

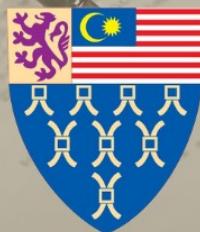
LIAAM - SELANGOR BAR

THE HONOURABLE SOCIETY OF
LINCOLN'S INN ALUMNI
ASSOCIATION OF MALAYSIA (LIAAM)
&
SELANGOR BAR
PROUDLY PRESENT

e-MOOT COURT COMPETITION

2022

24th & 25th September 2022



**TUN
AZMI
FOUNDATION**

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ABOUT THE COMPETITION

This e-Moot Competition is co-hosted by the Selangor Bar together with the Honourable Society of Lincoln's Inn Alumni Association of Malaysia (LIAAM).

The e-Moot Competition will deal with two Criminal Law scenarios. The first, a Discharge application and the second, a Bail application. As it is an e-Moot Competition, it will be held online via the Zoom virtual platform and interestingly, the e-Moot will be conducted in Bahasa Malaysia.

The participants of the e-Moot Competition comprise of young practitioners, Court Officers and officers from the Securities Commission Malaysia who would each be mooting twice, once as Prosecution and once as Defence counsel which entails a role-reversal scenario.

The e-Moot Competition will see 16 teams going up against each other with a total of over 40 judges presiding over the Preliminary Rounds, Semi-Finals and Finals. The top four teams from the Preliminary Rounds will advance to the Semi-Finals and subsequently, the top two teams from the Semi-Finals will advance to the Finals.

The aim of this e-Moot Competition is to provide a forum for young lawyers and pupils to familiarize themselves with how remote hearings are conducted, especially since this has become a norm today. It is an ideal platform to provide all participants with valuable training, experience and feedback. It will surely enhance the analytical, preparatory and advocacy skills of the participants in their respective practice.

ABOUT THE COMPETITION

The structure of the awards and prizes for the winners are as follows:-

Champion	RM2,500.00 + Trophy + Certificate
1st Runner Up	RM1,500.00 + Trophy + Certificate
Best Oralist	RM1,000.00 + Trophy + Certificate
Best Team Written Submissions	RM1,000.00 + Trophy + Certificate

We wish the teams the very best of luck.

ORGANISING COMMITTEE
LIAAM-SELANGOR BAR E-MOOT
COURT COMPETITION 2022



FOREWORD BY THE RIGHT HONOURABLE CHIEF JUDGE OF SABAH AND SARAWAK



Advocacy is an art that goes into the fundamentals of being a reputable litigation lawyer. It is an art that cannot be learned solely through theories or studies but in turn, would require constant practice and learning from experience.

'Moot' derives from an Old English name "gemōt", a judicial court. The moot courts as we see today are a product of continuous evolution over many decades. These mock or moot courts provide a wonderful opportunity for law students and young lawyers to hone their legal research, writing and advocacy skills.

However, we now live in an unprecedented time where the Covid-19 pandemic has been a game-changer and like many other things, the historic art of advocacy is put to the challenge to adapt according to the changes, post pandemic legal landscape. The legal fraternity as a whole has always believed in maintaining customs and conventions which in turn work to uphold its pride and dignity.

These customs and conventions have been put to the test especially when physical court appearances which have always been the custom, are now converted into virtual hearings. Due to the nature of hearings, one of the biggest initial challenges faced by the legal fraternity and also by the judges has been the difficulty to appreciate subtle factors such as body languages and demeanours of witnesses when testifying in the virtual court.

As the Greek philosopher Heraclitus once said, “Change is the only constant”, change is inevitable. As we adapt to these challenges brought upon by the pandemic, the need for moot courts be held virtually has also become inevitable and needed to be appreciated by both the legal fraternity and law students alike.

On that note, I am pleased to see the Lincoln’s Inn Alumni Association of Malaysia (LIAAM)-Selangor Bar e-Moot Court Competition 2022 bringing together both the essence of moot courts and modern technology as a whole to help young lawyers navigate the modern legal landscape with the new obstacles.

I wish to congratulate LIAAM and Selangor Bar Committee for organising this virtual criminal moot competition which will be adjudicated by sitting judges and senior practitioners. I am confident that our pupils in chambers and young lawyers will benefit from this practical and stimulating exercise with the guidance and support from fellow members of the Bar.

With that, it is with great pleasure that I welcome and wish the best of luck to all participants, coaches, guest-judges, facilitators and everyone involved in the LIAAM-Selangor Bar e-Moot Court Competition 2022. May the eventual winners emerge from the best of the high achievers!

The Right Honourable Tan Sri Dato' Abang Iskandar bin Abang Hashim

Chief Judge of Sabah and Sarawak

PSM, DSPN

FOREWORD BY THE PRESIDENT OF THE HONOURABLE SOCIETY OF LINCOLN'S INN ALUMNI ASSOCIATION, MALAYSIA



Every lawyer appearing in court is an officer of the court. She, he, owes a duty to assist the court in the best manner possible. That includes being prepared to advance their case and arguments, fully and competently; while at the same time, anticipate retreat or compromise. All this is possible if counsel understands their function, duty and responsibilities. Hence, one of the most important aspects of effective advocacy is holistic preparation. This involves knowing not just your case but your opponent's; perhaps better than your own. This is particularly true in the practice of criminal justice.

Towards that end, LIAAM has always been in the forefront of continuous legal education, dissemination of knowledge and advocacy training. LIAAM is committed to all efforts that support the upholding of the rule of law; it believes that our young lawyers, whether in the public or the private service, will benefit from exposure to friendly fire under cover of joint training programmes and workshops, and competitions. Learning and updating through e-Moot competitions present brilliant opportunities for the young advocates to 'go back to class', upskill, relearn; moulding them into strong respectable lawyers that are the bedrock of a mature legal fraternity of high repute.

LIAAM is honoured to, once again, collaborate with the Selangor Bar Committee in organising this LIAAM - Selangor Bar e-Moot Court Competition 2022, designed specially and specifically for our young lawyers of less than three years practice and for those who are particularly interested in the practice of criminal justice. I understand that the rules of engagement in this e-Moot Competition require the participants to switch positions, arguing in the pre-

liminary rounds for accused or for the prosecution; and changing roles in the subsequent rounds. This format is deliberate, with every intention of ensuring that each participant benefits from such roles.

I strongly believe that this competition will be a test of one's advocacy, research and legal writing skills, all of which are essential qualities of the ideal lawyer. Every junior counsel should be encouraged to participate in competitions such as this as it is not merely a competition but a realistic simulation of what is expected and what to expect in an actual hearing.

I have been informed that this year's participants are from a good variety of background including officers from the Securities Commission and Court Registrars. I am confident that these participants will benefit from appearing before sitting judges and senior practitioners who are there to provide guidance and constructive feedback. I urge all participants to treat this not as a mere competition but also an occasion to network and know your opponents. In all likelihood, your paths may cross some time in your respective legal career.

In recognition of the efforts of LIAAM and the Selangor Bar, it gives me great pleasure to announce that LIAAM's Tun Azmi Foundation is contributing a sum of RM3,000.00 in support of this competition. I know my late father, Tun Azmi, the 3rd Lord President in whose honour the Tun Azmi Foundation is named, would have been most proud of this endeavour. I congratulate both LIAAM and the Selangor Bar.

With that, I wish all participants good luck in the competition. May you benefit from this experience and find occasion to apply any new skills acquired in this competition in your respective careers. You are the future of the legal fraternity and the world awaits your contribution.

Thank you.

TUN ZAKI BIN TUN AZMI

President of The Honourable Society Of Lincoln's Inn Alumni Association, Malaysia

MESSAGE FROM THE CHAIRMAN OF THE SELANGOR BAR COMMITTEE



It is with great pleasure that I welcome all participants to the Lincoln's Inn Alumni Association of Malaysia (LIAAM)-Selangor Bar e-Moot Court Competition 2022. The Selangor Bar Committee are honoured to be collaborating once again with the Lincoln's Inn Alumni Association of Malaysia (LIAAM) to co-organise this competition. This e-Moot Court Competition provides an opportunity for pupils in chambers and young lawyers to put their skills to the test while obtaining vital exposure and experience. The overwhelming success of the inaugural competition, which took place last year in 2021 has inspired and empowered us to organize this event once again.

First and foremost, I would like to thank YAA Tan Sri Dato' Abang Iskandar bin Abang Hashim, Chief Judge of Sabah and Sarawak, for supporting this competition. I also wish to thank the Honourable Members of the Judiciary who have acknowledged the importance of this competition for the aspiring young lawyers by investing their time and energy despite their busy schedules. I am confident that the guidance and feedback given to the participants will help mould them into esteemed lawyers.

I also take this opportunity to thank the Lincoln's Inn Alumni Association of Malaysia (LIAAM) for being a supportive and valuable partner in organising this event. It has truly been a pleasure. I would also like to thank each one of the generous sponsors, including the Tun Azmi Foundation, for their contributions to the success of this event. Thank you to the organising committee for devoting their time and effort to making this competition a reality.

To the panel of moot court judges, who are made up of Members of the Judiciary as well as senior practitioners, thank you so much for contributing your precious time and expertise to make this event fruitful for all.

Last but not least, I extend my best wishes to every single eager participant who rose up to the challenge, I am certain that this will be a major milestone which will pave the path forward in your legal career.

Let me close my speech with the recital of a short pantun;

*Di mana kancil dia berada,
Berlari dari harimau yang mengejar;
Dalam pertandingan pasti ada,
Kalah dan menang itu wajar.*

Kokila Vaani Vadiveloo

Chairman

Selangor Bar Committee

SCHEDULE

SATURDAY (24TH SEPTEMBER 2022)

TIME	DESCRIPTION
9.00 am – 9.45 am	Opening Ceremony & Speeches
10.00 am - 12.30 pm	Preliminary Rounds 1
1.00 pm - 2.15 pm	Lunch Break
2.30 pm - 5.00 pm	Preliminary Rounds 2
5.30 pm – 6.00 pm	Announcement of Semi-Finalists & Release of Addendum to Moot Problem



SCHEDULE

SUNDAY (25TH SEPTEMBER 2022)

TIME	DESCRIPTION
10.00 am - 12.00 pm	Semi-Finals Round 1
12.00 pm - 1.15 pm	Lunch Break
1.30pm - 1.45pm	Announcement of Finalists
2.00pm - 4.00pm	Finals
4.30pm - 5.00pm	Closing Ceremony & Prize Giving



MOOT PROBLEM

Pada 25hb Januari 2022, jam lebih kurang 1500, Zander dan Ganesh telah ditangkap di luar sebuah kedai makan di kawasan yang sesak di Jalan Bukit Bintang. Kedua-duanya ditangkap atas alasan mereka merupakan ahli aktif kumpulan ganas "SST Top".

Mereka kemudiannya telah direman dan seterusnya dituduh di Mahkamah Tinggi pada 24hb Februari 2022 di bawah seksyen 130v Kanun Keseksaan dan dibaca bersama dengan Akta Kesalahan Keselamatan (Langkah-Langkah Khas) 2012 ("SOSMA"), yang mana kedua-kedua tertuduh mengaku tidak bersalah selepas pertuduhan dibacakan kepada mereka.

Timbalan Pendakwaraya yang bijaksana (selepas ini dirujuk sebagai "TPR") tidak menawarkan sebarang ikat jamin kepada kedua-dua tertuduh kerana kesalahan tersebut adalah kesalahan tidak boleh jamin dibawah SOSMA. Kedua-dua tertuduh tidak diwakili peguam pada masa itu.

Kes tersebut telah dipanggil untuk Sebutan pada 18hb Jun 2022, di mana keluarga kedua-dua tertuduh telah melantik peguam untuk memohon ikat jamin bagi kedua-dua tertuduh.

Semasa Sebutan, TPR bijaksana telah memaklumkan kepada Mahkamah bahawa selepas meneliti pertuduhan, pihak Pendakwaan telah memutuskan untuk tidak meneruskan pertuduhan terdapat Zander ("Tertuduh Pertama").

Sementara itu, Ganesh ("Tertuduh Kedua") dan keluarganya masih berharap agar ikat jamin boleh diberikan dengan mengambil kira Tertuduh Kedua telah terlibat dalam kemalangan kenderaan pada tahun 2007 dan dikehendaki (tidak wajib) untuk menghadiri pemeriksaan perubatan sekali setiap 6 bulan.

- Samada hakim bicara perlu memberikan perintah DNAA atau DAA kepada Tertuduh Pertama?
- Samada ikat jamin wajar diberikan kepada Tertuduh Kedua?

Author of the Moot Problem: Datuk N. Sivananthan, Messrs. Sivananthan

JUDGES



**YA Dato' Mary Lim
Thiam Suan**



YA Dato' Lee Swee Seng



**YA Dato' Mohd Nazlan Bin
Mohd Ghazali**



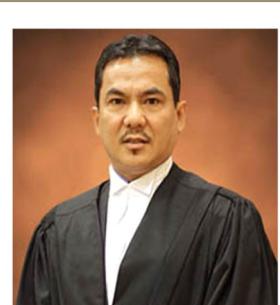
**YA Tuan Azizul Azmi Bin
Adnan**



**YA Datuk Noorin Binti
Badaruddin**



**YA Tuan Nadzarin Bin
Wok Nordin**



**YA Tuan Hasbullah Bin
Adam**



**YA Puan Julia Binti
Ibrahim**



**YA Puan Noor Ruwena Binti
Dato' Md Nurdin**

JUDGES



**YA Puan Narkunavathy
Sundareson**



**YA Puan Roz Mawar
Binti Rozain**



**Puan Hakim Mabel
Sheela
A/P Victor Muttiah**



**Puan Hakim Rozilah
binti Salleh**



**Puan Hakim Hamidah Binti
Mohamed Deril**



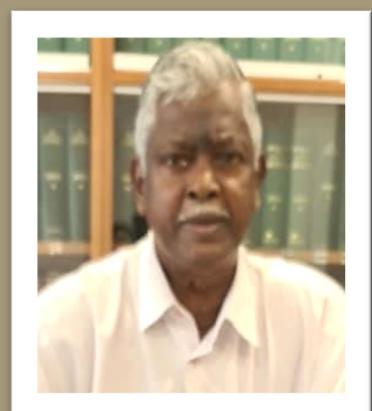
**Tuan Hakim Kamarudin
Bin Kamsun**



**Tuan Hakim Muhamad Anas
Bin Mahadzir**



**Puan Sarulatha A/P
Paramavathar**



R V Lingam

JUDGES



Silva Velu



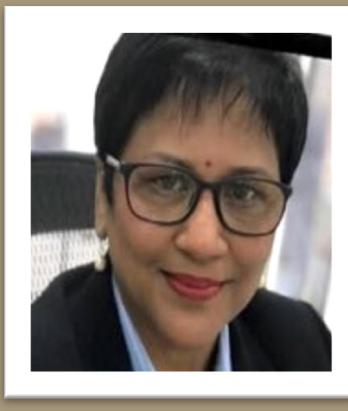
**Dato Syed Azimal Amir Bin
Syed Abu Bakar**



**Mohamed Haniff Khatri
Abdulla**



**Dato Murugesan
Sinnandavar**



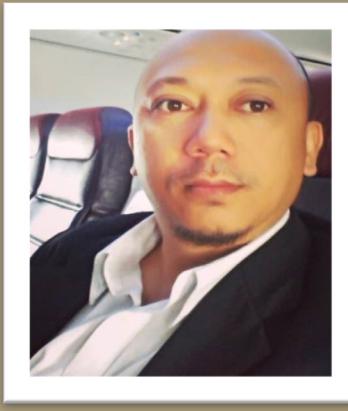
Pushpa Ratnam



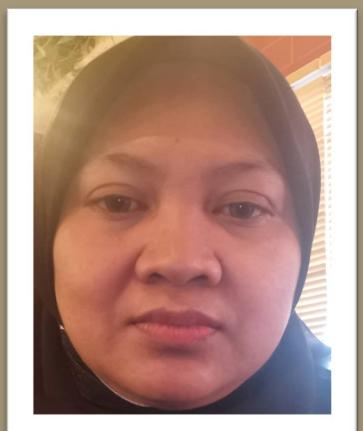
Salim Bin Bashir Bhaskaran



M K Thas



Rosly Khady Bin Ayub

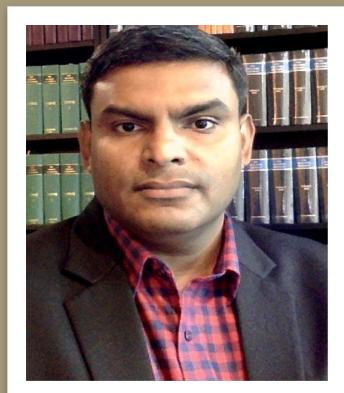


Roshalizwati Muhammad

JUDGES



**Hasshahari Bin
Johari Mawi**



Srimurugan Alagan



**Tuan Haji Azman Bin
Haji Zakaria**



Renuka Devi Krishnasamy



Ashok Athimulan



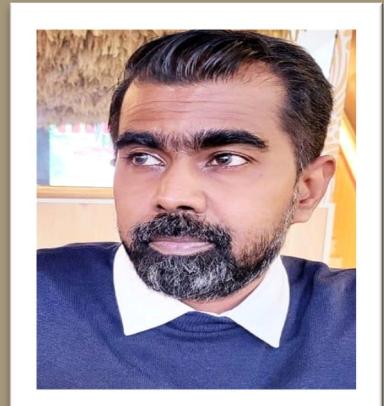
Komathi A/P Arunasalam



Afifuddin bin Ahmad Hafifi



Mohd Hezri Bin Shaharil



Vijey Esvaren

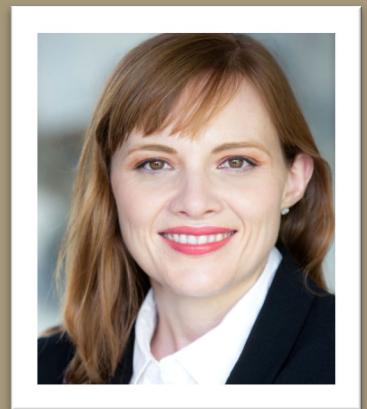
JUDGES



Syahrul Syazwan Bin Salehin



Herdawati Harun



Louise Azmi



**Shoba
Venu Gobal**



**Tengku Intan Suraya
Binti Tengku Ismail**



**Tuan Ahmad Nazneen
Zulkifli**

PARTICIPATING TEAMS

A1

Muhamad Hafizan Shafuan bin Kamarulzaman

Najihah binti Zulkifli

A2

Tuan Muhammad Faisal bin Zulkifli

Puan Liew Yen Fern

A3

Nurain Syafiqeen Binti Mohd Rozi

Muhammad Ashrul Haikal Bin Ashri

A4

Ramesh a/l Ravichandran

Ahmad Ikmal Haziq bin Nor Zahari

A5

Syed Ahmed Khabir Bin Abdul Rahman

Syaza Farzana Binti Shahrul Ridhwan Shankeran

PARTICIPATING TEAMS

A6

Pravin a/1 Thangarajoo

Jefvinder Singh Sidhu a/1 Jaswant Singh

A7

Muhammad Husni Mubarak bin Ghazali

Wardah Yumna binti Yunus

A8

Matthew Tan Jun Tatt

Yong Wen Soon

B1

Oleermathi a/p Muthamilselvan

Nurul Shafinaz Binti Mohd Adnan

B2

Navin Punj a/1 Shomdutt Sharma

Reenajit Kaur Golen

PARTICIPATING TEAMS

B3

Muhammad Safwan Haziq bin Mohd Shukri

Fatin Nur Syahirah binti Abdul Rashid

B4

Kanimoli a/p Sivadurai

Jason Anthony a/l Ignasius

B5

Mark Rohan Mahadevan

Caysseny Tean Boonsiri

B6

Newton Tham Vun Ket

Narisa Ferina Mohd Sutrizeno

B7

Tuan Mohamad Hafizul Bin Awang

Tuan Kho Feng Ming

PARTICIPATING TEAMS

B8

Leon Dinesh a/l T. Loganathan

Wong Yen Voon

ORGANISING COMMITTEE

ORGANISING CHAIRPERSON

Ambiga Rajendran

COMMITTEE

- | | |
|-------------------------|----------------------|
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| ◊ Richard Teh | ◊ Firdaus |
| ◊ Eugene Roy Joseph | ◊ Faith Chow |
| ◊ Syahrul Syazwan | ◊ Irene Wong |
| ◊ Yaashnipriya Baskaran | ◊ Izyan |
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| ◊ Ammera Hadi | ◊ Vasantha |
| ◊ Esther Chia | ◊ Thinnagaran |
| ◊ Lee Jeane | ◊ Gunaalan |

ACKNOWLEDGEMENTS

SPONSORS

Cash Prizes:

TUN AZMI FOUNDATION

Trophy Prizes:

Best Oralist

**MESSRS MUTHIAH & CO
Bangsar South City, Kuala Lumpur**

Champion

**MESSRS SALIM BASHIR, RUSWIZA & CO.
Shah Alam, Selangor**

1st Runner Up

**MESSRS RAJPAL, FIRAH & VISHNU
Batu Caves, Selangor**

Best Team Written Submissions

**MESSRS YOHENDRA NADARAJAN
Petaling Jaya, Selangor**

SPECIAL THANKS

The Organising Committee takes this opportunity to express our heartfelt gratitude and appreciation to the following members for their support and personal assistance who had worked in an enormous way to make this Competition the best that it can be.

- YA Dato' Mary Lim Thiam Suan**

Judge, Federal Court

Hon. Secretary of LIAAM

- En. Budiman Lutfi Mohamed**

Director

Enforcement

Securities Commission Malaysia

- Tuan Ashraf Rezal bin Abdul Manan**

Timbalan Pendaftar

Unit Hakim Pengurus Bahagian Dagang

Mahkamah Tinggi Kuala Lumpur

- Puan Nadiah binti Abdul Rahman**

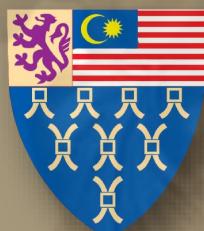
Pembantu Khas

Pengarah Pendakwaan

Negeri Selangor



**SHIELD FOR
THE RIGHTEOUS**



**TUN
AZMI
FOUNDATION**

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Shah Alam, Selangor**

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