CORPORATE INVESTIGATIONS
Contents

04 Our Firm
05 Our Presence in Africa
06 Our Corporate Investigations Practice
07 Our Specialist Services
12 Accolades
14 Key Contacts
Our Presence in Africa

Recognising the size and enormous diversity of Africa, our approach to providing legal services across the continent is intended to offer on-the-ground advice in the countries that matter for our clients. Our presence in Africa is always evolving to meet the changes that are shaping the future of this vast continent.

Currently, we have our own offices in six African countries: Kenya (Nairobi), Mauritius (Moka), South Africa (Cape Town, Durban, Johannesburg), Tanzania (Dar es Salaam), Uganda (Kampala) and Zambia (Lusaka).

We work closely with our Bowmans Alliance firms in Ethiopia (Aman & Partners LLP) and Nigeria (Udo Udoma & Belo-Osagie). These are two of the leading corporate and commercial law firms in their jurisdictions.

We have special relationships with competent practitioners in Malawi and Mozambique. We also have a non-exclusive co-operation agreement with French international law firm Gide Loyrette Nouel that provides our clients access to assistance in francophone west and north Africa. The arrangement provides complementary access for Gide’s clients and lawyers to markets in central, southern and eastern Africa.

We ensure that, whenever our clients need legal advice in other parts of Africa, we can assist them by tapping into our comprehensive database of contacts of the best firms and practitioners across the continent.

On the global front, Bowmans has long-standing and excellent relationships with a range of international law firms with whom we often work on Africa-focussed client mandates. We are also a member firm of Lex Mundi, a global association of more than 160 independent law firms in all the major centres across the globe. Lex Mundi gives us the ability to connect our clients with the best law firms in each of the countries represented.
Our Corporate Investigations Practice

African jurisdictions have not been ignored in the global shift towards the enforcement of anti-corruption, anti-bribery and anti-money laundering/countering financing of terrorism laws. This, coupled with significant fines and penalties, highlights the need for specialised governance, compliance and investigation legal services for those doing business in Africa.

As organisations expand their African footprints, it makes sense to partner with a law firm that uniquely blends expertise in the law, knowledge of the local market and an understanding of its clients’ businesses.

Our multi-disciplinary corporate investigations team assists our clients, who are drawn from both the public and private sector, in managing all forms of risk they face across the region. From comprehensive crisis management (e.g. responding to cyber-attacks/data breaches, or running multi-jurisdictional litigation), to undertaking specialist forensic investigations: providing governance, corruption and regulatory compliance advice; and completing risk management reviews.

The global shift towards the enforcement of anti-corruption legislation (coupled with significant fines and penalties) has seen us acting for clients in a number of investigations and proceedings by criminal and regulatory agencies. Our team has been involved in numerous high profile and public interest cases. These include the largest Ponzi scheme investigation in Africa, and one of the largest and most complex tax inquiries in South Africa to date and complex fraud and corruption investigations on behalf of Eskom relating to state capture in South Africa, and resulting actions.

Our service extends to identifying specific governance and/or compliance risks that may result in prejudice and/or losses, and making recommendations to address and/or mitigate these.

All of our engagements are led by lawyers, who are able to compile teams of specialists in accordance with the requirements of specific assignments. We are therefore able to implement recommendations flowing from the consequence of any engagement immediately. These include initiating and defending civil proceedings; initiating disciplinary enquiries and criminal investigations; and taking remedial steps to address the risk of corporate criminal liability.

Our clients may enjoy the protection of legal-professional privilege (while investigations led by entities other than law firms may not). Our reports, advice and attorney-client correspondence may consequently, therefore be protected against subpoena or forced disclosure to third parties.

We generally instruct forensic chartered accountants who play an integral role in investigations and act as specialist witnesses. This approach has proven extremely effective. Our specialist witnesses are able to present the evidence effectively and concisely.

Our experience is particularly significant where our clients throughout Africa are affected by anti-corruption legislation with extra-territorial application (e.g. the US Foreign Corrupt Practices Act, the UK Bribery Act and the South African Prevention and Combating of Corrupt Activities Act) and by international conventions with wide application (e.g. the OECD Convention on Combating Bribery of Foreign Officials and the United Nations Convention against Corruption).

Our Specialist Services

We offer a range of services under our Corporate Investigations Practice, such as:

- forensic investigations;
- cybercrime, digital forensics and forensic data analytics services;
- fraud risk management and advisory services;
- corporate legal and regulatory compliance;
- dispute resolution, litigation support and expert witness services; and
- governance, compliance and investigation advisory services.

FORENSIC INVESTIGATIONS

We have a proven track record in investigations into serious and complex commercial and regulatory fraud cases.

Our experience enables us to provide sound advice concerning the best course of action if wrongdoing is identified, including potential disclosure to authorities. We are also able to provide legal opinions on our findings.

We ensure that investigations are conducted in compliance with all relevant laws and regulations, including privacy and data protection laws, and that all evidence collected is admissible and relevant for asserting or protecting the client’s rights.

Under the forensic investigations pillar, we:

- undertake fraud, corruption and financial impropriety investigations;
- have capacity to conduct cyber and computer crime investigations;
- trace proceeds of crime and trace assets for seizure and forfeiture;
- investigate procurement irregularities such as bid fixing and giving of kick-backs;
- undertake conflict of interest checks and investigate breaches of employment policies and procedures;
- carry out tax evasion and tax diversion investigations; and
- provide business and corporate intelligence services.

Our experience enables us to provide sound advice concerning the best course of action if wrongdoing is identified, including potential disclosure to authorities.
FRAUD RISK MANAGEMENT AND ADVISORY SERVICES

We advise clients on best practices in governance and in preventing fraud and corruption in their business operations. Our customised compliance programmes enable clients to identify, evaluate and limit potential criminal risks they may face.

We develop and draft policies and procedures, including those dealing with fraud and corruption, whistleblowing, ethics, business entertainment and gifts, donations and incentives, and conflicts of interest.

Our customised compliance programmes enable clients to identify, evaluate and limit potential criminal risks they may face.

To assist with a fraud management framework, we:

• help design and implement holistic fraud management structures that will cushion clients from fraud;
• conduct enterprise-wide fraud risk assessment and mitigation analysis;
• provide forensic data analytics services to identify odd and potentially fraudulent patterns in clients’ data;
• vet employees and business associates/suppliers; and
• help set up whistle-blower channels such as hotlines and whistle-blowing incentive programmes.

CORPORATE LEGAL AND REGULATORY COMPLIANCE

We regularly advise on matters concerning corruption compliance, regulatory oversight procedures and provide assistance to clients in developing internal compliance systems.

We provide due diligence and compliance services to ensure our international clients comply with the requirements of the US Foreign Corrupt Practices Act and the UK Bribery Act. We also ensure that our clients’ global policies are aligned to domestic legislation and equivalent legislation in the broader African marketplace.

We have advised on anti-money laundering, Know-Your-Client and sanctions processes for clients that are required to comply with both local and international legislation when conducting financial transactions or entering into contractual arrangements.

Because anti-corruption problems can arise during mergers, acquisitions and joint ventures, corporate counsel are increasingly insisting that anti-corruption due diligence be performed.

To enhance the compliance profiles of our clients, we:

• conduct corporate legal and regulatory audits to assess the level of compliance with relevant laws and regulations;
• undertake anti-bribery and anti-corruption (ABAC) compliance reviews;
• assess adherence to the Foreign Corrupt Practices Act and the UK Bribery Act in local activities (for multi-nationals);
• provide anti-money laundering compliance reviews for financial and designated institutions; and
• provide training on ethics, integrity, fraud management, anti-corruption/bribery and anti-money laundering compliance.

DISPUTE RESOLUTION, LITIGATION SUPPORT AND EXPERT WITNESS SERVICES

We recognise the commercial and reputational risks associated with regulatory, corruption and corporate crime issues and assist clients in mitigating these risks. In this time of complex relationships among individuals, companies and other organisations, it is becoming increasingly important to consult a professional dispute resolution law firm to avoid costly disagreements.

We are well-placed to offer our clients outstanding advice coupled with professional and efficient legal service, whether in a court room, arbitration, tribunal hearing, any other dispute resolution forum or mediation setting.

We advise on, and institute actions for, recovery of losses suffered through commercial crime, such as:

• the mechanisms provided for in national legislation for recovery, such as in the Anti-Corruption and Economic Crimes Act, the Proceeds of Crime and Anti-Money Laundering Act and the Prevention of Terrorism Act in Kenya;
• the initiation of court proceedings aimed at freezing accounts and seizing assets;
• the initiation of civil court proceedings; and
• alternative dispute resolution.

We have well-established relationships with law enforcement agencies and are also able to assist clients by liaising with police and law enforcement authorities to ensure that criminal prosecutions proceed without undue delay.

Our team can comprise accountants and certified forensic investigators who play a central and integral role in the investigations and act as specialist and expert witnesses.
GOVERNANCE, COMPLIANCE AND INVESTIGATIONS ADVISORY SERVICES

We provide clients with detailed written legal advice and opinions on all matters related to governance, compliance and investigations. Issues that clients have sought our advice on, include:

- mandatory disclosure and reporting obligations;
- risk management and the risks of corporate criminal liability;
- corporate governance, legal compliance and internal controls issues;
- the implications of commercial arrangements entered into between parties;
- the regulatory and white-collar crime implications of commercial terms in agreements;
- the lawfulness of specific incentive schemes;
- implications of breaches of the Foreign Corrupt Practices Act and UK Bribery Act and the domestic anti-corruption, anti-bribery and anti-money laundering legislation;
- sanctions; and
- the legal and regulatory enforcement environment in Africa.
AFRICAN LEGAL AWARDS 2021
Bowmans won awards in five categories, more than any other single firm. The firm was named Capital Markets Team of the Year, Environmental and Renewables Team of the Year, Restructuring Team of the Year, and Transportation and Infrastructure Team of the Year, and won the Crisis Management Initiative of the Year Award.

CHAMBERS AFRICA AWARDS 2022
Bowmans' Kenyan practice was named Kenya Law Firm of the Year and chairman and senior partner, Ezra Davids, was named South Africa Lawyer of the Year.

DEALMAKERS AFRICA AWARDS 2021
Bowmans was DealMakers top dealmaker in East Africa for 2021 by number of M&A transactions worked on. The firm had more than 26% market share and advised on the deal named Deal of the Year.

DEALMAKERS SOUTH AFRICA AWARDS 2021
Bowmans placed first by deal flow and second by deal value in the Unlisted M&A Transactions category; and first by deal flow and third by deal value in the BEE Deals category.

IFLR AFRICA AWARDS 2021
Bowmans received three awards including the awards for National Law Firm of the Year in both South Africa and Zambia. The firm was also named National Law Firm of the Year, South Africa (Project Finance) for its work on various project finance matters including the Beitbridge Border Post Modernisation Project, which was named Project Finance Deal of the Year.
Key Contacts

JOHAN KRUGER
Head of Corporate Investigations
Johannesburg, South Africa
T: +27 11 669 9537
E: johan.kruger@bowmanslaw.com

DAVID MPANGA
Deputy Chairman
Kampala, Uganda
T: +256 31 226 3757
E: david.mpanga@bowmanslaw.com

MENDEL SASS
Partner
Johannesburg, South Africa
T: +27 11 669 9492
E: mendel.sass@bowmanslaw.com

JANE ANDROPOULOS
Partner
Johannesburg, South Africa
T: +27 11 669 9560
E: jane.andropoulos@bowmanslaw.com

ERNEST WILTHIRE
Managing Partner
Kampala, Uganda
T: +256 31 226 3757
E: ernest.wiltshire@bowmanslaw.com

LUWAY MONGIE
Partner
Johannesburg, South Africa
T: +27 11 669 9457
E: luway.mongie@bowmanslaw.com

DAVID DE VILLIERS
Executive - Investigations, Team Leader
Johannesburg, South Africa
T: +27 11 669 9535
E: david.devilliers@bowmanslaw.com

WILBERT KAPINGA
Managing Partner
Dar es Salaam, Tanzania
T: +255 76 898 8640
E: wilbert.kapinga@bowmanslaw.com

ASHLEIGH GRAHAM
Partner
Johannesburg, South Africa
T: +27 11 669 9561
E: ashleigh.graham@bowmanslaw.com

JOE DA SILVA
Executive - Investigations
Johannesburg, South Africa
T: +27 11 669 9559
E: joe.dasilva@bowmanslaw.com

FAZIL HOSENKHAN
Managing Partner
Moka, Mauritius
T: +230 52 98 0101
E: fazil.hossenkhan@bowmanslaw.com

FRANCOIS TRICHARDT
Partner
Cape Town, South Africa
T: +27 11 669 9559
E: francois.trichardt@bowmanslaw.com

MATTHEW PURCHASE
Partner
Johannesburg, South Africa
T: +27 11 669 9568
E: matthew.purchase@bowmanslaw.com

MABVUTO SAKALA
Managing Partner
Lusaka, Zambia
B&M Legal Practitioners
T: +260 96 687 6917
E: mabvuto.sakala@bowmanslaw.com

TERRY MWANGO
Head of Litigation & Disputes
Nairobi, Kenya
Coulson Harney LLP
T: +254 20 289 9000
E: terry.mwango@bowmanslaw.com
Follow us on Twitter:
@Bowmans_Law

www.bowmanslaw.com

Alliance Firms:

Aman & Partners LLP, Addis Ababa, Ethiopia
T: +251 11 470 2868
E: info@aaclo.com

Udo Uduma & Belo-Osagie, Lagos, Nigeria
T: +234 12774920-2, +234 12719811-3
E: uubo@uubo.org