

Corporate investigations and forensics brochure



Introduction

Fraud, theft, corruption, money laundering and cybercrime are amongst the key commercial crime risks with which organisations globally are faced. Knowing that you have experienced and pragmatic advisers on your side in managing these risks is the first step towards successfully addressing such risks.

The financial and reputational consequences arising from incidents of commercial crime can be quite severe. Successfully managing commercial crime risks requires a holistic approach which focusses on being proactive and not merely reactive in addressing such risks in order to curb such consequences.

Our Corporate Investigations and Forensics team has the requisite depth of knowledge, expertise and experience to assist organisations in managing all commercial crime risks. Our broad range of expertise will assist organisations in developing and/or strengthening bespoke compliance programmes aimed at managing commercial crime risk, navigating the applicable regulatory environment as well as assisting organisations with managing commercial crime incidents effectively.

Whatever your needs, we will bring our knowledge, expertise and experience to bear, analysing the issues quickly and effectively, drawing on our deep understanding of all types of commercial crime to find the optimal solution at the right cost. We always measure our success by how well we work with you, and the difference we make to you and your business.

Services

Our Corporate Investigations and Forensics Services include:



Conducting numerous types of investigations, including fraud, theft, corruption, anti-bribery compliance, money-laundering and cybercrime.



Drafting and/or reviewing anti-corruption clauses in agreements.



Drafting and implementing policies and procedures relating to anti-bribery and other commercial crime.



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.



Performing anti-bribery and corruption risk assessments.



Forensic due diligences and third-party vetting.



Fraud prevention and detection.



Registering criminal cases and performing watching briefs in criminal matters.



Training on anti-bribery and corruption compliance as well as fraud prevention and detection.



The quality of their legal work is top class.

Group Legal Advisor, a global bank, Client Feedback Programme



The team is led by a market – leading lawyer, Zaakir Mohamed. Clients have praised him for his '*knowledge of the law and calm approach*' during his investigatory work.

Our track record

We have the requisite knowledge, expertise and experience to assist clients in both the public and private sectors across numerous industries including Financial Services, Telecommunications, Aviation, Sport, Mining, Real Estate and Fast-Moving Consumer Goods (FMCG).

Investigations

- A mining company – conducted an investigation into the conduct of the client's Chief Financial Officer in the mining industry to determine whether he was involved in any fraud, collusion and/or illegal activity of any kind in the negotiation and conclusion of several agreements that he had entered into on client's behalf.
- An entity involved in the Aviation industry – conducted an investigation into mismanagement and dishonesty perpetrated by the executive management team of the entity.
- A large government parastatal – conducted a large investigation into numerous allegations made against the Chief Executive Officer. These allegations related to, amongst others, corruption, mismanagement and incapacity.
- A large listed company and its subsidiaries – conducted an investigation into whether the company group was conducting the business of a bank in contravention of the Banks Act No 94 of 1990.
- An entity in the telecommunications industry – conducted a comprehensive investigation into alleged irregularities in the procurement of service providers by employees of the client.
- An entity in the financial services industry – conducted a detailed factual review of a restructuring decision made within one of the key business units of a client in the financial services industry. The review was prompted as a result of numerous allegations received that there may have been certain irregularities in the implementation of the restructuring decision.

Compliance and Regulatory

- A client in the financial services industry – conducted a detailed anti-corruption due diligence exercise on potential buyers for the client wishing to dispose a portion of its equity interests in one of its subsidiaries.
- A client in the renewable energy sector – reviewed an Anti-corruption policy to ensure compliance with South Africa's Prevention and Combating of Corrupt Activities Act No 12 of 2004, the United States of America's Foreign Corrupt Practices Act, 1977 and the United Kingdom's Bribery Act, 2010.
- A client in the financial services industry – provided with advice on identity theft and recommendations on steps that victims of identity theft may take.
- A client in the financial services industry – provided a detailed opinion to the client on compliance of one of its new products with the Financial Intelligence Centre Act No 38 of 2001 (as amended).
- A non-profit organisation – provided a detailed opinion to the client relating to an incident of cybercrime.
- A client in the sports industry – reviewed the Fraud and Corruption policy of the client.

Why us



Our team's depth of knowledge, expertise and experience.



Our global reach.



Our understanding of all issues relating to legal privilege.



Our planned and co-ordinated approach in advising and assisting on matters.



Our ability to assemble a multi-disciplinary team to deal with matters where appropriate to ensure that all matters are handled by the requisite skill sets and expertise.



Our approach in being cost-effective in handling all matters.



Our focus on working well with our clients.



Our ability to make a meaningful difference to you and your business.

Working Better, faster

The world is changing rapidly, and so are we. Our clients benefit from bespoke CMS-developed tech as well as industry-standard AI. Here are examples of how we use technology to deliver for clients.

Increasing efficiency and reducing the costs of disputes

Disputes often involve large volumes of documentation. Our CMS e-disclosure team, CMS Evidence, provides the latest e-disclosure tools to review, analyse and organise documents in a cost-effective way. It means that we can scope, budget and manage the entire disclosure process from start to finish, saving time and money.

Using AI to improve processes

Due diligence, data and contract analysis can be time-consuming and complex. We use AI tools to review large swathes of information quickly and cost-effectively. The software enables us to cluster, compare, analyse and visualise data from multiple sources and search thousands of documents accurately.

Mobilising after a data breach

Companies are rightly devoting more and more resources to cybersecurity, but most will still suffer a breach sometime. With brand reputation and customer trust at risk, as well as intellectual property and data privacy, the cost of data breaches and increasingly sophisticated cyberattacks is increasing.

A rapid response in the aftermath of a breach is critical. CMS can help. Our Breach Assistant app helps you to understand the priority actions you should take when faced with a breach and you can contact CMS data breach response lawyers at the touch of a button. Download the app from breachassistant.com

Keeping you up to date

As well as sharing our insights and experience with individual clients, we publish a range of material on legal developments and trends.

Law-Now



Our market-leading electronic information service provides regular updates on key legal issues. This tailored service enables you to keep up to date with the legal developments that matter to you. Register at cms-lawnow.com

Law-Now E-learning



Our online E-learning solution helps clients build and evolve their compliance and risk management programmes. Read more about our off-the-shelf courses or how a bespoke solution can meet your needs at www.cms-lawnow.com/elearning

Interactive webinars



Extending the accessibility of our legal experts across every office location, our collaborative webinars allow our clients to discuss real-time business issues presented by speakers anywhere in the world.

Training and seminars



We regularly host bespoke training sessions as well as seminars on current topics relevant to our clients, to support their businesses as their trusted advisers and corporate partners. Find out more at cms.law

LinkedIn



Follow CMS South Africa on LinkedIn to be part of our conversation. We post articles, event information and general commentary.

Key contact



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The team is experienced, efficient, well-priced and professional.

Legal 500, South Africa, 2020



Another client stated: *'He is very dedicated and extremely competent. He understands the field very well and is able to provide focused guidance.'*





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CMS locations:

Aberdeen, Algiers, Amsterdam, Antwerp, Barcelona, Beijing, Belgrade, Berlin, Bogotá, Bratislava, Bristol, Brussels, Bucharest, Budapest, Casablanca, Cologne, Dubai, Duesseldorf, Edinburgh, Frankfurt, Funchal, Geneva, Glasgow, Hamburg, Hong Kong, Istanbul, Johannesburg, Kyiv, Leipzig, Lima, Lisbon, Ljubljana, London, Luanda, Luxembourg, Lyon, Madrid, Manchester, Mexico City, Milan, Mombasa, Monaco, Moscow, Munich, Muscat, Nairobi, Paris, Podgorica, Poznan, Prague, Reading, Rio de Janeiro, Riyadh, Rome, Santiago de Chile, Sarajevo, Seville, Shanghai, Sheffield, Singapore, Skopje, Sofia, Strasbourg, Stuttgart, Tirana, Utrecht, Vienna, Warsaw, Zagreb and Zurich.

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