



ANTI-BRIBERY & ANTI-CORRUPTION PRACTICE GROUP

NAIROBI

MOMBASA

KAMPALA

DAR ES SALAAM

KIGALI



OUR PRESENCE

**Head Office, Nairobi:**

I&M Bank House, 7th Floor
2nd Ngong Avenue
P.O. Box 22588 - 00505 | Nairobi, Kenya
Tel: +254 20 221 0978 | +254 20 221 1077
Cell: +254 716 209 673
Email: law@cmadvocates.com

Mombasa Office:

Links Plaza 4th Floor
Links Road, Nyali
P.O. Box 90056 - 80100 | Mombasa, Kenya
Tel: +254 41 447 0758 | +254 41 447 0548
Cell: +254 746 995 283
Email: mombasaoffice@cmadvocates.com

Tanzania Office:

Oyster Pearl Galleria, 7th Floor
370 off Chole Road
Oysterbay Peninsula
P.O. Box 77044 | Dar es Salaam, Tanzania
Tel: +255 713 411 721 | +255 654 702 304
+255 682 495 603
Email: law@cymbellattorneys.com

Uganda Office:

Plot 49, Ntinda Rd,
Rovis Apartments, First Floor
Tel: +256 776 739 643
Email: law@cymbelladvocates.com

Rwanda Office:

Kigali Heights Building,
West Wing, Third Floor
Tel: +250 252 580 152
Email: law@cmadvocates.rw

THE FIRM

At CM Advocates LLP, we pride ourselves on being able to provide our clients with consistently timely, high quality, innovative and commercially relevant legal advice. Since technical know-how is not adequate, we constantly seek to build excellent working relationships with our clients and clearly understand their businesses and the realities and imperatives they face. Our strategy is to build teams that are specific to our clients' needs and also combine specialist legal skills, industry experience and practical know-how.

Our focus is getting to the core of our clients' legal needs, creating and adding value to them; by delivering timely, innovative and commercially-sound advice and legal solutions. We have set up robust systems to ensure consistently high quality out-put in every assignment we undertake and we are uncompromising in our quality control. Moreover, we always seek to protect our clients' interests, mitigate their risks and create superior outcomes for them.

Our achievements for clients are made possible by our professional team of technically and commercially brilliant lawyers led by our Managing Partner at the fore front of every transaction, who are singularly focused on their clients' success. In other words, our pride is to make you succeed in your business or project.

We have a culture of professionalism, team work and respect, where talented professionals with different views, experiences and backgrounds can thrive. To remain on the cutting edge, we put extra emphasis on continuous learning, knowledge sharing and peer reviews. This has enabled the Firm to carve a niche for itself in the existing as well as new and emerging branches of law. The Firm's local and international clientele cuts across various sectors of our economy like financial services, real estate development, manufacturing, telecommunication, agribusiness, tourism and hospitality, energy and mining.

OUR PRACTICE AREAS

- 1. Anti-Bribery & Anti-Corruption**
2. Asset Tracing & Recovery
3. Aviation Law
4. Capital Markets
5. Charities and Not-for-Profit Organizations (NPOs)
6. Commercial/Business Law
7. Construction & Infrastructure Law Unit
8. Corporate Law
9. Cyber Security, Privacy & Data Protection
10. Debt Recovery, Restructuring & Insolvency
11. Dispute Resolution
12. Employment, Labour Relations and Immigration Law Advisory
13. Energy, Mining & Extractive Industries
14. Entertainment & Sports Law
15. Family Law, Estate Planning & Probate Administration
16. Forensics & Investigations, Risk & Compliance
17. IP & TMT (Telecommunications, Media & Technology)
18. Lobbyist & Policy Practice
19. Multi-lateral Organizations. Foreign Embassies & Consultants
20. Non-Compete, Non-Solicit & Trade Secret Practices
21. Private Equity & Venture Capitalist
22. Real Estate, Banking & Finance
23. Shipping, Logistics & Admiralty Law
24. Start-ups & Small & Medium Sized Enterprises
25. Tax Law Advisory

ANTI-BRIBERY & ANTI-CORRUPTION

Regulators around the world, including Kenya, are becoming more aggressive and cooperative in investigating and enforcing anti-bribery and anti-corruption laws and related economic crimes. As the global economy becomes increasingly integrated, investigators regulators and prosecutors have become more stringent in their enforcement measures. Consequently, apart from being subject to Kenyan anti-bribery and corruption legislation, Kenyan companies and directors (or companies doing business in Kenya) must understand legislation in other jurisdictions. The United States and the United Kingdom have particularly onerous provisions coupled with strong cultures of enforcement and prosecution.

CM Advocates has huge experience and expertise in the field of bribery and corruption including, inter alia, defending allegations of complex fraud, bribery, corruption, money laundering, tax evasion, falsified accounting, insider dealing, abuse of office, extradition proceedings as well as anti-trust and consumer protection related criminal proceedings. Our team regularly advises and consults for corporations and individuals under investigations in such complex and high-profile cases.

The Kenyan Bribery Act 2016, the Anti-Corruption and Economic Crimes Act, 2003 and as well as the Proceeds of Crimes and Anti- Money Laundering Act (Chapter 59B) govern the conduct of companies and individuals in respect

of bribery and related corrupt practices such as facilitation payments and improper business or hospitality expenses.

The Bribery Act has far-reaching effects and the stiffest penalties. For instances, those found guilty of bribery or corruption, inter alia, face unlimited fines, confiscation of any property acquired through such unlawful means and up to 10 years imprisonment for individuals. Furthermore, those adjudged guilty of offences under the Act face up to 10 years ban from doing business the national or county governments. Moreover, convicts are debarred holding public office or taking up directorship or partnership position in private entities for up to 10 years.

The Bribery Act requires every public and private entities to shall put in place procedures appropriate to its size and the scale and to the nature of its operations, for the prevention of bribery and of bribery. Moreover, both public and private entities have obligations to reports any actual or suspected instances of bribery. Severe penalties – including fines and even terms of imprisonment – can be imposed on individuals and corporations breaching the provisions of the Act or failing to implement robust compliance programs that mitigate such risks.

We regularly act for corporates and individuals subject to criminal investigations and prosecutions; some of which involve a slew of

investigative bodies. We also help corporates and individuals to deal with internal investigations relating to bribery and corruption as well as managing the relationship with enforcement agencies.

Our team is well versed in providing excellent strategic advice, which often results in cases being discontinued or in not-guilty verdicts at trial.

We also can advise on issues relating to drafting and review of anti-corruption and anti-bribery policies, self-reporting and well; as in representing clients in restraint and confiscation

proceedings as well as civil recovery orders by the Assets Recovery Agency. Where applicable, we also help clients negotiate and conclude pre-bargaining agreement with the Office of Director of Public Prosecution.

For corporates who are victims of bribery and corruption, we offer a wide range of services to recover assets, commercial litigation and assets tracing and recovery. We also offer advice on enhancing and remediating and the corporate compliance programmes to mitigate the risk of further incidents of bribery and corruption within the organisation.