

A Question of Trust

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A common refrain of our always-online, always-trending society is “Pictures or it didn’t happen” – the contention that whatever eventuality or experience the author is describing, requires evidence if it is not to be dismissed as a lie. But while people tell lies on the Internet just for likes and attention, it becomes a severe issue when put into the context of serious, wide-reaching decisions being made on the same basis. Can, and should, intelligence always be predicated on being able to prove what you say or is there a vital element of trust that must sometimes stand in place of hard evidence?



Evidence is often held up as the final or sole arbiter of success or failure. Certainly, in court cases and law enforcement, there is an accepted minimum or legal standard required to carry a case forward or permit a decision to be made ‘beyond reasonable doubt’. And it is important that major decisions, particularly when people’s lives or freedoms are at stake, should be made on an evidential basis. Numerous are the Clients from all sectors who have approached KCS Group Europe with the strict proviso that, on matters of due diligence or investigation, only ‘hard proof’ (documents and the like) on red flags or risks will suffice.

This is an errant approach, for three reasons. Firstly, intelligence is not a product, it is a process – a journey of discovery that is intended to throw up many new avenues for investigation (and thus improve clarity for the Client) rather than merely designed to pursue a single, laser-like answer. It is a process of verifying the information that has already been supplied, exploring new avenues and methodologies, and analysing the results in an on-going cycle rather than simply providing a blunt statement of fact.

Secondly, intelligence is not always intended or able to meet a legal standard or provide definitive proof. If either condition can be met in the cause of an investigation, so much the better, but often at times the evidence that a Client seeks simply will not be obtainable in a legally appropriate manner or even exist in hard form at all. Jurisdictions also prove a thorny issue. In some locations (not least the UAE or China), getting documentation in any case is an extremely difficult and expensive task in itself, with no guarantees. Far better, surely, to learn the information even without having the substantive proof, as the ability to act on knowledge at least confers some measure of progress or success.

And thirdly, this leads us to the fundamental truth about the way intelligence work is conducted: through judicious use of human assets either putting themselves at risk in order to acquire intelligence or doing so through channels that do not lend themselves to supplying hard evidence. For the former, being able to supply hard evidence may force the asset to reveal their identity to Clients or unfriendly actors around the asset. For the latter, when looking to understand the risks, weaknesses and threats associated with an individual or entity, these are not always written down and rely on private channels and conversation to confirm. In other words, exactly the kinds of intelligence that the Client needs and would be wholly unable to get themselves, but without the neatness of having everything presented 'on a plate'.

As an example, when issues of product diversion occur it can cost a Client millions of dollars, their reputation, and will cross multiple jurisdictions. Those involved do not keep records. Indeed, there may even be a member of management caught up in the scam. They will not speak about their activities - except to a very small and known group of individuals - and are very unlikely to provide an opportunity where hard evidence could be gathered. Yet, with well-thought-out planning and pretexts in place, it is possible to save the Client money by ending the activity in a peaceful manner but, while not providing hard evidence, also removing the need for long legal battles across many jurisdictions.

Therefore, there must be a synergy of trust between intelligence provider and Client, that the latter must trust the former to carry out all investigations in a proportionate and pro-active manner, and that the results can, and must, be accepted as valid even without 'proof'. Trusting intelligence, even without hard copy - trusting the process behind the product - still allows a Client to make confident decisions based on the most up-to-date point of view. After all, rarely is knowing more than you did before a bad thing.

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