



# CORPORATE INVESTIGATIONS



INCORPORATING  
**KIETI LAW LLP, KENYA**



## OUR SERVICE OFFERING

Organisations globally in both the public and private sectors are constantly at risk of falling victim to incidents of commercial crime. These incidents include, amongst others, theft, fraud, corruption and cybercrime. The financial and reputational consequences that follow such incidents can have potentially dire consequences to an organisation's economic well-being.

Organisations need to be alive to these risks and should implement appropriate measures to mitigate these risks as well as dealing with such incidents should they occur.

CDH's Corporate Investigations team offers a full spectrum of corporate investigations and forensic services to assist clients with all aspects relating to effectively detecting, preventing and dealing with incidents of commercial crime.

CDH is recognised as a  
*"top-tier in terms of quality  
of attorneys and service."*

CHAMBERS GLOBAL 2022

## OUR SERVICES



Conducting anti-bribery and corruption risk assessments



Drafting, as well as assisting clients with implementing policies and procedures relating to anti-bribery, fraud and theft



Providing clients with regulatory/statutory anti-bribery compliance advice. This includes advice on the Prevention and Combating of Corrupt Activities Act, the Financial Intelligence Centre Act, the Prevention of Organised Crime Act, the Protected Disclosures Act, the United States Foreign Corrupt Practices Act and the United Kingdom's Bribery Act



Negotiating and collaborating with regulatory authorities on behalf of clients



Protecting organisations from financial and non-financial damages caused by fraudulent and corrupt activities



Drafting and/or reviewing anti-corruption clauses in agreements



Fraud, theft, corruption, anti-bribery compliance, money-laundering and cybercrime investigations



Assisting clients with fraud prevention and detection



Providing training to clients on anti-bribery and corruption compliance as well as, *inter alia*, all aspects relating to fraud prevention and detection



Assisting clients with registering criminal cases and performing watching briefs in criminal matters.



Strategically reacting and responding to allegations of fraud, bribery, tax evasion, collusion and the like



Forensic due diligences and third party vetting

CDH clients reap the benefit of experts with more than 20 years' experience in Corporate Investigations.

## WHY USE CDH'S CORPORATE INVESTIGATIONS TEAM FOR INVESTIGATIONS?



Prior to commencing with an investigation, we prepare a detailed methodology to ensure that our investigations are structured and handled in the most expedient manner



Our investigations are led by experienced attorneys



We are able to provide legal advice throughout an investigation



We are able to provide legal opinions on our findings



We have a deep understanding of privilege and are able to effectively advise our clients on all aspects relating to privilege. Our reports are generally protected by privilege



We staff all of our matters with the right skill set to ensure that the relevant matter is handled by a professional with the requisite expertise and experience



We are able to see a matter from start to finish and are able to assist our clients with initiating disciplinary processes, civil recovery proceedings or criminal investigations after an investigation has been completed without having to refer our forensic report to other service providers

## EXPERIENCE

Cliffe Dekker Hofmeyr's (CDH) clients reap the benefit of experts with more than 20 years' experience in Corporate Investigations. This level of expertise is available nationally, with specialised attorneys in our Johannesburg, Cape Town and Stellenbosch offices.

Where necessary, the firm is also able to bring in additional resources to provide the depth necessary for large-scale investigations.

We have assisted clients with corporate investigations and forensic services in both the public and private sectors across a broad range of industries. These include, amongst others, financial services, telecommunications, fast moving consumer goods (FMCG), mining, aviation, real estate, medical and sport.


## THOUGHT LEADERS

CDH's Corporate Investigations team predicts a global shift in the next few years regarding corporate risk management as a result of global pressure to criminalise corporate recalcitrance and passive attitudes towards corporate crime. This trend is already gaining momentum in the UK. Our leading experts are working together with clients to adapt to this inevitable change. Companies might find themselves falling foul of the law if they fail to implement crime prevention policies and training programmes towards combating bribery, tax evasion, fraud, collusion and the like.

The lawyers at CDH are  
*"efficient, pro-active, extremely knowledgeable about case studies and always willing to assist."*  
Interactions with them are *"always professional and to the point."*

THE LEGAL 500 EMEA





OUR LEADING EXPERTS  
ARE WORKING TOGETHER  
WITH CLIENTS TO ADAPT TO  
THIS INEVITABLE CHANGE.

## OUR MOST RECENT EXPERIENCE INCLUDES:



### Investigations

- Investigated allegations of bribery and corruption pertaining to the receipt of gifts and hospitality by a senior employee of a state-owned entity. These allegations related to one of the matters being addressed by the Judicial Commission of Enquiry into allegations of State Capture
- Conducted a highly sensitive investigation of potential collusion between employees of a regulatory body and an entity subject to regulatory oversight by the client
- Investigated allegations of employee misconduct relating to a highly publicised incident of alleged racism contained in “viral” video footage
- Investigated allegations of procurement irregularities committed by a senior employee of a multinational company in the telecommunications sector
- Investigated allegations of fraud by a financial institution which involved extremely technical data and the examination and inspection of some 60,000 documents
- Forensic investigation ranging from kiting to syndicated robbery at cash depots which involved the bribery of South African police



### Criminal charges

- Assisting the Hawks (previously the Scorpions) and the National Prosecuting Authority (NPA) in compiling the criminal charges against representatives of a property developer
- Assisting a multinational financial institution to respond to a section 205 subpoena, in terms of the Criminal Procedure Act No 51 of 1977, in respect of an investigation by the National Prosecuting Authority in relation to suspicious transactions pertaining to certain bank accounts



### Corruption

- Assisting the Hawks (previously the Scorpions) and the National Prosecuting Authority (NPA) in compiling the criminal charges against representatives of a property developer



### Pyramid scheme

- Acting as advisors in exposing and investigating a pyramid scheme



### Anti-competitive conduct

- An in-depth investigation into allegations of anti-competitive conduct, involving a review of documentation and interviews with key employees
- In response to allegations of wide-spread collusion in the construction industry, CDH conducted an investigation which culminated in a number of leniency applications as well as a settled penalty for a number of contraventions in respect of which leniency could not be granted



### Independent investigations

- Acting as independent third-party investigators in highly- publicised allegations of sexual misconduct by contestants of a well-known television program. Following the investigation, our team recommended additional policy measures which were subsequently implemented



### Significant judgments

- Investigating transgressions by micro lenders with litigation in the Supreme Court of Appeal and later the Constitutional Court



### Cybercrime

- Advising a large financial services client on identity theft and recommendations on steps that victims of identity theft may take
- Assisting a financial services client with litigation arising out of a data breach incident
- Advising numerous clients on email scams and loss of funds
- Advised a non-profit organisation on an incident of cybercrime involving the misappropriation of close to R1 million in funds
- Conducting an investigation as well as advising a multinational company relating to the misappropriation of ZAR400,000.00 from the company. The perpetration of this financial crime included elements of cybercrime, phishing and sim-swop fraud



### Anti-bribery and corruption due diligences

- Conducting an anti-bribery and corruption due diligence exercise on foreign entities relating to a multi-million USD disposal of equity in a foreign country
- Conducted a detailed anti-corruption due diligence exercise for a client in the financial services industry disposing 100% of its equity interests in one of its subsidiaries to a buyer in a foreign jurisdiction

## MARKET RECOGNITION

The way we support and interact with our clients attracts significant external recognition.

**Rishaban Moodley** is the Practice Head of the Dispute Resolution team and Head of the Gambling & Regulatory Compliance sector. *The Legal 500 EMEA 2016–2022* recommended Rishaban for dispute resolution.

**Tim Fletcher** is the Chairperson and a Director in our Dispute Resolution team. *Chambers Global 2022* ranked Tim in Band 2 for dispute resolution. *Chambers Global 2019–2021* ranked him in Band 3 for dispute resolution. *The Legal 500 EMEA 2016–2022* recommended him as a leading individual for dispute resolution.

*The Legal 500 EMEA 2015–2021* recommended **Eugene Bester** for dispute resolution.

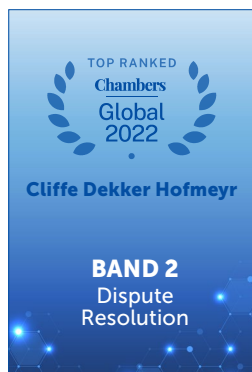
**Chris Charter** is the Practice Head of the Competition Law team. *Chambers Global 2018–2022* ranked him in Band 1 for competition/antitrust. *The Legal 500 EMEA 2017–2022* recommended Chris as a leading individual for competition. *The Legal 500 EMEA 2012–2016* recommended him for competition. *IFLR1000 2019–2022* recommended him as a highly regarded lawyer. *IFLR1000 2011–2018* recommended Chris as a leading lawyer. *Global Competition Review 2020–2021* named Chris a highly recommended lawyer.

*The Legal 500 EMEA 2022* recommended **Jackwell Ferris** for dispute resolution. The *Association of Young Arbitrators* recognised him as an expert arbitration practitioner.

*The Legal 500 EMEA 2022* recommended **Corné Lewis** for dispute resolution.

**Aadil Patel** is the Practice Head of the Employment Law team, and the Joint Sector Head of the Government & State-Owned Entities sector. *Chambers Global 2015–2022* ranked him in Band 2 for employment. *The Legal 500 EMEA 2021–2022* recommended Aadil as a leading individual for employment and recommended him from 2012–2020.

*The Legal 500 EMEA 2021–2022* recommended **Lucinde Rhoodie** for dispute resolution.





## OUR TEAM

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#### **BBBEE STATUS: LEVEL ONE CONTRIBUTOR**

Our BBBEE verification is one of several components of our transformation strategy and we continue to seek ways of improving it in a meaningful manner.

#### **PLEASE NOTE**

This information is published for general information purposes and is not intended to constitute legal advice. Specialist legal advice should always be sought in relation to any particular situation. Cliffe Dekker Hofmeyr will accept no responsibility for any actions taken or not taken on the basis of this publication.

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