



KOH SWEE YEN, Senior Counsel

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QUALIFICATIONS

National University of Singapore (LL.B. Hons.)

ADMISSIONS

Singapore Bar
Roll of Solicitors of England & Wales

PROFILE

KOH Swee Yen, Senior Counsel, is the Head of the International Arbitration Practice and a Partner in the Commercial & Corporate Disputes Practice.

Her practice has a particular focus on complex, high-value and cross-border disputes across a wide spectrum of matters from commercial, energy, international sales, trade, transport, technology to investment. She regularly appears before the Singapore Courts (including the Singapore International Commercial Court) and in international commercial and investment arbitrations under the major institutional rules, including ICSID, ICC, ICDR, LCIA, SIAC, and UNCITRAL. She also has rights of audience before the DIFC Courts. Swee Yen is admitted to the Singapore Bar and to the Roll of Solicitors of England & Wales.

Swee Yen graduated with First Class Honours from the National University of Singapore (NUS). She was awarded the Singapore Academy of Law prize for being the top student in her final year, and won subject prizes for Evidence and Procedure and Intellectual Property Law. Swee Yen served as a Justices' Law Clerk to the Chief Justice of Singapore before entering private practice. During her time in practice, she received appointments as Law Clerk to assist the Competition Appeal Board in the first and subsequent appeals lodged against the Competition Commission of Singapore's Infringement Decisions relating to price fixing matters, and was also on the Supreme Court's Young Amicus Curiae scheme in 2010.

Swee Yen is the Co-Chair of the IPBA Dispute Resolution and Arbitration Committee, a member of the ICCA-ASIL Task Force on Damages and the eBRAM's Panels of Arbitrators and APEC Neutrals. She was the former Vice-Chair of the IBA Arbitration Committee, and was also on the Editorial Board of the ICC Dispute Resolution Bulletin. She is currently a Board member of the Swiss Arbitration Association, and a member of the LCIA Asia Pacific Users' Council. She has sat as an arbitrator in ICC, LCIA and SIAC administered arbitrations, and is on the Panel of Arbitrators of the Asian International Arbitration Centre, Hong Kong International Arbitration Centre and Korean Commercial Arbitration Board. She is a member of the Governing Board for the Centre of International Law, NUS, and the President of the Singapore branch of the International Law

Association. She has also been appointed to the Executive Committee of the Foundation for International Arbitration Advocacy.

Swee Yen has been a member of the Rules of Court Working Party since 2005, and was also a member of the Civil Justice Commission whose work culminated in the promulgation of the new Rules of Court 2021 which seeks to effect transformative changes to the litigation process in Singapore.

She is appointed by the Ministry of Home Affairs as a member of the Public Entertainment Appeal Board, Criminal Law Advisory Committee (Hearing) and is also a member of the Casino Regulatory Authority's Patron Dispute Committee.

Relevant Experience:

Matters of significance in which Swee Yen has been involved include the following:

- Acting against States in various investment treaty arbitrations and court proceedings, including acting for foreign investors against Laos PDR in investment treaty claims arising from the misappropriation of gaming investments and securing a ground-breaking victory on the applicability of PRC bilateral investment treaties to Macau S.A.R. based on state succession principles; acting against the Kingdom of Lesotho in an investment treaty arbitration for expropriation of diamond mining leases and in an application to set aside an investment treaty award finding the State liable for denial of justice in relation to its role in the shuttering of the Southern African Development Community Tribunal; and in cross-border enforcement and execution proceedings against various States and State-owned entities.
- Acting for States in various investment treaty arbitrations and court proceedings, including successfully defeating an ICSID claim brought against the Independent State of Papua New Guinea for expropriation of mining assets and acting for the State in court proceedings concerning the management of US\$1.5 billion of assets; acting for a State against a telecommunications company in relation to a dispute over the imposition of taxes; and acting for a State against a multinational automobile manufacturer in challenging a jurisdictional award in an investment treaty arbitration concerning claims in connection with certain tax incentives allegedly promised by the State.
- Acting in various energy and infrastructure disputes, including for a renewable energy company against an investment company over a US\$350 million share purchase transaction; for a Thai coal-mining entity in relation to its US\$450 million claim arising from the termination of a power plant project; for PRC investors in a dispute concerning a petroleum exploration and production project in Georgia; for an affiliate of a leading Nigerian oil and gas conglomerate against a PRC state-owned oil entity for breach of an international sales contract for

crude oil; for shareholders of an oil trading company against the international arm of Yukos Oil in a fraud and asset-tracing multi-jurisdictional claim.

- Acting in various transport-related disputes, including defending a leading aircraft manufacturer against a Chinese aviation company against claims in excess of EUR 150 million arising out of the termination of an agreement granting exclusive licensing, production and sales rights; and acting for a leading logistics company in claims concerning alleged breaches of various investment agreements concerning entities across multiple jurisdictions including India, Japan and Hong Kong SAR.
- Acting in various intellectual property, telecommunications and technology-related disputes across sectors involving mobile telecommunications operators, digital payment service providers and content-service providers and obtaining search orders and other injunctive reliefs.
- Acting in various commercial and corporate disputes, including for the founder of Mustafa Centre, an iconic retail and tourist landmark in Singapore, in multiple purported minority oppression suits; for one of the founders of TWG Tea, a luxury tea brand, in various disputes relating to the founding, development and management of TWG Tea; for individual shareholders in a group representative action and related proceedings in relation to the distribution and management of the proceeds of sale of a hotel in excess of S\$100 million; for a family office in proceedings concerning investments in private equity funds and other assets valued at more than US\$120 million.

Related Practices

- Commercial & Corporate Disputes
- International Arbitration
- Vietnam
- India

Publications & Legal Updates:

Swee Yen has various publications, in particular on international commercial and investment arbitration and civil procedure. Her publications include:

- Provisional and Emergency Measures in International Arbitration (Edward Elgar Publishing)
- Singapore Rules of Court: A Practice Guide, 2023 Ed (Singapore Academy of Law Publishing)

- ICSID Rules and Regulations 2022: Article by Article Commentary (CH Beck)
- Global Arbitration Review (GAR) The Guide to Investment Treaty Protection and Enforcement; Edition 1 - Accessing Investment Treaty Protection: The Investor's Perspective
- Arbitration and Corruption: Duty or Right of Arbitrators to Report Suspicion of Corruption to Authorities, 2021 (Wolters Kluwer)
- Getting the Deal Through: Investment Treaty Arbitration 2021 – Singapore Chapter (Lexology)
- Practical Insights: Fraud and Corruption in International Arbitration, 2021 (Wolters Kluwer)
- The Investment Treaty Arbitration Review: Objections of Manifest Lack of Legal Merit of Claims: Arbitration Rule 41(5) Chapter (6th Edition) (The Law Reviews)
- The Future of Investment Treaty Arbitration in the EU: Intra-EU BITs, the Energy Charter Treaty, and the Multilateral Investment - Arbitration, Public Policy and Enforcement after Achmea: A perspective from Singapore, Chapter 11, 2020 (Wolters Kluwer)
- International Arbitration: In the Age of Technological Revolution, 2020 (Volume 1) (Lumen Juris)
- International Arbitration Comparative Guide 2020 – Singapore Chapter (Mondaq)
- Lye Lin Heng's Landlord and Tenant Law in Singapore, 2020 (2nd Edition) (LexisNexis)
- The Legal 500 & The In-House Lawyer Hot Topic – Singapore: International Arbitration (4th Edition)
- International Arbitration in the Energy Sector 2018: Energy Investor State Disputes in Asia (Oxford University Press)
- European International Arbitration Review, 2017: The Incidence of Iura Novit Arbiter in Singapore Arbitration Law - Volume 6:1 (JurisNet, LLC)
- The Use of Emergency Arbitrators in Investment Treaty Arbitration: ICSID Review - Foreign Investment Law Journal, 2016 (Oxford University Press)
- Singapore Civil Procedure: Volume I, Chapter 29: Interlocutory Injunctions, Interim Preservation of Property, Interim Payments; Volume II: Arbitration Act and International Arbitration Act (Sweet & Maxwell)

- Atkin's Court Forms (Singapore): Defamation (LexisNexis)
- The Practice of Law, 2016 (LexisNexis)

Awards & Accolades:

Swee Yen is highly recommended for her expertise in resolving complex international disputes, and is named in various legal publications, including *The Legal 500*, *Chambers Asia-Pacific*, *Chambers Global* and *Benchmark Litigation Asia-Pacific*.

She was awarded Litigation Lawyer of the Year at *The Legal 500 Southeast Asia Awards 2023*, Woman Lawyer of the Year (Law Firm) at the *ALB SE Asia Law Awards 2021* and recognised as a Thought Leader in *Who's Who Legal: Arbitration 2022* as well as a global leader in *Who's Who Legal: Commercial Litigation 2022*, and a national leader in *Who's Who Legal: Asset Recovery 2022 and Energy 2022*.

Described as being "*in a league of her own*", "*extremely talented*", "*incredibly hard-working and persistent*" with a "*very deep understanding of the law*" and "*razor-sharp*" in her advocacy by *Chambers Global*, sources also praise her for a "*keen sense of strategy*" and "*great ability to quickly grasp her clients' perspective and understand their commercial issues*".

The Legal 500 says that Swee Yen is the "*go-to disputes lawyer in Singapore*", with an "*ability to zone right in on the issues with precision and confidence*", and is "*brilliant, decisive and fearless*". She is "*an absolute standout*", and known as "*a tenacious litigator*" who is "*very hard-working and talented*".

Clients applaud Swee Yen as someone who "*always brings her A-game to everything she does and someone you want in your corner in a life or death situation.*" Clients also highlighted that Swee Yen is "*very quick to pick things up, has great foresight and possesses the ability to identify things to focus on and things to drop.*"