Conducting Witness Interviews in Cross-Border MEA Investigations: Rapport, Culture, and Credibility

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Introduction

In the previous instalment in this series, we considered third-party misconduct in distributor-led markets, and the need for companies to follow the facts beyond the contract, beyond the invoice, and sometimes beyond the third party itself.

For global companies operating in the Middle East and Africa, the challenge is often to apply an investigation process that is credible to parent-company leadership, global legal and compliance teams, auditors, and potentially enforcement authorities, while still gathering facts in a local environment where communication styles, hierarchies, languages, and expectations may differ significantly.

For that reason, a culturally sensitive interview approach is often crucial to maintaining employee trust and gathering relevant information effectively. It requires judgment and credibility, as well as the ability to build rapport while maintaining clarity about the interviewer's role. In many cases, the investigation team must act as a bridge between global expectations and local realities.

This instalment considers three factors that can make a meaningful difference in MEA investigations: rapport, cultural awareness, and credibility.

1. Rapport Is Not the Opposite of Rigor

Witness interviews are typically more effective when the interviewer is able to build rapport with the witness. This means creating an environment in which the witness understands the process, feels able to speak candidly, and appreciates that the interviewer is there to understand the facts. Rapport should not, however, blur the interviewer's role. The witness should understand that counsel represents the company, not the individual witness.

The distinction is particularly important where employees may be unfamiliar with internal investigations, concerned about retaliation, anxious about their employment, or uncertain about counsel's role. Those concerns may be heightened where the investigation is being directed by a global or regional team outside the local market.

Interviewers can address these concerns by explaining the process clearly at the outset, pacing the discussion carefully, listening actively, and avoiding assumptions based on hierarchy, seniority, language fluency, or cultural communication style.

The objective is not to make the interview comfortable at the expense of substance. It is to create conditions in which the witness is more likely to provide accurate, complete, and useful information.

2. Cultural Awareness Can Affect Fact-Finding

Cross-border investigations often involve witnesses and stakeholders who communicate differently. Some may be direct; others may be deferential. Some may be reluctant to contradict a senior colleague or otherwise comment negatively on the company, especially if – as is common in the region – their residency visa is tied to their employment. Others may avoid saying “no” directly or may answer in a way they think is expected. Such differences can be further exacerbated by cultural and regional differences in communication styles. For example, a witness who grew up in Country A may be more likely to have a direct style of communication that relies less on context clues, while a witness who grew up in Country B may be more likely to rely on indirect and implicit communications that rely more on context and relationships.

These dynamics matter. An interviewer who does not account for local context and communication styles may misread hesitation, politeness, silence, or indirect language as evasiveness. Equally, cultural sensitivity should not become an excuse for avoiding difficult questions or accepting unclear answers.

Standard global interview scripts may also need to be adapted. A warning or explanation that is familiar in a U.S., UK, or EU-led investigation may not be meaningful to a local witness unless it is explained clearly and in context. Similarly, a question that appears straightforward to a global investigation team may be understood differently in the local business environment.

The best approach is to combine cultural awareness with disciplined follow-up. Interviewers should ask clear questions, test answers against the documents, and give witnesses an opportunity to explain context where it matters. Where language may affect accuracy, interpretation or translation support should be considered carefully. More practically, in managing the logistics of the interview itself, teams ought to consider local customs and practices, such as breaks for religious prayer times and public holidays to ensure witnesses are comfortable participating and not feeling unduly pressured.

Cultural awareness is not about lowering the standard of the investigation. It is about improving the quality of the evidence.

3. The Process Needs to Be Credible

In sensitive investigations, particularly those involving senior employees, public-sector touchpoints, or important commercial relationships, it is not enough for the investigation process to be well designed. It also needs to be credible both to the company stakeholders who may later need to rely on the findings and to the individual employees who become involved in the investigation, either as witnesses, subjects, or reporters.

A credible investigation must be seen as fair and thorough by all relevant stakeholders. Witnesses and other participants need to believe they will be heard and treated fairly when speaking with company investigators, and that the findings from that investigation are free from undue influence. This can be challenging where local management is closely involved in the underlying business, where witnesses report to people connected to the alleged misconduct, or where the company relies heavily on a third party or distributor that is commercially important.

Legal and compliance teams should therefore think carefully about who communicates with witnesses, who attends interviews, who receives updates, and how local business leadership is involved. There may be good reasons to include local context, but the investigation should not appear to be controlled by the same stakeholders whose conduct or decisions may be under review.

This is also important for parent companies and global teams. If the local fact-finding process appears too influenced by local business leadership, headquarters may lack confidence in the outcome. Conversely, if the process appears imposed from outside without sensitivity to the local environment, witnesses may be less willing to engage candidly.

Key Takeaways

The human side of an investigation can materially affect the quality of the facts gathered, the credibility of the outcome, employee trust, and overall morale.

Companies should ensure that interview processes are clearly explained to witnesses and that the interviews are structured and led in a way to encourage open communication. This may necessitate a culturally sensitive approach to interviews and fact gathering. The broader lesson is that investigations are not only legal, procedural, or documentary exercises. In MEA matters, the way people are approached, heard, questioned, and engaged can be just as important as the investigation plan itself.

For global companies, the investigation team often plays a dual role: gathering reliable local facts while ensuring that the process remains credible to the wider organization. That requires both legal discipline and human judgment.

Looking Ahead

In the next instalment in this series, we will turn from how investigations are conducted to what investigations often reveal: the gap between compliance programs as designed and compliance programs as applied in practice. In particular, we will consider where compliance programs can break down in MEA operations, and how companies can move beyond paper controls to assess whether policies, training, approvals, and escalation mechanisms are working in-market.

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