

## Tiara Katrina Fuad

Tiara Katrina leads the White Collar Crime Practice, with her strong background in criminal litigation and criminal advisory work. She graduated from the University of Leeds, England and subsequently completed the Bar Professional Training Course in London. Tiara Katrina was called to the Bar as a Barrister-at-Law of England and Wales by Inner Temple before returning to Malaysia to establish her criminal practice.

She has an extensive track record of conducting and assisting in numerous high-profile and public interest cases involving corruption, abuse of power, criminal breach of trust, cheating, money laundering offences, and offences under the Capital Markets and Services Act 2007, amongst others, at all levels of the Malaysian courts.

Her experience extends to various stages of the criminal justice process, including investigations, trials, appeals, constitutional references, revisionary and habeas corpus applications as well as resisting forfeiture proceedings instituted by the Attorney General's Chambers or other governmental agencies. Against this backdrop, she also provides comprehensive advice to companies and institutions regarding compliance with regulatory provisions attaching criminal liability.

She has frequently developed arguments challenging the constitutionality of existing penal provisions or otherwise raised points of constitutional importance at all levels of the appellate courts.

With an interest in developing public legal literacy, Tiara Katrina regularly contributes to various news media outlets analysing current public interest and criminal justice issues, in addition to conducting criminal law workshops for governmental agencies and non-profit organisations.



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### Qualifications

- LLB (Hons), University of Leeds
- Bar Professional Training Course, BPP Law School, London
- Called to the Bar of England and Wales (Inner Temple)
- Advocate and Solicitor of the High Court of Malaya

### Practice Areas

- White Collar Crime
- Criminal Enforcement and Forfeiture Proceedings
- Regulatory Compliance

### Notable Experience

- Co-Counsel: Currently representing a former Chief Minister of a State and current Member of Parliament against charges of corruption, abuse of power and dishonest misappropriation of property in a trial prosecuted by the Malaysian Anti-Corruption Commission.
- Co-Counsel: Represented a current Member of Parliament and former President of a national political party against charges of criminal breach of trust and money laundering at trial.
- Co-Counsel: Represented a former Prime Minister of Malaysia in a highly publicised criminal trial for the purpose of challenging the legality of the charges preferred by the Prosecution.
- Co-Counsel: Successfully represented a multimillion-dollar conglomerate against forfeiture proceedings instituted by the Attorney General's Chambers involving property related to the national 1MDB scandal.

- Co-Counsel: Successfully represented the Appellant in the Federal Court, which led to the landmark judgment on the withdrawal of cases under Section 254 of the Criminal Procedure Code (*see Vigny Alfred Raj a/l Vicetor Amratha Raj v Public Prosecutor [2022] 5 MLJ 639*).
- Co-Counsel: Successfully resisted on revision the Public Prosecutor's application to jointly try two securities commission cases which led to the landmark judgment in *AFM Shafiqul Hafiz v Public Prosecutor [2019] 10 MLJ 31*.
- Co-Counsel: Successfully reversed a subordinate court's finding on revision, permitting an accused person's police statement to be admitted in an ongoing civil trial in *Foo Tseh Wan v Public Prosecutor [2018] 9 MLJ 664*.
- Co-Counsel: Represented the Accused/Applicant in a case involving criminal breach of trust, which subsequently led to a landmark judgment on the power to strike out criminal charges for abuse of process, including for Prosecutorial failure to cure defective charges, in *Anuar bin Ghazali v Public Prosecutor [2021] 9 MLJ 409*.
- Counsel: Successfully represented a former officer of the Malaysian Anti-Corruption Commission against a charge under Section 177 of the Penal Code in the Court of Appeal, which involved, amongst others, the issue of the legal immunity attached to public servants under Section 72 of the Malaysian Anti-Corruption Commission Act 2009.
- Co-Counsel: Represented two Appellants in the Court of Appeal in a case, which led to significant developments in the law on the transfer of cases from subordinate courts to the High Court under Section 177A of the Criminal Procedure Code.
- Provided risk assessment services to a communications conglomerate and mobile service provider on criminal liability and its reporting obligations under the Anti-Money Laundering, Anti-Terrorism Financing, and Proceeds of Unlawful Activity Act 2001.