

17TH LAWASIA INTERNATIONAL MOOT COMPETITION

MALAYSIA NATIONAL ROUNDS
9 - 11 SEPTEMBER 2022
VIRTUAL MOOTS

LAWASIA
International Moot



LAWASIA

THE LAW ASSOCIATION FOR
ASIA AND THE PACIFIC
FOUNDED IN 1966

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LAWASIA Design Philosophy

The design for this year's programme cover symbolises readiness and excitement for the future, as we embrace and witness the world's return to a state prior to the COVID-19 pandemic, and the promises of a new dawn.

The chosen patterns being numericals symbols on the programme cover are inspired by taxation – being the subject matter of the moot problem of this year's LAWASIA International Moot.

Raphael Tay

Chair

LAWASIA Moot Standing Committee

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THE LAWASIA MOOT

About LAWASIA

LAWASIA is an international organization of lawyer's associations, individual lawyers, judges, legal academics, and others that focus on the interests and concerns of the legal profession in the Asia Pacific region. LAWASIA facilitates its member's participation in the most dynamics economic region in the world. Since its inception in 1966, LAWASIA has built an enviable reputation among lawyers, business people and governments, both within and outside the region, as a committed, productive and genuinely representative organization.

Find out more: <http://lawasia.asn.au/welcome>

About Mooting

The Moot Standing Committee acknowledges the importance of and observes that mooting has emerged as a critical component of legal education simply because it provides the skills training element for the fundamental skills necessary for a prospective lawyer. Indeed many leading law schools have either made mooting compulsory or forms an important part of the curriculum. Mooting offers a systematic training process of the essential skills of problem solving, legal analysis, drafting legal submissions and the development of public speaking. The ability to articulate one's thoughts and arguments condensing disparate, often conflicting legal authorities into succinct and persuasive arguments is arguably the single most important weaponry in the lawyer's arsenal.

Some Law Schools have yet to recognise the importance of mooting where it is considered an extracurricular activity confined to and organised by the student body. Such neglect cannot be allowed to continue if we are to raise the standards of our lawyers to meet the needs of a globalised world. We recognise that the constrains of individual Law Schools and for this reason the Committee would encourage all Law Schools not only to participate but hopes that its students would be encouraged to attend the Competition.

The competitiveness and the individualistic nature of mooting and lawyers are self evident. What is less obvious but equally important are the role of coaches and the coaching assistance rendered as the teams prepare for the written submissions and the oral competition. The coaching assistance represents further opportunities for the faculty in enhancing the educational value and overall experience to the students. Often the Moot Problem posed is in an area of the law that the students have little or no substantive knowledge in or may not have adequate background in comparative law. Obviously, students have not allowed such minor issues to dampen their interest and enthusiasm. Such handicaps have often been turned into educational forays into legal worlds hereto unknown to them thus enlarging and enriching their legal education.

The LAWASIA International Moot Competition provides this educational learning experience in an international environment. The networking of and the meeting of like-minded students across jurisdictions prepare them for a globalised world. Friendships are formed amongst students, relationships forged between participating law schools and useful contacts made by the stakeholders.

At its best, moot competitions are arenas where legal minds do battle under extreme conditions juggling between facts and the law where the best traditions of the Bar and Bench are simulated so as to impact young lives in preparation for their role in the cause of upholding the rule of law.

It is essential that law students are exposed to the concepts of the rule of law and an independent Judiciary. We quote The Hon Chief Justice Murray, AC who had this to say when addressing the National Judicial College of Australia on the 9th February, 2007, "An assurance that courts decide cases free from external influence in the form of pressure from governments or other powerful interests or favoritism of some litigants is basic. The ultimate test of such assurance is whether people believe that, in a legal contest between a citizen and a government, the judge will hold the scale of justice evenly. It is also important that people believe that judges are committed to deciding cases of all kinds, regardless of the identity of the parties, fairly and according to law."

The late Tun Suffian in his Braddel Memorial Lecture in 1982, could not have summed it up any better when he professed, "In a multi-racial and multi religious society like yours and mine, while we judges cannot help being Malay or Chinese or Indian; or being Muslim or Buddhist or Hindu or whatever, we strive not to be too identified with any particular race or religion – so that nobody reading our judgment with our name deleted could with confidence identify our race or religion, and so that the various communities, especially minority communities, are assured that we will not allow their rights to be trampled underfoot."

By involving sitting as well as retired Judges of eminence and integrity in the judging of the Competition the mooter is exposed to the names behind the personalities they only read of in law reports. In addition senior members of the Bar and general counsels from industry are also invited as judges of the Moot.

About the 17th LAWASIA International Moot 2022

It is with great pleasure that we, the LAWASIA International Moot Secretariat welcomes you all to the 17th anniversary of the LAWASIA International Moot Competition. A decade might not be very long time in the life of an organisation. However, during this short span, we have challenged the unchallenged and have travelled to various uncharted jurisdictions to deliver the LAWASIA International Moots along with the annual LAWASIA Conference. The LAWASIA International Moot Competition continues to bring mooting into the curriculum of law schools throughout the world and to serve as a platform for friendships to be forged. It has indeed been an enjoyable journey. Over 1,100 students have taken part in the LAWASIA International Moots and our alumni come from approximately 60 law schools from 30 different jurisdictions.

On our 16th Moot Competition last year, in light of the global pandemic, the LAWASIA Moot Secretariat made the decision to bring the Competition to a virtual platform. Whilst we may not be able to Meet, the Sharing and Learning continues! In this year's moot competition, students will be faced with a challenging problem with regards to International Dispute Resolution, Commercial Law and Contract Law. We look forward to seeing you virtually again this year!

Some Law Schools have yet to recognise the importance of mooting where it is considered an extracurricular activity confined to and organised by the student body. Such neglect cannot be allowed to continue if we are to raise the standards of our lawyers to meet the needs of a globalised world. We recognise that the constraints of individual Law Schools and for this reason the Committee would encourage all Law Schools not only to participate but hopes that its students would be encouraged to attend the Competition.

OUR PHILOSOPHY CHAIR LAWASIA MOOT STANDING COMMITTEE



MEET, SHARE + LEARN

We meet to uphold the time honoured values and principles of humanity and celebrate the sharing of knowledge and ideas, and of learning whilst embracing the diversities of the world we live in, believing that man's greatest moment is a moment in time of warm embrace and acceptance for his fellow human being.

Legal jurists have since the time of the second century formulated theories to explain, understand and sometimes to interpret and supplement the body of man's knowledge in relation to his view of the world. The Roman, Gaius articulated the "law of nations" as a law that is "common to all men". In 1625, Hugo Grotius further developed the "law common to all men" to include men of other faiths, the Muslims, Hindus, Jews and Chinese. Jeremy Bentham wrote the "Principles of International Law" in 1789 describing the foreigner oriented law. Immanuel Kant the great thinker and philosopher's concept of a republic linked to human rights, the right of nations and cosmopolitan law was instructive and even more so relevant today. The concept can be seen as a forerunner of the Universal Declaration of Human Rights, sharing with it the idea that some rights have a universal value no matter what one's political, social, cultural or religious leanings are.

The idea of an interdependent world re-emerged out of the ashes of destruction and devastation of the two World Wars in the Twentieth Century. With global interdependence gradually replacing the ideological and political struggles, Philip C Jessup in 1956 noted and recognized that the governance of human affairs could not be artificially confined and restrained by artificial boundaries of political states. He had conceptualized a new framework in the study of inter-state relationships which he termed "transnational law". It was to include all rules, norms or customs which regulates actions or events of all actors, relationships between states, relationships between state and non-state actors, public and private international law, of domestic and international law dichotomy that transcends national frontiers. It embraced a wider and more comprehensive world view of global human interaction, of business, and commercial; of constitutional, administrative, and political affairs; of litigation and negotiation; and of human rights, public interest and civil rights.

In the last fifty or so years saw the creation of various permanent and semi permanent international tribunals created by international treaties or by international agencies of world bodies to adjudicate and settle the increasing conflict between the various actors brought about by the ever increasing human interaction across national borders. Parallel to this development was the establishment of international and regional arbitral centers which catered to the private commercial disputes of business. This rapid interdependency expedited by technological advances gave birth to an era which we now termed as "Globalization" which had and continues to significantly change the nature of these challenges. Even as such advancement and optimization of global networks be they financial markets or global supply chains create opportunity it is equally susceptible to crises.

In 1960, Sirimavo Bandaranaike became the world's first woman Prime Minister in an unprecedented Sri Lankan election which was made all the more incredulous being a male dominated society. Not long thereafter, Neil Armstrong becomes the first man to walk on the moon in 1969 bearing testimony to the final frontier. The fall of Saigon in 1975 marked the end of the Vietnam War. Hong Kong reverted back to China in 1997 after 156 years under British control. 1989 saw one of the greatest pro-democracy rallies in Tianan Men Square which shocked the world at large. Following that, Nelson Mandela, after serving 27 long years behind bars was finally released in 1990 and became the first black President of South Africa. Apollo 13 was turned from the certainty of tragic human disaster by human values deeply rooted into the human mindset that tells us what is important. The mission was no longer about success. It was about something far more important: it was about caring for our fellow human beings. "Failure is not an option," Gene Kranz, lead flight director for Mission Control told his ground crew at Houston. The Berlin Wall falls in 1990 after separating Germany for more than a quarter of a century. In 1995 Microsoft released the Windows 95 operating system, Martina Hingis at 15 years 282 days became the youngest person in history to win at Wimbledon the following year. iMac is unveiled by Apple in 1998. In the same year the U.S. Embassies in Dar es Salaam, Tanzania and Nairobi, Kenya are bombed killing 224 people and Exxon acquires Mobil for US\$73.7 billion creating the largest company on planet Earth! The terrorist attack on the World Trade Centre takes place on September, 11th, 2001. The Asian Tsunami strikes on Boxing Day 2004 after a undersea earthquake measuring 9.3 on the Richter Scale. In 2009, a black man is elected to the highest office in arguably the world's only super power, unimaginable a generation ago. And we are now in the midst of the worst global financial and economic crisis since the Great Depression. Each and every event affects another human soul. In all its forms of human endeavors throughout history, achievements and challenges bring out the best and the worst of the human condition. The management of human interaction so crucial in a civilized world is made all the more important as the world becomes increasing closer.

The LAWASIA Moot Standing Committee recognizes the dependency of peoples and nations in an increasing complex and challenging global environment. Upholding the rule of law, equality and justice, equal opportunity and access for all, the environment, genocide, cultural and racial superiority, bigotry, dictatorships even benevolent ones and terrorism are some of challenges confronting us. We recognise that the law and civil institutions of democracy together with institutions of dispute resolution alone are not the answers to man's problems. A new generation of men and women sworn to uphold the cause of justice with character, faith, integrity and fortitude is the best hope we have. So we hope, without being naive that the world we live in will change as we choose to embrace change itself so that we might see change in the world. Gandhi so eloquently put it, "You must be the change you wish to see in the world."

The competition shall therefore not be limited to any particular area of the law or a specific international dispute resolution forum or mechanism but may be changed from year to year mirroring current global concerns. Similarly the forum shall accordingly reflect the selected area of law. The competition is not just about winning but of fulfilling one's potential. Of a voyage of self discovery, building bridges and forging relationships with every tongue and tribe remembering that we have been created equal.

We celebrate the global citizen whose common heritage, shared values and universal legacy that makes us human are intertwined like a cord of three strands that is not easily broken. We share in a common hope and of a common dream that man shall overcome every adversity and challenge against impossible odds with unyielding faith in our improbable quest to sow the seeds of a better tomorrow through legal education and the law. It is an opportunity for all of us who are bound together by a common and shared interest in the law to do the right thing for a future generation, for in them lies the seeds of our collective destiny.

Ours is the audacity to believe.

Raphael Tay

Chair

LAWASIA Moot Standing Committee

WELCOME MESSAGE CHIEF JUSTICE OF MALAYSIA



Judges frequently engage in a ‘Socratic’ dialogue with counsel as part of their quest for justice and the truth. Counsel, on the other hand, owe a duty to address the questions posed by the judges in a temperate language. It is for this reason that advocacy skills become the foundation of every successful lawyer. In tandem with their profound knowledge of the law, a skilful advocate is one who is able to navigate their submissions to adapt spontaneously to any implicit or explicit concerns posed by the judges.

The advocates’ skills, common sense, courage, tact and eloquence to answer the most important issues are virtues that assist the judges in their decision-making process. These skills may be harnessed through practical learning and experiences including mootings. A moot competition such as LAWASIA is an excellent conduit for students and aspiring advocates to inculcate advocacy skills and critical thinking that may be useful as they enter into the realm of advocacy.

As we march through the endemic stage of Covid-19, the Malaysian Judiciary continues to take precautionary measures to ensure that proceedings run smoothly and safely. We have bolstered our efforts to digitalise court processes and we have adapted to online hearings, which are more productive, cost-effective and ecologically friendly. I am most certain that this will be our new normal and I hope LAWASIA will continue to embrace technology, to prepare aspiring lawyers for the future of advocacy.

The theme for this year’s moot problem centres on arbitration in a transnational setting. The Malaysian Judiciary continues to support and acknowledge arbitration as a productive and independent alternative to litigation. The harmonious existence of the Courts and arbitration tribunals will no doubt enhance the delivery of justice and our common goal to uphold the Rule of Law.

I would like to congratulate the Organising Committee for holding the 17th instalment of this prestigious competition. To the mooters, I wish you a warm welcome and continued success for the 17th LAWASIA International Mooting Competition 2022. May the flame of advocacy and justice be kept ignited.

The Right Honourable Tun Tengku Maimun binti Tuan Mat
Chief Justice of Malaysia

MOOT PROBLEM 2022

THE BRASILENSIS SAGA

The Home State

1. The Democratic Union of Arkadia is a developing, newly industrialised nation located in Southeast Asia. A former British Colony and presently a member of the Commonwealth, Arkadia has one of the oldest and most complex tropical rainforest systems in the world which houses a plethora of flora and fauna and thence engendering a rich biodiversity. With its tropical climate which sees a regular rainfall of about 2000-2500mm per year and an average annual temperature of 26- 28 C, Arkadia is bestowed upon the optimal condition for planting rubber commercially on a wide scale. As Arkadia is situated on the volcanic belt, it is also home to the ancient Rolly Dolly Volcano, a spiralling volcano located approximately 350km south of Ažualas, the capital city of Arkadia.
2. As thick smokes belched out of the Rolly Dolly Volcano every year between July and September, the Arkadians would scale the slopes of the volcano to perform rituals and immolate animals as offerings to their deities. The Arkadians believe that the Rolly Dolly Volcano was created by the Arkadian Gods as a reminder to their symbiotic relationship with their land and the environment. As such, the Arkadians have always seen themselves as stewards to the land and display deep reverence for mother nature. According to a 2019 report by the International Monetary Fund (IMF), Arkadia has a GDP valued at USD467 billion which is contributed mainly by its rubber, tourism, and electronics industries.

The Host State

3. The Republic of Reka, is a mountainous transcontinental state located in Europe with altitudes ranging from 300m to almost 5,500m. Reka is home to the legendary Two Brothers - a duo of snowy mountains comprising of Mount Nubon and Mount Nugo which are two of the oldest mountains in the region. The Two Brothers is a popular tourist destination which is located approximately 257km north of Póli, the capital city of Reka. Reka is widely regarded as an economic powerhouse as they are the biggest oil producer and exporter, and they house the largest fossil fuel reserve in the world. According to a 2019 report by the International Monetary Fund (IMF), Reka has a GDP valued at USD2.6 trillion which is contributed mainly by its oil and gas exports.

The Arkadian Independence

4. In 1980, Arkadia gained independence from Great Britain and held its first-ever general election whereby Mr Genezisi Provoni, or more commonly referred to as Popo, was elected as Arkadia's first Prime Minister. In no time, Prime Minister Popo and his handpicked cabinet began drawing out a 30-year plan to develop the economy of Arkadia with particular focus on the rubber industry. In order to ensure that the 30-year plan is feasible and would be able to transform the Arkadian economy, Prime Minister Popo sought the assistance of his close friend, Mr Navod

Harrapari to contribute his ideas, knowledge and expertise in the development plan. As a backdrop, Mr Harrapari is a national of Malaysia whom Prime Minister Popo met whilst studying economics at Cambridge University back in 1970. Mr Harrapari is the son of a successful rice tycoon in Malaysia and was the director of PariPari Global Paddy Enterprise. He is known for his aristocratic style of leadership, quick decision-making and steadfast pursuit of excellence.

5. On July of 1981, through a joint effort by Arkadia's Ministry of Finance and Ministry of Agriculture, the Ministry of Agriculture Incorporated (MOAI) was established. The purpose of MOAI is to help develop the agriculture industry in Arkadia by allocating government funds directly to companies owned by MOAI. In the same year, Brasilensis Resources Corporation (BRC), a wholly-owned subsidiary of MOAI was established for the purposes of growing, harvesting, and manufacturing natural rubber. Mr Harrapari was appointed as the Chairman of the BRC by Prime Minister Popo. Despite some dissidence from within the conservative nationalist community in Akardia, Prime Minister Popo defended his decision as he believes that Mr Harrapari would be able to drive the leadership in the BRC and spearhead the development of the Arkadian rubber industry. Prime Minister Popo also trusts that Mr Harrapari's worldwide business and economic influence would be instrumental and necessary in helping the BRC to streamline its operations and investments in rubber related industries around the world.

The Genesis of the Arkadian-Rekan Ties

6. Later in the same year, Prime Minister Popo began forging diplomatic and economic relations with other States including Reka. The move to form an allegiance with Reka was a kick in the teeth for Arkadia's Commonwealth counterparts as Reka is notorious for its authoritarian rules, poor human rights record and involvement in several conflicts with its neighbouring countries. However, Prime Minister Popo had a different view. In a live interview with The Leugen, Arkadia's local news agency, Prime Minister Popo considers it to be strategic and beneficial to have friendly relations with Reka. *'To each their own. I do not wish to dictate how another State should run its operations and hope my decisions would be mutually respected,'* said Prime Minister Popo. His statement received plenty of support from the newly elected President of Reka, Ms Feodora Romanoff who is also the youngest to be elected to the presidential office.
7. On 8.8.1982, Prime Minister Popo and the representatives from Arkadia's Ministry of Foreign Affairs made an official visit to Reka. This was Arkadia's first official visit to a foreign state. Prime Minister Popo's visit to Reka was welcomed with open arms as they were the first Commonwealth nation to have made international relations with Reka during the cold war. During the official visit, the discussion between Prime Minister Popo and President Romanoff touched on building stronger diplomatic relations, cross border investments, tax protection and discount, environmental and human rights commitments, and military support. Subsequently, Prime Minister Popo and President Romanoff signed a Memorandum of Understanding (MOU) that sets out in detail a 5-point commitment agreed between both countries.

8. Arkadia and Reka acceded to the General Agreement on Tariffs and Trade (GATT) in 1984 and 1986 respectively. In 1995, both countries became original members of the World Trade Organization (WTO) and were automatically bound by the General Agreement on Trade in Services (GATS).

The 21st Century: Arkadian Economic Prosperity

9. By the start of the 21st century, Arkadia had already become the leading producer and exporter of natural rubber. In 2009, Arkadia exported over USD4.2 billion worth of natural rubber to the global market, representing nearly 31% of the world's total rubber exports in that year. According to an article published in the European Rubber Journal (ERJ), Arkadia's remarkable growth and capitalisation of the global rubber market are contributed by an interplay of several important factors such as its tropical climate and the success of the BRC which had grown into an international conglomerate, landing itself on Forbes Fortune 500 in 2010. The ERJ article also credited Arkadia's rapid advancement to its highly innovative R&D program conducted at the Arkadian National Rubber Institute (ANRI), a state-of-the-art research facility located in Ažuolas which utilises Artificial Intelligence (AI) technology.
10. Reka on the hand, continues to benefit from its friendly relations with Arkadia as they are able to import high-quality natural rubber from Arkadia at a lower price compared to other nations.
11. In 2011, President Romanoff and Prime Minister Popo attended the 17th United Nations Climate Change Conference (UNFCCC) parties meeting (COP 17) in Durban, South Africa. They were there from the 28th of November to the 9th of December to participate in a discussion concerning climate change. After one of the meetings, President Romanoff invited Prime Minister Popo for an impromptu lunch. During their lunch table conversation, President Romanoff brought up the idea of a joint partnership between Arkadia and Reka to develop a rubber manufacturing industry in Reka. President Romanoff believed that the industrial expertise and skills of Arkadia will be of assistance to Reka in its efforts to develop its own rubber industry which would ultimately benefit the Rekan military as it relies on natural rubber supplies to manufacture tyres for, among others, its trucks, tanks, and aircrafts. Given that Reka had provided military support to Arkadia during its early developments and financial support towards Arkadia's goal of expanding its rubber monopoly, Prime Minister Popo happily agreed to the partnership but cautioned that, *'the welfare of any Arkadian people and its companies in Reka should never be compromised'*. President Romanoff responded with a smile.

The Arkadia-Reka BIT

12. In early 2012, while Arkadia and Reka were in the midst of finalising the Arkadia-Reka Bilateral Investment Treaty (BIT), news reports of a border conflict occurring at the Golden Line began surfacing. The Golden Line is the border between Reka and its neighbouring country, Aprósia. It was reported that the border conflict could

have risen due to Reka's unwavering ambition of wanting to rebuild the remnants of the Kingdom of Namek, which was formerly made up of Reka, Aprósia and the other Namekian States. The United Nations Secretary-General had warned that the border conflict would most likely escalate into an armed conflict if Reka refuses to de-escalate its military presence along the Golden Line. Many Arkadian people took to Facebook to voice their dissatisfaction against Arkadia entering into an investment partnership with Reka. In view of that and also the fact that the general elections will take place in the same year, Prime Minister Popo decided to postpone the signing of the BIT to a later date until coverage of the situation at the Golden Line softens.

13. Prime Minister Popo did not comment directly on the Golden Line conflict but did make statements ensuring the people of Arkadia that his government's human rights obligations are respected and complied with at all times. Despite that, the establishment of a rubber company in Reka could not be deferred due to several regulatory requirements. Hence, on 17.3.2012, Ambicios Brasiliensis Elastica Pty Ltd (ABE) was incorporated in Reka for the purpose of manufacturing rubber products namely gloves and tyres. The BRC owns 62% of the shares in ABE whereas Ms Nwantiti Harrapari, the daughter and the sole heir of Mr Navod Harrapari owns the remaining 38%. ABE immediately began its operations.
14. On 1.8.2012, the Arkadia-Reka BIT was finally signed at Ažuolas. Immediately after the signing of the Arkadia-Reka BIT, a joint statement was issued by both countries explaining the underlying purpose of the BIT – to create economic incentives for Arkadian entities to invest their money, skill, and expertise in order to assist in the development of Reka's rubber industry. It was also explained that the BIT will provide protection and tax incentives for foreign investments.
15. An independent international investment report was quoted as saying that the Arkadia-Reka BIT is one of the most sophisticated BIT as it covers the parties' WTO-related obligations, tax and investment protection, environmental obligations as well as the commitment between both countries in developing the rubber industry. Mr Harrapari played a huge role in the formalisation of the Arkadia-Reka BIT, as he managed to convince both parties to select the Kuala Lumpur Regional Centre for Arbitration (KLRC) as the place of arbitration and London as the seat of arbitration.

A Breath of Fresh Air

16. On 14.9.2012, Prime Minister Popo announced his retirement as Prime Minister of Arkadia thereby ending his political career of over 40 years. Three months later, in December 2012, after a closely fought general elections, Mr Stoppica Oorlog was sworn in as the second Prime Minister of Arkadia. Prime Minister Oorlog is a self-proclaimed human rights activist and had on numerous occasions voiced out publicly against Reka's involvement in border conflicts with its neighbouring countries on his Instagram Story and Twitter. After his appointment, a local Rekan newspaper outlet reported that Prime Minister Oorlog's rise to power was not well received by certain members of President Romanoff's administration and that it may threaten the diplomatic relations between the two countries.

17. In July 2013, President Feodora Romanoff stepped down due to health reasons and made way for a presidential election. By a landslide, Mr R Rogers was elected as the new President of Reka. President R Rogers was Reka's former Minister of Defence. He is known to be a staunch nationalist and would not hesitate to take any steps necessary to protect Reka and preserve its interests. At the Rekan Presidential Inaugural Address, President R Rogers gave his speech and said *'I do solemnly swear that I will faithfully execute the Office of President of the Republic of Reka and I will, to the best of my ability preserve, protect, defend and regain our past glory. Make Reka Great Again!'*
18. Ever since ABE was established, the company has seen meteoric financial growth. By the spring of 2015, ABE has about 100 active employees and it was reported that ABE has a turnover of USD1.74 billion for the financial year ending 2014.

The Discovery of the Purple Synthose

19. On 1.3.2016, the Reka Institute of Innovation and Technology (RIIT), which is a state-funded entity, announced a ground-breaking discovery which is the invention of a synthetic rubber known as Purple Synthose. According to the RIIT, the Purple Synthose was produced through the polymerisation of the monomer 1, 7-synthione. The RIIT also announced that with proper research and development in place, Purple Synthose has the potential to replace Reka's reliance on natural rubber in less than a decade especially since Purple Synthose's primary component is derived from petroleum extract which is available in abundance in Reka.
20. Three months later, Dr Vooni who is the Director of the RIIT published an article entitled *"Purple Synthose: The Future of Rubber Worldwide"*, where she suggested that natural rubber be replaced by Purple Synthose as it is more durable, has better temperature and abrasion resistance, and is inexpensive to produce. Dr Vooni also stated that Purple Synthose would be suitable for making surgical gloves and tyres. President Rogers celebrated the idea but was advised against pursuing the idea in haste having regards to the friendly relations with Arkadia.

Facanha

21. Towards the end of 2017, Arkadia, together with the assistance of Ms Nwantiti expanded its rubber industry and the BRC's influence to the People's Republic of Facanha. The BRC and Ms Nwantiti then set up a company in Facanha known as the Facanha Rubber Company (FRC). This time, Ms Nwantiti was made the majority shareholder allowing her to have absolute control over its subsidiary in Facanha. The natural rubber harvested in Facanha would be exported to other countries including Reka.
22. Sometime in mid-2018, reports of Reka engaging in armed conflicts and funding insurgencies in neighbouring nations surfaced particularly at the Golden Line. Prime Minister Oorlog when asked during a live interview with a local news agency refused to comment on the Golden Line conflict directly. He however made several statements on his Facebook and LinkedIn ensuring the people of Arkadia that the

country's international human rights obligations are respected and that 'Arkadia would not tolerate any form of war'.

23. A few days later, whilst President Rogers was walking into the presidential office for a security meeting, a small group of protestors heckled him with "Stop War!" chants. In that moment, President Rogers was caught on camera telling his deputy *'there is nothing to shout about'*.

Difficult Times

24. Towards the end of 2019, a deadly virus originating from the Island of Choroba, terrorised the entire world. The virus, known as Beebop-19, is a direct disease transmission which spreads through direct contact with an infected person. The microbes are passed from one to the other through the palms and can also be transmitted by indirect contact with an infected person's personal items. The noticeable symptoms include lesions and rashes appearing on the palms of the infected person. The Beebop-19 disease is highly infectious and deadly. It has pushed countries around the world to go into complete lockdown. Businesses around the world were therefore disrupted as everyone had to remain indoors.
25. Large scale research around the world began taking place with many attempts to establish barriers to decrease or eliminate the microbe in the environment. A month later, researchers found that the best way to interrupt and slow down the transmission of Beebop-19 was through the wearing of protective gloves. After countless clinical trials, gloving was proved to be effective at preventing the transmission of Beebop-19. Following this discovery, the demand for protective rubber gloves surged at a phenomenal rate.
26. By March 2020, the phenomenal surge in rubber demand has caused a global shortage of natural rubber supply. Following that, the Governor of Arkadia's Central Bank warned the Oorlog's administration not to be *'too happy since we might just run out of latex. Don't forget, Arkadia's economy is mostly reliant on its rubber industry, hence any disruption to it could bring dire effect on its economy as a whole'*. Recognising the high global demand for its rubber gloves, Prime Minister Oorlog imposed a restriction on the overall production of its rubber gloves and increased their prices.
27. Around the same time, an independent global campaigning network, GreenIsGood noticed a sharp increase in natural rubber production in Arkadia. In a statement issued by GreenIsGood, it was stated that *'the intensive tapping by Arkadia to extract higher latex yields may be unsustainable and could shorten the lifespan of rubber trees. Intensified tapping may be destructive to its environment. We hope that Arkadia maintains an environmental friendly conduct to prevent a lasting impact on the environment'*.

Make or Break

28. The shortage of natural rubber supply proves to be a big problem for Reka as thousands of people are dying due to the virus. Alarmed with the catastrophe that may befall Reka, President Rogers immediately instructed RIIT to pursue the production of synthetic rubber gloves. Despite RIIT's warnings that there will be production, research and financial constraints to manufacture the synthetic rubber gloves in a short amount of time, President Rogers pledged that Reka will do whatever it takes to ensure its people are equipped with the proper medical tool to fight the disease. RIIT proceeded to produce the synthetic rubber gloves despite being only at its early stages of research. Following this, Arkadia's Minister of Agriculture requested President Rogers to reconsider such a *"hasty move"* as it will hurt the relationship between the two nations.
29. President Rogers' decision quickly proved to be successful as they were able to mass produce the synthetic rubber gloves for its people. Reka took that opportunity to export its manufactured gloves to other countries at an affordable price.
30. Within months, the sudden switch had caused the ABE and Arkadia to suffer huge financial losses resulting in shortage of funds to combat the deadly Beebop-19 virus. This is especially since all other sectors were down or if at all, operating at the bare minimum.

Breaking Point

31. On 9.11.2020, the conflict between Aprósia and Reka came to a breaking point. Following that, President Rogers declared a special military operation in Aprósia and invaded Aprósia. The world leaders including the UN Human Rights Committee strongly condemned Reka's invasion of Aprósia. After being pressed by opposition parties in the Arkadian Parliament, Prime Minister Oorlog issued a statement and criticised Reka's full-scale military intervention in Arkadia.
32. The participation of Prime Minister Oorlog in the string of criticisms against Reka's invasion was supported by other states and has resulted in several countries around the world imposing sanctions against Rekan imports. Angered at the purported betrayal of friendship, thousands of Rekans demonstrated outside of the Arkadian embassy in Reka. With sanctions coming from all corners, Reka had started to feel the impact of its decision.
33. Despite the initial high demand for its synthetic rubber gloves, sometime in January 2021, Reka began to suffer massive financial loss due to the worldwide boycott. President Rogers accused the Arkadian government of retaliating in pure jealousy due to the exigencies of its synthetic rubber gloves that has caused financial constraints on Arkadia.

34. The financial difficulties faced by Reka have resulted in the shutting down of businesses, unsustainable bank moratoriums and high unemployment rate. Following this, the Rekan government established a Task Force comprising of highly qualified Ministers from President Rogers' administration to come up with solutions to resolve the financial crisis plundering Reka.
35. After thorough investigation, the Rekan Task Force found that there are some irregularities in relation to Rekan's taxation system. A paper was tabled in the Rekan Parliament showing how foreign companies took advantage of the tax loophole and paid lesser taxes compared to the local Rekan companies. The report was later leaked by an unknown government official to the press. The leaked report stated that between 2012 and 2021, the earnings made by foreign companies like ABE were astronomical and unlawful. This discovery has sparked an unnecessary outcry among the Rekans.
36. Three months later, in a sudden turn of events, Reka announced that it will impose a retrospective windfall tax, going back as far as 2017, against all foreign companies in Reka. Hours later, President Rogers tweeted a cryptic message on Twitter *'life is tough, people are dying and yet they are reaping our soil. "Dobby" has disrespected the hand that fed him before...simply ugly'*. After assessments were made by the Rekan revenue authorities, a tax assessment of USD5.7 billion was imposed on ABE.
37. As Arkadia only began to gradually return to a semblance of normalcy at that time, neither ABE nor BRC was able to finance or provide bailouts on the tax imposed. The Chairman of the BRC also turned to Ms Nwantiti for financial assistance but to no avail. Ms Nwantiti simply said the fine was just too much for them to bear. This resulted in the Rekan revenue authorities initiating winding-up proceedings against ABE in July 2021. On the same day, the Chairman of BRC wrote to Prime Minister Oorlong requesting that the Government of Arkadia intervene to protect Arkadian's pride and interest.

Initiation of WTO Proceedings

38. In August 2021, whilst the winding-up proceedings were ongoing, Arkadia had formally requested consultations with Reka pursuant to Articles 1 and 4 of the Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU) of the WTO. Government officials from both countries met but were unable to resolve the dispute amicably. Arkadia then requested the establishment of a panel pursuant to Article 6.2 of the DSU on the basis that the tax assessments were a protectionist form of trade restriction.
39. During the same period, ABE's litigation team applied for a stay of the winding-up proceedings on the basis that the WTO proceedings were ongoing but were rejected by the High Court of Reka. ABE's litigation team then appealed to the Court of Appeal and subsequently to the Reka's Supreme Court of Justice but to no avail. Not long after, ABE was wound-up and its assets were put on auctioned by the Rekan Government.

40. In a surprise move, the auctioned ABE was later acquired by Synthose Corporation, an entity wholly owned by the RIIT. Synthose Corporation was established back in May 2020 as a result of the then high demand for protective gloves.
41. Dissatisfied, BRC Chairman immediately posted on his personal Facebook page stating that the BRC, being a majority shareholder, was duly affected by the acquisition of the ABE by Synthose corporation. He said *'This is an abomination and a day light robbery of Arkadian assets and investments'*. A follower of his Facebook account then commented on his post asking if the BRC is going to take any actions. BRC Chairman responded to the comment by saying *'still thinking about it'* but later deleted the comment.
42. In September 2021, The Pacific Times, an international and independent group of journalists had reported that the high demand for rubber gloves had pushed Arkadia to impose aggressive measures to mass produce raw materials necessary for the production of protective gloves. It was reported by at least 2 other news portals that such mass production in Arkadia have left a massive wound on its natural tropical rainforest. Following that, the European Union (EU) announced that they are investigating such discouraging treatment and will contemplate banning natural rubber imports from Arkadia. The announcement by EU caused panic within Arkadia as a ban would certainly plunge the BRC and Arkadia into further financial crisis.
43. Following the publications of the reports and announcement by the EU, an estimate of 500 Arkadian rubber tappers gathered at the Rolly Dolly Volcano to protest against the harm done on its environment. The spokesperson, Mr Deyh said that the injury caused to the tropical rainforest would anger the Arkadian Gods and could lead to an eruption of the Rolly Dolly Volcano. As such, Mr Deyh made a public call that *'the Arkadians should never forget its roots and the symbiosis between the Arkadians and the environment. May God help us all...'*

Initiation of AIAC Proceedings

44. Subsequently, in December 2021, the BRC invoked Article 9 of the Arkadia-Reka BIT to initiate arbitration proceedings against the Government of Reka at the Asian International Arbitration Centre (AIAC) which replaced the KLRCA in 2018. The BRC had paid the security deposits and the necessary fees under the AIAC Rules 2021 to the AIAC. The BRC claimed, *inter alia*, for the following:
 - a) That the imposition of retrospective tax assessment against ABE is an unlawful expropriation of BRC's asset;
 - b) In any event, the imposition of retrospective tax assessment against ABE is a discriminatory practice, not in conformity with Reka's national treatment obligations and in breach of the fair and equitable treatment principle under the Arkadia-Reka BIT;
 - c) A total of USD45 billion in damages and loss of future profits be paid due to the imposition of such retrospective tax.

45. President Rogers publicly objected to the institution of arbitration by the BRC stating that there is a parallel proceeding wherein the matter is being heard before the WTO and BRC's act of initiating the arbitration is a form of forum shopping and an attempt to reap Reka's finances in a bid to counter a potential financial crisis.
46. In response to Arkadia's claim, Reka stated as follows:
 - a) That the Arbitral Tribunal has no jurisdiction to adjudicate over the matter as a similar claim of similar nature is pending before the WTO where jurisdiction is compulsory;
 - b) That the imposition of retrospective tax assessment does not constitute an unlawful expropriation of BRC's assets. If at all, such imposition is justified.
47. In a brief response, the BRC stated that the Arkadia-Reka BIT was designed to protect the interest of Arkadian companies such as the ABE. For that reason, the Arbitral Tribunal should have jurisdiction to hear the matter.
48. In February 2022, in light of EU's potential ban, Reka was preparing a joinder application to join Ms Nwantiti as a party to the proceeding. However, a poison letter was released by a former employee at the FRC alleging Ms Nwantiti had been involved in a series of corrupt practices and abuse of powers. Ms Nwantiti was also alleged to have used her position as Chairman of the company to sexually harass her subordinates at the company. Not long after, Ms Nwantiti was arrested by the authorities in Facanha. She was later implicated in a tax evasion case and a worldwide Mareva Injunction was granted by the Facanha King's Court pending full and final determination of her case.
49. In view of the circumstances, on 12.2.2022, Reka instead applied to join Arkadia as a party to the arbitration proceedings on the basis that BRC would not be able to finance itself due to the losses it had already suffered and the imminent loss due to a potential ban by the EU. There were rumours going around on TikTok that the joinder application was just a delay tactic deployed by Reka in hopes that the proceeding before the WTO will be concluded and the ban by the EU will quickly materialise thereby leaving the BRC with no choice but to withdraw from the arbitration. President Rogers then issued a statement denying that rumour and also said that Reka cannot be liable as the retrospective windfall tax was necessary to safeguard its security and national interest.

The End Game

50. Pursuant to Article 9 of the Arkadia-Reka BIT and the AIAC Rules 2021, a panel was constituted at the Asian International Arbitration Centre (AIAC). For the Hearing, Parties are requested to present arguments on the following issues:
- I. Whether the Arbitral Tribunal has jurisdiction to adjudicate over the BRC's claims following the proceeding before the WTO;
 - II. Whether Arbitral Tribunal should grant Reka's request to join Arkadia as a party to the proceeding;
 - III. Whether Reka's imposition of retrospective tax assessment constitute an unlawful expropriation of BRC's assets and inconsistent with Reka's obligations under the Arkadia-Reka BIT; and
 - IV. Whether Reka's imposition of retrospective tax assessment is justified to safeguard its national and security interest.

BILATERAL INVESTMENT TREATY

BETWEEN

THE DEMOCRATIC UNION OF ARKADIA

AND

THE REPUBLIC OF REKA

dated this

1st August 2012

PREAMBLE

The Government of Arkadia and the Government of Reka (hereinafter referred to as "the Parties"),

REINFORCING the longstanding traditional ties of friendship and cooperation between them;

BUILDING on their respective rights and obligations under the Marrakesh Agreement Establishing the World Trade Organization and its Covered Agreements, and other multilateral, regional and bilateral agreements to which they are both parties;

RECOGNISING the important role and contribution of business and the need to further promote and facilitate cooperation and utilisation of the greater business opportunities provided by this Agreement;

UPHOLDING the need to protect against climate change and to safeguard the environment in line with the UN Framework Convention on Climate Change (UNFCCC) and its Paris Agreement, and the Convention on Biological Diversity (CBD);

SEEKING to establish clear and mutually advantageous rules governing their trade of goods and services and further liberalise and expand bilateral trade and investment;

PROMOTING a transparent business environment that will assist enterprises in planning effectively and using resources efficiently;

Have agreed as follows:

Article 1

Objectives and Scope of Application

1. The objectives of this BIT are to promote closer integration between the economies of the Parties through:
 - (a) the reduction and/or elimination of customs duties on trade in goods between the Parties;
 - (b) the establishment of multilateral framework of principles and rules for trade in goods and services with a view to the expansion of such trade under conditions of transparency;
 - (c) facilitating trade in goods and services between the Parties;
 - (d) promoting economic corporation, partnership and growth of all Parties.
2. To protect the interests of both Parties and their respective investor(s).

3. For the avoidance of doubt, the obligations stated therein shall be enforceable by the investor(s) of the Contracting Parties or the Contracting Parties themselves as against one another.

Article 2

Fairness and Transparency

1. Each Contracting Party shall ensure that its laws, regulations, judicial decisions, policies, procedures, and administrative rulings of general application with respect to any matter covered by this BIT are promptly published or made available in such a manner as to enable interested persons and the other Contracting Party to become acquainted with them. Whenever possible, such instruments will be made available through the internet in English.
2. Each Contracting Party undertakes to implement its laws, regulations, judicial decisions, policies, procedures, and administrative rulings of general application in a fair, reasonable, just and transparent manner.

Article 3

Rule of law

1. The Contracting Parties shall guarantee the principles of good administrative behaviour, such as consistency, impartiality, independence, openness and transparency, in all issues that relate to the scope and aim of this BIT.
2. Each Contracting Party shall ensure that investor(s) have access to effective mechanisms of dispute resolution and enforcement, such as judicial, quasi-judicial or administrative tribunals or procedures for the purpose of prompt review, which mechanisms should be fair, impartial, independent, transparent and based on the rule of law.
3. As part of their duty to protect against business-related human rights abuse, the Contracting Parties must take appropriate steps to ensure, through judicial, administrative, legislative or other appropriate means, that when such abuses occur within their territory and/or jurisdiction, those affected have access to effective remedy. These mechanisms should be fair, impartial, independent, transparent and based on the rule of law.

Article 4

Expropriation

1. Neither Contracting Party shall nationalize or take any other measures depriving, directly or indirectly, the investor(s) of the other Contracting Party of their investments, unless the following conditions are complied with:

- (a) the measure is taken in the public interest;
 - (b) the measure is taken under due process of law;
 - (c) the measure is taken in a non-discriminatory manner; and
 - (d) the measure is taken against prompt, adequate and effective compensation.
- 2. Direct expropriation occurs when an investment is nationalised or otherwise directly taken through formal transfer of title or outright seizure.
- 3. Indirect expropriation occurs if a measure or a series of measures of a Contracting Party has an effect equivalent to direct expropriation, in that it substantially deprives the investor of the fundamental attributes of property in its investment, including the right to use, enjoy and dispose of its investment, without formal transfer of title or outright seizure.
- 4. The determination of whether a measure or a series of measures by a Contracting Party, in a specific factual situation, constitutes an indirect expropriation requires a case-by-case, fact-based inquiry that considers, amongst other factors:
 - (a) the economic impact of the measure or series of measures, although the sole fact that a measure or a series of measures of a Contracting Party has an adverse effect on the economic value of an investment does not establish that an indirect expropriation has occurred;
 - (b) the duration of the measure or series of measures by a Contracting Party; and
 - (c) the character of the measure or series of measures, notably their object and context.
- 5. The affected investor(s) or its Home State shall have the right, under the law of the expropriating Contracting Party, to a prompt review of its claim and of the valuation of its investment, by a judicial or other independent authority of that Contracting Party, in accordance with the principles set out in this Article.
- 6. Except in the rare circumstance when the impact of a measure or series of measures is so severe in light of its purpose that it appears manifestly excessive, non-discriminatory measures of a Contracting Party that are designed and applied in good faith to protect legitimate public interests, such as the protection of public health, safety, environment or public morals, social or consumer protection or promotion and protection of cultural diversity, do not constitute indirect expropriations.

7. This Article does not apply to the issuance of compulsory licences granted in relation to intellectual property rights, to the extent that such issuance is consistent with the Agreement on Trade-Related Aspects of Intellectual Property Rights in Annex 1C to the WTO Agreements.

Article 5 **National Treatment**

Each Party shall accord to investor(s) of the other Party, and covered investments, in relation to the establishment, acquisition, expansion, management, conduct, operation, and sale or other disposition of investments in its territory, treatment that is no less favourable than that it accords, in like circumstances, to its own investors and investments.

Article 6 **Most-Favoured-Nation Treatment**

Each Party shall accord to investors of the other Party, and covered investments, in relation to the establishment, acquisition, expansion, management, conduct, operation, and sale or other disposition of investments in its territory, treatment no less favourable than that it accords, in like circumstances, to investors and investments in its territory of investors of any non-Party.

Article 7 **Minimum Standard of Treatment**

1. Each Party shall accord:
 - (a) "fair and equitable treatment" requires each Party not to deny justice in any legal or administrative proceedings;
 - (b) "full protection and security" requires each Party to take such measures as may be reasonably necessary to ensure the physical protection and security of the investment; and
 - (c) the concepts of "fair and equitable treatment" and "full protection and security" do not require treatment in addition to or beyond that which is required under customary international law, and do not create additional substantive rights.
2. A determination that there has been a breach of a separate international agreement, does not establish that there has been a breach of this BIT.

Article 8

Security Exceptions

Nothing in this BIT shall be construed:

- (a) to require a Party to furnish any information, the disclosure of which it considers contrary to its essential security interest;
- (b) to prevent a Party from taking any action which it considers necessary for the protection of its essential security interest;
- (c) to prevent a Party from taking any action in pursuance of its obligations under the United Nations Charter for the maintenance of international peace and security.

Article 9

Request for Establishment of Arbitral Tribunals

- 1. The Complaining Party may request the establishment of an arbitral tribunal to consider a dispute arising under this BIT.
- 2. Where a request is made pursuant to paragraph 1, an arbitral tribunal shall be established in accordance with Article 10 (Establishment and Reconvening of Arbitral Tribunals).
- 3. Any dispute arising out of or in connection with this BIT, including any question regarding its existence, validity or termination shall be referred to and finally resolved by arbitration administered by the Kuala Lumpur Regional Centre for Arbitration (KLRCA) in accordance with the rules of the institution as when the request is made.
- 4. The seat of the arbitration shall be Sydney, Australia.
- 5. The language of the arbitration shall be English.

Article 10

Establishment of Arbitral Tribunals

- 1. An arbitral tribunal requested pursuant to Article 9 (Request for Establishment of Arbitral Tribunals) shall be established in accordance with this Article.
- 2. Unless the Parties otherwise agree, the arbitral tribunal shall consist of three arbitrators.

3. All arbitrators shall:
- (a) have expertise or experience in law, international trade, other matters covered by this BIT, or the resolution of disputes arising under international trade agreements;
 - (b) be chosen strictly on the basis of objectivity, reliability, and sound judgement;
 - (c) be independent of, and not be affiliated with or take instructions from, either Party;
 - (d) not have dealt with the matter in any capacity; and
 - (e) disclose to the Parties, information which may give rise to justifiable doubts as to their independence or impartiality.
4. Unless the Parties otherwise agree, arbitrators shall not be nationals of a Party. In addition, the chair of the arbitral tribunal shall not have his or her usual place of residence in the territory of a Party.

Article 11 Confidentiality

Unless otherwise provided in this Agreement, each Party shall undertake, in accordance with its laws and regulations, to observe the confidentiality of information provided by the other Party.

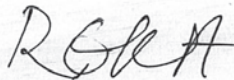
Article 12 Amendments

The Parties may agree, in writing, to amend this Agreement. An amendment shall enter into force after the Parties exchange written notifications certifying that they have completed their respective applicable legal requirements and procedures and on such date as the Parties may agree.

IN WITNESS WHEREOF, the undersigned, being duly authorised by their respective Governments, have signed this BIT.



For the Government of Arkadia



For the Government of Reka

CORRECTIONS AND CLARIFICATIONS TO THE MOOT PROBLEM

CORRECTIONS

1. In paragraph 15, at the last sentence, it should be read as: '...as the place of arbitration and **Sydney** as the seat of arbitration.'
2. In paragraph 21, at the fifth line, it should be read as: '...have absolute control over **BRC's** subsidiary in Facanha.'
3. In paragraph 31, at the last line of the last sentence, it should be read as: '...issued a statement and criticised Reka's full-scale military intervention in **Aprósia**.'
4. In paragraph 46, it should be read as: 'In response to **BRC's** claim, Reka stated as follows:...''

CLARIFICATIONS

1. **Is it possible to provide a list of relevant treaties in which both parties are signatories?**

At all material times, Arkadia and Reka have been parties to the Charter of the United Nations and the Vienna Convention on the Law of Treaties. They are not parties to any other treaty or convention of potential relevance in The Brasilensis Saga besides those specified in the Moot Problem.

2. **At paragraph 7, does the MOU has any relation to the BIT?**

The MOU was signed to signify and establish the relationship between Arkadia and Reka. It was also a form of acknowledgement of the sovereignty of each state.

3. **At paragraph 14, what were the foreign investors' tax obligations under the BIT?**

Please refer to the Arkadia-Reka BIT.

4. **At paragraph 35, what caused the 'irregularities' in Reka's taxation system?**

Reka could not disclose the reason which caused the irregularities in its taxation system as all investigation papers, and related reports and documents were classified as "Official Secrets" under Reka's Official Secrets Act 1998. Nonetheless, one chapter of the report was leaked to the press. According to the leaked report, the irregularities were due to a loophole in Reka's taxation system.

It was leaked that a number of foreign companies took advantage of the loophole. However, the amount of tax that was supposedly payable by ABE was the largest. It was also stated in the leaked report that there was a complaint by one ABE employee who overheard its senior executive thanking an officer from the Rekan Revenue Board in his office. The ABE employee suspected that there was foul play involved since the senior executive was always praised by other executives for his good relationship with the Rekan Revenue Board.

After the report was leaked, Arkadia's Minister of Finance questioned the legitimacy of the Task Force and the truthfulness of the report, framing the entire tax operation as a form of *'tax terrorism'*.

5. At paragraph 36, how were the tax assessments calculated?

The tax assessments included the amount of unpaid taxes, penalties and fines imposable under the Rekan Revenue Law.

6. At paragraph 39, why was ABE's application for a stay of the winding-up proceedings rejected by Reka's High Court and Supreme Court?

According to the judgment of the Supreme Court of Reka, ABE had not shown that there exist any special circumstances warranting a stay.

7. At paragraph 38, WTO proceedings were initiated. Are there any updates concerning the WTO proceeding? Mainly whether the arbitration proceedings are concurrent or subsequent to the WTO proceedings?

The WTO proceedings were suspended on 2 occasions where the panel members were infected by the Beebop-19 virus. Due to the severity of the Beebop-19 virus, both the panel members had to undergo intensive care to recover. It was conveyed to Arkadia and Reka that the incidents that took place were unforeseeable and unavoidable.

8. At paragraphs 39 and 40, was BRC involved in the winding-up proceedings and subsequent liquidation of ABE?

BRC was not directly involved in the winding-up proceedings and subsequent liquidation of ABE. Nonetheless, starting mid-2021, there was constant communication between Navod and Nwantiti unlike before. Nwantiti kept asking her father for advice on the situation.

9. **At paragraph 42, the European Union was mentioned. Is Reka part of the EU?**

Reka is not part of the EU.

10. **At paragraph 48, are Ms Nwantiti's 'series of corrupt practices and abuse of powers' related to ABE taking advantage of the tax loophole in Reka?**

Based on the court papers filed at the Facanha King's Court, the charges were limited to Ms Nwantiti's misconduct in FRC. There were no investigations as to such conduct in ABE.

11. **At paragraph 49, what 'security and national interest' is President Rogers referring to?**

For parties to argue.

ADDITIONAL CLARIFICATIONS

1. **Pertaining to Clarification No. 1, are both countries party to the UN Framework Convention on Climate Change, the Paris Agreement, and the Convention on Biological Diversity?**

Yes. Both Arkadia and Reka are parties to the abovementioned treaties.

2. **Pertaining to Clarification No. 1, are Reka and Arkadia signatories to the New York Convention?**

Yes. Both Arkadia and Reka are parties to the New York Convention.

3. **Pertaining to Clarification No. 3, which provision of the BIT is being referred to?**

For parties to argue.

4. **Pertaining to Clarification No. 4, did the investigations on the tax irregularities in the Rekan taxation system, conducted by the Rekan Task Force, focus equally on tax loopholes abused by both domestic and foreign companies?**

Investigations were also conducted against local companies in Reka.

5. **Pertaining to Clarification No. 4, did the investigators find any local Rekan company that took advantage of the tax loophole? If there were local companies that took advantage of the tax loophole, was the retrospective tax assessment imposed on those local companies?**

No local Rekan company was found guilty.

6. **Pertaining to Clarification No. 8, was BRC's indirect involvement include any discussions (formal or informal) about the valuation of the company (this is valuation as to auction price)? How much was ABE being auctioned off at and does it satisfy ABE's outstanding USD 5.7 billion tax liability to Reka?**

The terms of the auction were not disclosed. Based on a comment made by Rekan's public law expert, Prof Dr Raseem Lieyer, the non-disclosure could be due to Synthos Corporation's link to a state-funded entity.

7. **Pertaining to Clarification No. 8, what was the advice Ms Nwantiti sought from Mr Navod?**

Both Ms Nwantiti and Mr Navod refused to disclose the details of the communication.

8. **Pertaining to Clarification No. 10, based on court papers filed, was BRC, or its chairman, Mr Navod Harrapari, aware of Ms Nwantiti's misconduct in FRC?**

Mr Navod only came to know about the misconduct after being contacted by Ms Nwantiti's lawyer in Facanha.

9. **Pertaining to Clarification No. 10, did ABE benefit from Ms Nwantiti's misconduct in FRC?**

All investigation papers relating to the misconduct by Ms Nwantiti were marked confidential and formed part of the prosecution's records.

OFFICIAL RULES

1. Organisation

The LAWASIA International Moot Competition ("Competition") is held in conjunction with the annual LAWASIA Conference. It will be organised by the LAWASIA Moot Standing Committee ("Moot Committee").

2. Language

The language of the Competition is English and interpreters will not be available. However, judges will be mindful of the difficulties faced by mooters arguing in a language other than their own.

3. Membership and Eligibility of Teams

3.1 Each team shall consist of a minimum of two members and a maximum of **three** members, each of whom:

- (a) is pursuing an undergraduate law degree or a bar qualifying course or its equivalent, or
- (b) is undertaking a first graduate degree in a legal field (not including Ph.D., S.JD and its equivalent unless express prior approval from the Competition Administrator has been obtained); and
- (c) is enrolled at a law school in the country that he or she represents as a full time or part-time student as at the date of the deadline of registration of the team for the national rounds; and
- (d) has not been admitted as an advocate and solicitor, barrister, attorney, legal practitioner or equivalent in their respective jurisdiction.

3.2 Members of each team must be students from the same law school.

3.3 The names of the members of each team shall be given to the Moot Committee on the date of registration.

3.4 Each team will be given a team number upon payment of registration fees.

4. Number of Participating Teams

The Moot Committee will decide on the maximum number of participating teams each year as well as the maximum number of teams that represents one particular country and the maximum number of teams that represent one particular institution.

5. Assistance

5.1 Teams may not have any outside assistance in the preparation or presentation of their cases other than general guidance on the issues involved and research sources.

5.2 Coaches accompanying the teams to the competition shall be a member of the staff of the law school.

6. The Moot Problem

6.1 The moot problem shall involve issues of international or LAWASIA interest. It must be concerned solely with a point or points of law to be decided by the Moot Committee.

6.2 The moot problem will be announced at an appointed date and the same problem will be used throughout the Competition.

6.3 Any ambiguities will be sent to the Moot Committee. The Moot Committee may then resolve the ambiguities at its absolute discretion. Clarifications will be communicated to the participating teams.

6.4 Teams are expected to prepare arguments for both the Claimant and the Respondent.

7. The Competition

7.1 The number of teams competing, and the structure of the competition shall be decided by the Moot Committee.

7.2 The Moot Committee has the absolute discretion to decide whether to award the prizes available in the competition.

7.3 The marks awarded in each round shall be published at the end of each round.

7.4 The Best Mooter shall be decided by the Moot Committee taking into consideration the total individual points in the general rounds as well as comments from the judges on the performance of the mooters.

7.5 The team in the opinion of the Moot Committee that best exhibits the LAWASIA spirit and values of fellowship, scholarship, and amity will be awarded The Spirit of LAWASIA (Malaysia National Rounds) Trophy.

7.6 The winning team in the final of the Oral Rounds of the Competition will be awarded the LAWASIA Malaysian Bar Challenge Trophy.

7.7 The winning team will not necessarily be the team for which judgment may be given on the law.

8. Judging the Competition

8.1 Each general round moot shall be held before a panel of judges appointed by the Moot Committee. The Moot Committee has the absolute discretion to make the selection and allocation of judges for the competition.

8.2 Each panel of judges shall consist of three judges. The Moot Committee reserves the right to have two member panels if for whatever reasons a three-member panel cannot be constituted. The Moot Committee also reserves the right to have more than three judges sitting in a panel during the finals of the Moot Competition.

8.3 The presiding judge shall be the most senior judge, or as decided by the Moot Committee.

8.4 Each judge shall complete an individual marking sheet for each participant in a moot.

9. Persons Eligible to Judge

9.1 The Moot Committee shall determine the persons who are eligible to serve as judges in the Competition.

9.2 Undergraduate students may not act as judges. Postgraduate students may be eligible to serve as judges but they must not be directly affiliated with any participating Team in the Moot Competition at which they are to judge.

9.3 Judges who are affiliated with a participating law school in the Competition either personally or professionally, may not act as a judge on a panel of any round involving teams from that law school.

9.4 The Competition Administrator has discretion to approve such a judge affiliated with a participating law school if, in his or her opinion it would not risk impartiality nor jeopardise propriety.

10. Moot Oral Rounds

10.1. General Rules in Moot Oral Rounds

10.1.1 Team members

In any given oral round, each team (comprising two members) is allowed 45 minutes for the oral submission. This is apportioned accordingly to:

- (a) first mooter – 20 minutes
- (b) second mooter – 20 minutes
- (c) rebuttal or surrebuttal – 5 minutes.

Judges have discretion to permit time extensions (on their own volition or upon request).

10.1.2 Additional Counsel

At each oral round, one additional team member may sit at the counsel table with the two mooters as counsel so long as he or she is a registered team member. The team member acting as counsel need not necessarily be the same team member in each round.

10.1.3 Attire during the Oral Rounds

Unless otherwise instructed by the Moot Committee, team members must attend the oral rounds in business attire, i.e. dark suits with tie for men and dark suits with skirt or trousers for ladies.

10.2 Oral Submission

10.2.1 Order of Oral Submission

- (a) The order of the oral submission in each moot round of the Competition is:

Claimant Mooter 1
 Claimant Mooter 2
 Respondent Mooter 1
 Respondent Mooter 2
 Rebuttal (Claimant Mooter 1 or 2)
 Surrebuttal (Respondent Mooter 1 or 2).

- (b) The judges have full discretion to permit variation to the order of pleadings.

10.2.2 Scope of Rebuttal and Surrebuttal

The Claimant's rebuttal is limited to the scope of the Respondent's oral submission. The Respondent's surrebuttal is limited to the scope of the Claimant's rebuttal, unless the Claimant has waived rebuttal, in which case there shall be no surrebuttal.

10.3 Failure to attend a moot round

- (a) If a team does not appear for a scheduled oral round, the moot shall proceed ex parte. The team that failed to appear forfeits all the round's total points. In such instances, the Moot Committee shall at its absolute discretion decide on the appropriate scoring system taking into consideration the moot competition structure and to ensure that all teams are judged fairly on their performance.
- (b) The team which presents its oral submission shall be given scores by the judges to the degree possible as if the opposing team had been in attendance and presenting its arguments. The Competition Administrator may, at his or her absolute discretion, schedule an ex parte proceeding for the absent team if time permits.

10.4 Communications During Competition

- (a) Only oral communications are permitted during the oral rounds.
- (b) Other than the oral submissions, there shall be no other forms of communication to any judge and this includes but are not limited to any form of documents whether in writing or otherwise, pictures, charts, diagrams as well any video or audio recordings.

10.4.1 Communication between Counsel and Judges During Moot Rounds

A mooter may communicate with the judges, and the judges may communicate with that mooter, during the mooter's allotted speaking time.

10.4.2 Communication and Activity at Counsel Table During Moot Rounds

- (a) Moot communication at the counsel table during oral rounds must be minimised so as to avoid distractions i.e. noise, outbursts, or other improper conduct. All communication at the counsel table shall be in writing only.
- (b) However, a mooter may orally consult with his teammates only with the permission of the judges during his allotted speaking time.

10.4.3 Inappropriate Communication During Oral Rounds

Team members at the counsel table shall not communicate either orally or in writing with spectators or other team members not present at the counsel table.

10.5 Audio and Videotaping

No audio or videotaping of a moot round is permitted without the advance permission of the Competition Administrator. The Moot Committee reserves all rights to the audio and videotaping, or any other form of audio or visual reproduction, of any moot round or part thereof. All participating teams are deemed to have consented to the taping and broadcasting of that moot round.

11. Scoring

11.1 Basis for Scores

- (a) Teams shall be judged on the quality of their overall performances, which includes the merits of the case.
- (b) Notwithstanding the scoring system hereinafter set out, the Moot Committee shall in its absolute discretion vary the scoring system as appropriate taking into consideration the moot competition structure. Such variation in the scoring system shall be announced to the participating teams on or before the commencement of the competition.

11.2 Judging the Oral Rounds

The Moot Committee shall decide on the judges for the oral rounds. A panel of three judges shall score each mooter in a match at each moot round on a scale of 50 to 100 points.

11.3 Raw Scores for the Oral Rounds

- (a) Raw Scores are the points awarded to the mooters by the judges.
- (b) In each match, a Team's Raw Score is the sum of the points of the three (3) judges for each of its two (2) mooters.
- (c) A Team's Total Raw Score in a particular round is the sum of the Team's Raw Scores in that round.
- (d) The calculation of Raw Scores shall be subject to the deduction of Penalty points under the provisions of Rule 12.

11.4 Round Points for the Oral Rounds

- (a) In each match, a total of up to six (6) Round Points may be awarded based on a comparison of combined moot argument scores.
- (b) The Total Round Points for a team in a particular round will be the sum of the Rounds Points obtained by that team in that round.
- (c) The Rounds Points are awarded a team in the following manner:-
 - The sum of each judge's Raw Score for the Claimant Mooter 1 and Claimant Mooter 2 is compared to the sum of the judge's Raw Scores for Respondent Mooter 1 and Respondent Mooter 2.
 - For each judge, the Team with the higher combined mooter Raw Scores is awarded two (2) Round Points. If in any such comparison, the two Teams' scores are equal, each Team is awarded one (1) Round Point.

11.5 Two Judge Panels

If only two judges score a given Moot match, the Competition Administrator shall create a third score by averaging the scores of the two judges.

11.6 Determination of Winners and Rankings

11.6.1 Determining the Winner of a Match

In any given match, the Team receiving the greater number of six (6) available Round Points wins the match. If the two Teams have equal number of Rounds Points, the Team with the higher Team Raw Scores wins the match. If the two Teams have an equal number of Round Points and an equal Team Raw Score, the match is a draw.

11.6.2 Round Rankings

- (a) Teams shall be ranked in their respective groups (where applicable) by the number of wins in a particular round, from highest to lowest.
- (b) If two or more Teams have the same number of wins, the Team having the higher Total Rounds Points from that round shall be ranked higher.
- (c) If two or more Teams have the same number of wins and the same Total Round Points, the Team with the higher Total Raw Scores from that round shall be ranked higher.

- (d) The scoring and round ranking system prescribed herein applies to both the Preliminary Rounds and the Final Rounds (and where applicable, the Quarter-Final and Semi-Final Rounds).

11.6.3 Tie-Breaking Procedure

If two or more Teams are tied after application of Rule 11.6.2, and the outcome of the determination does not affect (a) any Team's entry into the subsequent round, or (b) the pairing of any Teams in the subsequent round of the Moot Competition, the Teams shall be ranked equally. If, however, further determination is necessary (under either (a) or (b) above), the rankings shall be accomplished as follows:

- (a) If only two Teams are tied and if the tied Teams have faced each other in the Preliminary Rounds, the winner of that match shall be ranked higher.
- (b) If only two Teams are tied and the Teams have not faced each other in earlier Rounds, and time permits, the Administrator may schedule a match between the two Teams, with the Team with the lower Team number acting for the Claimant. The match shall be conducted according to the scoring Rules for Preliminary Rounds. The winner of the match shall be ranked higher.

If neither of these methods breaks the tie, the Competition Administrator shall determine the method for breaking the tie.

11.7 Reporting of Results

After the conclusion of the Competition, the following shall be made available in soft copies for each Team participating in the Competition:

- (a) a copy of individual moot judge's scoresheets and Penalties, if any, with attendant comments, if any, from Preliminary Rounds of the Competition;
- (b) a copy of the Overall Rankings of the Preliminary Rounds of the Competition, with the Total accumulated Win-Loss records, Overall Raw Scores, and Overall Round Points;
- (c) a copy of the Mooter Rankings from the Preliminary Rounds of the Competition;
- (e) a summary of the Advance Rounds of the Competition.

12. Penalties

12.1 Oral Round Penalties

The Competition Administrator shall impose an oral round penalty at his or her discretion, if necessary, after consultation with the judges, registrars, teams and spectators.

12.2 Complaint Procedure

- (a) If a team believes that an infraction of the Rules has occurred during an oral round, the team may notify the Registrar in writing within five (5) minutes of the conclusion of that oral round. If there is no Registrar, teams must approach the Competition Administrator with complaints.
- (b) Written notification shall clearly describe the violation and the parties involved in the violation.
- (c) The team shall not directly approach the judges regarding a violation of these Rules. When possible, the matter should be raised with the Registrar outside the attention of the judges.
- (d) Failure by any team to follow the procedures described in this paragraph shall result in a waiver of the team's complaint.
- (e) If one or more judges believe an infraction has occurred during an oral round, he or she shall notify the Registrar orally or in writing within five (5) minutes of the completion of the moot round. When possible, the matter should be raised with the Registrar outside the attention of the other judges.

12.3 Penalty Deduction

Penalty deduction may be made only by the Competition Administrator. Judges are prohibited from deducting penalty points from the scores and must score the moot round as if no violation occurred.

12.4 Activity Subject to Moot-Round Penalties

Penalties may be assessed for violations during a moot round by reference to rule 10 above. The Administrator shall deduct the Penalty amount from each judge's combined score (the sum of the judge's score for Mooter 1 and Mooter 2) prior to determining the Moot Round Points. Alternatively, the Administrator may in his discretion deduct the Penalty amount only from a particular Mooter.

12.5 Discretionary Penalties

In addition to the Penalties that may be deducted under Rule 12.4 above, the Competition Administrator may assess up to fifteen point Penalties for other violations of the letter or spirit of these Rules. The size of the Penalty shall correspond to the degree of the violation in the judgment of the Competition Administrator. Discretionary Penalties shall be imposed only by the Competition Administrator. Such violations may include:

- (a) poor sportsmanship;
- (b) submitting numerous frivolous complaints against other teams;
- (c) engaging in inappropriate behaviour at the counsel table during the moot rounds;
- (d) displaying obvious disregard for the procedures or requirements outlined in the Rules.

12.6 Notice and Appeals

- (a) The Competition Administrator shall notify teams of his or her decision regarding imposition of any penalty as soon as possible.
- (b) The Competition Administrator shall, where it is practicable to do so, set a reasonable time limit by which either team may appeal the decision.
- (c) Upon submission of an appeal, the Competition Administrator shall consult with the Moot Committee in determining the appeal. The Moot Committee's decision on all appeals is final.

12.7 De Minimis Rule

The Competition Administrator may waive or lessen the penalty for a de minimis rule violation.

13. Progression into subsequent Rounds

13.1 Rounds

- (a) In every competition, there shall be the Preliminary Rounds, the Semi-finals Rounds and the Final Rounds.
- (b) The Moot Committee may in its discretion hold a Quarter-final Round if it is deemed necessary.

13.2 Progression from the Preliminary Rounds

Progression from the Preliminary Rounds will be determined based on the ranking of the teams in their respective groups. The number of teams progressing will be determined based on the number of participating teams and it shall be announced to the participating teams before the commencement of the competition.

13.3 Progression into the Final Round

The top two ranking teams from the Semi-final Rounds will progress into the Final Round.

13.4 Progression into the International Rounds

- (a) The team that wins the Final Round will be the Champion Team while the other finalist team will be the 1st Runner-Up Team. The 2nd Runner-Up Team and the 3rd Runner-Up Team will be determined from the rankings in the Semi-final Rounds.
- (b) The Champion Team will represent Malaysia in the LAWASIA International Moot Competition held in the same year. The 1st Runner-Up Team (the other team of the Final Round) will be the second team to represent Malaysia in the International Rounds provided the 1st Runner-Up Team is from a different institution to that of the Champion Team.
- (c) In the event that the 1st Runner-Up Team is from the same institution to that of the Champion Team, the 2nd Runner-Up will then be the second team to represent Malaysia in the International Rounds.
- (d) In the event that both 1st Runner-Up and 2nd Runner-up Teams are from the same institution to that of the Champion Team, the 3rd Runner-Up will then be the second team to represent Malaysia in the International Rounds.
- (e) The teams progressing into the International Rounds must be represented by the same members of mooters who participated in the National Rounds.

14. Power to Enact Measures

The Competition Administrator may in consultation with the Moot Committee, establish such other measures to maintain the orderly manner of the Competition or to remedy shortfalls in the Competition. Such alterations shall not violate the spirit of these Rules in the best interests of the Competition.

15. Interpretation of Rules

The Competition Administrator in consultation with the Moot Committee shall be the final arbiter in the interpretation of these rules.

PROCEDURAL GUIDELINES FOR ARBITRATION

As the moot competition is an Arbitration moot competition, the LAWASIA Moot Competition Committee would like to replicate as much as is possible, the real-life atmosphere of arbitration so as to ensure that participating teams gain the most from this experience. However, as this is also a competition, a compromise has to be reached between the procedures normally observed in an arbitration proceeding and the rules of a moot competition. The LAWASIA Moot Competition Committee has therefore issued the Procedural Rules in addition to the Official Rules of the LAWASIA International Moot Competition ('Official Rules'). Competing teams are therefore expected to read and observe both the Official Rules as well as the following Procedural Rules:

1. Order of proceedings

The order of proceedings shall be as set out in the Official Rules, i.e. Claimant Mooter 1 (20 minutes), Claimant Mooter 2 (20 minutes), Respondent Mooter 1 (20 minutes), Respondent Mooter 2 (20 minutes), Rebuttal (5 minutes), followed by the Surrebuttal (5 minutes).

2. Proper address

The Arbitrators shall be addressed as Mr or Madam Arbitrator and the Chair of the panel shall be addressed as Mr or Madam Chairman. Collectively, the panel should be addressed as the Arbitral Panel. Alternatively, arbitrators may be addressed by their family names such as "Mr Young, Ms Doi, Dr Lee, Professor Jones or Sir/Madam".

It is inappropriate to use honorific titles for the panel e.g. "This Honourable Tribunal" or for individual arbitrators e.g. "Judge, Your Honour, Your Excellency".

3. Bundles of authorities

In accordance with the Official Rules, Teams shall not submit any other documents or bundles of authorities to the Arbitrators during the proceedings.

4. Start/End of Proceedings

The Registrar will announce the start of proceedings and the Registrar will aid the Arbitrators to keep to the time allowed. At the close of submissions, the room will be cleared to enable the Arbitrators to deliberate (alternatively, the Arbitrators may leave the room and proceed to the deliberation room). Mooters may return to the room when the Arbitrators have completed their deliberations. The Arbitrators will deliver their comments on the performance of the teams but will not disclose the marks awarded.

COMPETITION STRUCTURE AND SCHEDULE

17TH LAWASIA INTERNATIONAL MOOT COMPETITION – NATIONAL ROUNDS SEPTEMBER 2022 KUALA LUMPUR, MALAYSIA

Opening Ceremony : Friday, 09 September 2022
Moot Competition/Award Ceremony : Friday, 09 September to Sunday, 11 September 2022

Team No. & Institution

M2201	Advance Tertiary College
M2202	Advance Tertiary College
M2203	Brickfields Asia College
M2204	Brickfields Asia College
M2205	HELP University
M2206	HELP University
M2207	International Islamic University Malaysia
M2208	International Islamic University Malaysia
M2209	Multimedia University
M2210	Multimedia University
M2211	Taylor's University
M2212	University Kebangsaan Malaysia
M2213	University Malaya
M2214	UOWMKDU College
M2215	Universiti Teknologi MARA Shah Alam
M2216	Universiti Sultan Zainal Abidin (UniSZA)

FRIDAY, 09 SEPTEMBER 2022 [VIRTUAL]

OPENING CEREMONY

Time

Events

11:00am

Opening Remarks by Raphael Tay, Chair
Presentation of Rules by Lai Mun Onn, Moot Administrator

12:00nn – 01:00pm

Lunch Break

FRIDAY, 09 SEPTEMBER 2022 [VIRTUAL]

PRELIMINARY ROUND

Moot Room and Events

C – Claimant; R – Respondent

Time	A	B	C	D	E	F	G	H
01:00pm – 03:30pm	M2209 (C) v. M2206 (R)	M2202 (C) v. M2208 (R)	M2214 (C) v. M2215 (R)	M2204 (C) v. M2213 (R)	M2207 (C) v. M2212 (R)	M2216 (C) v. M2203 (R)	M2210 (C) v. M2211 (R)	M2205 (C) v. M2201 (R)
03:30pm – 04:00pm	Lunch Break							
04:00pm – 06:30pm	M2201 (C) v. M2209 (R)	M2206 (C) v. M2202 (R)	M2208 (C) v. M2214 (R)	M2215 (C) v. M2204 (R)	M2213 (C) v. M2207 (R)	M2212 (C) v. M2216 (R)	M2203 (C) v. M2210 (R)	M2211 (C) v. M2205 (R)

SATURDAY, 10 SEPTEMBER 2022 [VIRTUAL]

PRELIMINARY ROUND (continued)

Moot Room and Events

C – Claimant; R – Respondent

Time	A	B	C	D	E	F	G	H
09:30am – 12:00nn	M2209 (C) v. M2207 (R)	M2206 (C) v. M2212 (R)	M2202 (C) v. M2216 (R)	M2208 (C) v. M2203 (R)	M2214 (C) v. M2210 (R)	M2215 (C) v. M2211 (R)	M2204 (C) v. M2205 (R)	M2213 (C) v. M2201 (R)
12:00nn – 01:00pm	Lunch Break							
01:00pm – 03:30pm	M2207 (C) v. M2215 (R)	M2212 (C) v. M2204 (R)	M2216 (C) v. M2213 (R)	M2203 (C) v. M2209 (R)	M2210 (C) v. M2206 (R)	M2211 (C) v. M2202 (R)	M2205 (C) v. M2208 (R)	M2201 (C) v. M2214 (R)

SUNDAY, 11 SEPTEMBER 2022
[VIRTUAL]

SEMI-FINAL
ROUND

Moot Room and Events

		C –Claimant; R - Respondent
Time	A	B
09:30am–12:00nn	Team ranked 01 (C) v. Team ranked 04 (R)	Team ranked 01 (C) v. Team ranked 04 (R)
12:00nn–02:00pm	Lunch Break	

SUNDAY, 11 SEPTEMBER 2022
[VIRTUAL]

FINAL ROUND

Time	Moot Room and Events C –Claimant; R - Respondent
02:00pm–04:30pm	Team mooting as Claimant (C) v. Team mooting as Respondent (R)

MOOT ROUND MATCH GUIDELINES

Determining the winner of a match

In any given match, the Team receiving the greater number of Round Points wins the match. If the two Teams have equal number of Rounds Points, the Team with the higher Team Raw Scores wins the match. If the two Teams have an equal number of Round Points and an equal Team Raw Score, the match is a draw.

Determining the team progressing into the next round

Preliminary Round to Semi-Final Round:

The top 4 teams, which is determined by the number of wins, from Preliminary Round will proceed to Semi-Final Round. Teams will be ranked from 1 to 4 based on number of wins (in descending order).

In the case of a tie, the team with the higher accumulated Total Round Points in Preliminary Round will be ranked higher. In the case that the tie is not broken, the Team with the higher Total Raw Score from the rounds shall be ranked higher. *

Semi-Final Round to Final Round:

The top 2 teams, which is determined by the number of wins, from Semi-Final Round will proceed to Final Round. Teams will be ranked from 1 to 2 based on number of wins (in descending order).

In the case of a tie, the team with the higher accumulated Total Round Points in Competition Round III will be ranked higher. In the case that the tie is not broken, the Team with the higher Total Raw Score from the rounds shall be ranked higher. *

The team ranked higher will be given a choice to moot either as Claimant or Respondent in the Final Round.

* In the event, at any round, the methods of breaking the tie is unsuccessful, the Competition Administrator shall determine the next best method to breaking the tie.

PARTICIPATING TEAMS

No	University/College	Team Members
1	Advance Tertiary College	Raddhasri Kumarasamy - LLB Year 1 Tharshini Balasubramaniam - LLB Year 1 Tan Mien Shuen - LLB Year 1 Danial Arif Bin Heron Khalid Goh (Coach)
		Lavannya Nair A/P Pakunni Nair - LLB Year 1 Hega Kamini A/P Suguamaran - LLB Year 3 Kanishaa Nair (Coach)
2	Brickfields Asia College	Stanley Hoh Wei Tao - LLB Year 2 Koh Shu Huan - LLB Year 2 Nadia Kazlina Mohd Kamil - LLB Year 3
		Amirthaa Suntharalingam - LLB Year 3 Lean Kai Ching - LLB Year 1 Chai Jia Yang - LLB Year 1
3	HELP University	Alexander Ritikos - LLB Year 2 Joanne Yeoh Ai Ling - LLB Year 2 Nadhratul Iman Binti Rosyadi - LLB Year 2
		Chang Harvard - LLB Year 2 Esshver Rsn Murali - LLB Year 2 Joy Roberts - LLB Year 3
4	International Islamic University Malaysia	Nur Farah Yasmin Binti Md Nor - LLB Year 2 Alya Hadiera Binti Harun - LLB Year 2 Marissa Nazeera Bt Mohd Mahamud - LLB Year 2 Ahmad Iqbal Bin Rohaizan (Coach)
		Adilah Binti Abdul Wahap - LLB Year 2 Wan Nur Irdina Bt Wan Fadzil - LLB Year 2 Fatin Umairah Mohd Zamros - LLB Year 2 Ahmad Iqbal Bin Rohaizan (Coach)
5	Multimedia University	Amily Tan Ann Ying - LLB Year 1 Pang Jessie - LLB Year 1 Lee Qian Hua - LLB Year 2 Nur Syakirah Binti Hj Maimun Aqsha Lubis (Coach)
		Ong Wei Ying - LLB Year 3 Liveernieesh Ramakrishnan - LLB Year 2 Pavit Coran - LLB Year 1 Nur Syakirah Binti Hj Maimun Aqsha Lubis (Coach)

No	University/College	Team Members
6	Taylors University	Celine Tan Qian Hui - LLB Year 2 Kevin Perakk Sike - LLB Year 2 Harcharan Singh A/L Ujagar Singh (Coach)
7	University Kebangsaan Malaysia	Sivakami Veerappan - LLB Year 3 Siti Norhanani Binti Musni - LLB Year 2 Chin Hui Yi - LLB Year 1 Mohamad Azhan Bin Yahya (Coach)
8	University Malaya	Abby Si Xinyi - LLB Year 2 Lee Shi Yi - LLB Year 2 Rosemary Ting - LLB Year 2 Nevyn Vinosh Venudran (Coach)
9	UOWMKDU College	Alicia Baptist - LLB Year 1 Iman Mi'Shyra Binti Mohsin - LLB Year 1 Tan Chuan Shan, Sudatta (Coach)
10	Universiti Teknologi MARA Shah Alam	Intan Azira Binti Hussin - LLB Year 3 Alia Anisa Binti Khairus Masnan - LLB Year 3 Muhammad Amanullah bin Mohd Rashidi - LLB Year 3 Prof Dr Irwin Ooi Ui Joo (Coach)
11	Universiti Sultan Zainal Abidin (UniSZA)	Nur Aliya Binti Azman - LLB Year 2 Nur Arina Zawani Binti Anuar - LLB Year 2 Nur Atifah Binti Manaf - LLB Year 2 Murshamshul Kamariah Binti Musa (Coach)

AUTHOR(S) OF THE MOOT PROBLEM

Amiratu Al Amirat Garbaa, Associate

Al is a practising lawyer in Messrs. Rosli Dahlan Saravana Partnership specialising in land disputes, public, administrative and constitutional law matters. Throughout Al's study at the University of Malaya, she was immersed in the mooting scene where she represented her alma matter in both local and international mooting competitions. Her earlier enthusiasm in mooting was the catalyst to jumpstart her later career as a litigator. She is adorned with a number of accolades from the mooting community, showing her profound adeptness as an advocate in the Court of law. As the stars aligned, her first moot competition was the 2018 LAWASIA Moot Competition where her team won First Runner Up and she bagged the Mah Weng Kwai Challenge Trophy for Best Mooter award. The LAWASIA Moot Competition became the stepping stone for her to embark on her mooting journey.

Her team later championed the 2019 National Philip C. Jessup Moot Court Competition and represented Malaysia in the International Rounds. Besides actively competing, Al's passion for mooting is illustrated through the several mooting competitions she has judged and also during her tenure as a moot coach at the Cyber Law Moot Court Competition in 2019 where her team emerged victorious. *"Amiratu will make not only a formidable litigator, but also a brilliant lawyer as a whole. Her ability to read judges is a testament to her human touch"* as said by Raphael Kok accurately summarises Al's talent, determination and passion in law.

Thenesh Anbalagan BIO

Thenesh Anbalagan graduated top of his class from the National University of Malaysia (UKM) with a Bachelor of Laws with Honours (Distinction) and is the recipient of the coveted Tun Abdul Razak award conferred by UKM in recognition of his outstanding academic and cocurricular achievements. Thenesh is also a Tunku Scholar, having been granted the prestigious Tunku Abdul Rahman Scholarship by Tunku Abdul Rahman Foundation (YTAR) to pursue his undergraduate studies.

Throughout his time in UKM, Thenesh has established himself as an accomplished mooter. He had represented his university in various domestic and international moot competitions such as the LAWASIA Moot Competition 2018 and the Nuremberg Moot Court Competition 2019. In 2021, Thenesh captained UKM's Jessup Team in their debut season at the international rounds of the prestigious Philip C. Jessup International Law Moot Court Competition where his team was awarded the Hardy C. Dillard Best Combined Memorial Award by ranking 25 out of 570 teams and the Best Overall Responded Side Award by ranking 14 out of 570 teams globally. In addition to that, Thenesh emerged as the top 100 best individual oralists of the preliminary rounds.

Thenesh is also the founder of UKM Moot Club which aims to help fellow mooters in UKM excel in the mooting scene. With his background and prominence in mooting, Thenesh has always been dedicated to nurture and inspire budding mooters to achieve excellence in their moot journey.

MOOT JUDGES

COURT OF APPEAL JUDGES

Yang Arif Dato' Lee Swee Seng

Yang Arif Dato' Lee Swee Seng graduated with Bachelor of Law (Hons) from University of Malaya and obtained Master of Law from the same university. He also obtained an MBA from University of Southern Cross, Australia. He was appointed a Judicial Commissioner of the High Court of Malaya on 31.5.2010. He was called to the Malaysian Bar in February 1985 and was in active legal practice until May 2010. He has earned the Distinguished Toastmaster Award and was also a Trademarks and Patent Agent and a Notary Public before his appointment to the Bench. He was also a visiting fellow of Taylor University Law School, a part-time lecturer with UM Law Faculty for the LLM Masters Programme; a Bar Council member for 2010 before his ceasing practice at the Bar. Dato' Lee was elevated to be a Judge of the High Court of Malaya in February 2014 and in August 2019 he was elevated to the Court of Appeal. Dato' Lee is also the General Editor of the "Law and Practice of Family Law in Malaysia" by Sweet & Maxwell, 2019.

Yang Arif Dato' S. Nantha Balan

Justice Datuk S. Nantha Balan is a Judge of the Court of Appeal, Malaysia. He holds the degree of Bachelor of Laws with Honours from the University of Buckingham, England, the degree of Master of Laws from the University of Malaya and the Certificate in Legal Practice. He was called to the Malaysian Bar in August 1988. He is a Member of the Chartered Institute of Arbitrators, London. He is also a member of the Board of Studies, Faculty of Law, University of Malaya. Prior to joining the Judiciary in 2013, he practiced as an Advocate and Solicitor for 25 years. His areas of legal practice were commercial and banking litigation, employment law, insurance/professional negligence/personal injury, probate disputes and administrative law (judicial review). He speaks regularly on trial and appellate advocacy, civil procedure, employment law, arbitration and medical negligence. He is a trainer in the Malaysian Bar's Advocacy Training Course.

Yang Arif Tuan Gunalan a/l Muniandy

Yang Arif Tuan Gunalan a/l Muniandy is a Judge of the High Court of Malaya in Shah Alam. Yang Arif read law at the University of Malaya and obtained his Bachelor of Laws Degree LLB (Hons) in 1981. Yang Arif's professional field is Civil and Criminal Law and extensive field experience in the High Court and subordinate courts procedures and trials. Yang Arif started his legal career in the Judicial and Legal Services on 2.5.1981 as a Magistrate in the Kuala Lumpur Magistrate Court. In January 1982 until July 1984, he was appointed as a Magistrate in Temerloh Magistrate Court, Pahang. Since August 1984 until July 1987, Yang Arif held positions as a Senior Assistant Registrar and later as a Deputy Registrar of the Kuala Lumpur High Court and at the Malaysian Supreme Court since July 1987 until February 1989. In February 1989, Yang Arif was appointed as a Sessions Court Judge of Alor Setar, February 1992, as a Sessions Court Judge of Melaka, October 1995, as a Sessions Court Judge of Tawau, Sabah, June 1996 as Sessions Court Judge of George Town, Pulau Pinang, Mei 2003 as a Sessions Court Judge of Klang, Selangor and since 4 February 2008 until 10.5.2010 as a Senior Sessions Court Judge of Shah Alam and was also appointed as a Director of the Selangor Courts. Yang Arif was appointed as a Judicial Commissioner of the Johor Bahru High Court since 10 May 2010 until December 2014.

Since Jan 2015, he has been serving as a Judicial Commissioner in the Shah Alam High Court until he was elevated as a High Court judge. Yang Arif was elevated to the Court of Appeal in July 2020.

HIGH COURT JUDGES

Yang Arif Datuk Aslam bin Zainuddin

On 28th of November 2019, Yang Arif Datuk Aslam bin Zainuddin was elevated as a Judicial Commissioner of the High Court in Malaya and presiding in the Criminal Division of the High Court at Kuala Lumpur. Yang Arif embarked on his legal journey after graduating in 1989 and subsequently being admitted and enrolled as an advocate and solicitor in early 1990. After a short stint in practice, Yang Arif joined the Judicial and Legal Service and was initially appointed as a Magistrate. In 1992, Yang Arif was the Deputy Director of the Legal Aid Bureau in Melaka. Beginning from 1st of November 2000, Yang Arif held several positions in the Attorney General's Chambers where he served as a Deputy Public Prosecutor, Senior Federal Counsel, Director of Liquidation Division Insolvency Department in Putrajaya and Head of Prosecution Division in the state of Perlis. In 2008, Yang Arif was then appointed as a Sessions Court Judge in various states i.e Selangor, Terengganu and Pulau Pinang. On 1st of May 2014, Yang Arif was appointed as the Registrar of the High Court, Malaya and subsequently in 2016, Yang Arif served as the Deputy Chief Registrar (Policy) in the Chief Registrar's Office, Federal Court of Malaysia. Back in 2019, Yang Arif was nominated as the examiner for the Certificate in Legal Practice examination (CLP) in The Legal Profession Qualifying Board of Malaysia. Currently, Yang Arif is a High Court Judge in Malaya which he was elevated on 27th April 2022 and presiding in the Civil Division of the High Court Civil (2) at Johor Bahru.

Yang Arif Dato Dr. Choo Kah Sing

Yang Arif Dato' Dr. Choo Kah Sing is currently serving as a High Court Judge in Shah Alam and was a former practising Advocate & Solicitor. He is also currently serving as the President of the Competition Appeal Tribunal. Yang Arif Choo had served at the Alor Setar High Court and the Johor Bahru High Court prior to his transfer to the Shah Alam High Court.

Yang Arif Dato' Wan Ahmad Farid bin Wan Salleh

Justice Wan Ahmad Farid has the distinction of the only Malaysian so far, to have been a member of the three branches of the government. He was a member of the Dewan Negara (2005) and a Deputy Minister (2008) before he joined the Bench in 2015. He is now a judge of the High Court of Malaya at Kuala Lumpur (Special Powers Division). Justice Wan Farid was admitted to the Malaysian Bar on 6.9.1987. Prior to his elevation to the Bench, Justice Wan Farid was practising in Terengganu and Kuala Lumpur. Justice Wan Farid has participated in judging a number of moot and debate competitions including the Lawasia Moot Competition, the Phillip C. Jessup International Moot Court Competition and the Lincoln's Inn Alumni Association of Malaysia-Selangor Bar e-Moot Competition.

Yang Arif Dato' Mohd Radzi bin Harun

Yang Arif Dato' Mohd Radzi graduated with LLB (Hons) from UIA Malaysia in 1989, and LLM from University of Nottingham in 2004. He joined the Judicial and Legal Service in 1989 with first posting as a Magistrate at the Teluk Intan Magistrate's Court, Perak and thereon, served in numerous postings including as Legal Advisor to various government ministries and agencies, and as Deputy Public Prosecutor and Senior Federal Counsel at the AG's Chambers. His main area of practise is advisory with focus on international law and specialization in international organisations and international human rights. He has represented Malaysia at numerous bilateral, regional and international negotiations and meetings, including at the UN, OIC and ASEAN. Yang Arif was appointed as a Judicial Commissioner on 30 March 2018 and elevated as a High Court Judge on 25 March 2020. He is currently serving as a Judge at the KL High Court Commercial Division (Intellectual Property), commencing 13 July 2020.

Yang Arif Tuan Ong Chee Kwan

Ong Chee Kwan JC was appointed as Judicial Commissioner of the High Court of Malaya in May 2019. Prior to his elevation, he was the Joint Managing Partner of Messrs Christopher & Lee Ong ("CLO"). The firm, formed in 2013, was a merger of 3 firms - Messrs Lee Ong & Kandiah, Messrs Christopher Lee & Partners and Messrs Kamilah & Chong. CLO is a member of the Rajah & Tann Asia network of law firms. Ong Chee Kwan JC graduated from the National University of Singapore ("NUS") with Honours in 1988. He obtained his Masters of Law from NUS in 1992 before returning to Malaysia. He worked in Messrs Drew & Napier, Singapore from 1988 to 1992. He had over 30 years of experience in commercial and shipping litigation practice and had acted as an arbitrator in arbitration proceedings in Malaysia and Singapore.

Yang Arif Tuan Nadzarin Bin Wok Nordin

Yang Arif Nadzarin Bin Wok Nordin is currently a High Court Judge at the Kuala Lumpur High Court and was a former practising Advocate & Solicitor for over 30 years. He is also a Member of the Chartered Institute of Arbitrators, London, a Certified Mediator, a Fellow of the Malaysian Society of Adjudicators and a former member of the Disciplinary Committee Advocates & Solicitors Disciplinary Board, a Notary Public and a President of Strata Management Tribunal before his appointment to the bench.

JUDICIAL COMMISSIONERS

Yang Arif Puan Liza Chan

Liza Chan is a Judicial Commissioner in the Commercial Division of the Kuala Lumpur High Court. She was a practicing lawyer for 38 years handling trial and appellate work involving banking, commercial, corporate, construction, land, arbitration and family matters before being appointed to the bench.

Yang Arif Tuan Wan Muhammad Amin bin Wan Yahya

Yang Arif Tuan Wan Muhammad Amin bin Wan Yahya was appointed as Judicial Commissioner of the High Court of Malaya on 10th July 2020. He currently presides over the NCC 3 Court of the Commercial Division of the High Court in Kuala Lumpur. He read

law at the University of Liverpool, United Kingdom where he graduated with a Bachelor of Laws (Hons) from the said University. Tuan Amin was called to the Malaysian Bar in 1998 and practiced in, amongst others, the area of commercial, corporate, employment, land and administrative law. He has conducted lectures and courses at the Judicial and Legal Services Institute (ILKAP) as well as a talk at the Attorney General's Chambers (Civil Division). He was a judge of the Universiti Kebangsaan's Client Consultation Competition 2018. Tuan Amin served on the University of Liverpool's Law School & Social Justice Advisory Board in United Kingdom prior to his appointment as Judicial Commissioner.

Yang Arif Nurulhuda Nuraini Bte Mohamad Nor

Yang Arif Nurulhuda Nuraini Bte Mohamad Nor, a Judicial Commissioner at the Shah Alam (Criminal) High Court was formerly an Advocate & Solicitor before joining as legal officer with the Attorney General's Chambers for 24 years. She had background work in civil matters as Federal Counsel and a Deputy Public Prosecutor in criminal matters. She subsequently joint the Securities Commission as Executive Director of the Enforcement Division for a while before her appointment to the bench.

Yang Arif Dr. John Lee Kien How @ Mohd Johan Lee

Yang Arif Dr Johan graduated with LLB (Hons) and thereafter obtained a Master of Comparative Laws degree both of which from International Islamic University Malaysia. He also obtained an MA in Economics for Competition Law from King's Collage London and a Ph.D in Business and Commercial Law from Monash University Australia. Prior to his elevation, he was an advocate and solicitor of the High Court of Malaya, High Court of Sabah & Sarawak, the Shariah Court and the Supreme Court of Brunei. Up till his elevation, he lectured part-time in a few local law schools. He also occasionally conducted in-house trainings to various banking institutions, governmental and semi-governmental institutions worldwide. In 2006, he was a visiting scholar to the Asian Law Centre of the University of Washington. He was a consultant to few governmental agencies as well as few government-funded banks. He is also a certified and qualified arbitrator and mediator. In April, 2021, YA was appointed a Judicial Commissioner and is currently presiding in Mahkamah Tinggi Civil 6 at the High Court in Kuala Lumpur. An international mooter during his student years, upon his graduation, he has couched few moot teams and organized numerous local and international moot competitions.

RETIRED JUDGES

Dato' George Varughese

Dato' George Varughese read law and graduated with LL. B (Hons) from Manchester Metropolitan University in 1988 and was called to the Bar of England & Wales after having obtained the Degree of an Utter Barrister from the Honourable Society of Lincoln's Inn in 1990. In 1991, he was admitted as an Advocate and Solicitor of the High Court of Malaya. Dato' George also obtained his Masters in Law (LL.M) from University of Malaya, and later became a Member of the Malaysian Institute of Arbitrators (MMIA) and a Sports Arbitrator of the Chartered Institute of Arbitrators (C.I.Arb). He is also empanelled on the Asian International Arbitration Centre's (AIAC) Panel of Arbitrators, AIAC's Panel of Adjudicators and AIAC's Panel of Mediators. Years of dedication to the legal profession

and to the Bar Council saw Dato' George rise to helm the Malaysian Bar as President from 2017 until 2019. During this time, he also served as a member of the Advocates and Solicitors Disciplinary Board (ASDB) and Legal Profession Qualifying Board (LPQB). Dato' George also served as the Chairman of the Ad-Hoc Disciplinary Committee, PIAM (2013-2019), a member of Technical Committee, Service Export Fund, MATRADE (2017-2019), a member of Taylor's Law School Legal Profession Advisory Panel (2017-2019) and member of Editorial Advisory Board of Sessions and Magistrate's Cases (SMC) (2017-2019). In 2019, Dato' George was appointed as a Judicial Commissioner, and in which office he served at the High Court of Malaya in Penang until 2021. Thereafter, in 2022, Dato' George returned to practice as a Consultant in Messrs George Varughese.

Dato' Fredrick Indran X.A. Nicholas

Dato' Fredrick Indran X.A. Nicholas has served the Industrial Court of Malaysia as a Chairman from November 2006 to February 2017, at its various divisions in Kuala Lumpur, Ipoh, Perak and Penang. He then served as a High Court Judge in the Civil Division of the superior courts of the Republic of Fiji, for a time in 2017. He then returned, with effect from January 2018, to serve once again as a Chairman of a divisional court of the Industrial Court of Malaysia at Kuala Lumpur. In November 2019, Dato' Fredrick was appointed to the position of Judicial Commissioner; and was posted to serve at the Civil Division of the High Court of Malaya at Johor Bahru with effect from December 2019 until November 2021. From 1986 to 1991, Dato' Fredrick was in the Judicial and Legal Service of Malaysia; where he served as a Magistrate in Negeri Sembilan and then as Deputy Public Prosecutor in Kelantan, followed by being appointed as Head of Prosecution for Malacca. He then practiced as an Advocate & Solicitor of the High Court of Malaya from 1991 to 2006 in Ipoh, Perak and in Kuala Lumpur. While in private legal practice, he had occasion to serve as the Chairman of the Perak Bar; and was a member of the Malaysian Bar Council from 2004 to 2006. Dato' Fredrick was called to the Malaysian Bar as an Advocate & Solicitor in 1986; was awarded the Certificate in Legal Practice by the Malaysian Qualifying Board in 1985, prior to which he graduated with an LL. B (Hons) from the University of London, England in 1984.

OFFICERS FROM THE ATTORNEY GENERAL'S CHAMBERS

Donald Joseph Franklin

Mr. Donald Joseph Franklin graduated with a LL.B from University Malaya in 1990 and joined the Judicial and Legal Service in the same year. He began his career as a Magistrate at the Baling Magistrate's Court and then at the Georgetown Magistrate's Court, Penang. Thereafter, he served in various positions including as Director of Legal Aid Bureau, Federal Counsel at the Ministry of Works, Deputy Registrar at the Kuala Lumpur High Court (Commercial Division), Head of Research and Development Unit at the Judicial and Legal Training Institute, Senior Assistant Parliamentary Draftsman and Head of the Medical Negligence and Government Contracts Unit at the Civil Division of the Attorney General's Chambers. In 2010, he was appointed as the Legal Advisor to the Ministry of Foreign Affairs. Subsequently, he was appointed Deputy Head of the Research Division at the Attorney General's Chambers in 2013 and currently serves as Deputy Head of Division I of the Civil Division. Mr. Franklin obtained his LLM in Legal Aspects of

Medical Practice from Cardiff University in 2006 and is also an accredited mediator by the Centre for Dispute Resolution, London. Mr. Franklin also serves as an external lecturer at the Judicial and Legal Training Institute.

Mankiranjit Kaur a/p Mehinder Singh

Mankiranjit Kaur is a Senior Federal Counsel attached to the Arbitration & Alternative Dispute Resolution Unit in the Civil Division at the Attorney General's Chambers, Malaysia. She graduated with a Bachelor of Law (Hons.) from University Malaya and later obtained a Master of Laws (Hons.) in 2012, also from University Malaya. Mankiranjit previously served as a judicial officer; including as a Magistrate in Kuala Lumpur and Klang, Selangor, Senior Assistant Registrar of the High Court in Kuala Lumpur and Deputy Registrar of the Court of Appeal and High Court in Shah Alam, Selangor prior to joining the Attorney General's Chambers in 2019.

Dato' Mohd Dusuki bin Mokhtar

Dato' Mohd Dusuki Mokhtar graduated with the Bachelor of Law Degree (LLB. (Hons.)) from IIUM, Malaysia in 1992 and obtained a Masters (LLM) in Prosecution from the University of Wollongong, New South Wales, Australia in 2012. Dato' Mohd Dusuki Mokhtar was called to the Bar as an Advocate and Solicitor in early 1993 and he joined the Judicial and Legal Services in the same year. Dato' Mohd Dusuki served as a Deputy Public Prosecutor (DPP) in the Attorney General's Chambers (AGC) from 1993 – 2006 and was subsequently attached as a Senior Federal Counsel at the Ministry of Home Affairs from 2006 – 2009. He was then transferred to the AGC HQ in 2009 and served as a DPP in the Prosecution Division and the Appellate and Trial Division until late 2016. He then served at the Industrial Court in Kuala Lumpur as the Chairman from late 2016 - late 2017. Dato' Mohd Dusuki was then attached to the Appellate and Trial Division from late 2017 to present and he is currently the Deputy Head of the Appellate and Trial Division.

Nahra binti Dollah

Nahra Dollah is currently attached to the Appellate and Trial Division, Attorney General's Chambers from May 2019. She graduated with a Bachelor of Laws (Hons) from the Universiti Kebangsaan Malaysia in 2001 and obtained a Masters of Laws (LLM) in Prosecution from the University of Wollongong, New South Wales, Australia in 2011. She obtained Master of Laws in Advocacy Skills, Nottingham Trent University, United Kingdom in 2012. She joined the Judicial and Legal service in 2001 and started her career as Deputy Public Prosecutor and attached to various units in the Prosecution Division (HQ), Attorney General's Chambers until 2005. In 2005 until 2006 she attached to the Selangor Prosecution Unit. In 2006- 2007 she was a Senior Federal Counsel at the Ministry of Home Affairs. Beginning 2007 until 2014 she was again attached to the Prosecution Division (HQ), Attorney General's Chambers. In 2014 until 2015, she was again attached to the Appellate and Trial Division Attorney General's Chambers. She then served at the Malaysian Department of Insolvency from 2016 until May 2019.

Norinna binti Bahadun

Norinna Bahadun graduated with a Bachelor of Laws degree (LLB. (Hons.)) from the London School of Economics and Political Science in 1998 and was admitted as an

Advocate and Solicitor of the High Court of Malaya in 2000. She later obtained her Masters Degree (LLM) in International Litigation and Arbitration from University College London in 2009. Norinna joined the Attorney General's Chambers in 2003. She started her service in the Civil Division in the Medical Negligence Unit. She later served as a Senior Federal Counsel in the International Affairs Division in the Multilateral Trade, International Arbitration and Dispute Unit. Norinna then served as Deputy Public Prosecutor in the Appellate and Trial Division primarily attending to criminal appeals. Thereafter Norinna served as Deputy Public Prosecutor in the Prosecution Division in the Transnational Crime Unit, handling Mutual Legal Assistance and Extradition matters. Currently Norinna is serving in the Office of the Attorney General as part of the Special Task Force on Asset Recovery

Ramesh a/ Gopalan

Ramesh Gopalan read law at the University of Malaya and obtained Bachelor of Laws (Hons) in 2000. He was admitted to the Malaysian Bar in 2001. Ramesh joined the Judicial and Legal Service in 2002 and served as the judicial officer for almost 17 years. He held various positions including as Magistrate, Deputy Registrar of the High Court of Malaya and Sessions Court Judge. Ramesh is currently Head of the Transnational Crimes Unit in the Prosecution Division of the Attorney General's Chambers.

Zureen Elina binti Hj. Mohd Dom

Zureen Elina Hj. Mohd. Dom is currently the Head of the Arbitration & Alternative Dispute Resolution Unit in the Civil Division of the Attorney General's Chambers (AGC). She graduated with a Bachelor of Laws (Hons) from the Universiti Kebangsaan Malaysia in 2003 and obtained a Master of Laws (LLM in Public Law) from the University of Bristol, UK in 2012. Zureen Elina was a Senior Federal Counsel (Arbitration & Alternative Dispute Resolution Unit) at the Civil Division of the AGC from 2018 - July 2020, Senior Federal Counsel (Tort and Statutory Duties Unit) at the Civil Division of the AGC from 2012 - 2018; Deputy Public Prosecutor and Senior Federal Counsel at the Appellate and Trial Division of the AGC from April 2009 - October 2011; Federal Counsel (Tort and Statutory Duties Unit) at the Civil Division of the AGC from 2005 - April 2009; Federal Counsel at the Civil Unit and Civil Division of the AGC from 2003 - 2005.

LAWYERS

Abdul Rahim Sinwan

Abdul Rahim Sinwan is an Advocate & Solicitor of High Court of Malaya since 1991. He too has been a lecturer at the International Islamic University from 1991 to 1994. He holds a Masters in Comparative Laws and is an accredited Mediator from Australia. He is a civil litigator and had his cases in the Law Journals. He had represented the Bar Council against delinquent Solicitors.

Abu Daud Abd Rahim

Abu Daud was called to the Malaysian Bar and admitted to the roll of Advocates and Solicitors in 2004 after obtaining his double degree in Bachelor of Law LL.B (Hons) and Bachelor of Laws (Shariah) (First Class) from the International Islamic University Malaysia (IIUM). He joined Messrs Azmi & Associates in 2003 and was elated to become

a Partner in 2011. Since then, he has been heading one of the Litigation and Arbitration Practice Group at the Firm, working on various nature of cases in vast areas of law. Abu Daud is also an adjudicator under the Construction Industry Payment and Adjudication Act (CIPAA) 2012. In his practice journey, Abu Daud has equipped himself with advocacy skills valuable to court proceedings as well as out-of-Court settlements. An avid learner, he embraces the Firm's philosophy of continuous progress by supervising the most numbers of litigation practitioners at the Firm.

Alvin Tang

Alvin was called to the English Bar as a Barrister, Lincoln's Inn in 1998 and the Malaysian Bar in 1999. Alvin was formerly a partner in Messrs Shook Lin & Bok and joined Messrs Bodipalar Ponnudurai De Silva in late 2017. Alvin has represented clients in trials and appeals in all the superior courts and as counsel in both domestic and international arbitrations, as well as advocate and solicitors' disciplinary proceedings. Alvin's forte is in litigating complex contentious disputes in corporate and commercial matters, with an emphasis on shareholder disputes and boardroom tussles, both in the context of listed entities as well as private companies and family disputes. Away from the office, Alvin offers his services to train lawyers in litigation and advocacy through the Bar Council's Advocacy Training Course and also contributes articles on Malaysian developments of company and commercial law in international legal publications.

Andrew Chiew

Andrew is a partner in Messas Lee Hishammuddin Allen & Gledhill. Andrew has notable experience in the areas of banker's liability, civil fraud, corporate insolvency and restructuring as well as money laundering. He acts for various financial institutions on financing obligations and security enforcement, involving conventional and Islamic financing, and asset recovery. His experience in corporate and commercial disputes covers various business sectors, including energy, hospitality, logistics and plantation. He also acts for corporations on matters concerning fraud. Clients described him as a "sharp, skillful, knowledgeable articulator" and, someone "who knows his work and produces really good arguments". Andrew is a ranked practitioner by Chambers & Partners and Benchmark Litigation. He is a contributor for a number of practitioners' guide, which includes the Law & Practice of Corporate Insolvency in Malaysia. He also frequently speaks, locally and overseas, on matters relating to his areas of practice. Andrew is also a member of the Malaysian Bar Council's Advocacy Training Committee. He conducts advocacy training around Malaysia. He has also conducted advocacy training in Australia, Ireland, United Kingdom, Singapore and South Africa.

Andrew Heng

Andrew is a partner at ZMM and leads the Construction & Engineering practice area. He provides both litigation and on-going advisory services to clients in the construction, environmental services, banking and insurance, property development as well as manufacturing industries. Besides litigating before the Malaysian Courts, Andrew also represents clients in Arbitration and Adjudication proceedings. His principal practice areas are construction and industrial relations. Apart from construction and industrial relations, his litigation work has extended across a wide range of matters including commercial disputes, banking disputes, shareholders' disputes as well as defending various tortious

claims (negligence, occupiers' liability, nuisance, defamation). Further to his litigation work, Andrew is also an accredited Adjudicator empaneled with the Asian International Arbitration Centre (AIAC) and a Mediator empanelled with the Malaysian Mediation Centre (MMC) and AIAC. Andrew holds a Bachelor of Law from the University of London and completed his Master of Law at the University of Northumbria. He was admitted to the Bar of England and Wales in 2006 and the Malaysian Bar in 2008.

Annou Xavier

Annou Xavier graduated from the London University and was admitted to the Honourable Society of Lincoln's Inn in 1996. He was later called to the Malaysian Bar in October 1997. Since then, he has been an active practitioner in a wide variety of commercial and civil disputes and litigation with many of his cases being reported in the Malayan Law Journal, Current Law Journal (cljlaw.com) and All Malaysia Reports. He has conducted many seminars at the State Bars on topics relating to Digital Evidence and Citizenship. Annou has also been involved in some high profile human rights and constitutional law cases on child citizenship, religious conversion and aboriginal rights which have constantly been highlighted in the media sphere.

Andrew Teh

Andrew is a barrister-at-law from Gray's Inn, England and was admitted to the Malaysian Bar in 1992. He is currently a partner and Head of Litigation at Wong Lu Peen & Tunku Alina, a KL-based law firm. Andrew's principal practice area is in civil litigation, with an emphasis in banking and insurance law. Andrew was Deputy Chairman of the Court Liaison Sub-Committee of the Kuala Lumpur Bar Committee from 2007-2008 and prior to that, had served in the sub-committee for legal aid for several terms. He is a member of the Insolvency Practitioners Association of Malaysia. Andrew has been serving as a judge in the Strata Management Tribunal since July 2018. He was most recently reported in the Federal Court decisions of *Dubon Berhad v Wisma Cosway Management Corporation* [2020] 4 MLJ 288 and *See Leong Chye v United Overseas Bank (Malaysia) Bhd* [2021] MLJU 739.

Azlan bin Abd Ro'ni

Azlan bin Abd Ro'ni hails from Penang and he obtained his law LL.B (Hons) degree from Universiti Teknologi MARA. Azlan served his pupillage at Messrs. Zaid Ibrahim & Co under the tutelage of Ms Peh Lee Kheng and he was called to the Bar in 2008 at the Kuala Lumpur High Court. Azlan has served in Petroliaam Nasional Berhad (Petronas) as Legal Counsel as well as in Malaysian Airlines System (MAS) as Senior Legal Counsel. He is currently the Managing Partner of Messrs. Roni & Co, a firm that practices civil matters and criminal defense advocacy, appellate matters, conveyancing, and Syariah practice. He also teaches in Universiti Teknologi MARA on the arts of Civil Trial and Advocacy. Azlan lives by 3 maxims: "The most important thing for a judge is -- (written) judgment." - Lord Patrick Devlin, "A victorious army wins its victory before seeking battle, an army destined for defeat fights in the hopes of winning." Sun Tzu. Chapter IV, and Measure twice, cut once. Azlan plays basketball in his free time.

Bahari Yeow

With over 20 years' experience in the fields of Intellectual Property and litigation, Bahari built and headed a Legal 500 Tier 1 Intellectual Property, Technology, Media and Telecommunications team. Bahari also led his previous firm to debut on WTR 1000 as the Top IP Firm in Malaysia notwithstanding being a fresh entry, before joining Gan Partnership together with his teams. Bahari is ranked a Legal 500 Leading Individual. Legal 500 described him as "undoubtedly very knowledgeable in his field of practice — his commitment, passion and enthusiasm are commendable". Chambers Asia Pacific who ranks Bahari as a Ranked Lawyer described him as "often engaged by leading global and domestic brands on trade mark infringement cases", noted for his expertise in all types of IP litigation", "particularly hands-on and very conversant with IP matters in Malaysia," and "customer-centric approach and adaptability to economic changes". Due to his humble, approachable but solution driven personality, he was awarded Commended External Counsel of the Year by In-House Community. A natural-born litigator, Bahari brings with him years of litigation experience applied onto the field of Intellectual Property. Bahari and his teams advise on every aspect of Intellectual Property.

Bailey Leong Pui Yee

Bailey graduated with LLB (Hons) from University of Northumbria at Newcastle in year 2010 and is a Barrister-at-Law of Lincoln's Inn. Bailey was admitted as an Advocate & Solicitor of the High Court of Malaya in year 2012. Bailey is a partner in the Litigation practice group at Messrs Zul Rafique & Partners. Bailey's key practice area is in corporate and commercial litigation with an emphasis on corporate insolvency or liquidation, restructuring of debts and schemes of arrangements, receivership and shareholders disputes. In addition, her work also comprise of advisory work on debt recovery matters concerning banking and financial institutions, intellectual property, tortious claims as well as land disputes. She also has extensive knowledge and experience in conducting pre-litigation assessment and management exercises and in conducting litigation forensic exercises which involve:- (i) managing potential disputes before they occur; (ii) assessing and managing risks associated with potential disputes and litigation; and (iii) conducting litigation forensic exercises to determine pitfalls, merits and thereafter crafting strategies for potential disputes.

Cheah Poh Gek

Poh Gek is an Advocate & Solicitor of the High Court of Malaya and was admitted to the Malaysian Bar in 1985. She is the senior partner of Messrs Cheah Poh Gek & Associates, a Selangor-based law firm. Her principal practice area is in conveyancing, with an emphasis in family matters. Poh Gek served as the Head of the Conveyancing Sub-Committee at the Selangor Bar from 1996-2004 and as a member on the Conveyancing Sub-Committee of the Malaysian Bar for many years. She obtained her Certificate of Mediation from LEADR (Australia) in 2001 and is registered as Mediator with the Malaysian Bar. She is also an Associate Member of The Chartered Institute of Arbitrators, U.K.

Chu Ai Li

Chu Ai Li is a partner of Azman Davidson & Co., and has more than 20 years' experience as a lawyer. Her core practice areas are construction law, arbitration and adjudication. She is on the panel of arbitrators as well as the panel of adjudicators of the Asian International Arbitration Centre.

Chong Phow Yew

Chong was called to the Bar on 13/8/1988. He has been in active practice handling mainly civil and commercial litigation. He is married with 3 daughters. He holds an external honours degree in law from the University of London and a 2nd Upper Honours in the Certificate in Legal Practice and is presently the senior partner in the firm of Kamaruzaman Arif, Amran & Chong in Shah Alam. He is also a Commissioner For Oaths and a Notary Public.

Darren Lai

Darren Lai graduated with an LL.B (Hons) degree from University of Tasmania in 2005. He obtained his Certificate of Legal Practice in 2008 and was admitted as an Advocate and Solicitor of the High Court of Malaya in November 2009. He was admitted as a Partner of Richard Wee Chambers on 1st July 2021. His area of practice is in corporate and commercial dispute resolution. He has appeared and acted in a wide range of disputes in all levels of Court in Malaysia and in arbitration, amongst others shareholders disputes, commercial terms deadlocks, liquidation, tenancy disputes as well as defamation and libel matters. Apart from his work in dispute resolution, Darren has also advised his clients on various corporate regulatory compliance and with his keen interest in environmental law, recently advised on the Environmental, Social & Governance ("ESG") framework.

Daniel Tan Chun Hao

Daniel is the proprietor of the law firm Messrs TAN CHUN HAO. He holds dual qualifications in both civil engineering and law, and is a practising lawyer. He was admitted to the Malaysian Bar in 1993. Daniel has over 25 years experience in the provision of contractual advice to local and international contractors and owners in the engineering and construction industries. He has been principally involved in arbitrations / dispute resolution, contract management and advisory services on a wide spectrum of projects. He acts as advocate in arbitrations. He is a Fellow of the Chartered Institute of Arbitrators and both panel arbitrator and accredited mediator with the Asian International Arbitration Centre, and accredited mediator with the Construction Industry Development Board, Malaysia.

Dato' W.S.W. Davidson

Dato' W.S.W. Davidson began his career in London in 1957 before serving as Crown Counsel and legal draughtsman in the Attorney General's Chambers, Hong Kong from 1960 to 1963. He has been in legal practice in Malaysia since 1964. He is currently Consultant with Azman Davidson & Co. He has over 50 years of legal practice appearing in High Courts in Hong Kong, Malaysia and Brunei and before the Privy Council in London. He is a Fellow of the Chartered Institute of Arbitrators, United Kingdom and Malaysian Institute of Arbitrators. He is also a Panel Member, of Kuala Lumpur Regional Centre for Arbitration and Singapore International Arbitration Center. He sits as arbitrator in international and domestic arbitrations. Dato' Davidson was the chief draftsman for the Bar Council's draft for the new Malaysian Arbitration Act and was Chairman of Bar Council sub-committee dealing with amendments to new Malaysian Arbitration Act.

Dato' Dr. Abd Shukor Ahmad

Dato' Shukor is a Partner and Head of Dispute Resolution at Shukor Baljit & Partners. He read law at the University of Malaya and went on to obtain Bachelor's as well as Master's degree from that University. He was admitted to the High Court of Malaya in 1997. Whilst his practice primarily involves civil and commercial dispute resolutions he is also adept at corporate exercises of mergers, acquisition, financing and securitization. He has appeared regularly at the Superior Courts. He is a Fellow of the Chartered Institute of Arbitrators (CI Arb), Malaysian Institute of Arbitrators (MI Arb), the Arbitrators and Mediators Institute of New Zealand (AMINZ) as well as the Asian Institute of Alternative Dispute Resolution (AIADR). He is also a qualified Mediator and Adjudicator. He has appeared as counsel in domestic as well as international arbitrations. He has also been appointed as sole arbitrator in ad hoc and institutional arbitrations. He secured his degree of Doctor of Philosophy (PhD) from the International Islamic University in 2013. He has also published articles in scholarly journals and has authored texts entitled "Legal Aspects of Hire Purchase" -2nd Edition in 2019 and "Habeas Corpus in Malaysia" in 2021. He has been regularly invited to judge the International Humanitarian Law Moot and Philip C. Jessup International Law Moot Court Competitions as well as other mediation and arbitration competitions.

Dato' Hj. Kamaruzaman bin Muhammad Arif

Dato' Hj. Kamaruzaman bin Muhammad Arif graduated from the University of East Anglia, United Kingdom with Bachelor of Laws (Hons) in 1997 and passed his certificate of Legal Practice (CLP) examination in 1998. Dato' Haji Kamaruzaman started his legal career in a reputable firm in Petaling Jaya as a legal assistant before joining two local authorities as the Head of Legal Department and took charge in various civil suits, prosecutions, legal advice, drafting and amending by-laws. He had been invited by various agencies and an active speaker on local government laws including UiTM, Polis DiRaja Malaysia, Kastam DiRaja Malaysia, Persatuan Pihak Berkuasa Tempatan ("MALA"), Majlis Perbandaran Kota Bahru, Majlis Perbandaran Alor Gajah and Pusat Latihan Penguatkuasaan Negeri Selangor. In 2003, Dato' Haji Kamaruzaman joined Malaysia Airlines (MAS) as a Counsel where he gained expertise in corporate and commercial laws, privatizations and outsourcing of services. He had worked together with a leading legal firm in Sydney for a mega IT outsourcing project. In 2005, the state of Selangor appointed Dato' Hj. Kamaruzaman to be a Consultant in drafting the unified by-laws for all local authorities in Selangor. He managed to complete this task successfully and over 27 standardised by-laws have been introduced in Selangor. Dato' Kamaruzaman also authored two books pertaining to enforcement in Selangor local authorities, copies which were circulated to all Selangor local authorities. Dato' Hj. Kamaruzaman holds knowledge and experience in various of legal areas covering diverse matters and his pursuit for legal knowledge and expertise never ends and continued throughout his entire legal career and practice. He holds excellent records in civil litigation, delivering legal solutions on disputes in major joint venture projects, administrative laws, corporate banking and conveyancing.

Elaine Yap

Elaine Yap has been in active legal practice in Malaysia since 1999 as a litigator, arbitration counsel and arbitrator. She is experienced in handling civil, commercial, and administrative disputes in various state Courts and tribunals in Malaysia as well as in institutional and ad hoc arbitrations on a variety of subjects. She established Elaine Yap Law Office in 2017 and runs a niche dispute resolution practice based in Kuala Lumpur and specialises in assisting local and foreign companies and individuals to manage, mitigate and resolve complex disputes with a solutions-oriented approach. Elaine is a member of the Malaysian Bar Council Arbitration Committee and a Fellow of the Malaysian Institute of Arbitrators, Chartered Institute of Arbitrators.

Farah Shuhadah Razali

Farah Shuhadah Razali is a partner in the Litigation practice group. She obtained her Bachelor of Laws Degree from Universiti Teknologi Mara and was admitted as an Advocate & Solicitor of the High Court of Malaya in 2008. Farah has experience in a wide range of commercial litigation including companies or corporate disputes involving shareholders and directors, winding-up disputes, contractual disputes and tortious claims. Whilst her area of special interest is defamation as well as public and administrative law, Farah also regularly renders advice and act for both local and international clients in matters involving land and tenancy disputes, probate and administrative disputes and various debt recovery and insolvency matters. Farah has appeared as co-counsel and counsel at all tiers of the Malaysian Courts and played a key role in many noteworthy cases in Malaysia which are reported in the law journals. Apart from Court appearances, Farah also has been involved in commercial arbitration under the Arbitration Act 2005 and mediation under the Conciliation / Mediation Rules of the Kuala Lumpur Regional Centre for Arbitration (KLRC).

Gabriel Daniel

Gabriel Daniel is a graduate of University of Malaya and an Advocate & Solicitor of the High Court of Malaya. He joined the legal fraternity and has been serving in various capacities for the past 26 years. Gabriel Daniel is currently a Senior Partner in a leading law firm in Kuala Lumpur and has wide experience in various areas including construction law, commercial and company disputes, insolvency practice, administrative law, arbitration and contractual disputes. He has appeared in several landmark cases in Malaysia relating to land, company and administrative law issues. Additionally, Gabriel Daniel regularly advises on corporate and commercial issues to both domestic and international clients.

Gan Khong Aik

Gan Khong Aik graduated from the University of Malaya. Khong Aik is the Fellow of the Chartered Institute of Arbitrators, UK and a mediator with the Malaysian Mediation Centre. Throughout his practice since 1995, Khong Aik regularly acts as Counsel focusing on corporate governance and commercial disputes including property disputes, company restructuring & liquidation, insolvency, employment and industrial relations disputes with particular reference to restrictive covenants, protection of trade secrets and confidential information as well as defamation at all tiers of the Malaysian Courts and arbitration. Khong Aik is also an arbitrator of the International Arbitration Court in Ganjiang, China and an Adjunct Professor to the Shi Liang College of Law, University of Changzhou, Jiangsu China.

Han Li Meng

Li Meng is a Partner in Christopher & Lee Ong's Dispute Resolution & Litigation Practice Group. Li Meng's portfolio covers a wide area of civil litigation with special focus on disputes relating to infrastructure and construction, telecommunications, industrial relations. Li Meng is also a qualified Adjudicator empanelled with the Asian International Arbitration Centre and advises clients on adjudication matters under the Construction Industry Payment and Adjudication Act 2012. The breadth of Li Meng's practice extends to regularly advising clients on employment/industrial relations issues and representing clients at both the Industrial Court as well as Civil Courts on those issues.

H.R. Dipendra

Dipendra graduated with LLB (Hons) from University of London and LLM from London School of Economics. He was admitted to the Malaysian Bar in 2000. He is a Bar Council Committee Member (2017/2018). He was also the Honorary Secretary of Kuala Lumpur Bar Committee (2010-2011), Kuala Lumpur Bar Committee Representative to the Malaysian Bar Council (2010-2011), Chairman of the Kuala Lumpur Bar Committee (2013-2015) and Co-Chairperson - International Malaysian Law Conference 2016. is a Bar Council Committee Member (2017/2018). Dipendra is a Partner leading the Dispute Resolution Practice Group at KDJ-Law. Dipendra is well versed in civil litigation procedure and has vast experience in the various stages of dispute management in both Court and arbitration proceedings. He has advised clients on such diverse areas of law such as breach of contract, banking and finance, breach of directors' duties, fraud and negligence, insolvency litigation, shareholders dispute, libel and slander. Dipendra's expertise includes advisory work, drafting of pleadings and submissions, advocacy in the context of interlocutory hearings and trials before the Courts and arbitral tribunals as well as appeals before the appellate Courts, advising and taking conduct of enforcement actions including committal proceedings and other modes of execution. Dipendra has undertaken numerous successful briefs and continues to provide practical commercial advice and negotiate for settlement where appropriate.

Heather Yee

Ms. Heather Yee is the first female global lead and youngest Head of the Asian Institute of Alternative Dispute Resolution (AIADR) Secretariat, headquartered in Kuala Lumpur, Malaysia. Ms. Heather Yee is admitted to the Malaysian Bar as advocate and solicitor with several years of practising experience in commercial dispute resolution and litigation prior to joining AIADR. She holds Master of Laws with Distinction from the University of Malaya and was the recipient of the St Michael Brother Visitor's Award being the Best STPM Student of the year and Best Student in Business Studies. She was also the recipient of the Temasek Foundation Leadership Enrichment and Regional Networking Award by the National University of Singapore (NUS) and Temasek Foundation Singapore. Ms. Heather is an IMI accredited mediator and was conferred the Diploma in International Commercial Arbitration by the Chartered Institute of Arbitrators (CIArb). She regularly advises on alternative dispute resolution matters including mediation, adjudication, expert determination, ad hoc arbitration, institutional arbitration, and acts as tribunal secretary in domestic and international arbitration. She is also frequently invited to judge in international moot competitions and to speak in international events, forums and

conferences on topics relating to dispute resolution and dispute settlement. She is also an editor in the recent book publication 'Standard Form of Building Contracts Compared' published by LexisNexis.

Ho Kok Yew

Kok Yew is in his 18th year of private litigation practice. He is the principal of his namesake law firm, which he established in September 2018. He handles various aspects of contentious disputes covering multiple disciplines in civil, commercial and corporate litigation. He believes his firm of lawyers contribute towards creating an exception to the myth that lawyers who fight in court are hostile and unapproachable. Kok Yew champions the need for his lawyers to have strong interpersonal skills and emotional intelligence - which is always vital if you need the client to agree to your fee structure. Kok Yew also actively engages in corporate practice, bringing together the advantage of prior hands-on experience in the corporate sector during his years as Head of Group Corporate Affairs in a public listed company from 2006 to 2010 (but for these valuable years, he would have been in his 22nd year of private practice). Quite the self-opinionated narcissist, he believes he has seen enough badly drafted contracts that become the subject matter of disputes in court, and that ultimately, it takes a litigator to spot the fine print in a commercial contract.

Honey Tan Lay Ean

Honey Tan Lay Ean obtained her LLM from Warwick University, and is a Middle Templar. Honey is a General Committee member of the Malaysian Middle Temple Alumni Association. She currently serves on the Bar Council, and is the Chairperson of the Family Law Committee and Women's Rights Committee. Her main area of practice is in high conflict family matters. Honey is also engaged in public interest litigation, mainly in the areas of equality and non-discrimination. She is recognized as an expert in the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

Hj. Aznul Affendi Hj Hasan Basri

Hj Aznul is a partner in Messrs Aznul & Co, a boutique legal firm established in 1996. Graduated with a law degree (MA) from University of Cambridge in 1990 and is a member of the Honourable Society of Lincoln's Inn. His current practice includes commercial and corporate law, regulatory compliance, competition law and data protection. He has advised on the drafting of legislation relating to palm oil industry, ports, personal data protection, fish marketing industry, Fisherman's Associations, water industry and biofuel. In his spare time, he lectures in Administrative Law, Company Law and Corporate Administration in public universities.

Idza Hajar Ahmad Idzam

Idza graduated with an LL.B (Hons) from the UiTM and is currently practicing with Zul Rafique & Partners. Idza's area of practice includes defamation & media, corporate & commercial litigation, public & administrative law, clubs & unincorporated associations, land and general property, law regarding land acquisitions, banking law and arbitrations. Idza regularly appears in High Court and the Appellate Courts. Idza is a Recommended Lawyer in the Legal500 2019 Asia Pacific for Dispute Resolution and has also been named Future Star by Benchmark Litigation Asia Pacific 2019, 2020 and 2021. She has recently been named as Outstanding Lawyer 2020 for Client Service Excellence by Asialaw.

Mohd Izral Khairy

Izral is a partner of Izral Partnership. Izral's main areas of practice are in insolvency and receivership, debt restructuring and schemes of arrangement, commercial fraud, defamation and infrastructure projects. He has acted on various contentious matters concerning the insolvency of public and private companies.

Irwin Lo

Irwin Lo is a barrister of Middle Temple, United Kingdom in 2004 and was admitted to practice in Malaysia as an Advocate and Solicitor of the High Court of Malaya in 2006. His passion is in the practice of dispute resolution, which includes counselling clients on their legal conflicts and issues, strategising on the best possible resolution of a legal dispute, and advocating his clients' case in court. His litigation skills and competence have continued to result in engagements as counsel for trial and appellate court work at all tiers of the Malaysian Courts from a diverse range of clientele from the corporate world as well as individuals. His specialisation is in contractual, construction, corporate and commercial litigation; with his most interesting cases involving matters relating to shareholders' dispute, breach of directors' duties, and construction defects. As a complement to his litigation background, Irwin is also regularly tasked by his corporate clients to provide non-litigious corporate commercial advice. At present, Irwin is engaged as a long-term external legal advisor for several companies. Prior to setting up Lo Chambers, Irwin was a partner in a law firm overseeing the litigation department and acts as legal advisor for several listed companies in Malaysia. Irwin is a member of the Young Practitioners Group of Asian International Arbitration Centre (AIAC) and is also a licensed Adjudicator under the panel of the AIAC for construction disputes under the Construction Industry Payment and Adjudication Act 2012 (CIPAA) and a licensed Mediator under the panel of the Malaysian Mediation Centre (MMC).

Jamie Wong

Jamie has been engaged in active practice for over 13 years with a focus in corporate and commercial litigation. She founded Messrs Jamie Wong in 2014. Her clientele ranges from private individuals to public listed entities based locally and abroad. Upon completing the Bar Vocational Course at BPP Law School, London, Jamie was called to the English Bar by the Middle Temple in 2007. Before commencing her pupillage in the chambers of Ranjit Singh, she worked at international law firms, Simmons & Simmons, Hong Kong and Zaid Ibrahim & Co, Malaysia. Jamie believes that besides mastering various legal skills, lawyers are expected to constantly develop their interpersonal skills. The law slants more towards the arts and humanities rather than hard sciences, and applying it would require aspiring lawyers to demonstrate proficiency beyond their textbooks. Jamie has been engaged as both counsel and solicitor on separate occasions in the High Court and Appellate jurisdiction. She also leads a team of abled associates to conduct a wide range of litigation matters including those involved in alternative dispute resolutions. Through the sophisticated and dynamic culture of the Firm, Messrs Jamie Wong has gained recognition among its peers as well as in the legal sphere.

Janet Chai

Janet's practice is in commercial, energy, construction and engineering disputes, and has been an accredited adjudicator with the Asian International Arbitration Centre since 2014. Janet graduated from University of Sheffield, England with a Bachelor of Laws (Hons) in 2003, was called to the Bar of England and Wales in 2004 and admitted as an advocate and solicitor of the High Court of Malaya in 2006. Janet commenced practice in Chooi & Company where she was made a partner in 2013. In 2018, Chooi & Company merged with Cheang & Ariff to form Chooi & Company + Cheang & Ariff (CCA), where Janet is one of the partners in the dispute resolution team.

Jennifer Chandran

Jennifer Chandran chambered and commenced her practice of law at the firm of Messrs Allen & Gledhill before forming Vaasan Chan & Chandran in 1999 together with the other 2 partners. Jennifer Chandran was invited to lecture at the ATC College of Law and from 1990 to 1993 she lectured hundreds of students on Land Law, Family Law and the English Legal System. She handles the firms litigation and Probate matters. She has appeared in the High Court, Court of Appeal and Federal Court in Malaysia. She has from time to time, at the invitation of Rockwills Trust presented lectures to their professional will writers on Malaysian probate procedures and laws and has also administrated estates of substantial size and value involving local and foreign assets. After years of litigation practice, Jennifer Chandran now also heads our conveyancing practice. Her clients include local and foreign developers. She also provides advisory and consulting service in respect of setting up medical projects in Malaysia.

Jeffrey John

Jeffrey is a Barrister-at-Law of England and Wales of Lincoln's Inn. He was admitted to the Malaysian Bar on 1st August 1997 and has been in active practice since that time until 2008 when he left for employment to Negara Brunei Darussalam and remained there in active practice as a litigator until 2012. Thereafter he returned to Malaysia and commenced private practice from 2013 till 2014. He obtained a diploma in International Arbitration from the Chartered Institute of Arbitrators UK. In 2015 he was appointed as the Head of Legal in a corporation dealing with Property Development and Railway Projects until March 2017. Since then he has started his own solo practice. Jeffrey practice areas include Civil Litigation, Criminal Litigation with a particular emphasis on General Civil Litigation, Corporate Litigation and Defamation Actions. He also prepares corporate and commercial Agreements.

Jimmy Liew

Jimmy Liew graduated with an LL.B (Hons) degree from University of London in 1999. He obtained his Certificate of Legal Practice in 2000. He was admitted as an Advocate and Solicitor of the High Court of Malaya in August 2001. He was admitted as a Partner of Shearn Delamore & Co on 1st January 2010. His area of practice is in corporate and commercial dispute resolution. He acted in a wide range of disputes both in Court and in arbitration. He has also been involved in a wide range of disputes involving fraud and forgery, contentious probate and administration and landlord and tenant. He is also experienced in handling corporate restructuring, receivership, liquidation and administration matters and corporate crime.

Kamraj Nayagam

Kamraj read English Literature and Law at Trinity College, Cambridge, before being admitted to the Bar of England and Wales at Lincolns Inn, and has been in practice since 1996. Prior to joining MKP as a Partner on 1st January 2016, Kamraj was a Partner of two other large Kuala Lumpur-based corporate/commercial law firms for several years. Kamraj's areas of practice covers arbitration & alternative dispute resolution, construction & engineering contracts and corporate & commercial disputes. Kamraj possesses a wealth of experience both in terms of drafting and negotiating construction contracts and dispute resolution, in relation to which he has been involved in numerous litigation and arbitration matters in various courts and arbitral forum. Kamraj has been engaged in numerous corporate commercial arbitrations and disputes involving many multinational and public listed companies.

Karen Cheah Yee Lynn

Karen Cheah Yee Lynn is the President of the Malaysian Bar for the 2022/2023 term. She was the Chairman of the Malacca State Bar Committee from 2012 to 2015, and was elected as Council Member for 7 consecutive terms from 2016 to 2023. She was appointed as the Treasurer of the Malaysian Bar during the terms 2013/2014 and 2014/2015, and has also served as the Secretary of the Malaysian Bar for two terms (2015/2016 and 2016/2017). She is the Co-Chairperson of the Bar Council Committee to Reform the Legal Sector (LPA Amendment). She is also a member of the following Bar Council committees: Committee on AMLA, Corporate and Commercial Law Committee, Finance Committee, and Women's Rights Committee. She was the Chairperson of the Bar Council Ad Hoc Committee on Conditional Fee Rules (Re Non-Personal Injuries), Co-Chairperson of the Bar Council Constitutional Law Committee, and Co-Chairperson of the Bar Council International Professional Services Committee.

Karen Ng Gek Suan

Karen Ng Gek Suan is a Partner of Karen, Mak and Partners. She is a Building & Construction lawyer based in Kuala Lumpur. She regularly advises on building and construction contracts and represents clients in all tiers of Courts, Arbitrations, Adjudications and Royal Commission of Enquiry proceedings. Karen is also an Arbitrator, Adjudicator and Mediator, empanelled with the Asian International Arbitration Centre (AIAC) and Malaysia Mediation Centre. She is also the Past Deputy President of the Malaysian Institute of Arbitrator (MIARB) (2017-2019); the International Chamber of Commerce (ICC) Young Arbitration and ADR Forum Representative for South Asia (current); and a Panel Member of AIAC Academy of Tutors.

Karen Wilfred

Karen Wilfred holds a Bachelor of Laws degree from the University of London and was called to the Malaysian Bar in 1996. She has since been in active legal practice, involved mainly in the areas of civil and commercial dispute resolution. She is presently the principal owner of the firm of Messrs Wilfred.

Kevin De Rozario

Kevin was called to the Malaysian Bar in 1998 having completed his pupillage at Messrs Kumar Jaspal Quah & Aishah. He is currently a Partner and Head of the Litigation Department at Messrs Khairuddin, Ngiam & Tan, a KL based firm which has been in existence since 1984. Kevin's principal practice area is in Civil Litigation. Kevin has dealt with a wide range of litigation matters including banking, contractual and tortuous disputes, commercial, winding up proceedings, criminal and family matters. He has also had many years of experience in dealing with Industrial Relations matters, particularly in areas covering termination of employment and constructive dismissal where he has advised both individual and corporate bodies on such issues, including public listed companies. Kevin has represented clients in Industrial Relation cases up to the Court of Appeal. In 2005 and 2008 Kevin had contributed to the Malayan Law Journal's (MLJ) Halsbury Laws Of Malaysia publication particularly in the subject of the Legal Profession. In 2017, he contributed to a book known as "A Guide On Strata Management" published by Ark Knowledge Solutions. This book provides a comprehensive analysis of the law and a simple approach to understanding its application on Stratified Properties. It spells out the duties and prohibitions imposed on all related stakeholders. Outside the ambit of legal practice, Kevin is quite involve in social work being the Deputy Chairman of the Social Concerns Ministry at Tamil Methodist Church Brickfields Kuala Lumpur. He's also the Chairman of Community Action Network (CAN) a civil society organisation which upholds the principles of human rights and Justice and he is also a Committee Member of the Catholic Lawyers Society (CLS) Kuala Lumpur. Kevin was appointed as an Examiner for the CLP 2020 examinations and and he also written some Articles which were reported at the Current Law Journal (CLJ).

Lavinia Kumaraendran

Lavinia Kumaraendran was admitted as a Barrister-at-Law (Lincoln's Inn) in October 2003 and to the Malaysian Bar as an advocate in 2005. She holds a Masters Degree in Commercial Law. Lavinia is a passionate litigator and only ever has been in active dispute resolution practice in the fields of general civil and commercial litigation. Her interest and specialization focuses on corporate litigation, particularly shareholders' disputes, breach of directors' duties and liabilities and contentious insolvency claims. She only very recently set up her own practice in partnership under the style and name of Lavanina & Balan Chambers where the vibrant Team of eight (8) advocates focus on Litigation and Construction Arbitration. Having considerable experience acting for a broad range of clients in various industries, including public listed companies, liquidators, receivers and managers, she frequently appears as solicitor and counsel in all tiers of the Courts in Malaysia. Lavinia is also an Advocacy Trainer with the Advocacy Training Committee of the Malaysian Bar where she often trains young lawyers in various jurisdictions including Singapore and South Africa. Lavinia enjoys training the Art of Advocacy where she emphasizes and conveys the importance of staying true to your personality while putting forward a strong argument in Court.

Lim Tuck Sun

Tuck Sun graduated with a Bachelor of Laws (Hons) from University of London (External) in 1995 and was called to the Degree of Utter Barrister of The Honourable Society of Lincoln's Inn in 1996. He was admitted as an advocate and solicitor of the High Court of Malaya in 1997. Tuck Sun's primary focus is in the area of commercial and corporate litigation and arbitration. He advises clients on shareholders' disputes and company law related issues, including cross-border disputes. He also advises on competition law, defamation law, IT-related contracts, and telecommunications matters, and handles related litigation. Tuck Sun is also empanelled as an arbitrator with the Singapore International Arbitration Centre and the Asian International Arbitration Centre.

Logan Sabapathy

Logan Sabapathy was admitted to the English Bar in 1985 and the Malayan Bar in 1986. He is also a member of the Singapore Law Society. He has been in active practice in West Malaysia since 1986 involving himself primarily in commercial and corporate related (including securities laws) litigation and arbitration. He practices under the name and style of Messrs Logan Sabapathy & Co., a firm based in Kuala Lumpur.

Mahadevan Sekaran

Mahadevan Sekaran is a Partner in Conflict Resolution Department in Jayadeep, Hari & Jamil. He specialises in Insurance and Takaful litigation, particularly in complex, high magnitude claims at trial and all appellate levels. He is emplaced on the panel of many General Insurance and Takaful Insurance companies. He is also appointed as lead counsel by clients, to assist their panel solicitors when they are faced with complicated legal matters or as the situation arises. Additionally, he has numerous dismissals and reported cases to his credit. He is also actively involved in mediation process and is responsible for negotiating settlements on behalf of insurance companies with the claimants. He is also a Member in Malaysian Insurance Institute, Life Member Medico-Legal Society of Malaysia and Member of Malaysian Association of Risk and Insurance Management.

Mak Hon Pan

Mak is a Partner of Messrs. Karen, Mak & Partners. His primary areas of practice include construction law and arbitration. He advises on both contentious and non-contentious matters and has represented a broad range of clients in all stages of adjudication, arbitration and court proceedings. Mak is also the Vice President and Fellow of the Malaysian Institute of Arbitrators, a qualified adjudicator and arbitrator empanelled with the Asian International Arbitration Centre and a Fellow of the Asian Institute of Alternative Dispute Resolution. Outside of practice, Mak writes regularly and has contributed to the Asian International Arbitration Centre 2019 Standard Form of Building Contracts Manual (2021), Construction Adjudication Reports of Malaysia by Sweet & Maxwell and the Master Builders Journal by Master Builders Association Malaysia.

Michelle C.Y. Loi

Michelle C.Y. Loi has been a Partner of Shearn Delamore since January 2013. With more than 18 years of experience, Michelle's practice covers all areas of IP. She regularly attends the Court for matters involving patent, trademark, copyright and design infringements,

passing off cases and breaches of confidential information across a wide spectrum of the industries including medical devices, food, movies, fashion, glove manufacturing, oil palm, ink jet cartridges, digital transmission systems and pharmaceutical products, and is involved in precedent-setting cases of the IP laws. She also represents clients in relation to the Malaysian Intellectual Property Office's opposition procedures and trademark / patent prosecution proceedings as well as advises on domain name disputes. With respect to the non-contentious aspects of her practice, Michelle provides clients with legal advice on the Personal Data Protection Act, Food Act and Regulations, gaming regulations and franchising. She also advises on the IP and IT aspects of commercial transactions that include licensing and technology transfers as well as software and computer agreements. Michelle is the Past President of the Licensing Executives Society Malaysia (LESM). She is also a trainer in the Advocacy Training Course organized by the Bar Council and one of the Asian Arbitration International Centre (AIAC)'s Panelists of the Domain Name Dispute Resolution for the term 2021-2024. She also actively serves in the IP Committee of the Bar Council.

Michael C M Soo

Michael is currently the Managing Partner and is head of the IP and IT department of Shook Lin & Bok, one of the oldest and largest law firms in Malaysia. He obtained his LLB (Hons) from the University of London and is a Barrister-at-Law of Gray's Inn, England and Wales, and an advocate and solicitor of the High Court of Malaya and Supreme Court of Singapore. He is also a registered trade mark agent, patent agent, and industrial design agent. He was a past president of the Malaysia Intellectual Property Association (MIPA), and was the immediate past President of the Asian Patent Attorneys Association (APAA) (2012-2018), Malaysia Country Group, and has been a councilor of APAA for many years. He is currently a member of ExCom/AdCom of APAA Headquarters based in Japan. He was a member of the Copyright Law Review Ad-hoc Committee, under the Attorney General's Chambers, Malaysia, and is a member of the IP Committee, and was the deputy chair of Trade in Legal Services Committee ("TILS") of the Bar Council of Malaysia. He practises exclusively in all areas of IP law, with emphasis on enforcement and civil litigation, for over 35 years. He has appeared as lead counsel or co-counsel in a number of infringement and/or passing-off actions before the High Court, Court of Appeal and Federal Court (formerly known as the Supreme Court). He is a panelist of domain name dispute resolution administered by Kuala Lumpur Regional Centre for Arbitration and has adjudicated on domain name dispute cases. He is active in several international professional organizations including International Trademark Association (INTA), APAA and Inter-Pacific Bar Association (IPBA). He is currently the co-chair of IP Committee of IPBA. He was a former chair of INTA, Asia Pacific Sub-Committee on Geographical Indications and was chair of INTA Enforcement Sub-Committee on Geographical Indications. He has presented papers on intellectual property law in domestic, regional and international seminars and conferences including IPBA, Commonwealth Law Association Annual Conference and World Intellectual Property Organization (WIPO). He lectured on copyright and design law for the Patent Agent Examination since its inception in 1997, and on intellectual property law at the Institute of Judicial and Legal Training (ILKAP), of the Prime Minister's Department, Malaysia. He regularly contributes articles and updates in IP publications. He was named one of the leading individuals under

category of intellectual property by Legal 500 Asia Pacific; Asia IP Law; Leading Trade Mark Practitioners by Euromoney; PLC Lawyers and Chambers Asia respectively several times.

Nimisha Jaya Gobi

Nimisha Jaya Gobi has worked with multinational companies and large corporations in manoeuvring intricacies through general litigation, as well as where employer-employee relationships and their legal entanglements are concerned. Nimisha's key areas of expertise include commercial disputes, director and shareholder disputes, recovery of debt and loans, employment disputes and advisory, regulatory compliance, advisory on contract interpretations, court sanctions for mergers and amalgamations, advocacy (interlocutory and trial), and arbitration. Nimisha has been involved in many complex trial and appellate Court disputes in Malaysia, including Industrial Court disputes. Amongst others, Nimisha has succeeded in a shareholder oppression suit at the High Court, handled a highly complex trial for a public listed company at the High Court for claims of breach of fiduciary duties, fraud, and negligence against their former directors; handled and succeeded in a complex trial for an airlines company for claims of fraud against their former employees in a covert scheme engineered by these former employees; and represented and handled trial preparation for an airlines company in an unfair dismissal claim involving fraudulent transactions. Nimisha has acted for industry leaders across a range of sectors and industries including aviation, education, food and beverage, information technology, luxury, fashion, manufacture, and water technology.

Olivia Loh Yuet Ling

Olivia is one of the founding partners of Gananathan Loh. Olivia obtained her law degree (LLB Hons) from Wolverhampton University, UK and was admitted as an advocate and solicitor of the High Court of Malaya in February 2000. She has been in active practice for 20 years. Olivia practices mainly commercial and construction law. She has worked extensively in matters involving construction arbitration (both local and international), construction adjudication, liquidation and insolvency and corporate disputes. Aside from dispute resolution matters, Olivia is also involved in corporate advisory, drafting and negotiating of construction contracts for local and international clients. Olivia is also one of the panel adjudicators with the Kuala Lumpur Regional Centre for Arbitration.

Rahayu Mumazaini

Rahayu obtained her LL.B (Hons) degree from the International Islamic University Malaysia in 2006 and LL.M (Masters) from the National University of Singapore in 2010. Rahayu has diverse working experience. She previously served the government at the Attorney General's Chambers and contributed her time as a legal researcher at an anti-graft NGO. Rahayu was called to the Malaysian Bar in 2009 and began her litigation career at the firm of Tommy Thomas in 2010, where she presently practices. Her areas of practice are mainly commercial and civil litigation, focusing on shipping and maritime disputes.

Raja Kumar Raja Kandan

Raja Kumar was called to the Malaysian Bar in 2008. He is currently a partner in Azman Davidson & Co practicing in the dispute resolution practice group making regular appearances in the High Court, Court of Appeal and Federal Court as well as in the Arbitration circuit both locally and internationally. He is presently a President of the YMG CI Arb Malaysia, a member of the Bar Council Construction Law Committee and a member of the Chartered Institute of Arbitrators. In his youth, he was actively involved in university activities in mootng competition as well as represent Malaysia twice internationally in the Louis M. Brown Client Counselling Competition.

Ramesh Sathasivam

Ramesh is a Partner and the Co-Head of the Dispute Resolution and Arbitration Practice Group at KDJLaw. Ramesh joins Messrs Koh Dipendra Jeremiah Law with effect from 1 February 2020. For the last 24 years, Ramesh has established himself in the areas of banking litigation and insolvency as well as corporate restructuring where he has represented numerous financial institutions, including both local (conventional as well as Islamic) and oversea institutions. Ramesh's practice also includes commercial/contractual litigation, corporate litigation, employment litigation as well as international and domestic arbitration. He has extensive experience in securities-related enforcement matters and his experiences include representing the lenders as well as trustees in their claims against the issuers and obligors. In this respect, he is well versed in both Islamic as well as conventional issuances. He has throughout his practice also represented liquidators as well as receivers and managers in both non-contentious and contentious matters.

Raphael Kok Chi Ren

Raphael is a civil and commercial litigator practising in Lim Chee Wee Partnership. His core practice encompasses shareholder disputes, international arbitration, energy disputes, and asset recovery. He is well-versed with the myriad of dispute resolution regimes under public international law (ICJ and ICSID) and private international law (UNCITRAL and PCA). He specialises in multi-fora litigation and regularly assists senior counsel from England, Australia, and Singapore. He also advises on emerging areas of law shaped by digital technologies, especially data privacy and online media regulation. Raphael was admitted to the Malaysian Bar in 2009. Over 10 years, he has amassed a diverse blend of experiences in private practice, corporate in-house, and academic research. In 2014, he was awarded the Best Malaysian In-House Lawyer of the Year by ASEAN Legal Business during his role as an Asia-Pacific regional counsel in Shell. Raphael is an expert on investment treaty arbitration. His scholarly writings feature in prominent high-indexed academic journals: 'How to Identify Insiders and Intruders Disguising as Investors in the Assignment of Investments' (2022) 7(2) International and Comparative Law Quarterly 357; and 'Vanishing Treaty Claims: Investors Trapped in a Temporal Twilight Zone' ICSID Review – Foreign Investment Law Journal (forthcoming in late 2022).

Ravi Nekoo

Ravi Nekoo was admitted to the High Court of Malaya in 1995. He completed his Bachelor of Laws degree from University of London (External) in 1992. He went on to do his Masters in Law degree at University Malaya in 2001 and then Masters in Criminal Justice also at University Malaya in 2003. Ravi Nekoo was also admitted as Barrister and Solicitor

of the Supreme Court of New South Wales in 2004, the Supreme Court of South Australia and High Court of Australia in 2007. He has been in practice for 25 years and has been a litigator throughout his practice appearing at all levels of the court in Malaysia. He is also authored books on Civil Procedure, Land Law and co-authored a book on Professional Practice. He has also taught Civil Procedure for students sitting for the CLP for many years.

Ravindran Shanmuganathan

Ravindran, having been called to the Malaysian Bar in 2000, is currently a partner at Sreenevasan Young, a commercial and corporate litigation set of chambers in Kuala Lumpur. He has been involved in many public interest cases during his years in practice, the more recent of which include acting for a Defendant in a suit brought by the Government of Malaysia against the Steering Committee members of Bersih 3.0 and acting for the Malaysian Bar in its judicial review application against the Attorney-General. Ravindran has contributed a chapter in Bullen & Leake & Jacob's Malaysian Precedents of Pleading.

Richard Wee

Richard graduated with a Bachelor of Laws (Hons) from the University of London in 1996, completed the Certificate in Legal Practice in 1998 and was admitted as an Advocate and Solicitor of the High Court of Malaya in 1999. Richard is honoured to be appointed a regulatory partner of Malaysia Digital Economy Corporation's (MDEC) FINTECH BOOSTER programme; appointed to the Panel of Experts of the Ministry of Youth & Sports; appointed by the Ministry of Science, Technology & Innovation as a Member of the Panel for the Research & Development Fund for technology; appointed by National Sports Institute (ISN) as a Committee Member of Sports Technology Committee of ISN; appointed by FAM at FIFA's National Dispute Resolution Chambers (NDRC); appointed by Union Cycliste Internationale (UCI) as member of the UCI Disciplinary Commission and UCI Arbitral Board; and appointed as a member of Taylor's University Legal Profession Advisory Panel. He is also a Committee Member of the Mini Football Association of Malaysia (MiFOM), Member of the Society of Inns of Court of Malaysia, Member of the Association of Anti Bribery Management System Practitioners of Malaysia (ABMS-MY), Past President (2017-2020) of the Everton Supporters Club of Malaysia (Reg : PPM-025-14-28062016), and Co-Chairperson of the Professional Standards & Development Committee (PSDC) of the Bar Council, regulating & managing the CPD Scheme of the Malaysian Bar.

Rishwant Singh

Rishwant Singh is a partner in Messrs Cecil Abraham & Partners. He specialises in civil and commercial dispute resolution. He regularly appears before the High Court, Court of Appeal and Federal Court in commercial disputes; claims in contract and tort; privacy claims; land disputes; administrative and constitutional law matters; capital markets and securities disputes; claims in defamation and media; and competition and antitrust disputes. He has a broad client base, acting for both private clients, public bodies, public servants, public listed companies, multinational companies, Federal Ministers, Chief Ministers, Deputy Chief Ministers and Federal and State Governments. He has appeared in several landmark cases in Malaysia relating to the Labuan companies and the secrecy

obligations imposed by the Labuan Companies Act 1990, the duties and liabilities of lead arrangers, facility agents and issue agents in respect of capital market transactions in CIMB Bank Malaysia Berhad v Maybank Trustees Bhd & 10 other appeals [2014] 3 MLJ 169; the territorial rights of the constituent States of Malaysia in so far as cash payments for the winning and saving of petroleum offshore Malaysia in the continental shelf is concerned; and the appropriate test for a case to be decided on a pure question of law in State Government of Kelantan v Petrolam Nasional Berhad [2014] 6 MLJ 31; the law of libel and malicious falsehood in respect of on-line publications and the use of hyper-links in StemLife Berhad v Bristol Myers Squibb (M) Sdn Bhd & Anor [2010] 3 CLJ 251. He has also appeared in Terengganu Forest Products Sdn Bhd v Cosco Container Lines Ltd & Anor and other applications [2011] 1 MLJ 25, which is the leading case in Malaysia on the applicable test before the Federal Court will grant leave to appeal in civil matters.

Roger Chan

Roger Chan Weng Keng is a senior member of the Malaysian Bar. He is also a former Vice President of the Malaysian Bar and former Chairperson of its Human Rights Committee. Roger now heads the Environmental and Climate Change Committee of the Bar Council (ECCC), tasked to highlight Climate Change issues which currently concern the whole world and for legislation to be passed urgently in order to address them.

Roger Chin

Roger Chin is a Partner in Chin Lau Wong & Partner, Sabah, Malaysia. He is a Barrister and Solicitor of the Supreme Court of Victoria, Australia and graduated with an LLB and Bcom from The University of Melbourne, Victoria, Australia. He is also a registered patent, trade mark and industrial design agent. He practices mainly in the fields of civil litigation and intellectual property.

Salim Bashir Bhaskaran

Salim Bashir Bhaskaran is the Immediate Past President of the Malaysian Bar for the 2020/2021, an Adjunct Professor UiTM (Law Faculty) 2021, former Chairman of Selangor Bar 2015-2017. He was formerly the representative to the Bar Council (Selangor) for the terms 2014-2015, 2017/2018 and 2018/2019, Chairman of Selangor Bar in 2015 to 2017 and Deputy Chairman of the Criminal Law Committee of Bar Council from 2014/2015. He was also Co-Chairman of the Common Bar Course of the Bar Council 2019/2020, Co-Chairman of the Criminal Law Committee of the Bar Council from 2016/2020, Co-Chairman for AD Hoc Committee on Quality and Standards of the Bar Council from 2019/2020 and Co-Chairman for Reform of the Legal Sector of the Bar Council from 2019/2020. Salim was also a former member of Advocate and Solicitors Disciplinary Board and a former member of the Board of the Legal Profession Qualifying Board. Salim is an Evaluator and Panel for new entrance Law Schools in Malaysia, a part-time law lecturer in UiTM Shah Alam and he frequently undertakes lectureship in both local and international area in the field of Criminal Law. Salim has also involved in many Notable Cases in all levels of Courts and recently conducted the infamous case of 'Kim Jong Nam' KLIA Murder.

Samuel Tan

Samuel joined Messrs Shook Lin & Bok in August 2006 as a pupil. He was admitted as an associate in August 2007 and subsequently became a partner of the firm in January 2016. Samuel's area of practice is in civil and commercial litigation with an emphasis on banking and finance litigation (conventional and Islamic) which includes recovery work and the enforcement of securities, receivership, corporate insolvency, bankruptcy, contractual and land disputes. Samuel also represents financial institutions and companies in claims involving fraud, negligence, conspiracy and breach of fiduciary and/or statutory duties. He also represents and acts in director, shareholder and association disputes.

S. Saravana Kumar

Saravana has appeared in benchmark litigations with a sizeable volume of wins in tax disputes. Praised for his ability to "think outside the box" and "innovative approach" in interpreting the law, Chambers Asia Pacific acknowledged Saravana for being "dynamic, efficient and helpful" in addition to commenting that clients have remarked, "His tax knowledge is very in-depth, and he is fast at responding." He has been named one of the 40 leading lawyers under 40 in Asia by Asian Legal Business in 2018. He was recently named as one of the top 100 lawyers in Malaysia by Asia Business Law Journal. Saravana was formerly an Adjunct Professor with Universiti Tenaga Nasional (UNITEN) and chairs the Taxation & Customs Committee of LAWASIA. He is also a member of the Kuala Lumpur Bar Committee, where he chairs the Professional Development Committee.

S. Nadarajah

Dr. Nadarajah is an Advocate & Solicitor (High Court of Malaya). He brings hands on construction industry and engineering knowledge to practice, having worked as an Engineer before. He sees the commercial and practical risks and drivers associated with construction and engineering projects and is able to leverage this to deliver solutions to complex issues. At SIEMENS he implemented a novel wastewater treatment project and then at NCR he employed 4th generation programming language as a software programmer. As a consultant mechanical engineer he was in charge of the Mechanical Engineering Building Services for the largest building in Malaysia (Berjaya Times Square) - besides engineering complexities arising from the building's huge size, he was involved in its project management through the challenges of the 1998 Asian Financial crisis. He advises clients from procurement and structuring to negotiating and drafting contracts - and was involved in large construction/projects (preparing works contracts for infrastructure works, including for one of the largest projects in Malaysia, the Kuala Lumpur "MRT"; tenders for Power plants; etc.), IT and commercial, agreements. He appears as counsel in dispute resolution matters (in litigation, arbitration and adjudication) and has acted as the sole arbiter in construction disputes, and, has delivered a final and binding Expert Determination for AIAC's first such appointment (for an ad hoc matter) as well as several Adjudication Decisions.

Suaran Singh Sidhu

Suaran Singh Sidhu was one of the founding partners of LAW Partnership in 2019. With over two decades of experience, Suaran is highly regarded in litigation and had acted in several landmark cases in Malaysia, and was involved in one of the longest

IP trials in Malaysia. Forming part of the trainers of the International Advocacy Training Council, under which the Malaysian Bar is an affiliate member, Suaran often provides training for other lawyers on advocacy skills encompassing case analysis, drafting and using arguments, making oral submissions, cross-examining witnesses in trials, and putting forward a strong and persuasive case. He is well-versed in matters related to cybersecurity, information technology and personal data protection laws, he regularly advises on regulatory compliance issues, and the practices and policies in the Asia-Pacific region. In doing so, he regularly advises one of the oldest telcos in Malaysia. Suaran has served on the boards and committees of the Malaysian Bar Council as the co-chair for the IP Committee, the Ad-Hoc Committee on Personal Data Protection, and the IT Committee. He was also the Vice-President of the Future in Tech Committee and was involved in the drafting of the Malaysian Forum Code.

Sri Sarguna Raj

Sri heads the Intellectual Property, Sports and Gaming laws practice of Christopher & Lee Ong. Sri's main area of practice is intellectual property, in relation to both contentious and non-contentious work. He assists and represents clients in relation to disputes at all levels relating to patents, copyright, privacy and trade secrets, trade mark, passing off, industrial designs, advertising and domain name and also in relation to various aspects of enforcement of intellectual property rights. Over the years, he has represented many multinational companies from diverse range of sectors in litigation and in managing and implementing anti-piracy and anti-counterfeiting programmes for them. Sri continues to be named in leading legal directories, namely ranked as a Tier 1 Intellectual Property lawyer by Asia Pacific Legal 500, highly ranked in Chambers Asia-Pacific and recognised as an IP Star by Managing Intellectual Property. Sri is also recognised as "Litigation Star" by Benchmark Litigation. He also received the accolade of "Top 40 Under 40" legal professionals in Asia in year 2017 by Asian Legal Business.

Suganthi Singam

Suganthi is a Partner in Messrs Shearn Delamore & Co specialising in employment and immigration areas in both contentious and non-contentious matters. She is engaged in trial and appellate advocacy at all levels of the Malaysian courts. Suganthi graduated from the University of Manchester in 1994 and after her admission to the Malaysian Bar in 1996, she went on to pursue her Masters of Law from the University of Malaya whilst practising in Messrs Shearn Delamore & Co. For newly incorporated companies and foreign investments in Malaysia, she advises on the drafting of employment agreements, policies and handbooks as well as the entry requirements for ex patriates and corresponding legal requirements. She also trains employers to manage misconduct issues and poor performance in employees, advises on issues relating to employee stock option schemes, share awards, prepares panel members for domestic inquiries and trains personnel on how to conduct domestic inquiries. For corporate acquisitions and mergers, Suganthi provides strategic guidance in dealing with the employment and related immigration issues that arise. She provides legal counsel in relation to business acquisitions, employment permits, long term social visit passes entry requirements, reorganisations, and voluntary and mutual separation schemes, harmonisation of employment terms and retention of key management. In relation to workplace risk management and safety, she provides legal advice on occupational health and safety issues as well as sexual harassment policies and procedures. She also handles trade union recognition.

Datin Savithiri Ganesan

Datin Savithiri Ganesan graduated from the University of London with a LL.B. (Hons) and was called to the English Bar as a Utter Barrister of Lincoln's Inn. As an Advocate & Solicitor, she has been in active practice since April 1991 and is the sole proprietor in the firm of Messrs Savi Ganesan & Co. with more than thirty years of experience in civil, commercial and corporate litigation acting for companies, financial institutions and government bodies. She later graduated with a LL.M. degree from University of Malaya and went on to pursue a Post Graduate Diploma in International Commercial Arbitration from Queen Mary College, London and graduated with a merit. Datin Savithiri is a Fellow of the Chartered Institute of Arbitrators, London and was later made a Fellow of the Asian Institute of Alternate Dispute Resolution Centre in 2019. Datin Savithiri is on the AIAC Panel of Arbitrators and arbitrates domestic disputes and also acts as Counsel. She complements her practice with her many appointments as a Chairperson in tribunals, disciplinary committees and a number of other regulatory bodies and also advises clients on legal issues. Datin Savithiri has actively been involved as an Arbitrator in the many MootCompetitions organized by several international bodies expanding more than ten years.

Selva Balan Sinnan

Selva graduated with LLB (Hons) from London University of London in 1992 and obtained Certificate in Legal Practice (CLP) in 1996. He has been a member of the Malaysian Bar and the Kuala Lumpur Bar Committee since 1997 a member of the Malaysian Bar and the Kuala Lumpur Bar Committee since 1997. He lectured students (A- Level and LLB Program) on Constitutional Law, Law of Contract, Law of Tort and Evidence and also Civil Procedure lectures and tutorials for the students pursuing the Certificate in Legal Practice (CLP). Selva is a litigation partner at Azman Joseph & Associates. He manages a portfolio of corporate and individual clients, deals with all aspects of litigation matters, reviews and drafts contracts, conducts general civil and criminal litigations up to appellate stage (Court of Appeal and Federal Court) and deals with matters relating to Industrial Relations at the Industrial Court.

Shamala Devi Balasundaram

Shamala graduated with a Bachelor of Laws (Honours) degree from the Australian National University in 2002, obtained a Certificate of Legal Practice in 2003, and was admitted as an Advocate and Solicitor of the High Court of Malaya in 2004. Shamala is a partner of Chooi & Company + Cheang and Ariff where she practices in the field of dispute resolution, specialising in corporate and commercial litigation and arbitration. She presently serves on the Bar Council's Constitutional Law Committee, Corporate and Commercial Law Committee, and Arbitration Committee. She is also an advocacy trainer for courses conducted by the Bar Council's Advocacy Training Committee.

K Senthil Vaasan

K Senthil Vaasan commenced his practice of law at the firm of Messrs. Allen & Gledhill. He is presently a partner at the firm of Messrs. Vaasan Chan & Chandran in Kuala Lumpur. He has over 20 years of legal practice experience in corporate/commercial law and advises on a variety of corporate and commercial law issues from general corporate advisory on everyday issues faced by corporations to specific corporate exercises. He has also advised several companies on data protection laws and processes in Malaysia.

Susamma Thomas A/P A T Thomas

Susamma Thomas, read law at the University of London, England and was admitted as a Barrister-at-Law at Lincoln's Inn, London in 1988. She was admitted as an Advocate & Solicitor of the High Court of Malaya in 1989 and since then has been actively involved in litigation practice. She is currently one of the partners leading the litigation team at Messrs Deol & Gill which is one of the firms listed in the Legal 500. Susamma's core areas of legal expertise and experience include banking litigation, civil, corporate and commercial litigation with special interest in corporate restructuring, receivership and insolvency and matrimonial disputes. Susamma has 32 years of extensive experience in dispute resolution, litigation practice and appellate work. She has acted and continues to act in many landmark cases, both in the civil, commercial and corporate fields.

Srimurugan Alagan

Mr. Srimurugan Alagan is a senior lawyer and a litigator who is passionate about law. He had authored numerous books and journals which have been cited extensively by judges in Malaysia. He also teaches in public as well as in private universities. Srimurugan obtained his LLB from the University of Wolverhampton UK, and Masters in International Law from the University of London with merit.

Tai Foong Lam

Tai Foong Lam graduated from the Queen Mary and Westfield College of the University of London with an LLB (Hons) degree in 1992. He was called to the Bar at Lincoln's Inn in 1993 and called to the Malaysian Bar in 1995. Foong Lam's main area of practice is intellectual property and is a recognized IP practitioner specialising in information technology (IT) and telecommunications. His clients in the field of telecommunications include many of the telecommunications companies in Malaysia. Since 2011 Legal 500 Asia Pacific recognised Foong Lam as one of the leading individuals in IT and Telecoms practice. Since 2013 Chambers Asia Pacific has ranked Foong Lam as one of Malaysian intellectual property litigator with special focus on information technology (IT) and telecommunications. Foong Lam has a wide-ranging experience in negotiating and drafting commercial agreements relating to intellectual property, telecommunications networks and services, information technology, outsourcing, e-commerce, e-banking, telecommunications, contract manufacturing, technology transfer, research and development, merchandising, franchising, licensing, provision of services, contract manufacture and distribution rights. Foong Lam also works with corporate lawyers on corporate transactions involving intellectual property rights. In addition, Foong Lam has an active practice in IP litigation and enforcement of IP rights. He has been involved in several IP litigation cases which have been reported in Malaysian law journals. Foong Lam has been very active within the IP fraternity in Malaysia. At the international level, Foong Lam has been a member of the Bar Council IP Committee for many years, and is also the past president of the Malaysian chapter of the International Association for Protection of Intellectual Property (AIPPI), the world's leading non-governmental organization for research and formulation of policies and laws relating to the protection of intellectual property.

Tan Sixin

Sixin is a LLB (Hons) graduate from the University of the West of England, Bristol and was admitted as an Advocate and Solicitor of the High Court of Malaya on 29.11.2007. She is currently a Partner of Messrs Azim, TunkuFarik& Wong, Kuala Lumpur. Her area of practice is General Insurance and Takaful, Reinsurance and Re-Takaful Dispute Resolution. She is a member of LAWASIA and the International Bar Association (IBA), as well as a graduate member of the Malaysian Institute of Chartered Secretaries and Administrators (MAICSA). She is passionate about her practice and this has translated into numerous invitations to speak at events specially designed for insurance companies and law students. More recently, she authored the 2016 updates for the Malaysian Precedents and Forms (General Insurance and Takaful Chapters) and the 2017 and 2020 updates for Halsbury's Laws of Malaysia (General Insurance Chapters except marine insurance) in collaboration with LexisNexis Malaysia.

Teoh Alvare

Teoh Alvare is a partner in the Employment & Industrial Relations and Litigation practice groups of Zul Rafique & Partners. She regularly appears in the Industrial Court and has advised local and international companies in carrying out investigation and disciplinary action in relation to employees' misconduct, conducting domestic inquiry as well as the handling of disputes relating to dismissal / constructive dismissal. She also drafts terms and conditions in employee handbooks, consultant's agreement and employment contracts. In addition to this, Alvare also has experience in conducting legal forensic investigation, labour due diligence, corporate restructuring affecting employees, voluntary separation scheme (VSS) and retrenchment. Alvare has appeared as co-counsel and counsel in both the Industrial Court and High Court for judicial review proceedings relating to Industrial Court awards and appeals relating to the decisions of the Labour Court, as well as appeals at the Appellate Courts.

Tharminder Singh

Tharminder graduated from the University of Wolverhampton prior to being admitted as an Advocate & Solicitor of the High Court of Malaya in 1998. Prior to co-founding Izral Partnership in 2008 with Mohd Izral Khairy & Wong Guo Bin, Tharminder had been with Messrs. Logan Sabapathy & Co. where he was appointed as a partner in 2007. His clientele include various high profile individuals and leading corporations, for whom he regulates act in relation to various types of both contentious & non-contentious matters. Besides court matters, Tharminder is also experienced in alternative dispute resolution. Tharminder also holds a Certificate in Adjudication from Asian International Arbitration Centre (formerly known as the Kuala Lumpur Regional Centre for Arbitration). Besides having acted as an Adjudicator in a number of construction adjudication matters, Tharminder has also regularly acted as counsel for a prominent local developer in adjudication proceedings under the Construction Industry Payment and Adjudication Act, 2012. Outside of work, Tharminder is also an advocacy trainer with the Malaysian Bar, regularly training young practitioners to improve their courtroom advocacy skills

Tieh Siaw Siong

Mr. Tieh Siaw Siong (S S Tieh) is a practising Advocate and Solicitor of the High Court of Malaya, called to the Malaysian Bar on 18.12.1997. His areas of practice are dispute resolution (civil and commercial litigation) and disciplinary matters. He has served the Bar Council Malaysia and Selangor Bar Committee in various capacities. He was a member of the Disciplinary Committee of the Advocates And Solicitors Disciplinary Board (“ASDB”) for approximately 6 years before being appointed by the Chief Judge of Malaya as a board member of the ASDB from 05.07.2017 to 04.07.2021. Finally, he was appointed by the Paralympic Council Of Malaysia (“PCM”) on 15.10.2019 as a member of its disciplinary committee.

Vatsala Ratnasabapathy

Vatsala is a senior partner at Zain & Co., which is a member of Dentons, a global legal practice. She joined the firm in 1996 and was admitted as a partner in 2003. Vatsala is also a recipient of the UK Government’s Chevening Award, on which she obtained an LL.M. from the London School of Economics and Political Sciences in 1999. Vatsala heads the firm’s Construction, Engineering and Arbitration practice. She specialises in construction and infrastructure disputes and has been described as an “energy and construction arbitration expert” with “excellent industry knowledge” by The Legal 500. She has been appointed to represent clients in both local and international arbitrations and is a Fellow of the Malaysian Institute of Arbitrators and a member of the Bar Council’s Arbitration and Construction Law Committee. She has extensive experience as lead counsel at various levels of the courts in Malaysia, including the Court of Appeal and Federal Court. In the recent Asialaw Awards 2021, Vatsala was awarded “Lawyer of the Year: Malaysia” (joint winner) for Client Service Excellence, due to being “best in class for their legal and industry expertise in terms of their innovative approaches, management of complex situations and the positive impact of their advice”. Besides being an accomplished lawyer, Vatsala is also a firm believer in giving back to the profession. To this end, she has consistently participated in educating, training and mentoring young and aspiring lawyers.

Victoria Loi

Victoria Loi is an advocate and solicitor of the High Court of Malaya and a dispute resolution partner of Shook Lin & Bok, Kuala Lumpur. She is experienced in arbitration, building, construction and engineering disputes, general litigation, and adjudication under the Malaysian Construction Industry Payment and Adjudication Act 2012 (CIPAA). Victoria is ranked as a “Future Star” by Benchmark Litigation Asia-Pacific (2018-2022) and described amongst others as “very thorough in going through the details of the subject matter in dispute, able to provide good solutions and is knowledgeable in construction contract and dispute.” (Asialaw Profiles 2021 Client Feedback). She holds fellowships of the Chartered Institute of Arbitrators (CI Arb) and The Malaysian Institute of Arbitrators (MI Arb) and is on the panels of arbitrators and adjudicators of the Asian International Arbitration Centre (AIAC). She is the Deputy President of MI Arb (2021-2023) and a member of the Society of Construction Law Malaysia. Victoria is a graduate of King’s College London where she read law as the recipient of the Malaysian Law Scholarship conferred by the University of London (External Programme), and a graduate of the National University of Singapore where she completed her master’s degree in law.

Dr. Wan Mohd Asnur bin Wan Jantan

Dr. Wan Mohd Asnur bin Wan Jantan is currently Deputy Registrar at the Court of Appeal, Palace of Justice. Previously, he was the Head of Corporate and Legal Branch (Prosecution and Legal Division) at the MACC, and prior to that, Dr. Asnur was the Head of Muamalat and Inspectorate Unit at the Syariah and Harmonisation of Law Division of the Attorney General's Chambers (AGC), Malaysia. When he was a Senior Federal Counsel at the International Affairs Division of AGC, Dr. Asnur has dealt with multifarious issues on international law, particularly on international trade, investment, international dispute resolution and Arbitration, and the list goes on. Dr. Asnur has wide experience judging various international moot court competitions. He has served as a judge and an arbitrator at the Phillip C. Jessup International Moot Court Competition, FDI Skadden Moot Court Competition, Monroe Price Media Law Moot Court Competition, the Law Asia Moot Court, John H. Jackson WTO Moot Court Competition, to name a few.

Wong Wye Wah

Wong Wye Wah is a partner at Navaratnam Chambers. Wye Wah's practice covers a broad spectre of commercial litigation and arbitration and other dispute resolution work. She is especially familiar with energy and financing disputes, judicial review and appeals. She also handles libel and competition work. She is the author of the Accounting for Lawyers Handbook, written for the Bar Council and also co-author of A Practical Manual for Legal Secretaries and Paralegals.

Yee Mei Ken

Ken graduated with an LL.B (Hons) degree from University of Wales (Cardiff) and was admitted to the Honourable Society of Lincoln's Inn in 1997. He was later called to the Malaysian Bar in 1998. Ken has been a Partner of Shearn Delamore since 2005 and he is the Head of Shearn Delamore's China Desk. He is also a member of the IBA, IPBA and World Law Group. Ken's practice consists primarily of corporate litigation and family business feud, shareholders and directors' disputes, banking and insolvency litigation, winding-up proceeding, asset and debt recovery, commercial litigation and arbitration and he undertakes trial litigation at the High Court regularly as well as appearing as counsel at the appellate courts. He also frequently handles libel and defamation cases including online publication claims and often defends media and news publishers. He has conducted a globally unique market research and readership litigation and does pre-publication vetting. His practice also includes Regulatory Compliance & Enforcement and Private Wealth, Wills, Trust & Probate action. Ken is recognised as "Leaders in their Field" in Litigation by Chambers Asia Pacific and a "Leading Individual" in Dispute Resolution by The Legal 500 Asia-Pacific.

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TROPHIES OF LAWASIA MALAYSIAN NATIONAL ROUNDS

THE LAWASIA MALAYSIAN BAR CHALLENGE TROPHY

The LAWASIA Malaysian Bar Challenge Trophy projects the support of the Malaysian Bar Council in its efforts to promote mooting among law students. The Malaysian Bar Council has further endorsed the LAWASIA International Moot Competition (Malaysian National Rounds) as the national level Moot Competition as part of its commitment to encourage law students to learn fundamental skills such as public speaking and the ability to articulate one's thoughts and arguments which is a skill not often taught in the academic classroom.

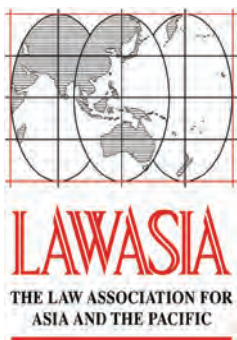
THE MAH WENG KWAI CHALLENGE TROPHY FOR BEST MOOTER

The Best Mooter trophy is named after Mr Mah Weng Kwai, a past President of LAWASIA in recognition of his commitment to mooting and raising the standards of the LAWASIA International Moot competition to what you have witnessed at this Conference.

The ability to articulate one's thoughts and arguments condensing disparate, conflicting legal authorities into succinct and persuasive arguments in a professional, gracious, persuasive, and congenial demeanor is a very important qualities of lawyer.

The Best Mooter Trophy is awarded to the mooter whom best demonstrates the above qualities. In reaching at its decision, the Committee not only took the scores of the individual mooters into account but also the views and comments made by the Moot Judges.

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ACKNOWLEDGEMENTS

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- (1) Yang Amat Arif Dato' Tengku Maimun Bt Tuan Mat, Chief Justice of Malaysia
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- (3) Yang Berbahagia Tan Sri Idrus Harun, Attorney General of Malaysia
- (4) Karen Cheah Yee Lynn, President Malaysian Bar
- (5) the Student Volunteers from various University and College

the following Author's of the Moot Problem from Rosli Dahlan Saravana Partnership ("RDS"):-

- (1) Amiratu Al Amirat Garbaa, Associate
- (2) Thenesh Anabalagan, Pupil-in-Chambers

the following members of the Moot Secretariat:-

- (1) Lai Mun Onn
- (2) Carol Lau Siew Fei
- (3) Chye Yoke Wah
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And the generous support of our sponsors and the Moot Judges for sharing with us and the participants their knowledge, experience and most of all their time.

Thank you.

Raphael Tay

Chair

LAWASIA Moot Standing Committee

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