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TACKLING MULTIJURISDICTIONAL FRAUD SCHEMES

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EXPERT FORUM

TACKLING MULTIJURISDICTIONAL FRAUD SCHEMES



PANEL EXPERTS

**Snežana Gebauer**

Partner
StoneTurn
T: +1 (212) 430 3464
E: sgebauer@stoneturn.com

Snežana Gebauer has two decades of experience managing complex international investigations into fraud, corruption and misconduct for law firms, corporations, government agencies and sovereign nations. A globally recognised expert in international asset tracing and recovery, Brazilian Congress engaged Ms Gebauer to investigate embezzlement of funds by Petrobras executives and government officials. She also led several complex internal FCPA investigations stemming from 'Operation Car Wash'.

**Louise Jordaan**

Partner
StoneTurn
T: +27 8464 77336
E: ljordaan@stoneturn.com

Louise Jordaan, a partner with StoneTurn, has more than 25 years of forensic investigation, forensic accounting, expert witness and business dispute resolution experience. She also advises clients on fraud risk management controls in support of their compliance and risk management functions. Prior to joining StoneTurn, she was a partner at KPMG. She is also an admitted advocate to the High Court of South Africa.

**Jason Liew**

Partner
StoneTurn
T: +65 6979 6749
E: jliew@stoneturn.com

Jason Liew has over two decades' experience conducting a wide range of investigative assignments across different sectors for Fortune 500 companies, Asian conglomerates, global financial institutions and sovereign wealth funds. He has led numerous investigative and risk advisory assignments, including fraud investigations, asset tracing, business intelligence, competitor intelligence and compliance work.

**Hitesh Patel**

Partner
StoneTurn
T: +44 (0)20 7898 3422
E: hpatel@stoneturn.com

Hitesh Patel has three decades of cross-sector and cross-border experience investigating fraud and misconduct, regulatory non-compliance and third party risk management. He has led numerous assignments involving complex multijurisdictional issues relating to bribery and corruption, financial misrepresentation, white-collar crime and organised crime. He was a partner at KPMG Forensic and was formerly a board director of the UK's Fraud Advisory Panel.

**Kristof Wabl**

Partner
StoneTurn
T: +49 (0) 69 710 455 457
E: kwabl@stoneturn.com

Kristof Wabl brings over 15 years of experience advising multinational organisations in the prevention, detection and investigation of white-collar crime, providing guidance on managing risks related to fraud, corruption and misconduct. He also leads the task force focused on Whistleblowing for the Austrian chapter of Transparency International. Prior to his work with StoneTurn, he was the head of Forensic for PwC in Austria.

R&C: Could you provide an overview of recent trends in international fraud activity? To what extent has it become easier for fraudsters to obscure assets and move funds across borders through digital channels?

Liew: Due to the coronavirus (COVID-19) pandemic, the last couple of years have seen two key trends. With people working either from home or with a split-team arrangement, some fraud activities have gone unnoticed, even more so in a region as widespread and diverse as Asia. As there are fewer interactions, checks and balances have become slightly more challenging, and since international travel has not been possible, the detection and investigation of fraud by investigation teams has become more challenging. However, the difficulties arising from the pandemic also led to more creative ways of undertaking investigations. These may include making sure the various tools at the investigation team's disposal are leveraged. It also means that in cases where the allegations are not fully formed, or there is no access to internal books and records or electronic devices, then the ability to conduct discreet intelligence-led investigations has become a key differentiator.

Gebauer: The events of the past two years have created global economic distress and placed strain on many industries. The pandemic, the conflict

in Ukraine and the subsequent sanctions have amplified supply chain disruption and destabilised trading relationships. The geopolitical instability has caused market volatility – commodity prices are rising, inflation is soaring and many are bracing themselves for another global recession. History has shown that when economic survival is threatened, there is a heightened risk of corporates resorting to inappropriate practices, such as inflating earnings, manipulating revenue recognition or avoiding market disclosures. Furthermore, pressure to win new work at any cost increases the temptation to engage in bribery and corruption. In the coming years, we are going to see an uptick in investigations into corporate fraud, financial statement manipulation, false claims, bribery and corruption. With respect to fraudsters obscuring and moving assets, cryptocurrency has made it much easier to move money across borders without having to disclose identity or origin of funds. Criminals have been able to transfer money globally, easily and quickly. However, with increased regulation of cryptocurrency exchanges, it will become increasingly difficult to convert crypto into fiat currency.

Jordaan: The ability to transfer funds internationally, without using historic bank-to-bank transfer systems, is becoming more sophisticated, easily accessible and relatively cost effective. In addition, the use of digital wallets, peer-to-peer payments and alternative remittance systems is

ever increasing. The lack of investment by financial institutions in alternative payment fraud management tools makes these payment methods attractive to fraudsters. The COVID-19 pandemic has resulted in it being common to give and receive instructions via email, rather than face-to-face. Where one would have traditionally gone to a banking institution to give instructions and sign documents, such tasks are now being done electronically and remotely. However, the increase in electronic communication also results in a better retention, and easier identification, of relevant documents and instructions relating to fund transfers. So, as much as it has become easier to move funds across borders, it has also become easier to track the subsequent flow of funds.

Wabl: The global fraud landscape has changed significantly in recent years. Whereas internal fraud has been continuously combatted via traditional fraud prevention tools, such as internal investigations, ‘tone from the top’, policies and procedures, and training, external fraud is on the rise, and it seems that no organisation is immune from this threat. Geopolitical, environmental and social issues, including the ongoing impact of the pandemic, are creating an unpredictable landscape for organisations, where preventing fraud is rarely seen as the top priority. Often, implemented controls

are outdated and not keeping up with the pace of external attacks. Organised crime is evolving and becoming more sophisticated than ever, with cyber actors who are cooperating, leading to an increased number of attacks. External fraudsters are coordinated and connected via the dark web

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*Kristof Wabl,
StoneTurn*

and crypto marketplaces. They take advantage of vulnerabilities and cannot be controlled with old-school internal controls or training. In many instances, external attacks succeed with the help of colluding internal actors.

Patel: The rapid reconfiguration of global supply chains in the wake of COVID-19 has contributed to a lack of visibility over third parties, including suppliers, agents and distributors – major sources of bribery and corruption risk. Additionally, the pandemic has put organisations under significant financial

pressure, further heightening the risk of fraud. The pandemic brought about a dramatic shift to remote working, which created increased opportunities for cyber crime, in particular 'authorised push payment' fraud, which looks set to be a continued presence on the fraud landscape. Another growing threat is targeted attacks, in which cyber criminals compromise a target entity's infrastructure, including its network and computer systems. Targeted attacks can happen over a long period, in which criminals gradually gain access to critical financial data, in phases, reducing the risk of being discovered. Although cyber criminals typically target companies, targeted attacks pose a threat to customer data and can therefore damage an organisation's reputation. Technologies that enable new ways of making payments are also open to new threats from criminals, who carry out fraud and ID theft using stolen credentials. The anonymity provided by and the lack of regulation of cryptocurrencies are increasingly being used by criminals to facilitate the movement of illicit funds across borders.

R&C: How would you describe the complexities involved in investigating fraud across multiple jurisdictions? What particular challenges does this scenario present for investigators?

Liew: Multijurisdictional investigations add different dimensions and complexities to what is already a difficult task. The investigation team will need to consider how the local rules and regulations may affect the team's ability to

"Globalisation has led to complex multijurisdictional business structures, whereas technological advances mean that the world is more integrated, and borders are becoming blurred."

*Hitesh Patel,
StoneTurn*

undertake the investigation. Local languages, customs and sensitivities also need to be taken into consideration. Undertaking investigations across multiple jurisdictions entails varying levels of risk, depending on the location. In addition, certain types of investigation may also pose a heightened risk to the team. Therefore, it is vital that these risks are evaluated from the outset and continuously reassessed throughout the lifecycle of the investigation. These factors mean selecting the appropriate staff for the team is critical to the success of the investigation.

Gebauer: Diverse teams of consultants, with local market knowledge and global perspectives, are critical to the successful outcome of a cross-border investigation. An appreciation of the nuances in legal, regulatory, geopolitical and cultural aspects, and business practices can often mean the difference between failure and success when managing multijurisdictional investigations. Data protection laws in various jurisdictions have introduced complexities in analysing data held overseas. A number of countries have data protection requirements which dictate that data must be acquired and analysed in-country, which can often hamper the efficiency of a cross-border investigation.

Jordaan: Investigators need to understand the specific laws and regulations of the jurisdictions. A common challenge when investigating fraud in another jurisdiction is encountering delays in receiving relevant information, for a variety of reasons, including finding the right individuals who can help, navigating red tape, time differences, cultural and language barriers, and international privacy laws. In many situations, information can only be shared internationally if formal protocols for obtaining the information are followed. This is often a complex process that can become a huge stumbling block for any investigation, especially where a formal complaint has not been lodged and law enforcement is not involved. Information that is commonly available and accessible electronically in

some jurisdictions might only be found in hard copy in others. As such, being unfamiliar with overseas document and information retention regulations can result in relevant information not being obtained.

Wabl: As exciting as cross-border investigations are from an investigator's perspective, often they can pose multiple challenges. The unpredictable nature of such assignments does not allow a 'one size fits all' approach to overcome cultural differences or language barriers. As a result, many organisations struggle to carry out cross-border investigations in an effective manner. Based on our experience, certain challenges can be overcome once addressed early on, including a lack of insight into local laws and regulations, insufficient planning and scoping of the engagement, a team staffed with inappropriate experience and skillset, and a lack of communication. It is essential that organisations and their advisers invest sufficient time and resources to fully understand and respond to these issues.

Patel: In an increasingly global economy, multijurisdictional fraud investigations are on the rise. Investigating cross-border fraud presents significant challenges. The more jurisdictions involved in a matter, the harder it becomes to conduct an efficient and effective investigation. Various issues may arise, such as language barriers and cultural differences, as well as challenges relating to local laws and requirements. There is also a risk that

the investigation itself may lead to cases of non-compliance, for example with data privacy laws and regulations. Often, one of the first challenges for an investigation team is deciding whether local support is needed. In certain countries, it may prove difficult to identify resources with the appropriate skills. The right of participation of works councils or trade unions should also be considered early in the investigation process – local laws have different views in this regard. A consistent challenge is the ever-increasing volume and variety of data associated with investigations and particular complexities can arise where documents, or other data, are in multiple jurisdictions, including data hosted on cloud-based servers. Investigators may need to seek local data privacy advice before collecting and transferring data held overseas. If the transfer of the data is not permissible or too high a risk, the investigation team may need to conduct a local review in the foreign jurisdiction. Investigators may also encounter challenges in dealing with conflicting regulations. For example, in the UK, the Proceeds of Crime Act introduced a requirement for anyone who works within the regulated sector, including accountants, auditors, tax consultants and insolvency practitioners, to report suspicions of money laundering. However, foreign legislation, such as bank regulations or secrecy laws, may forbid the disclosure of customer information.

R&C: What considerations need to be made when setting up an investigation team and assigning responsibilities? How important is it to cooperate and coordinate effectively across borders?

Liew: An investigation can be completed with just one investigator. However, there may come a time when the need arises to utilise a wider investigation team, and the selection of the team will directly influence the effectiveness of the investigation. With an appreciation of the local intricacies of each jurisdiction, the best team can be assembled to conduct the investigation, which might include both internal employees and external resources. External consultants may bring more specialised skills appropriate to the investigation. Having a multi-skilled, multilingual and, possibly, team members located in different jurisdictions and time zones, requires close coordination, communication and leadership. The team may be comprised of investigators with a combination of different investigative experience and expertise, such as forensic accounting, data analytics, business intelligence, computer forensics, and so on, and should always utilise the local team's grasp of the 'lay of the land', to maximise the effectiveness of the investigation.

Gebauer: First and foremost, it is important that the team being assembled has the required skillset

to address all functional areas of the investigation, including specific industry expertise. Usually, a combination of investigative consultants, forensic accountants, data analysts, forensic technology specialists and field investigators will be needed. It is paramount that the consultants conducting the investigation have relevant knowledge of the local laws, regulations, business practices and cultural aspects of the jurisdictions where the investigation is being conducted. Investigative consultancies that have a 'one firm' mentality and apply consistent methodologies to working across their global operations are likely to tackle cross-border investigations more seamlessly than those that operate as franchisees under a global brand. A common methodology and culture usually contribute to greater efficiency and better collaboration.

Jordaan: The pandemic has made it clear that one does not have to travel to a jurisdiction to be able to work and obtain information required to conduct an effective investigation. As such, multijurisdictional teams can hugely benefit an investigation. 'Following the sun' may result in speedier turnaround times and more effective results. Specific expertise, irrespective of location, can now be harnessed as part of an investigation. However, to assemble such a team is easier when people know each other and

have formed a trusted relationship. Today, we can rely on the work of someone else, whereas in the past we may have travelled and carried out the work ourselves. Regular meetings, discussions and

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*Jason Liew,
StoneTurn*

feedback are imperative in ensuring that the team is working together seamlessly and effectively.

Wabl: Depending on the allegations, a team should comprise multi-disciplined and hand-picked professionals with the right understanding of cultural differences. Language skills are a must and so are interview techniques. The team should have skills that are tailored to the situation at hand. A 'state of the art' team includes digital forensics skills and data analytics capabilities. Based on our experience, one of the critical success factors in a cross-border investigation is to identify one single point of contact


within every organisation in scope. Clear roles and specific responsibilities should be assigned to the team members and the importance of effective and efficient communication within the team and toward all stakeholders should not be forgotten. If the allegations allow it, the local management and supervisory board should be informed early on to avoid potential misunderstandings at a later stage. All stakeholders should be updated regularly on progress, as well as findings and obstacles.

Patel: An effective investigation team requires a mix of skills and experience, which can vary depending on factors, such as the nature of the underlying allegations, the location of the alleged misconduct and the type of industry. When an investigation crosses jurisdictions, the mix of skills required can multiply quickly. Members of an investigation team should be assigned clear roles and responsibilities, with efficient communication channels. Regular communication with the client, lawyers, forensic accountants and other key parties is essential to ensuring that everyone is on the same page. Investigators should keep stakeholders updated on progress and provide timely reporting of issues and unexpected constraints. In the case of government inquiries, investigators must be responsive to the evolving and often urgent requests of the regulators, and work diligently to maintain appropriate dialogue and transparency.

R&C: To what extent has the coronavirus (COVID-19) pandemic changed the structure of multijurisdictional investigations and the approach taken by investigators?

Liew: The lockdown and travel restrictions imposed by different countries or, in some cases, different cities within the same country, made on-ground investigations and in-person interviews impossible. Investigation teams needed to employ creative approaches, such as, when conducting interviews via Zoom, making sure that the interviewee was not getting any external help during the interview. Pre-pandemic, some in-person interviews may have been conducted in remote areas. However, post-pandemic, the investigation team will need to make sure that the technology, including internet connection and equipment, is made available and operational.

Gebauer: With the global closures because of the pandemic and the subsequent adoption of the remote work model, the main challenges in conducting investigations concerned forensic data acquisition and conducting interviews. While technology has advanced far enough that remote data collections have become very common, they also involve several challenges, such as network reliability, speed of the connection, reliance on local, on-site personnel to perform important



tasks, and the exchange of passwords and other sensitive information remotely. Interviews are always best when conducted in person. However, during the pandemic, video calls served as a necessary substitute. While many interactions are returning to in-person, there are certainly learned efficiencies about video interviews that could serve us well in managing the costs of investigations in the future.

Jordaan: Whereas location was an important consideration as to whether to use a particular resource on an investigation, lockdown and the resultant travel restrictions have taught us how to overcome remote working barriers. In the past, investigation teams would have travelled, and costs would have been incurred.

Today, the investigation team and interviewees are used to working remotely and having virtual meetings. Documentation and information are also readily shared via email or other electronic means. Whereas the concept of an online interview with a potential suspect is not ideal, most other consultations and meetings can take place virtually. Remote conference facilities are so sophisticated that the recording of discussions can happen with ease and real-time transcripts of the discussion can be produced. In many instances, the changes in approach have resulted in more efficient and cost-effective investigations of multijurisdictional matters.

Wabl: The pandemic has shown that electronic data can be successfully collected remotely in a forensically sound manner. However, in most instances it is key to address local legal questions early, especially when dealing with local privacy and labour laws. Another development we have seen increasingly during the pandemic is interviews being conducted virtually. While this approach might save costs as no travel is required, a virtual interview cannot be compared with a live situation in which the interviewee and the investigation team are in the same room together. From an investigator's perspective, the interviewee's body language can

bring out information that may not have been evident initially.

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StoneTurn*

Patel: The days in which investigators would automatically get on a plane to conduct cross-border investigations and gather evidence were placed on hold, abruptly, by the pandemic. Government-imposed lockdowns, travel restrictions and isolation have dramatically increased the number of remote investigations. Many aspects of the investigation process have proved adaptable to the new 'normal'. For example, nowadays, most documentation is held electronically, allowing it to be collected and interrogated remotely. Virtual interviews are now commonplace. However, the advantages and disadvantages of conducting investigative interviews remotely should be carefully considered. In cases

that demand a quick response, or where cost is an issue, a virtual interview may be preferable to an in-person meeting. However, it can be more difficult to assess the credibility of a witness via a video platform, as non-verbal signals may be missed. As the world emerges from the pandemic, many investigations may opt for a hybrid approach, benefitting from technological enhancements and efficiencies identified through the need to work remotely, while continuing to conduct in-person interviews for key witnesses.

R&C: What key elements should comprise a thorough multijurisdictional fraud investigation, to maximise the chances of success?

Gebauer: Usually, cross-border investigations into fraud, corruption or other financial crime will involve an integrated team of experts, including forensic accounting, data analytics, compliance and controls experts, public records research specialists in the relevant jurisdictions, data preservation, collection and forensic technology specialists, as well as local context and knowledge expertise for each of the relevant jurisdictions, industry expertise and regulatory expertise. Investigations into larger companies can be quite complex, involving multiple workstreams, and there could easily be over 100 professionals working across those teams. Establishing a robust project management

framework, and ensuring that findings are shared, compared and analysed in real time and with efficiency is critical to the success of an investigation. It is also important to ensure that the investigation process does not impede the regular operations of the business.

Jordaan: Over and above having an internet connection, the software and equipment to work offsite and consult, irrespective of location, a few other aspects should be considered. For instance, when a suspect is interviewed, it is advisable to have an investigator or team member in-country who can facilitate the interview. This person does not have to be a highly skilled forensic investigator, but they should have sufficient understanding of the background to the matter and goals of the interview. Greater care should also be taken regarding the authenticity of documents received via electronic means. In the past, original documents could have been uplifted and copied, more documentation is already in electronic format and gets submitted electronically. Therefore, there is a huge risk that documents and evidentiary material can be altered, without the investigation team having the ability to check the documents back to source.

Wabl: The definition of success in a cross-border investigation can be a challenge itself. Every skilled investigator is aware that the outcome of an investigation cannot be foreseen. Therefore,

investigators should never make false promises and always be cautious as to how they define and communicate a finding or red flag. Communication with the client is key – investigators should be transparent regarding progress and should not underestimate internal politics, as investigations very often reveal cultural issues within an organisation. Companies should seek to identify a mutual understanding with the client to define critical success factors during the investigation.

Patel: When it comes to multijurisdictional fraud investigations, one size definitely does not fit all – procedures must be tailored to meet the requirements of each jurisdiction. It is critical that investigators apply a global mindset to identify the country-specific laws and regulations that may be relevant, determine whether any subject-matter experts are needed, assemble a team with the appropriate language skills, and consider cultural differences. Developing and maintaining a clear work plan can help the investigation team stay focused on the objectives of the investigation, monitor progress and incorporate any necessary additional steps. Whether domestic or cross-border, investigations usually involve data collection, conducting interviews and other communications of a sensitive nature. Legal advice privilege and litigation privilege need to be considered. Before opening an investigation, companies should consult with counsel familiar with

the law of the relevant jurisdictions as to whether the investigation can be privileged.

FW: Could you provide an insight into the typical legal and regulatory issues that investigators encounter when working in multiple jurisdictions, and what steps can be taken to manage them?

Liew: The increasingly stringent requirements of global data privacy laws make it pertinent for companies to have a defined data protection strategy. In addition, if an investigation is in response to requests from law enforcement agencies, it is vital to understand and manage the expectations and competing demands from the different authorities. In a US-style internal investigation, a US regulator would expect document preservation measures to be ‘de rigueur’. The same goes for conducting interviews of relevant employees. However, if the investigation comes under the jurisdiction of the Chinese authorities, those authorities might consider such measures as a possible obstruction of justice. It is therefore pertinent to establish a plan to engage with regulators, to manage their expectations, and have a coordinated approach to requests from different authorities.

Gebauer: Data protection laws are among the most common issues. Ensuring that the extraction

and analysis of electronic data is conducted in compliance with local regulations is critical. Additionally, when conducting interviews, it is important to have knowledge of local labour laws and cultural differences, to ensure that you are not creating any potential liability. Equally, an understanding of cultural differences is important for the success of interviews and establishing rapport with interviewees.

Jordaan: One of the biggest challenges I have encountered was to get original documentation transferred from a foreign jurisdiction to South Africa. The courts, especially the criminal courts, expected the original documentation to be handed in, complete with an audit trail. Invariably, this became a matter of near impossibility and any alternative methods for authenticating the documentation were declined. Each law enforcement officer who collected a document in a 'search and seizure' was expected to come to South Africa to testify as to the process followed. Eventually, it was agreed that they could testify by way of videoconferencing, but the process could not be set up in time. Ultimately, it was found that the State did not authenticate the evidence and, as such, the case was not proven. Hopefully, the legal system has moved on from there and it will be easier

in future to deal with the authentication of evidence found in foreign jurisdictions.

Wabl: Even with careful planning, the unexpected will most likely happen during a cross-border investigation. So, be prepared and have flexibility in the investigative plan and include counsel from day one, as laws and regulations vary significantly from country to country. For instance, there is a new

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*Snežana Gebauer,
StoneTurn*

whistleblowing regulation across EU member states. Some countries may accept anonymous reporting, while others might not protect whistleblowers who report breaches which are not within the scope of the directive. In several countries, you must notify the works council, or even the employees themselves, in case their data will be secured and reviewed. It

is also critical to understand labour laws and data privacy laws in each jurisdiction.

Patel: Preserving and collecting relevant information are among the most important steps in the investigative process. Data privacy laws and regulations represent some of the most significant challenges when working on cross-border investigations, due to restrictions on the types of data that can be collected and transferred out of each jurisdiction. For example, in some jurisdictions there is a fundamental legal right regarding the privacy of personal data, even if held on a company's IT system. When government enforcement authorities are involved, data privacy laws and regulations can pose an even bigger challenge to an investigation. Investigators must consider how to share data appropriately with the authorities. It is also important to be transparent with those authorities regarding the steps taken to comply with data privacy laws and regulations. Every case needs to be assessed to ensure that data requirements are being met. This should be done early to reduce the risk of stalling the investigation – or worse, risking exposure due to breaching data privacy laws or regulations. The rise in multijurisdictional investigations in recent years has prompted more extensive cross-border cooperation between enforcement authorities. Companies facing enforcement in multiple jurisdictions should consider trying to reach a global settlement with all potential enforcers.

FW: Looking ahead, do you believe cases of multijurisdictional fraud are likely to increase, leading to a rise in demand for related investigations? What factors are likely to shape this space?

Liew: Various governments and central banks have shared that their economies have yet to experience the full extent of the pandemic. Once the loan moratorium has expired and the various financial support packages end, some businesses may struggle to survive. This, coupled with rising inflation and the war in Ukraine, may lead to a possible recession. In fact, some governments are saying there is a high chance of recession taking place in the next year or two. Fraud incidents tend to have a negative correlation with how well the economy is doing – incidences of fraud go up when the economy is not doing well. We are already seeing a rise in asset-tracing engagements.

Gebauer: With the current global economic instability and potential for another recession, we are likely to see increased instances of fraud, bribery and misconduct, as is usually the case in any economic downturn. Additionally, the US Department of Justice (DOJ) and the Securities and Exchange Commission (SEC) have signalled increased enforcement across the board. They have also bolstered their units in the areas of digital assets, and environmental, social and governance (ESG). More companies are going to be

held responsible for conduct that has environmental or social impact and greater emphasis will be placed on prosecuting financial crimes in the crypto realm. The deputy attorney general of the DOJ, Lisa Monaco, stated that sanctions are the “new FCPA” for the DOJ. Holding corporations accountable for sanctions evasion seems to be one of the DOJ’s top priorities. If the DOJ stays on that course, we are likely to see a continuing increase in internal sanctions investigations.

Jordaan: Multijurisdictional fraud will forever be on the increase. Living in the technology era, everything and everywhere is connected. But for the pandemic, which slowed down some aspects of physical movement, the world is getting smaller, and jurisdictions become more vague. Unless international law enforcement and regulatory agencies find ways to work together seamlessly in the fight against fraud, multijurisdictional fraud will just continue to increase.

Wabl: The global fraud landscape will continue to evolve, and risks will emerge that we only have limited visibility of today. With geopolitical, economic and societal insecurities on the rise, we believe that cyber attacks will continue to cause headaches for organisations. As there is significant governmental pressure on organisations regarding their supply chain and ESG reporting, misrepresentation in those fields will most likely increase in the foreseeable

future. During economic downturns, history has repeatedly shown that it can take some time until fraud is detected, as priorities and investments shift. For organisations, it takes a constant focus on their controls framework, including policies, procedures and training, as well as a sustainable shift to technology, to prevent and detect fraud in the future.

Patel: Globalisation has led to complex multijurisdictional business structures, whereas technological advances mean that the world is more integrated, and borders are becoming blurred. Where fraud occurs, it is less likely that it will be in just one jurisdiction. As a result, cross-border investigations have been rising and that trend will likely continue. In the wake of current economic turbulence, an increase in insolvency-related litigation is anticipated and it is likely that more frauds will be uncovered as part of such action. Meanwhile, the nature of fraud continues to evolve. With many consumers paying as much, if not more, attention to a company’s ethical values, as to its products or services, ESG is becoming increasingly prominent. With rising levels of ESG-focused investment and growing pressure to claim ESG compliance, there is a heightened risk of fraud. **RC**