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Serbia

ŠunjkaLaw

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1 The Decision to Conduct an Internal Investigation

1.1 What statutory or regulatory obligations should an entity consider when deciding whether to conduct an internal investigation in your jurisdiction? Are there any consequences for failing to comply with these statutory or regulatory regulations? Are there any regulatory or legal benefits for conducting an investigation?

The entity should consider, at the minimum, the Constitution (basic human rights protection), Employment Law, Company Law, Data Protection Law, the Criminal Code and the Criminal Procedure Code, the Law on Criminal Liability of Legal Entities, the Law on Contracts and Torts, especially the part on damages, the Code of Professional Ethics of the Serbian Chamber of Commerce, the Law on Protection of Business Secrets, the Civil Code (the part which refers to privilege and exemption from the obligation to testify), the Law on Whistle-blowers, the Law on Free Access to Information of Public Importance, and the Law on Banks (the part which refers to bank secrecy). There could be various legal consequences which could result in: an obligation to compensate material or non-material damages for the entity and the person who was subject to or participated in the investigation as a witness; misdemeanour responsibility and responsibility as a commercial misdemeanour, for the entity and for the responsible person; and criminal responsibility for obstruction of justice. There are direct and indirect legal benefits from conducting an investigation, and all of the enforcement authorities, including the prosecutors and courts, will take a properly conducted internal investigation and cooperation with the authorities as an indirect legal benefit, which may include investigations where there is a legal epilogue of a criminal procedure against the legal entity, as a mitigating circumstance and a reduction, i.e. the mitigation of a criminal sanction. If the legal epilogue is a criminal offence of tax evasion or tax fraud, and the entity itself, after conducting an internal investigation, files the tax application and then pays the tax, the criminal proceedings will not be conducted and, if initiated, will be suspended.

1.2 How should an entity assess the credibility of a whistleblower's complaint and determine whether an internal investigation is necessary? Are there any legal implications for dealing with whistleblowers?

The entity is obliged, in the scope of its authority, to take measures to eliminate identified irregularities in relation to complaints as well as to protect the whistle-blower from harmful actions. The entity is obliged to designate a person authorised to receive complaints and to conduct the procedure in connection with the complaint. The entity is obliged to act on the complaint without delay, and at the latest within 15 days from the date of receipt. Entities which have more than 10 employees are obliged to regulate the procedure of internal whistle-blowing. With regards to the verification of the information from the complaint, the entity will conduct the verification in accordance with the information available to it initially, using the formula of trustfulness of the information, which would be conveyed to a person with average knowledge and experience (identical to the whistle-blower himself). After the initial check, if it is stated that there is a basis or reasonableness for any doubt, the entity will initiate an internal investigation. In working with whistle-blowers, the entity must strictly abide by the Law on Protection of Whistle-blowers, because it is subject to the provisions on compensation for damages to the whistle-blower or misdemeanour liability for the entity as well as the responsible person within the entity.

1.3 How does outside counsel determine who "the client" is for the purposes of conducting an internal investigation and reporting findings (e.g. the Legal Department, the Chief Compliance Officer, the Board of Directors, the Audit Committee, a special committee, etc.)? What steps must outside counsel take to ensure that the reporting relationship is free of any internal conflicts? When is it appropriate to exclude an in-house attorney, senior executive, or major shareholder who might have an interest in influencing the direction of the investigation?

This presents one of the most important starting points in an internal investigation. Outside counsel will determine that the legal entity is the client. Protection and the legal interest of the entity is the primary concern of outside counsels' actions. Who has legal standing in a particular case and which corporate body of the legal entity is conflict-free to sign the power of attorney and mandate letter and to receive the report of the internal investigation and fact-findings with the conclusion and opinion (e.g. the Legal Department, the Chief Compliance Officer, the Board of Directors, the Audit Committee, a special committee, Fraud function, ABMS function, etc.) will be determined by outside counsel in the preliminary moment of engagement, and entered into his mandate letter or agreement on counselling. This determination can be changed if the results of the internal investigation show the involvement of the ordering party in the concrete case. Such a clause in a mandate letter should be inserted in advance. As well as determining who the primary point of contact for the report is, the secondary point of contact should also be determined, in case, during the investigation, it is determined that the

primary point of contact is in any kind of conflict of interest, or even has direct involvement or interest. For example, if in a particular case outside counsel determines that there is involvement or conflict of interest on the side of the in-house attorney and senior executive, the correct contact for the report would be the fraud and AML function, as well as the supervisory board, the shareholder assembly and/or major shareholder; however, if there is involvement or conflict of interest on the side of the major shareholder, outside counsel will report to senior executive management, the supervisory board or the shareholder assembly, on which the major shareholder would not have the right to vote due to conflict of interest. Outside counsel must stay professional and independent, and perform his term of references, task and scope of activities only in the benefit of the entity.

2 Self-Disclosure to Enforcement Authorities

2.1 When considering whether to impose civil or criminal penalties, do law enforcement authorities in your jurisdiction consider an entity's willingness to voluntarily disclose the results of a properly conducted internal investigation? What factors do they consider?

After an internal investigation, if it is determined that there was a criminal offence, the entity will file a criminal charge to the competent prosecutor against the person/persons who were deemed responsible. In an ongoing official investigation, the prosecutor, the court and the police may use the findings gathered in the internal investigation and deem it as legal evidence if it was properly conducted. In the event that a criminal procedure against the legal entity is an epilogue of the said official procedure, the enforcement authorities, including the court and the prosecutor, will take the conducted internal investigation and especially willingness to voluntary disclose the results of an internal investigation as a mitigating factor for the reduction of criminal sanctions, and render a conditional conviction and judicial admonition. If the legal epilogue is a criminal offence, for example tax evasion or tax fraud, and the entity itself, after an internal investigation, files the tax application and then pays the tax, the criminal proceedings will not be conducted and, if initiated, will be suspended.

2.2 When, during an internal investigation, should a disclosure be made to enforcement authorities? What are the steps that should be followed for making a disclosure?

During an internal investigation, a disclosure should be made to the enforcement authorities immediately if the internal investigation will discover a criminal act while it is still happening, since it could be stopped and/or prevented, or if an immediate threat to people or property exists, which can and has to be prevented. In such a case, the internal investigation engages with the entity it has been in contact with, and advises to immediately inform the enforcement authorities with different demands, such as obtaining a freezing order, stopping the money transaction, employment or construction inspection, etc.

2.3 How, and in what format, should the findings of an internal investigation be reported? Must the findings of an internal investigation be reported in writing? What risks, if any, arise from providing reports in writing?

Commonly, the report of the internal investigation is submitted in writing and contains facts finding non-conformities with different laws, statutes and corporate rules, a major violation of different laws, statutes and corporate rules, an explanation of the participants, interests, actions and omitted actions, an explanation and the implications of the decisions made and a proposal of legal procedures and actions, civil claims, criminal claims, etc. However, if such a report is written and the findings of the report are not acted upon or there were attempts to hide it, and yet it is still disclosed, there is a high reputation risk. When a criminal offence is stated in the report and is consequently not reported to the competent authority, it could result in legal consequences such as a criminal procedure against the person or persons who hid it, who failed to report the preparation of the criminal offence, or the offence itself, or who failed to report the perpetrator of a criminal offence. If the report and the findings of an internal investigation are in writing, this is evidence or, at the minimum, a starting point and source of valid information for the competent authority, individuals and stakeholders who may have interests in the process, victims and suspected persons.

3 Cooperation with Law Enforcement Authorities

3.1 If an entity is aware that it is the subject or target of a government investigation, is it required to liaise with local authorities before starting an internal investigation? Should it liaise with local authorities even if it is not required to do so?

This question must be answered from a different perspective. In a civil law system, there is no obligation for the suspect (person or entity), who is the subject of a government investigation, to cooperate with the authorities, or to provide all the evidence to the authorities. In these cases and from that perspective, when defending, the entity will create its own strategy – a defence strategy at first and a parallel internal investigation if the entity wants to separate its own position as an entity from the position of the senior executives or the responsible persons or the company's body.

3.2 If regulatory or law enforcement authorities are investigating an entity's conduct, does the entity have the ability to help define or limit the scope of a government investigation? If so, how is it best achieved?

In case of a formal law enforcement investigation of an entity's conduct, the limitation of the scope of a governmental investigation does not exist and the entity cannot define any limit or scope. The scope of an investigation is determined by the Criminal Code or similar statute as a legal basis for the action of the authorities. If during the law enforcement investigation some civil or human personal rights appear and need to be protected, the prosecutor or judge in charge will make a separate decision about that and the investigation will continue.

3.3 Do law enforcement authorities in your jurisdiction tend to coordinate with authorities in other jurisdictions? What strategies can entities adopt if they face investigations in multiple jurisdictions?

In any cross-border case, whether a criminal investigation or civil investigation or procedure, the local authorities will cooperate and coordinate with the authorities in other jurisdictions. The basis for this cooperation differs and it could be on different levels of authority.

Cooperation can be bilateral or multilateral, for instance between the police authorities, or can be bilateral or multilateral between courts, prosecutors' offices, etc. The manner and kind of cooperation is determined by bilateral or multilateral agreements. Usually, the legal instrument that is used for cooperation is a request or notice for international legal assistance. In tax and customs matters, a direct exchange information relationship also exists. Entities in this kind of situation will make the strategy of cooperation according to their own estimation of their legal position in a particular case and legal situation – from full legal cooperation to a very restrictive defence strategy. If a defence strategy is chosen, the entity should engage defence counsel in each jurisdiction where the investigation will take place. Defence counsel will monitor the procedure. When requesting international legal assistance, the authority, before sending such a notice or request, will have to verify the following conditions: is the particular criminal act described in the request/notice a criminal act in the domestic country; are all requirements by domestic/local law fulfilled; does any political objection to the case exist; and do any local limitations in the disclosure of information exist, etc. Related with this matter, the local authority which is appointed for international cooperation will also look into the same conditions, and only if every condition is met will it give assistance. If something is missing, the local authorities will reply to our authorities and explain to them why they did not give assistance and will, potentially, offer instructions to repeat the request for assistance after fulfilment of the missing condition.

4 The Investigation Process

4.1 What steps should typically be included in an investigation plan?

When an investigation plan is created the following must be considered: which organisational unit and which persons in that organisational unit of the entity will be the subject of the investigation; what is the subject of the investigation; what constitutes the legal framework for the investigation; what is the scope of the investigation; what is the goal of the investigation; who will conduct the investigation and to whom the report will be submitted; the budget of the investigation; the timeframe; the framework for the order of activities such as the reading and control of documents, determining the relevant documents for the forensic process, if necessary, or implementing other forensic processes in relation to the circumstances of the case; like the use of IT; revision of fuel consumption; financial, including tax, implications; whether, in the specific case, all functions of the entity reacted in accordance with their internal obligations such as compliance, AML, etc.; and taking statements from witnesses and ultimately from persons who are possibly the target of an investigation. The final part of the plan is the drafting of the report, with fact-finding, including the discovery of major and minor legal non-conformity and/or violations, observations and opinions reserved for the next steps, initiating legal procedures, if any.

4.2 When should companies elicit the assistance of outside counsel or outside resources such as forensic consultants? If outside counsel is used, what criteria or credentials should one seek in retaining outside counsel?

In a situation where there is a suspicion of conflict of interest or even involvement of in-house counsel in a specific case or when a conflict of interest or even involvement is suspected in a permanent outside law firm that supports the business operations of the entity daily or when the entity simply wants to provide an independent professional investigation, the entity will decide to engage outside legal counsel to lead an internal investigation with a mandate to engage further with outside sources, such as forensic consultants, from a specific field of expertise, where appropriate. In certain situations, one of the reasons for engaging with outside counsel is the existence of a legal privilege, which does not exist when it comes to in-house counsel or outside consultant firms. The criteria for choosing outside counsel should be: the level of expertise in particular types of cases; experience and professionalism; integrity; independency; and work and business ethic.

5 Confidentiality and Attorney-Client Privileges

5.1 Does your jurisdiction recognise the attorney-client, attorney work product, or any other legal privileges in the context of internal investigations? What best practices should be followed to preserve these privileges?

In our legal system, there is attorney-client privilege and similar attorney work privilege in every legal procedure including internal investigations. These privileges are recognised by courts, prosecutors and other authorities. Legal privilege is protected by law (including statutory law) and cannot be changed. For example, if in a criminal proceeding a lawyer is called upon as a witness, and if his testimony includes facts on his work as a lawyer, the acting judge will ask his client if he releases the lawyer from keeping secrecy, and if he does, the lawyer will be able to answer the questions of the judge and other participants in the proceedings. We have experience of this. In a criminal white-collar crime case, where we represented a legal entity, there was a legal question of who instructed the outside lawyer to draft the contract which created intentional damage to our client – the legal entity and the victim. The outside lawyer was engaged officially with our client, but it was unclear who really instructed him. Our client – the legal entity – informed the judge in the case in writing about the releasing of privilege and gave full authority to the judge to take a statement from the outside lawyer. We asked questions, too, and he was obliged by law to answer us.

5.2 Do any privileges or rules of confidentiality apply to interactions between the client and third parties engaged by outside counsel during the investigation (e.g. an accounting firm engaged to perform transaction testing or a document collection vendor)?

In relation to interactions between the client and third parties engaged by outside counsel during the investigation (for example, an accounting firm engaged to perform a transaction test or a vendor collection of documents), there is no legal privilege. In this relationship, the contract defines business secrets and confidentiality. The disclosure of a business secret and confidentiality is in itself a particular criminal offence and a basis for compensation for damages. However, a business secret and confidentiality does not exist if its disclosure is required by the state authorities. In that case, the third party will have the status of a witness without any limitation or protection.

5.3 Do legal privileges apply equally whether in-house counsel or outside counsel direct the internal investigation?

Legal privileges apply differently whether in-house counsel or outside counsel direct the internal investigation. In our legal system, in-house counsel only has the status of an employee and does not have any

legal privilege. Only outside counsel has the right of legal privilege according to law and Bar rules which regulate the status of lawyers.

5.4 How can entities protect privileged documents during an internal investigation conducted in your jurisdiction?

Entities will protect privileged documents during an internal investigation by giving them to outside counsel for inspection and selection. If outside counsel does not share the documents with anyone, legal privilege is fully secured. If there is a need for part of the documents to be subjected to forensic expertise, outside counsel will carry out the selection of the documents that will be disclosed and will protect them by the laws concerning business secrets. In that case, the third party will have the status of a witness without any limitation or protection.

5.5 Do enforcement agencies in your jurisdictions keep the results of an internal investigation confidential if such results were voluntarily provided by the entity?

Enforcement agencies will keep all confidential information as confidential or secret only if it is defined as secret by the Criminal Procedure Code or by basic special laws such as the Data Secrecy Law. In this sense, they do not distinguish the data from the internal investigation and other data that they have obtained, but the criteria for keeping confidentiality are defined only by the aforementioned legal provisions.

6 Data Collection and Data Privacy Issues

6.1 What data protection laws or regulations apply to internal investigations in your jurisdiction?

The following laws and regulations apply: the Constitution (basic human rights protection); Data Protection Law; the Criminal Code; the Criminal Procedure Code; the Code of Professional Ethics of the Serbian Chamber of Commerce; the Law on Protection of Business Secrets; the Civil Code (the part which refers to privilege and exemption from the obligation to testify); the Law on Whistle-blowers; the Law on Free Access to Information of Public Importance; the Law on Banks (the part which refers to bank secrecy); and Company Law (the part referring to business secrets). The General Data Protection Regulation (GDPR) applies to the processing of personal data of data subjects who are in the European Union by a controller or processor not established in the European Union, where the processing activities are related to the offering of goods or services, irrespective of whether a payment of the data subject is required, or the monitoring of their behaviour as far as their behaviour takes place within the European Union as well as to the processing of personal data by a controller not established in the European Union, but in a place where Member State law applies by virtue of public international law.

6.2 Is it a common practice or a legal requirement in your jurisdiction to prepare and issue a document preservation notice to individuals who may have documents related to the issues under investigation? Who should receive such a notice? What types of documents or data should be preserved? How should the investigation be described? How should compliance with the preservation notice be recorded?

Here it is necessary to distinguish whether the document is of a personal nature and represents information about a person protected by law, for example health records, a document which by its nature is property of the entity but is located with a particular individual, or a mutual document for the individual and the entity. Personal information is any information pertaining to a natural person, regardless of the form in which it is expressed, the information carrier it is stored on, on whose behalf the information is stored, the date of the creation of the information, the location where the information is stored, the method of finding the information (directly, through listening, viewing, etc., or indirectly, by inspecting the document in which the information is contained, etc.), or other properties of the information. In accordance with the Civil Law Code, if one party invokes the document and claims that it is in the possession of the other party, the court will invite the party that has the document to file the document and order a deadline for it. Such order will always be directed to the person/persons that has the document in question in his/her possession. A party cannot refuse the filing of a document if he/she invokes the document for proof of his/her allegations, or if the document is considered common with both parties. From the point of view of an internal investigation, a person may refuse to provide the documents that are only his/hers if those documents are only available to him/her.

6.3 What factors must an entity consider when documents are located in multiple jurisdictions (e.g. bank secrecy laws, data privacy, procedural requirements, etc.)?

Having in mind that every jurisdiction has its own law and rules that govern the obtaining of documents, all of the above should be considered. In terms of bank secrecy, the Law on Banks usually prescribes which documents and data are considered public and can be provided, and which documents can be provided upon request of an authority. When data privacy is in question, the situation is the same. Data that is considered personal information can usually be provided only upon request of an acting authority, excluding the data that the entity has and is obliged to have by law. In a procedural sense, the manner of obtaining the documents must always be considered in the sense of addressing various foreign authorities, which documents can be considered public data, etc. The GDPR should always be addressed, having in mind its territorial (within the EU) and ex-territorial (outside of EU) applicability and its defining of personal data as any information relating to an identified or identifiable natural person, one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

6.4 What types of documents are generally deemed important to collect for an internal investigation by your jurisdiction's enforcement agencies?

The corporation's statutory documents, which will describe the rights and powers within the entity, labour contracts and management contracts, the rules of procedure and the job classification system, to determine who is responsible for what, who is authorised and the scope of authorisation, contracts and contract documents, signature specimens, cash flow and bank statements, orders and decisions regarding the particular case, the compliance programme, the internal anti-corruption programme, etc.

6.5 What resources are typically used to collect documents during an internal investigation, and which resources are considered the most efficient?

Internal resources of the entity, the collection of documents in electronic forms (.pdf, .jpeg, .mobi, .xlsx, .doc, etc.), if possible, if not, hard copies, the public register, private investigation of third parties and the entity in accordance with the law, and private evidence of witnesses as well as possible targets of the suspect.

6.6 When reviewing documents, do judicial or enforcement authorities in your jurisdiction permit the use of predictive coding techniques? What are best practices for reviewing a voluminous document collection in internal investigations?

Artificial intelligence is in an embryonic stage locally. However, software of consulting houses that are part of the global networks and operating in Serbia are used, as well as predictive coding techniques such as JPEG-LS or DPCM, or similar.

7 Witness Interviews

7.1 What local laws or regulations apply to interviews of employees, former employees, or third parties? What authorities, if any, do entities need to consult before initiating witness interviews?

Taking statements before the initiation of official procedures is voluntary. None of the authorities have to be consulted if doing so. If the interviewee accepts, his statement is taken in accordance with the provisions of the Civil Law Code which can be given before the public notary or outside counsel who leads the investigation.

7.2 Are employees required to cooperate with their employer's internal investigation? When and under what circumstances may they decline to participate in a witness interview?

There is no obligation for the employees to cooperate whatsoever. Usually, in the course of an investigation it is suggested to the employees that in the event of cooperation they will have certain legal benefits, whatever the result of the investigation may be, and they will usually cooperate.

7.3 Is an entity required to provide legal representation to witnesses prior to interviews? If so, under what circumstances must an entity provide legal representation for witnesses?

No, it is not required to provide legal representation to witnesses prior to interviews. If witnesses want to have legal representation, it is their call and costs.

7.4 What are best practices for conducting witness interviews in your jurisdiction?

When conducting witness interviews, the best practice includes three steps. The witness is firstly, with his consent, recorded in audio or video when making his statement on the matter. Secondly, the statement is transcribed in written form, which is provided for the witness to read and, if necessary, complete, add or amend. Lastly, such a written statement is certified before the public notary, with the presence of the witness giving the statement, and thus becomes an official document.

7.5 What cultural factors should interviewers be aware of when conducting interviews in your jurisdiction?

It must be with respect and appreciation, regardless of the position in a concise internal investigation or future official investigation. The witness has to be protected against insults, threats and any other kind of attack.

7.6 When interviewing a whistleblower, how can an entity protect the interests of the company while upholding the rights of the whistleblower?

As stated in the previous question, a whistle-blower has to be treated with respect and appreciation and has to be protected against insults, threats and any other kind of attack. The employer is obliged, within the scope of his authority, to take measures to eliminate the identified irregularities in relation to the information obtained from the whistle-blower and he is obliged, within the scope of his authority, to provide protection from the harmful activity, as well as to take the necessary measures to stop the harmful action and to eliminate the consequences of the harmful activity.

7.7 Can employees in your jurisdiction request to review or revise statements they have made or are the statements closed?

If they sign it, and if it is not just the note of the individual who leads the internal investigation, it can definitely be read and altered, completed and explained.

7.8 Does your jurisdiction require that enforcement authorities or a witness' legal representative be present during witness interviews for internal investigations?

No, it does not. Our jurisdiction does not require that enforcement authorities or a witness' legal representative be present during witness interviews for internal investigations.

8 Investigation Report

8.1 How should the investigation report be structured and what topics should it address?

The investigation report should be structured as below and provide answers, at the minimum, to the following:

1. The date of the report, who conducted the internal investigation, and on what basis (mandate letter or agreement).
2. Who gave the mandate for the investigation and with what scope.
3. Who participated and in what timeline it was conducted.
4. Which activities were undertaken.
5. Fact-findings and non-conformities with current domestic laws.
6. Major and minor violations.
7. Observations.

8. Opinions.
9. Recommendations for next steps and legal proceedings.
10. Depending on the concrete case, the structure of the report or the report in general can be extended or more focused.

    (The following main points should be covered: Executive Summary; Background; Scope of the Report; Looking Back; Key Takeaways; Structure of the Report; Regulation and Practice; Investigation; Purpose and Scope; Overall Conduct of the Portfolio Investigation; Methodology Regarding Customers; Methodology Regarding Employees and Agents (Possible Internal Collusion); Overview of Events; Organisational Overview; Acquisition; Operation; Termination; Investigation; Individual Accountability; Introduction; Overview; Board of Directors; Chairman of the Board of Directors; and Chief Executive Officer.)

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Tomislav Šunjka is the founder and principal of the independent law firm ŠunjkaLaw in Serbia. His background is in business and transactional law, and everything connected with transactions, M&A and tax planning law, privatisation law, PPP law, foreign investment law, dispute resolution and complex litigation, and other business laws throughout the world. Because of this background, he understands very well the nature of transactions, bank transfers and financial arrangements and uses that knowledge as a tool in his practice of asset tracking and asset recovery. Tomislav Šunjka is a regional representative for Europe on the IBA's Anti-Corruption Committee, a member of the IBA's Asset Recovery Subcommittee, as well as an exclusive member for Serbia, the Balkan region and ex-Yugoslavian states in ICC FraudNet, a worldwide network of lawyers specialised in asset tracking and recovery. Tomislav is also certified as an auditor by Ethic Intelligence for ISO standards 19600 and 37001, Compliance Management Systems and Anti-Bribery Management Systems.

He has recently published articles in *Getting The Deal Through – Asset Recovery Review*, *The Asset Tracing and Recovery Review*, *Getting The Deal Through – Market Intelligence*, on the latest global trends within anti-corruption legislation and investigations, *Lawyer Monthly*, on fraud and asset tracing in Serbia and fraud litigation, *Diplomacy and Commerce Magazine*, on the UK Bribery Act and anti-corruption, business frauds and asset tracing and recovery, *TalkFraud* of ICC FraudNet ("Global Collaboration Falling Short"), and in many other publications. He regularly attends the IBA's Anti-Corruption Conferences, and C5's and ICC FraudNet's conferences, in the capacity of a speaker, panelist and moderator.

Tomislav Šunjka is fluent in English and Russian.

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ŠunjkaLaw provides fast, high-quality responses to legal issues combined with broad experience, integrity and independence, building trustworthy relations with each client, while maintaining a conflict-free environment.

The Firm's practice includes domestic and international business law, transactional law, banking and finance law, M&A and tax planning law, privatisation law, PPPs, corporate law, FDIs, domestic and international insolvency, dispute resolution, complex litigation, etc.

ŠunjkaLaw conducts corporate investigations for its clients: a thorough investigation of a corporation, organisation, or business with a view to finding what (if any) wrongdoing has been committed by employees, management, third parties, etc. Such investigations focus on defining the action, who is responsible for that action, if the client is at risk, and if yes, how to mitigate that risk and prevent damage (material and/or reputational).

The Firm has an exceptional practice and a proven track record in the field of asset tracing and asset recovery, performing thorough investigations in Serbia, other Balkan states and ex-Yugoslavian states, through the competent authorities, and beyond, through an acquired network of legal professionals around the globe, namely ICC Fraudnet.

The Firm participates in a number of projects in relation to anti-corruption and asset tracing and asset recovery matters: the IBA's Judicial Integrity Initiative, which has been undertaken to identify where national laws respond to the conduct identified as corruption by imposing sanctions on those who engage in the conduct; the IBA's Library of Local Anti-Corruption Legislation; the IBA's Anti-Corruption Committee project on negotiated settlements, which has the aim of providing the general public with up-to-date and usable information about processes regarding structured settlements for corruption offences; the IBA's Global Survey on the Role and Standing of Corruption Victims in Criminal Proceedings, which has the goal of promoting awareness, the use and development of civil asset recovery techniques in bribery cases; and the IBA's Submission to the Australian Attorney General's Department on Considerations of a Deferred Prosecution Agreement Scheme, etc.

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