

Global Anti-Bribery and Corruption Statute Services

Services

Proactive Services

Risk Assessment and Internal Controls, including:

- Evaluation of compliance programmes and internal controls
- Business transactions testing
- Government mandated monitoring and reporting

Anti-Bribery and Corruption Due Diligence, including:

- Integrity investigations of acquisition targets, resellers and other third-parties, including politically-exposed-persons (PEPs)
- Examination of subsidiaries, joint ventures and controlled entities
- Review of existing anti-bribery compliance policies and controls
- Pre-transactional analysis of books and records for potential bribery or corruption irregularities

Reactive Services

- Perform fact-finding investigations to uncover vital evidence and identify corrupt activity
- Perform forensic accounting review of books and records to determine scope of violations
- Conduct witness interviews
- Electronic discovery, corrupt data and record reconstruction

Remediation/Monitoring

- Make recommendations to enhance compliance programmes
- Develop and participate in implementation of modified controls and corporate practices
- Monitor and test policies and procedures
- Act as an Independent Monitor

Whether conducting or responding to a foreign bribery or corruption investigation, evaluating potential foreign business transactions or designing compliance programmes, having the right information at the right time is critical. The multidisciplinary FTI Consulting Investigations and Forensic Accounting team provides comprehensive insight and knowledge, based on decades of behind-the-headlines involvement in critical issues and complex business challenges from around the world.

Safeguarding a company's hard-earned reputation is of paramount importance to today's global business organisations. As corporations seek out emerging markets to drive market share growth, source supplies and components, or form joint ventures with new business partners abroad, corporate officers and directors must remain vigilant to avoid potential violations of applicable global anti-bribery and corruption statutes. The U.S. Foreign Corrupt Practices Act (FCPA), the UK Bribery Act, the Organization for Economic Co-operation and Development (OECD) convention on combating bribery of foreign public officials involved in international business transactions, and the anti-corruption cross-debarment pact reached between the World Bank, the Inter-American Development Bank, the European Bank for Reconstruction and Development, the Asian Development Bank and the African Development Bank Group, all form a robust global anti-bribery and corruption regulatory regime with long-arm jurisdiction and very significant penalties for violators. FTI Consulting is uniquely qualified to help our clients navigate anti-bribery and corruption risk proactively (assessing and mitigating risk); reactively (responding to allegations with multidisciplinary investigations, forensic accounting and information preservation experts); and in monitoring and remediation (designing and testing controls modifications, or pursuant to prosecutorial settlement agreements).

Global Capability and Experience

Thorough anti-bribery and corruption risk assessments and investigations require global capability and first-hand experience in fact-gathering, electronic discovery and preservation, and financial and forensic accounting investigations. With offices in Asia Pacific, North America, South America, Europe, the Middle East and Africa, staffed with multilingual professionals, FTI Consulting has the ability to offer comprehensive anti-bribery and corruption related services wherever needed.

Our clients benefit from the unparalleled depth of our intellectual capital and applied knowledge. As individuals and as a company, we draw from our collective experience with various FCPA and anti-bribery engagements across a wide variety of industries. We provide cost-effective and phased solutions, ensuring that issues are resolved as quickly and efficiently as possible.

Professionals from Diverse Backgrounds

We combine the skills of industry specialists with those of anti-bribery and corruption investigators, forensic accounting, electronic evidence and compliance professionals. FTI Consulting professionals are among the industry's top practitioners and include former law enforcement officials, former regulators and federal prosecutors, former audit firm partners, certified public accountants, certified fraud examiners, electronic evidence and computer forensic experts, and financial and enterprise data analytic specialists. Our team of professionals are able to develop comprehensive risk profiles after examining existing practices and procedures.

Design and Implementation of an Ethics and Compliance Programme

While many regulated industries require ethics and compliance programmes, businesses are increasingly instituting these controls voluntarily to promote good business practices and to protect their reputation. A system of checks and balances is designed and implemented to monitor compliance and provide early warning of any breaches. In this way, the business is able to investigate and remediate any problems at an early stage and demonstrate effective corporate governance.

Our global experience includes:

- Constructing and implementing a global compliance programme for one of the world's largest medical devices companies – drawing on our industry, anti-bribery and corruption experience to ensure the programme's long-term sustainability and effectiveness.
- Implementing an anti-bribery compliance programme for a global government services provider following its disclosure to the U.S. government of possible bribe payments to foreign officials. Our work included the review and revision of existing procedures, evaluation and remediation of accounting and other internal controls related to compliance, training exposed employees and conducting high-risk audits.
- Contributing to Transparency International (UK) guidance on what may constitute "adequate procedures" toward preventing bribery under the UK Bribery Act.

Investigations

Our team is highly skilled at conducting global investigations aimed at internal issues, supporting regulatory fact-finding, conducting counterparty due diligence, discovering and analysing the most sophisticated circumvention of internal controls, unwinding complicated transactions, and reconstructing events from incomplete information or corrupt data. We investigate the facts and circumstances and discover how and when a suspicious event or transaction took place. We then assist in responding to allegations, preparing for an external audit, and designing controls that help prevent recurrences.

Representative examples of our investigative work include:

- Counsel for a U.S. publicly traded manufacturing company hired FTI Consulting to assist in an investigation of alleged bribes made to government officials in China, Brazil and Peru pursuant to internal whistle-blower claims.

FTI Consulting quantified the potentially ill-gotten gains and assisted counsel to a satisfactory disgorgement resolution with the U.S. Securities and Exchange Commission.

- We were retained by independent counsel for a biomedical products manufacturer to investigate potential violations of the FCPA, pursuant to a request from the U.S. Department of Justice. The investigation involved transactional testing and interviews of employees across six European countries.
- We assisted the United Kingdom's Serious Fraud Office in investigating corruption and violations of UN sanctions stemming from Iraq's oil for food program. The investigation covered multiple international jurisdictions, and involved numerous payments of millions of U.S. dollars.

Electronically Stored Information (ESI) Preservation, Computer Forensics & Data Analytics

Our investigations and forensic accounting professionals work closely with our electronic discovery experts to preserve comprehensive data sets, dissect complicated transactions, and expose vital information. Computer forensic expertise is essential to the discovery process as more than half of business documents are stored in electronic form. Parties to complex investigations and disputes are required to retain, produce and make sense of large volumes of electronic data from multiple sources, including e-mail, voicemail, shared server files and databases. FTI Consulting provides access to internationally recognised technical, forensic and financial experts who use state-of-the-art forensic and data mining tools to efficiently recover, search, sort, sift, and analyse massive amounts of electronic data.

Independent Monitorship & Compliance

Our highly-credentialed team begins the process with an analysis of the company's existing practices and procedures. Based on these findings, we design and implement a system of controls to ensure compliance with consent decrees, domestic and international agreements or other compliance obligations. In the event of a bribery or corruption event, such controls provide early notification and enable the business to address and contain the problem before it escalates.

We have assisted multiple court-appointed Monitors as they executed their duties pursuant to Deferred Prosecution Agreements resulting from the settlement of charges related to FCPA violations.



For more information on our activities across Asia Pacific and how FTI Consulting can help your business, please contact us on info-ap@fticonsulting.com

CRITICAL THINKING
AT THE CRITICAL TIME™

About FTI Consulting

FTI Consulting, Inc. is a global business advisory firm dedicated to helping organisations protect and enhance enterprise value in an increasingly complex legal, regulatory and economic environment. FTI Consulting professionals, who are located in all major business centres throughout the world, work closely with clients to anticipate, illuminate and overcome complex business challenges in areas such as investigations, litigation, mergers and acquisitions, regulatory issues, reputation management and restructuring.

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