



Tan Sri Dato' Cecil Abraham

Nationality: Malaysian

Languages: English & Malay

Tan Sri Dato' Cecil Abraham has sat as Arbitrator in multiple disputes across the globe and is regularly appointed as an arbitrator in complex commercial international arbitrations. He is also the only Malaysian to be regularly appointed as an arbitrator in investment treaty disputes.

Cecil's expertise expands over a wide breadth of areas that include; Corporate and Commercial, Environmental, Banking and Securities, Insurance, Maritime, and Competition Law.

In a career spanning over 50 years, Cecil is regularly recognised as a leading individual by Legal 500 Asia Pacific, Asia Law Profiles and is ranked in Tier 1 by Chambers & Partners Asia Pacific, as well as Who's Who Legal in the area of dispute resolution and arbitration.

He has appeared regularly before the Court of Appeal, the Federal Court, the Special Court and the Privy Council and he has over 300 reported decisions of note to his name. In addition, he has sat as arbitrator in excess of a 100 disputes. He is regarded by his peers and clients alike as one of Malaysia's leading legal figures.

He holds the distinction of having acted for the former Prime Minister of Singapore, the late Mr. Lee Kuan Yew, and several Prime Ministers of Malaysia.

In 2020, he was named by Asian Legal Business as Malaysia's Dispute Resolution Practitioner of the Year. In 2021, he was named by Benchmark Litigation as Malaysia's Dispute Resolution Practitioner of the Year."

Honours

He was awarded the title Dato" by His Royal Highness, The Sultan of Kelantan in 2003 and awarded the title "Tan Sri" by His Majesty, the King of Malaysia on 5th June 2010.

Sector Expertise

- Anti-Corruption, Competition and Fraud
- Banking, Finance & Fintech
- Construction, Engineering & Infrastructure
- Energy, Oil & Gas
- Environment, Renewables & Climate Change
- Commercial Dispute Resolution
- Insurance, Reinsurance & Bermuda Form
- Investment Treaty Disputes
- Media & Entertainment

- Mergers, Acquisitions & Shareholder Disputes
- Public International & Administrative
- Sports

Experience

He has in recent times argued the leading cases in Malaysia concerning:

- the applicable principles relating to the termination of contracts in *Catajaya Sdn Bhd v Shoppoint Sdn Bhd* [2021] 2 MLJ 374.
- the applicable test to applications for review under Rule 137 of the Rules of the Federal Court 1995 as well as the application of the de-facto doctrine in *Yong Tshu Khin & Anor v Dahan Cipta Sdn Bhd & Anor and Other Appeals* [2021] 1 MLJ 47.
- the adjudication of construction claims in *Ireka Engineering & Construction Sdn Bhd v PWC Corporation Sdn Bhd* [2020] 1 CLJ 193.
- constitutional law issues relating to the proper practice and procedures to be adopted by State Legislative Assemblies in *The Speaker of Dewan Undangan Negeri Sarawak, Datuk Amar Mohamad Asfia Awang Nassar v Ting Tiong Choon & Ors and other appeals* [2020] 2 AMR 313.
- the validity of introducer agreements within the meaning of Section 24 of the Contracts Act 1950 in *Wong Yee Boon v Gainvest Builders Sdn Bhd* [2020] 2 CLJ 727.
- enforcement and setting-aside of arbitration awards in *Far East Holdings Bhd & Anor v Majlis Ugama Islam dan Adat Resam Melayu Pahang and another appeal* [2018] 1 MLJ 1.
- unjust enrichment in *Dream Property Sdn Bhd v Atlas Housing Sdn Bhd* [2015] 2 MLJ 441.
- the doctrine of separate legal entities in *Gurbachan Singh v Vellasamy s/o Ponnusamy* [2015] 1 MLJ 773.
- equitable fraud in *Zung Zang Wood Products Sdn Bhd v Kwan Chee Hang Sdn Bhd & Ors* [2014] 2 MLJ 799.
- the powers of liquidators in *Ooi Woon Chee & Anor v Dato' See Teow Chuan & Ors* [2012] 2 MLJ 713.
- the exercise of royal prerogative powers in *Dato' Seri Ir Hj Mohammad Nizar bin Jamaluddin v Dato' Seri Dr Zambry bin Abdul Kadir (Attorney General, intervener)* [2010] 2 MLJ 285 and *His Royal Highness Sultan Ismail Petra Ibni Almarhum Sultan Yahya Petra v His Royal Highness Tengku Mahkota Tengku Muhammad Faris Petra & Anor and another suit* [2011] 1 MLJ 1.
- non-delegable duty and vicarious liability in *Dr Hari Krishnan & Anor v Megat Noor Ishak bin Megat Ibrahim & Anor and another appeal* [2018] 3 MLJ 281.

Arbitration Experience:

In addition to having sat as an arbitrator in arbitration disputes, he has argued some of Malaysia's leading cases on arbitration and adjudication, namely:

- Ireka Engineering & Construction Sdn Bhd v PWC Corporation Sdn Bhd & Other Appeals [2020] 1 CLJ 193.
- Siemens Industry Software GmbH Co Kg (Germany) (formerly known as Innotec GmbH) v Jacob and Toralf Consulting Sdn Bhd (formerly known as Innotec Asia Pacific Sdn Bhd [2020] 3 MLJ 1.
- Arch Reinsurance Ltd v Akay Holdings Sdn Bhd [2019] 5 MLJ 186.
- Far East Holdings Sdn Bhd v Majlis Ugama Islam dan Adat Resam Melayu Pahang [2018] 1 MLJ 1.
- Measat Broadcast Network Systems Sdn Bhd v Av Asia Sdn Bhd [2014] 3 CLJ 915.
- AV Asia Sdn Bhd v Measat Broadcast Network Systems Sdn Bhd [2014] 3 MLJ 61.
- AV Asia Sdn Bhd v Pengarah Kuala Lumpur Regional Centre For Arbitration & Anor [2013] 10 CLJ 115.
- Government Of The Lao People's Democratic Republic v Thai-Lao Lignite Co Ltd ('TIL'), A Thai Co & Anor [2013] 3 MLJ 409.
- Dancom Telecommunication (M) Sdn Bhd v Uniasia General Insurance Bhd [2008] 6 MLJ 52.
- Sarawak Shell Bhd v Ppes Oil & Gas Sdn Bhd & Ors [1998] 2 MLJ 20.
- Klockner Industries-Anlagen GmbH v Kien Tat Sdn Bhd & Anor [1990] 3 MLJ 183.
- Kien Tat Sdn Bhd v Klockner Industrie-Anlagen GmbH [1989] 1 MLJ 498.
- Ganda Edible Oils Sdn Bhd v Transgrain Bv [1988] 1 MLJ 428.

Investment Treaty Experience:

As counsel:

- Working for the Government of Malaysia in respect of an investment treaty claim under the ICSID Rules instituted by Malaysian Historical Salvors Sdn Bhd by reference to the UK-Malaysia BIT.
- Working for Astro All Asia Network Ltd and South Asia Entertainment Holdings Ltd in two investment treaty claims against the Government of India under the UNCITRAL Rules.

As arbitrator:

- President of the Tribunal in ICSID Case No. ARB/15/44 between Watkins Holdings v. Spain Watkins Holdings S.a.r.l. and others v. Kingdom of Spain.
- President of the Tribunal in ICSID Case No. ARB/01/3 between Enron Corporation and Ponderosa Assets, L.P. v. Argentine Republic.
- President of the Tribunal in ICSID Case No. ARB/13/5 between Ossama Al Sharif v. Arab Republic of Egypt.

- President of the Tribunal in ICSID Case No. ARB/11/31 between Gambrinus Corp. v. Bolivarian Republic of Venezuela.
- Member of the Ad Hoc Committee in Annulment Proceedings, namely, ICSID Case No. ARB/03/17 between Suez, Sociedad General de Aguas de Barcelona S.A., and InterAguas Servicios Integrales del Agua S.A. v The Argentine Republic.
- Member of the Ad Hoc Committee in respect of Annulment Proceedings, namely, ICSID Case No. ARB/05/18 between Ioannis Kardassopoulos v. The Republic of Georgia,
- Member of the Ad Hoc Committee in respect of Annulment Proceedings, namely, ICSID Case No. ARB/07/15 between Ron Fuchs v. The Republic of Georgia,
- Member of the Ad Hoc Committee in respect of Annulment Proceedings, namely, ICSID Case No. ARB/05/14 between RSM Production Corporation v. Grenada,
- Member of the Ad Hoc Committee in respect of Annulment Proceedings, namely, ICSID Case No. ARB/08/12 between Caratube International Oil Company LLP v. The Republic of Kazakhstan,
- Member of the Ad Hoc Committee in respect of Annulment Proceedings, namely, ICSID Case No. ARB/09/15 between H&H Enterprises Investments, Inc. v. Arab Republic of Egypt,
- Member of the Ad Hoc Committee in respect of Annulment Proceedings, namely, ICSID Case No. ARB/10/5 between Tidewater Inc., Tidewater Investment SRL, Tidewater Caribe, C.A., et al. v. The Bolivarian Republic of Venezuela; and
- Member of the Ad Hoc Committee in respect of Annulment Proceedings, namely, ICSID Case No. ARB/07/27 between Venezuela Holdings, B.V., et al (case formerly known as Mobil Corporation, Venezuela Holdings, B.V. et al.) v. Bolivarian Republic of Venezuela.”

Academic & Professional Qualifications

Academic

- Barrister at Law of the Honourable Society of Middle Temple
- Bencher of the Honourable Society of Middle Temple
- Advocate & Solicitor of the High Court of Malaya
- Advocate & Solicitor of the Supreme Court of Singapore
- Fellow of the Chartered Institute of Arbitrators, United Kingdom
- Fellow of the Malaysian Institute of Arbitrators
- Fellow of the Singapore Institute of Arbitrators
- Fellow of the Australian Centre for International Commercial Arbitration Limited
- Fellow of the Asian Institute of Alternative Dispute Resolution

Education

- LLB. Hons. Queen Mary College, University of London
- Fellow (Faculty of Law) Queen Mary College, University of London

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Professional Associations & Recognitions

Panel of Arbitrators

- International Centre for Settlement of Investment Disputes (ICSID)
- Hong Kong Arbitration Centre (HKIAC)
- Asian International Arbitration Centre (AIAC)
- Singapore International Arbitration Centre (SIAC)
- FICCI Arbitration and Conciliation Tribunal (FACT) India
- Indonesian National Board of Arbitration (BANI)
- Indian Council of Arbitration (ICA)
- Court of Arbitration for Sport (CAS)

Current

- Member of the Advisory Council of the International Council for Commercial Arbitration (ICCA)

Past

- Past Vice President of Asia Pacific Regional Arbitration Group (APRAG), (2006-2009)
- Past Deputy President of the Malaysian Institute of Arbitrators
- Past Member of the London Court of International Arbitration (LCIA)
- Past Chairman of the Chartered Institute of Arbitrators, Malaysia Branch (CIArb)
- Past President of the Inter-Pacific Bar Association (IPBA)
- Past Member of the Review Committee of the Malaysian Anti-Corruption Agency (MACC)
- Past Vice Chair of Committee D, which was the Arbitration and ADR Section of the International Bar Association
- Past Member of the International Chamber of Commerce (ICC) Court representing Malaysia
- Past Member of the ICC Commission on Arbitration
- Past Member of the ICC Task Force on Financial Institutions
- Past Member of the Advisory Panel of the Asian International Arbitration Centre (AIAC)

Publications, Articles & Thought Leadership

- Past Chair of the Practice Section of the Malaysian Bar Council on Civil Procedure tasked with amending the Malaysian Rules of the High Court
- Past Chairman of the Kuala Lumpur Bar Committee
- Past Member of the Malaysian Bar Council

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Directory & Client Quote

The Legal 500 Asia Pacific

- “Specialist firm Cecil Abraham And Partners is headed by Cecil Abraham, one of the ‘most respected’ practitioners in the area. The team acts in traditional litigation as well as arbitration matters, dealing with related complex, high-end disputes spanning, among others, antitrust, securities, banking, construction and infrastructure, and commercial law. It is acting for MUIP in a dispute seeking to ascertain whether a court of law is competent to interfere with an award by an arbitration tribunal. Sunil Abraham is also recommended.”
- “... acted for KAF Investment Bank in the Pesaka Astana bonds case, a case concerning the issue of liability in relation to information provided on investment products which has been closely watched by the capital markets industry. Cecil has also acted as defence counsel to Lynas Corporation in judicial review applications and defamation actions regarding its rare earth plant operation; Other clients include Maxis and The New Straits Times.”
- “Tan Sri Dato’ Cecil Abraham, is devastatingly effective in dealing with commercial disputes before the courts. He is very much the doyen of the legal profession in Malaysia. The standout litigator in Malaysia by far.”
- “... We have found both Tan Sri Cecil and Dato Sunil to be excellent dispute resolution lawyers. In particular, we value their legal expertise in areas including administrative law, commercial law, and dispute resolution. They also have excellent advocacy skills, and their advice is always practical and timely. Lynas regards Tan Sri Dato Cecil Abraham and Dato Sunil Abraham as our preferred dispute resolution specialists in the Asia Pacific region.”

Chambers Asia Pacific

- “Cecil Abraham is considered by market commentators to be a ‘very eminent personality’ within Malaysia’s dispute resolution scene. He represents both domestic and international clients across a broad range of cases, including land, medical negligence, and energy-related disputes.”
- “Cecil Abraham is a renowned figure in Malaysia’s dispute resolution circuit, acting on cases relating to corporate, banking, insurance, and environmental issues. Clients laud his ‘wealth of experience,’ noting that he is especially adept in handling ‘very important matters.’ He acted for Suria KLCC in a tenancy case brought against the clothing retailer British India, relating to the expiration of the latter’s store lease.”
- “Cecil Abraham is a renowned figure in the market, highly experienced in both litigation and arbitration and praised by clients as ‘clinically incisive’ in his approach. He played a leading role in the representation of the MEASAT network in a dispute against AV Asia over the former’s alleged breach of a mutual non-disclosure agreement.”
- “Sources praise Cecil Abraham for his long-established profile as one of the top arbitration lawyers in Malaysia. He has significant experience of acting as arbitrator on major cases across the region,

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notably in Singapore and India, and on high-value ICSID matters. Clients appreciate him for 'understanding the crucial issues' in arbitration cases."

- "Cecil Abraham...is one of Malaysia's most respected dispute resolution lawyers. He is also acclaimed as a 'very accomplished arbitrator' and sits on the panels of numerous regional and international tribunals. He presides particularly frequently over cases considered in India and Singapore or arbitrated by ICSID. Since publication, Cecil Abraham has joined Cecil Abraham & Partners."
- "Cecil Abraham...remains a prominent disputes practitioner who is recognised for his expert handling of big-ticket cases. He is frequently called upon as counsel and arbitrator in arbitrations across the region including ICSID cases."
- "Cecil Abraham has a 'legendary reputation in Malaysia' and handles a significant number of appellate and arbitration cases. He is also regularly involved in international disputes and investment arbitrations as an arbitrator. Clients particularly appreciate his 'excellent legal knowledge and strategic guidance.' "
- "Cecil Abraham is highly experienced and widely revered, with a broad practice spanning from defamation and fraud to construction disputes. He frequently represents clients before the appellate courts, with one source saying that he 'has extensive experience in litigation and arbitration'."

Global Arbitration Review 100

- "Cecil Abraham is 'pre-eminent', and his services are 'outstanding'."

Asia Law Profiles

- "Cecil Abraham & Partners is a leading boutique dispute resolution firm known for handling commercial disputes, especially cases heard before the Federal Court of Malaysia. Led by star litigator Cecil Abraham, the team has a strong track record acting on unprecedented and landmark litigation and arbitration matters, with a focus on corporate and commercial, administrative and white-collar crime. The firm often acts for Fortune 500 companies, media conglomerates, government-linked companies, high net-worth individuals, and not-for-profit entities and charities."
- "Very experienced and one of the best firms in the field." – Dispute resolution
- "The lawyers are all highly skilled and work as a team. The team members are able to cover for each other, and for important hearings, Cecil Abraham argues them brilliantly." – Dispute resolution

Who's Who Legal

- "Cecil is among Malaysia's outstanding arbitration practitioners. He is among one of the market's best-known arbitrators. Cecil is viewed as Malaysia's leading international arbitrator.
- Tan Sri Dato' Cecil Abraham is truly an outstanding lawyers who comes highly esteemed for his longstanding disputes practice spanning more than 50 years in the field."