastating consequences for development and poverty reduction. Equally, in 2008, it was estimated that 8.795 million deaths of children under the age of five occurred worldwide and at least 140,000 of them are corruption related.\(^\text{22}\)

Corruption creates unemployment and according to a recent study, it was found that 10% increase in the unemployment rate would increase the suicide rate by 1.47% which means the increase in unemployment would lead to an additional 128 suicides per month in the United States.\(^\text{23}\) If this is happening in the United States, one can only imagine what other countries especially those with developing economies are going through. In the same vein, there were an estimated 289,000 global maternal


\(^{21}\) Manoj Bala “Effects of Corruption on Society” Hubpages 21st September, 2014

\(^{22}\) Supra

deaths in 2013, out of which 62% (179,000) is from Sub-Saharan Africa due to complications during pregnancy and childbirth.\textsuperscript{24}

According to the Nobel Prize winning economist, Amartya Sen ‘There is no such thing as a political food problem. While drought and other naturally occurring events may trigger famine condition, it is government action or inaction that determines its severity’\textsuperscript{25}. As a result of corrupt practices, there have been spontaneous factory collapses in Dhaka, Bangladesh resulting in 1129 deaths in 2013\textsuperscript{26}. Corruption by itself is dangerous but when combined with poverty and lack of basic needs of life, is disastrous.\textsuperscript{27}

\textbf{Crimes against Humanity and its Features}

The phrase “Crime Against Humanity” has acquired enormous resonance in the legal and moral imaginations of the post-World-War II and suggests offenses that aggrieve not only the victims and their own communities but all human beings regardless of their community and that, these offenses cut deep violating the core of humanity that we all share and distinguishes us from other being.\textsuperscript{28} The features or characteristics of the offenses that constitute crimes against humanity in all the existing legal instruments\textsuperscript{29} are similar with few distinctions. For the purpose of this research, the definition of crimes against humanity as provided under the Rome Statute and ICTR will be adopted. Article 7 of Rome Statute which is \textit{impari materia} with Article 3 of ICTR Statute, provides:

\begin{quote}
\textit{For the purpose of this Statute, “crime against humanity” means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population with knowledge of the attack:}
\end{quote}

\begin{enumerate}
\item \textit{Murder}
\end{enumerate}

\textsuperscript{24} Ludovica Laccino “Top Five Countries With Highest Rates of Maternal Mortality” IBT Times Co, Ltd, May 6, 2014
\textsuperscript{25} Supra
\textsuperscript{26} Joel Gill “Death By Corruption” Geology for Global Development, January 27, 2014
\textsuperscript{27} Supra
\textsuperscript{28} David Luban “A Theory of Crimes Against Humanity” 29 Yale Journal of International Law Page 4
\textsuperscript{29} Nuremberg Charter, Tokyo Charter, ICTY Statute, ICTR Statute and Rome Statute
b. Extermination
c. Enslavement
d. Deportation or forcible transfer of population
e. Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law
f. Torture
g. Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization or any other form of sexual violence of comparative gravity
h. Persecution against any identifiable group or collectively on political, racial, national, ethical, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court
i. Enforced disappearance of persons
j. The crime of Apartheid
k. Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.

2. For the purpose of paragraph 1:

a. “Attack directed against any civilian population” means a course of conduct involving the multiple commissions 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;

b. Extermination” includes the intentional infliction of conditions of life, inter alia the deprivation of access of food and medicine, calculated to bring about the destruction of part of a population;

My approach to this discussion is to provide a general requirement or ingredients for the offense of crime against
humanity and subsequently focus or zero down my argument on the offense of extermination and inhumane act.

On the meaning of crimes against humanity, the Trial Chamber, in *Prosecutor v. Bagosora & Others*\(^{30}\) states that for an enumerated crime under Article 3 of the ICTR to qualify as a crime against humanity, the prosecution must proof that there was a widespread or systematic attack against civilian population on national, political, ethnic, racial or religion ground. That, Crimes against humanity consist of two layers. The first layer (General Element) is to the effect that a crime against humanity must be committed as part of widespread and systematic attack against any civilian population on national, ethnic, racial or religion ground. The second layer list six specific underlying crimes plus one residual category of ‘other inhumane acts’ which qualify as crimes against humanity when committed in the context of widespread and systematic attack against any civilian population on any of the enumerated discriminatory grounds.

The ingredients of the offense were clearly outlined in the decided case of *Prosecution v. Ntagerura & others*\(^{31}\). The Chamber explained in the Semanza judgment that in connection with crimes against humanity, the prosecutor must prove:

a. That there was an attack
b. That the attack was widespread and systematic
c. That the attack was directed against civilian population
d. That the attack was committed on national, political, ethnic, racial or religion ground
e. That the accused acted with the knowledge that his act (s) formed part of the attack.

Similarly, in *Prosecution v. Akayesu*\(^{32}\) the court ruled that crimes against humanity can be broken down into 4 essential elements:

a. The act must be inhumane in nature and character causing great suffering or serious injury to body or to mental or physical health
b. The act must be committed as part of widespread or systematic attack

\(^{30}\) ICTR Trial chamber, December 18, 2008 @ paragraph 2165

\(^{31}\) ICTR Trial Chambers, February 25, 2004 Paragraph 698

\(^{32}\) ICTR Trial Chambers September 2, 1998 Paragraph 578
c. The act must be committed against numbers of the civilian population  

d. The act must be committed on one or more discriminatory grounds of national, ethnic, racial or religion grounds.

I shall therefore provide a clear guidance on the meaning of each ingredient of the offence:

a. **On the Meaning of ‘Attack’**

   The attack envisages under the statute need not be violent or committed during armed struggle. This position was given judicial approval in *Prosecutor v. Kamuhanda*\(^33\) where the court held that an attack committed on specific discriminatory grounds need not necessarily require the use of armed force; it could also involve other forms of inhumane treatment of the civilian population. In *Akayesu*\(^34\) an attack may be non-violent in nature, like imposing a system of apartheid, extermination, or exerting pressure on the population to act in a particular way. Similarly, in *Compare Semanza*\(^35\) the court held that the prosecution did not have to prove the existence of an armed conflict and the statute does not require that the crimes be committed in the context of armed conflict.

   From the above judicial authorities and pronouncements, an attack therefore need not involve the use of violence or armed forces. Suffice to say that extermination, exertion of pressure or inhumane treatment against a civilian population will qualify as an attack.

b. **On the Meaning of ‘Widespread and Systematic’**

   The court in *Prosecutor v. Muvunyi*\(^36\) ruled that, in accordance with customary international law, the twin element of widespread or systematic should be read disjunctively and not as cumulative requirements. The point therefore is, the prosecution would have discharged the legal burden if he was able to prove either widespread or systematic attack. On the meaning of ‘widespread’ the trial chamber in *Prosecutor v. Serombe*\(^37\) said widespread may be defined as massive, frequent, large scale action, carried out collectively with considerable seriousness and

\(^33\) ICTR Trial Chamber January 22, 2004 Paragraph 661  
\(^34\) Supra @ Paragraph 581  
\(^35\) ICTR Appeal Chamber, May 20, 2005 Paragraph 269  
\(^36\) ICTR Trial Chamber, September 12, 2006, Paragraph 512  
\(^37\) ICTR Trial Chamber December 13, 2006 Paragraph 356
directed against a multiplicity of victims while ‘systematic’ may be defined as thoroughly organized and following a regular pattern on the basis of a common policy involving substantial public or private resources. Also, in Prosecutor v. Muhimana\(^{38}\) the concept of a “Systematic” attack within the meaning of Article 3 of the statute refers to a deliberate pattern of conduct but does not necessarily require the proof of a plan. For the prosecution to discharge this burden, it has to be shown that there was a deliberate pattern of conduct with or without the proof of premeditation.

c. Who are ‘Civilian Population’?

The trial chamber in Prosecutor v. Kayishema & Others\(^{39}\) opined that because crimes against humanity may be committed inside and outside the context of an armed conflict, the term civilian must be understood within the context of war or as well as relative peace. Thus, a wide definition of civilian population is applicable and in the context of situation where there was no armed conflict.

On whether the crime has to be committed against the entire people, the court in Prosecutor v. Bisengimana\(^{40}\) held that the term “Population” does not require that crimes against humanity be directed against the entire population of a geographical territory or area.\(^{41}\) The crucial points to note are that the offense can be committed when there was no armed conflict and not necessarily against the entire population.

d. On Parties

The parties basically are the category of people who are capable of committing the offence. In Prosecutor v. Kayishema\(^{42}\) the court held that crimes against humanity are instigated or directed by a government or by any organization or group. The crime can be committed by State and Non-State actors.

The above ingredients are the general requirements on what constitute crimes against humanity. I shall proceed to narrow down my argument to a specific offense of extermination, examine the meaning of extermination, the ingredients of the offense and

\(^{38}\) ICTR Trial Chamber, April 28, 2005 Paragraph 527
\(^{39}\) ICTR Trial Chamber, May 21, 1999 Paragraph 127-29
\(^{40}\) ICTR Trial Chamber April 13, 2006 Paragraph 50
\(^{41}\)See also Prosecutor v. Kamubanda, Trial Chamber, January 22, 2004 Paragraph 669, Prosecutor v. Kajelijeli, Trial Chamber December 1, 2003 Paragraph 875-876.
\(^{42}\) Supra @ Paragraph 125-26
argue why corruption should be accommodated within the meaning of extermination.

Extermination

The Appeal Chamber in Prosecutor v. Seromba\(^4\) recalls that extermination as a crime against humanity under Article 3(b) of the statute is the act of killing on a large scale. The Appeal chamber stresses that in the jurisprudence of both ad hoc tribunals, the necessary *actus reus* underlying the crime of extermination consist of any act, omission, or combination thereof which contributes directly or indirectly to the killing of a large number of individuals. The crime of extermination requires proof that the accused participated in a widespread or systematic killing or in systematically subjecting a widespread number of people to a condition of living that would inevitably lead to death and that the accused intended by his acts or omissions this result.\(^4\) The most important point to note here is that the accused by his act or omission created a condition of living that would inevitably lead to death and that the accused is aware of such repercussion.

Elements of Extermination

In Prosecutor v. Kayishema & Other\(^4\) the trial chamber defined the requisite elements of extermination as:

i. The actor or accused participates in the mass killing of others or in the creation of condition of life that lead to the mass killing of others through his act(s) or omissions

ii. Having intended the killing or being reckless or grossly negligent as to whether the killing would result

iii. Being aware that his act(s) or omission(s) forms part of a widespread or systematic attack against any civilian population on national political, ethnic, racial or religious ground.\(^4\)

The prosecution as a matter of law must established the above elements before the court can grant conviction on a charge of extermination. Therefore, for anyone to argue successfully that corruption should be accommodated under the offense of

\(^4\) ICTR Appeal Chambers, March 12, 2008 Paragraph 189
\(^4\) Prosecutor V Ntakirutimana ICTR Appeal Chamber, December 13, 2004 Paragraph 522
\(^4\) Supra @ Paragraph 144
\(^4\) See also Prosecutor v. Bagilishema Trial Chamber June 7, 2001 Paragraph 89
extermination, he must be able to demonstrate convincingly that corruption has the above elements.

The Justification

i. The first element is that there was a mass killing or creation of condition of life that lead to the mass killing of others through his act(s) or omissions.

The trial chamber in Prosecutor v. Ndindabahizi held that extermination may be committed less directly than murder, as by participation in measures intended to bring about the death of a large number of individuals but without actually committing a killing of any person. The implication of this decision is that, it will be sufficient for the prosecution to simply establish that the accused put in place measures designed or intended to bring about death of large number of individuals without actually committing the killing. In a more elaborate and comprehensive form, the court explained that extermination includes the intentional infliction of conditions of life, inter alia, the deprivation of access to food and medicine calculated to bring about the destruction of part of a population. It means therefore, that anyone who steals or diverts resources meant for provision of clean water, building or equipping the health facilities, allows the procurement of fake and counterfeit drugs to be administered to innocent civilian population would have succeeded in creating a condition of life intended to bring about the death of the prospective beneficiaries.

ii. The second element is that the accused must have intended the killing or being reckless or grossly negligent as to whether the killing would result.

This is an objective test which requires a reasonable man’s test approach. Any reasonable man will know or ought to have known that stealing or diverting money or resources meant for food, medicine, water, electricity, creation of jobs opportunities or negligently accommodating the smuggling of fake and counterfeit drugs, ignoring the procurement rules and allowing substandard building or construction materials to be used etc. will or ought to have known that the overall effect of such act or omission will be slow but painful death of the civilian population caused in most cases by malnutrition and poverty; high maternal mortality rates

47 ICTR Trial Chamber July 15, 2004 Paragraph 479
48 See Prosecutor v. Kunawal & Others Case No IT-96-23/1-A June 12, 2002 @ paragraph 94. See also, Article 7(2)b of Rome Statute
due to complications during delivery and inadequate medical facilities, disease like typhoid due to lack of clean water, accidents due to bad roads and so many more.\textsuperscript{49}

\textit{iii. The third element is that the accused must be aware that his act(s) or omission(s) forms part of a widespread or systematic attack against any civilian population on national political, ethnic, racial, or religious ground.}

The element of widespread and systematic attack has been discussed above under the general requirements of crimes against humanity. What was not discussed was whether the attack against the civilian population was on national political, ethnic, racial or religious ground. To answer this query, the court in \textit{Prosecutor v. Blaskic et’al} provided an elaborate explanation that:

\begin{quote}
It would also take into consideration the existence of a political objective and an acknowledged policy or plan pursuant to which the attack is perpetrated or an ideology in the broad sense of the word that contemplates the destruction, persecution or weakening of a community, the preparation and use of significant public or private resources and the participation of high political or military authorities.\textsuperscript{50}
\end{quote}

The third requirement would have been fulfilled where a government by its policy or programmes impoverishes the people by siphoning the resources meant for the socio-economic development of the people or by its policy condone, refuse or neglect to fight corruption. It is therefore safe to conclude that based on the above analysis, the offense of corruption satisfied the essential element of extermination as a crime against humanity and should be treated as such.

\textbf{Inhumane Acts}

The other omnibus clause is the Inhumane Act which is the general provision and can accommodate any other crime of the same family with crimes against humanity. In \textit{Prosecutor v. Bagosore}\textsuperscript{51} the crime of inhumane act is defined as a residual clause for serious act which are not otherwise enumerated in Article 3 of the ICTR statute. They must be similar in gravity to

\textsuperscript{49} See Adigun V A.G Oyo State (1987) 1 NWLR Pt53. P678 @ 720 Per Eso JSC

\textsuperscript{50} See Prosecutor v. Blaskic et’al Case No IT-96-23-1-A June 12, 2000 Paragraph 203

\textsuperscript{51} Supra @ Paragraph 2218
the acts envisaged in Article 3 and must cause mental or physical suffering or injury or constitute a serious attack on human dignity.

As to what constitutes inhumane act, the court in Prosecutor v. Muvunyi\(^{52}\) held that the crime of other inhumane acts encompasses acts not specifically listed as crimes against humanity but which are nevertheless of comparable nature, character, gravity, and seriousness to the category of crimes in sub article a-h of Article 3. The inclusion of a residual category of crimes in Article 3 recognizes the difficulty in creating an exhaustive list of criminal conduct and the need for flexibility in the law’s response. The \textit{mens rea} required for inhumane acts is the intent to inflict serious bodily or mental harm upon the victim and the knowledge that the act or omission is part of a widespread or systematic attack.\(^{53}\)

The legal burden on the prosecution to prove that the accused’s act or omission constitute inhumane acts is the establishment of intent to inflict serious bodily or mental harm upon the victim and the knowledge that the act or omission is part of a widespread or systematic attack. Accommodating corruption as part of inhumane act is simple because the accused knew or ought to have known that the effect of stealing from the national treasury or condoning and encouraging massive corrupt practices will mean subjecting the civilian population to perpetual state of penury where the populace could not afford basic need and necessity of life.

What can better explain mental harm than the agony of families who lost their loved ones to building collapses as a result of shoddy procurement process and the use of substandard building and construction materials; millions of jobless youths because the funds meant for creating employments have been siphoned to the offshore accounts; the mental torture of losing wives and potential mothers to maternal mortality; the mental frustrations of jobless graduates after long years of studying with the contemplation and the eventual commission of suicide; the unimaginable mental harm of a patient realizing that his illness was as a result of taking substandard and counterfeit drugs, the

\(^{52}\) Supra @ Paragraph 527

\(^{53}\) See also Muvunyi Supra @ Paragraph 529 where it was held that the act or omission must deliberately cause serious mental or physical suffering or injury or constitute a serious attack on human dignity.
pain of losing parents to road accidents caused by bad roads and the mental agony of living in a perpetual darkness because they cannot afford electricity amongst others?

Categorizing corruption as part of inhumane act is the least the international community could do to salvage millions of victims of this brutal act from the blood sucking leaders who will stop at nothing in milking dry the innocent but vulnerable civilian population.

Conclusion

Why would countries like China and Vietnam punished the offense of corruption with death penalty? Why would the African Union and the United Nations went through the huddles of putting in place measures to curb corruption? Because corruption is not only dangerous but deadly. Corruption is murder, extermination, inhumane and crime against humanity.

Due to unchecked corrupt practices, the cure for AIDS, Cancer, unemployment, maternal mortality, the mission to the Mars has become a myth. In fact, the next Bob Marley, the next Malcolm X, Ben Cason, Nelson Mandela are trapped in a village somewhere in the so called Third World due to corrupt leadership.

Similarly, the biggest untapped resources are not beneath the earth surface, they are on earth. They are the very people whose future have been stolen by the injustices of the world, they are the people whose dreams have been dashed by corrupt leaders, they are the people who do not have what to eat, where to sleep, means of survival, who could not afford basic human needs like clean water, electricity, food, hospital, and education.

Corruption kills and murder people every day. And we need to deal with it as a form of murder, inhumane act, and deliberate extermination of innocent lives. When funds for hospitals are diverted to the private purse of some corrupt individuals, how many people die from preventable illnesses? When a school which should have been built, and equipped ends up in the pocket of some arrogant villain, how much human potential, future leaders, future doctors, lawyers, teachers, politicians are being sacrificed? When procurement laws are being

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54 Zachary Keck “China Overwhelmingly Supports Death Penalty for Corrupt Officials” The Diplomat November 7, 2014
violated with impunity, how many markets, industries, schools, residential houses are destroyed by that one greedy action?55

Corruption has killed more people than the entire offenses under crimes against humanity! Corruption is murder and deliberate extermination of civilian populations; it is hostishumanigeneris and must be treated as such.

55 African Holocaust “Corruption is a Cancer” available on www.africanholocaust.net