



*The  
Opening  
of  
Legal  
Year  
2014*





# THE OPENING OF LEGAL YEAR 2014

8 March 2014  
6 Jamadilawal 1435H





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His Majesty Sultan Haji Hassanal Bolkiah Mu'izzaddin Waddaulah  
ibni Al-Marhum Sultan Haji Omar 'Ali Saifuddien Sa'adul Khairi Waddien,  
Sultan and Yang Di-Pertuan of Brunei Darussalam



EXCERPTS FROM HIS  
MAJESTY'S TITAH

*“Sesungguhnya adalah harapan Beta supaya pada suatu ketika nanti semua pegawai-pegawai dan kakitangan kehakiman kita akan kesemuanya terdiri dari rakyat Beta iaitu sepertimana juga kedudukan Jabatan Undang-Undang sekarang. Tetapi yang penting sekali ialah memelihara kedudukan Kehakiman yang adil dan saksama. Ke arah itu Beta menggesa rakyat Beta khususnya mereka yang masih berada di bangku sekolah dan institusi-institusi pengajian tinggi untuk juga memilih mata pelajaran-mata pelajaran undang-undang supaya pada satu ketika nanti mereka dapat memainkan peranan yang penting di dalam pentadbiran kehakiman dan kepeguaman baik di sektor Kerajaan mahu pun di sektor swasta.”*

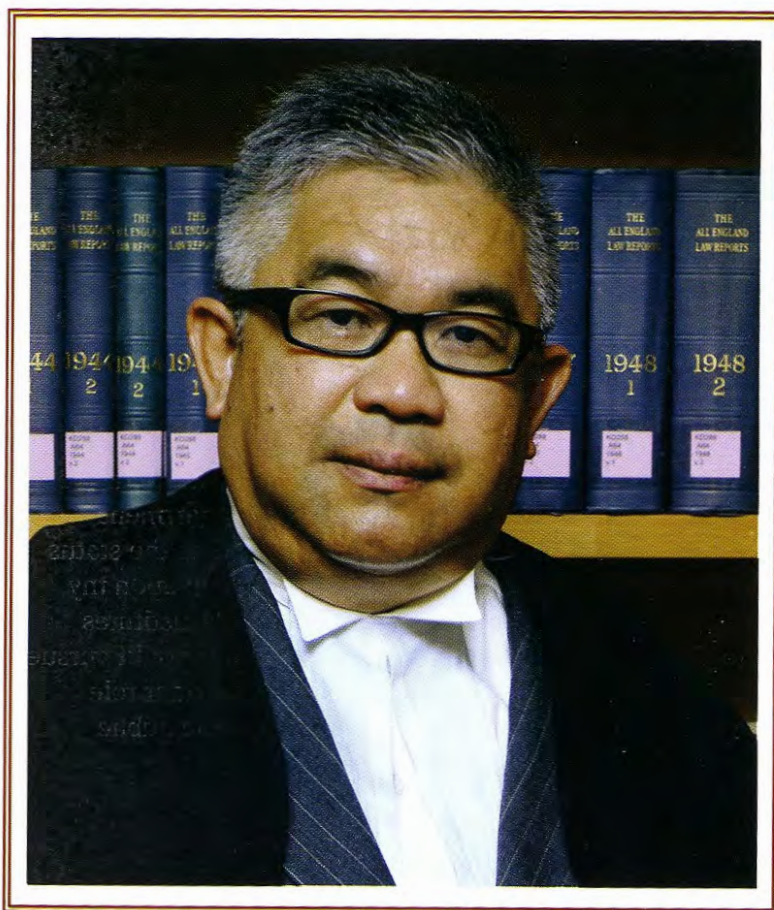
**Petikan Titah Kebawah Duli Yang Maha Mulia Paduka Seri Baginda  
Sultan Hassanal Bolkiah Mu'izzaddin Waddullah, Sultan dan  
Yang Di-Pertuan Negara Brunei Darussalam  
sempena Istiadat Pembukaan  
Rasmi Bangunan Baru Mahkamah Besar  
Negara Brunei Darussalam pada 15hb Mac 1984.**

*“Although it is my hope that one day all our judicial officers and staff would be from my subjects as can be found in the Legal Department now, but the most important factor is the maintenance of the status of a just and impartial judiciary. Towards this end I call upon my subjects especially those who are still in schools and institutes of higher learning to choose law as a subject which they should pursue so that in future they would be able to play an important role in the administration of justice and laws either in the public sector or the private sector.”*

**Titah of His Majesty Sultan Hassanal Bolkiah Mu'izzaddin Waddullah  
Sultan and Yang Di-Pertuan of Brunei Darussalam at the Official  
Opening of the New Supreme Court Building of Brunei Darussalam  
on 15th March, 1984.**

# The Chief Justice of Brunei Darussalam

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The Honourable  
Dato Seri Paduka Haji Kifrawi bin Dato Paduka Haji Kifli  
The Chief Justice of Brunei Darussalam



# Foreword

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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ  
السَّلَامُ عَلَيْكُمْ وَرَحْمَةُ اللَّهِ وَبَرَكَاتُهُ

It is a great honour and privilege to welcome you to the ceremony marking the Opening of the Legal Year 2014.

This occasion is also an opportunity to reflect on the past year and to renew our commitment to continuously strive to improve the quality of services in every aspect of the court system.

The past year has indeed been a challenging and productive year for the Judiciary.

During the 2013 Legal Year opening ceremony, I briefly mentioned that work had begun in the setting up of the Electronic Judicial Case Management System (E-JCMS). I am proud to say that the E-JCMS is almost complete. Training sessions have been planned for court officers and staff as well as legal firms, and officers and staff of the Attorney General's Chambers. This, however, is only the first phase of slowly introducing the E-JCMS to the public. We will endeavour to provide further training and familiarisation of the system throughout this coming year.

Apart from the E-JCMS, the court has also successfully set up the Technology Court in Magistrate's Court as well as the High Court premises. Audio and visual recordings of court proceedings can be arranged for specific cases depending on its availability. In December 2013, we observed the first successful use of international teleconferencing in the Technology Court by a witness from Canada giving live testimony to the court. This is a great achievement for the Judiciary in our efforts to provide better access to justice as well as reducing legal costs.

With the set up of the Small Claims Tribunal last January 2013, mediation is becoming a more useful tool of settling disputes between litigants. As such, mediation skills would prove to be a necessity in this area of the judicial services. I therefore again emphasise for the need of continuous judicial training for our officers to ensure that the services provided reflects our goal towards judicial excellence.

We say farewell to the Honourable Judge Lim Siew Yen, who had completed her service and thank her for her contribution and we wish her well.

We like to congratulate the Chief Magistrate Haji Abdullah Soefri bin POKSM DSP Haji Abidin, on his new appointment as an Intermediate Court Judge.

We welcome our two new Judicial Officers, Hajah Noor Amalina binti Dato Paduka Haji Alaihuddin and Hajah Ervy Sufitriana binti Haji Abdul Rahman.

Finally, with our deepest of sorrows, we remember the passing of our esteemed former Chief Justice, the late Honourable Dato Seri Paduka Sir Denys Tudor Emil Roberts, the former President of the Court of Appeal, the late Honourable Justice Dato Kutlu Tekin Fuad, and members of the legal fraternity Ms Sarojini Muthusamy Veerasamy and Mr Sajeed Shah bin Abdullah @ Sarjeet Singh. They will be greatly missed.

I would like to take this opportunity to express my appreciation to the officers for their continuing support and dedication. The success of this years Legal Year is a tribute to the tireless effort of our Judicial Officers and staff.

I would also like to offer my sincere appreciation and gratitude to the members of the organizing committee and various Government Departments in ensuring that all the arrangements today run smoothly.

On behalf of the Judiciary, I thank you all for your presence today and wish you the best in the endeavors that await you in 2014.

Pengiran Hajah Rostaina binti Pengiran Haji Duraman  
Chief Registrar Supreme Court  
(Chairperson of the Organising Committee)

# MISSION STATEMENT



## **Mission**

“Administration of Justice”

## **Objective**

“Upholding the Rule of Law”

## **Goals**

“Securing Justice”

“Enhancing Access to Justice”

“Preserving Public Trust and Confidence”

## **Values**

“Taqwa”

“Independence”

“Accountability”

“Timeliness”

“Accessibility”

“Equality and Fairness”

“Integrity”

## **Principle**

“To Faithfully discharge judicial duties”

“To do right to all manner of people after the Laws and Usage of Brunei Darussalam without fear or favour, affection or ill will to the best of their ability”

“To be faithful and bear true allegiance to Brunei Darussalam”

**SPEECHES DURING  
THE OPENING OF  
THE LEGAL YEAR 2013**

# THE HONOURABLE CHIEF JUSTICE

## Dato Seri Paduka Haji Kifrawi bin

## Dato Paduka Haji Kifli

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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ  
السَّلَامُ عَلَيْكُمْ وَرَحْمَةُ اللَّهِ وَبَرَكَاتُهُ

The Honourable Attorney General, The Honourable Chief Syar'ie Judge, President of Brunei Darussalam's Law Society, Members of the Bar, Distinguished Guests, Ladies and Gentlemen. We are honoured also to have amongst us the presence of Ms Azimah Omar, Chief Registrar's Federal Court of Malaysia, Mr Leo Cheng Suan, Vice-President of the Law Society of Singapore and Mr Desmond Ho, Council Member of Malaysian Bar during today's Opening of our Legal Year, good morning and welcome.

Welcome to the Year of the Snake 2013. With Allah's Blessing, I hope this New Year 2013 will be a more happy, peaceful, prosperous and exciting New Year.

### 1. STATISTICS

#### Court of Appeal, High Court and Intermediate Court Statistics

**28** criminal cases were registered in the High Court in 2012 as against **12** in 2011, and **97** civil cases were filed in the High Court in 2012 as against **127** in the previous year.

Civil appeals from the High Court and Intermediate Court to the Court of Appeal in 2012 numbered **12**, that being **8 LESS** than in 2011; and criminal appeals to the Court of Appeal in 2012 were **19** in number, this being **11 MORE** than in 2011.

There are **4** capital cases before the High Court in 2012 awaiting trial, **3** cases of drug cases and **1** murder case. Trial dates have been given for the 4 cases.

There were **53** criminal appeals to the High Court from the Magistrate's Court and **3** civil appeals to the High Court from the Magistrate's Court.

High Court and Intermediate Court civil cases (Chamber hearings) registered to be heard before the Senior Registrars and Registrars **INCREASED** by **7** from **387** in 2011 to **394** in 2012.



In 2012, the Registry of Civil Marriages registered **284** marriages, **36** divorces were also heard in the same year.

With regards to Bankruptcy matters, **661** Notices were received during 2012, that being **32 MORE** than in 2011; **661** Receiving Orders were made in 2012, that is **72 MORE** than in 2011; and **51** Adjudication Orders were made in 2012, that being **3 MORE** than the previous year.

The Intermediate Court had **197** civil matters registered in 2012, this being **7 MORE** than in 2011; and **28** criminal matters were registered in 2012, that being **10 LESS** than in 2011.

### The Subordinate Court's Statistics

#### • Criminal Cases

In the Magistrate's Court for 2012 for criminal cases, **1989** cases were registered in Bandar Seri Begawan, 719 cases **LESS** than that in 2011, **296** cases were registered in Kuala Belait, 45 cases **LESS** than in 2011, **151** cases were registered in Tutong, 81 **LESS** than in 2011 and **4** cases were registered in Temburong, **9** cases **LESS** than in 2011.

#### • Civil Cases

The figures for civil cases registered in the Magistracies were as follows: in Bandar Seri Begawan, **1182** suits were registered in 2012 as against **1400** filed in 2011, in Kuala Belait, **236** suits were registered as against **287** filed in 2011, in Tutong, **207** suits were registered as against **284** filed in 2011 and in Temburong, no civil matters were registered.

#### • Inquests

Figures for Inquests heard in Bandar Seri Begawan were **27** in 2012 as against **23** in 2011, in Tutong Court, **4** were heard in 2012 as against **12** in 2011, **0** heard in Kuala Belait Court for both 2012 and 2011 and **0** heard in Temburong Court for both 2012 and 2011.

#### • Applications made under the Lunacy Act

Figures for applications made under the Lunacy Act in Bandar Seri Begawan Court were **79** in 2012 and **58** in 2011, in Kuala Belait Court, **10** in 2012 and **13** in 2011, **0** in Tutong Court for both 2012 and 2011 and **0** in Temburong Court for both 2012 and 2011.

#### • Statutory Declarations

The number of Statutory Declarations filed in Bandar Seri Begawan Court were **16,370** in 2012 as against **16,996** in 2011, in Kuala Belait Court, **2511** in 2012 as against **3497** in 2011, in Tutong Court **2033** were filed in 2012 as against **1156** in 2011 and in Temburong Court, **150** were filed in 2012 as against **218** in 2011.

#### • Probate and Letters of Administration

In Bandar Seri Begawan, **275** applications for Letters of Administration were registered in 2012, **205** Letters of Administration were granted. 7 applications for Probate were registered and **5** Probate were granted. In Tutong, **31** applications for Letters of Administration were registered in 2012 and **31** Letters of Administration were granted. In Kuala Belait, **81** applications for Letters of Administration were registered in 2012 and **73** Letters of Administration were granted; **5** applications for Probate were registered, **5** Probate were granted. In Temburong, **7** applications for Letters of Administration were registered in 2012 and **6** Letters of Administration were granted.

## • Total Revenue

Lastly, the **Total Revenue** collected during **2012** amounted to **B\$6,810,368.73** as compared to **B\$6,301,256.26** during **2011**.

## 2. JUVENILE COURT

Over the last 12 months, the Juvenile Court continued its efforts in administering effective and swift juvenile justice. The Juvenile Court, now in its 2<sup>nd</sup> year of operations has a steady caseload although a small caseload. The Juvenile Court has established itself as an important and much needed component of the Brunei judicial system in dealing with offenders and persons under the age of 18.

The statistics of the Juvenile Court are as follows. In 2012, **22** cases were registered in Bandar Seri Begawan, as against **20** registered in 2011, **4** cases were registered in Kuala Belait, as against **1** in 2011, **0** cases were registered in Tutong for both 2012 and 2011 and **0** cases were registered in Temburong for both 2012 and 2011.

Of the **22** cases registered in 2012 in Bandar Seri Begawan Juvenile Court, **17** were Beyond Parental Control applications. Additionally, **5** Care and Protection Order Applications were registered in 2012. This figure also indicated an increase in number from previous years.

These cases tell us that all is not well with the family unit. And this is something we should all be concerned about. It is everybody's problem when the family in Brunei is at risk because children of broken families may suffer throughout their lives cultivating displaced values and an unhealthy attitude to life that can influence generations to come. It is this calamity that we must avoid and it is every parent's responsibility to do the best they can for their children even in the most challenging circumstances.

The role played by the Juvenile Court Magistrate in dealing with a rebellious or troubled teen amidst a background of family dysfunction is therefore, a critical one. Stories of heartbreak and despair are heard in our juvenile courtrooms, revealing sometimes for the first time, a harsh reality to parents who have lost all connection to their children. It is the Juvenile Court Magistrate who assists and tries to mend what is broken. And as it to be expected in dealing with humans in turmoil, this is no easy task.

I take this opportunity therefore to stress the importance of training for judicial officers generally and the importance of specific training for specialist judges and magistrates such as the Juvenile Court Magistrates to deal with their cases. In the same vein, I would also stress that similar importance be placed on the training of officers of the Community Development Unit of Ministry of Culture Youth and Sports, in particular, social workers and counselors who receive children and young persons into their custody in order that the children and young persons receive the highest level of care and professional help within the system.

I also like to thank all the stakeholders of the juvenile justice system, the officers of the Community Development Unit, Ministry of Culture Youth and Sports, Officers of the Attorney General's Chamber and Officers of the Royal Brunei Police Force for their cooperation and partnership in striving towards good governance in the Juvenile Court. Last but not least, I wish to record my appreciation to the Panel of Advisers who continue to provide their valuable services to the Juvenile Court Magistrates in dealing with children and young persons.



### 3. SMALL CLAIMS TRIBUNAL

The Small Claims Tribunal (SCT) has been successfully set up in the Subordinate Court, Bandar Seri Begawan.

The Small Claims Tribunal Order came into force on the 1<sup>st</sup> January 2012 and became operational on the 1<sup>st</sup> January 2013. The Tribunal will operate during normal government working hours.

The Small Claims Tribunal is designed to provide a fast, informal and inexpensive forum for laymen to resolve legal disputes without entering into the realm of court proceedings. More importantly, there are no legal representatives permitted in SCT proceedings.

The SCT has jurisdiction to hear cases arising from contracts of sale of goods, contracts for provision of services and claims arising from damages to property where the claim does not exceed \$10,000.

The cost for filing the claims in the Small Claims Tribunal is nominal. It depends on the amount the claimant is claiming. For consumer, if the amount claim does not exceed \$5000.00, the fee is \$10.00. If the amount of claims exceeds \$5000 but less than \$10,000 the filing fees is \$20.00. For non consumer, if the amount claimed does not exceed \$5000.00, the fee is \$50.00. If the amount claimed exceeds \$5000 but less than \$10,000 the filing fees is \$100.00.

### 4. BANKRUPTCY REGISTRY

The Bankruptcy Registry has continued to deal with the high volume of cases that are registered and processed. Creditors Meetings continue to increase tremendously as the Deputy Official Receivers are dealing with cases that are sometimes more than 15 years old. As the number of Bankruptcies increases yearly, those new cases are heard with the continuing older cases. This is evident from the statistics whereby in 2012, there were **2433** hearings fixed. A jump from **1,717** hearings in 2011.

The Bankruptcy Registry initially shared its' Registry with the Probate Registry and the Translators. Due to the rising volume, the Registry was expanded with the Probate Registry and the Translators relocating to the first floor of the Supreme Court building. Minor renovations were completed and the Registry houses proper counters, a search room and increased work space for the staff of the Bankruptcy registry. The Assistant Official receiver is assisted by (1) assistant finance clerk, three (3) clerks and 1 office peon. They deal with massive paperwork, all of them tasked to do more than one specified task within the bankruptcy unit. There is an obvious need to increase the numbers of Deputy Official Receivers and overall staff.

The recent new amendments to the Bankruptcy Act came into effect on 4th December 2012. The most noticeable amendment being:

1. The minimum limit to file a bankruptcy notice has been increased from BND500.00 to BND10,000. However, the minimum for Debtor's petition remains at BND500.00.
2. Discretion to discharge bankrupts:  
This allows for the trustee to issue a certificate discharging a bankrupt from bankruptcy. However, this is subject to certain criteria.



The trustee may be able to issue a certificate if:

- a. a period of 3 years has lapsed since the date of the commencement of the bankruptcy;
- b. the debts proved for do not exceed BND100,000.

Before the issuance of any certificate of discharge, the trustee must serve on every Creditor concerned in a matter. Objections by the Creditors, if any, must be furnished to the Trustee. The Creditor can apply to the Court for determination should their objections be rejected by the Trustee.

Should a discharge be issued, the discharge shall release the Debtor from his debts EXCEPT for (i) government debts and (ii) bail bonds.

The discharge does not affect:

- (i) Secured creditors;
  - (ii) Any provable debt which the bankrupt incurred in respect of any fraud;
  - (iii) Any fines imposed for an offence;
  - (iv) Liability to pay for damages for negligence, nuisance or personal injury;
  - (v) Any order arising under the Married Women Act and the Islamic Family Law Order;
  - (vi) Any order arising under written law relating to the confiscation of the proceeds of crime.
3. There is also the power to impound passports of the Bankrupt should the need arise. This essentially ensures that the bankrupt does not leave Brunei Darussalam during the administration of the estate.

The Trustee may issue directions to the Controller of Immigration to detain the Bankrupt's passport, certificate of identity or other travel documents.

4. The new amendment provides further for specific duties, disqualification and disabilities of a Bankrupt.
5. It also allows for the reciprocal recognition of the Official Assignees (Official Receivers) between Brunei Darussalam, Singapore and Malaysia. The effect would be, if a person is adjudged a bankrupt in Malaysia or Singapore, the property of the bankrupt, if situated in Brunei Darussalam would vest in the Official Assignees of Malaysia or Singapore.

## 5. REMINDER

I regret to say that I have to repeat what I have said before. It is useful to remind ourselves what should be done every year so that we continue to give a proper service to the public.

- (a) All cases (including any appeal) have to be completed and disposed off within a reasonable time. Any delay may cause injustice to the parties.
- (b) All lawyers including judicial officers and their staff have to be continually trained and better equipped to enable them to handle cases efficiently.
- (c) All buildings/offices/working areas have to be properly equipped with proper facilities so as to produce a working environment which is conducive to efficient disposal of cases.

I am very concerned that we may take these basic requirements for granted. I am glad to say that in general we have tried our best to achieve these basic objectives despite the shortage of skilled human resources.

We are thankful to the Government of His Majesty The Sultan And Yang Di-Pertuan of Brunei Darussalam for the Budget made available to pay for the maintenance of the building facilities, training of officers and staff and recruitment of judicial officers.

We know that in other countries due to lack of financial resources, they face serious backlog of cases and thus serious delay in the disposal of court cases.

## **6. APPRECIATION AND GRATITUDE**

I wish to record our appreciation and gratitude to our past and previous Chief Justices, Presidents of the Court of Appeal, High Court Judges (Judicial Commissioners of the Supreme Court), Intermediate Court Judges, Chief Registrars, Chief Magistrates, Magistrates and Registrars and Judicial Staff for their contribution towards our Judiciary. They were responsible for laying the foundation of our Judiciary and paving the way for us to move on towards a more efficient and productive machinery of justice.

I also wish to highlight the contribution by our 'Visiting Judges' and Judges of the Court of Appeal Brunei Darussalam. Brunei Darussalam being a small country with a small population, these foreign Judges having considerable legal experience and expertise have been useful and will still remain important and valuable assets to our small Judiciary.

I hope they will always inspire our local lawyers and in the near future our local lawyers to be as good, if not, better lawyers than these foreign Judges.

## **7. CONCLUSION**

As usual I am grateful to the Chief Registrar and the officers and staff of the Judiciary for the preparations they have made for this ceremony.

My thanks also go to the Commissioner of Police and the Royal Brunei Police Force for the guard of honour which I was privileged to inspect this morning.

I am also grateful to the State Judiciary Department and the Prime Minister's Office for their continuous support and cooperation in making sure the courts are managed properly.

Finally, on behalf of the Judiciary, I must express my appreciation to all of you who have found time to attend this annual occasion. Thank you for supporting and showing interest in our judicial system which I believe has served Brunei Darussalam well and will continue to do so in the future.



**THE HONOURABLE ATTORNEY GENERAL**  
**Datin Seri Paduka Hajah Hayati binti POKS**  
**DSP Haji Mohd Salleh**

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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ  
السَّلَامُ عَلَيْكُمْ وَرَحْمَةُ اللَّهِ وَبَرَكَاتُهُ

Good Morning

My Lord Honourable Chief Justice, Yang Amat Arif Chief Syarie Judge, Honourable Judges, President of the Brunei Darussalam Law Society, Members of the Bar, Distinguished Guests, Ladies and Gentlemen.

**Introduction**

My Lord

Alhamdulillah, with the blessings of Allah Subhanahu Wata'ala we are all assembled here again in this historical building, this morning, to observe an important legal tradition and to renew our pledges of cooperation and mutual support in the efficient running of our machinery of justice and to uphold the Rule of Law for the peace, prosperity and stability of Brunei Darussalam. Indeed, we are all fortunate to be the beneficiary of the legacy of many of those before us. Our priority is to ensure continuity and to prepare the generation who will continue after us.

{My Lord, Chambers join Your Lordship and the rest of the legal fraternity to express our condolences on the passing of our former Chief Justice, Allahyarham Dato Seri Paduka Mohammed Saied. May Allah Subhanahu Wata'ala showers His Blessings upon his soul.}

**Congratulations/Acknowledgement**

My Lord, on a happier note, Chambers wish to congratulate Puan Naimah Md Ali, on her appointment and transfer from the Prime Minister's Office to become the Solicitor General on 26<sup>th</sup> June 2012. I personally welcome her return to Chambers as I am confident that with her rich experience, invaluable dedication, humility that she has always shown that I will have



a strong support towards achieving the Chambers vision and mission in providing the highest quality legal service for His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam. I am sure that the Solicitor General with the support of the other senior officers of Chambers will continue to guide and mentor the younger officers in Chambers. This is very important as they are our future!

Chambers is also pleased to announce that in 2012 we have recruited 5 new officers who had shown great potential. I am proud to say that one of them is a Syariah Law graduate from University Islam of Sultan Sharif Ali, Brunei Darussalam.

On a less happier note, Chambers witnessed a few more transfer and resignation of some of our officers. We wish to thank them for their contribution and wish them all the best in their future endeavours. As in any organization, the transfers/resignations will continue to pose challenges to Chambers aspiration and Succession Planning. However, I am humbled and grateful for the unstinting support, commitment shown by my remaining officers to overcome the challenges and continue to move positively forward. I am also confident that, given continuous mentoring, training, exposure and recognition, there is still a big pool of talented and potential officers in Chambers that Brunei Darussalam can be proud of. Insha Allah.

### **Initiatives**

My Lord

May I now mention some notable initiatives taken by Chambers. I am happy to announce that early this year Chambers had launched 3 publications.

#### **Firstly, the Handbook on Drafting Instruction**

The Handbook provides some general information about the purpose, form and content of drafting instructions and provide checklist for matters which need to be considered. The Handbook is a follow up to a guideline previously issued by Chambers to the Ministries and departments under Your Lordship's steward.

It is hoped that the Handbook will clear the role and challenges faced by Chambers in drafting of legislation. Chambers act as initiator and facilitator to the relevant agencies in the drafting of legislation but it is important that relevant government agencies analyse and decide factors that will have effect and impact on the policies decided before drafting of the law begins in Chambers. For those who have not had the opportunity to obtain the Handbook, it is now available (foc) online in Chambers website.

As a follow up Chambers will start a series of talk to respective Ministries and departments to assist them to understand the legislative drafting process in Brunei Darussalam. I am most grateful to the good feedback I have received from various Ministries and Departments, to this initiative.

In order to be more effective, and to save time, Chambers also hope to procure a similar system used in Singapore, the LEAPS System. LEAPS is an electronic tool to draft and publish legislation on their new versioned Legislation Database. Chambers will be sending a team from members of the BrulLaw Project Committee this year to undergo a study visit to Singapore and other establishments to do a case analysis of the LEAP system. This is as a part of the process to acquire technical details for the project for purposes of submission of the project and user requirement to EGNC for endorsement.



## **Second Initiative: the Criminal Case Management**

In my Legal Year Speech last year, I have also mentioned of the setting up of a working committee led by a senior officer from Chambers towards a more effective management of criminal cases. On this note I am pleased to announce that Criminal Case Negotiation (CCN) project had commenced as of January 2013 and followed by the launching of CCN on 19<sup>th</sup> January 2013. The aim of CCN is to implement measures towards early case resolution and minimizing wastage of judicial time including criminal case disclosure and plea bargaining procedure. CCN is a formalization of such practices which had been used by prosecution with the cooperation of enforcement agencies as well as legal practitioners in its effort to speed up early resolution of criminal cases. CCN will make such practices more transparent and consistent. Chambers also hoped that the formalisation of CCN is acknowledged as an effort by Chambers to assist and support the concern of Your Lordship for early disposal of cases. This initiative is also intended to support the State Judiciary department in its implementation of “Judiciary E-Case Management System” to enhance the effectiveness and productivity of case management in court. Chambers is grateful for the support from the Judiciary, enforcement agencies, Law Society and practicing criminal lawyers and I am confident that if we all continue to be united in our desire to enhance the efficiency of our criminal justice system in Brunei Darussalam, the public confidence will be enhanced.

My Lord

As a further measure towards early case resolution, I would like to humbly propose that we look into the possibility of amending the Criminal Procedure Code with the provision of pleading guilty by letter or other media and payment of fine by electronic means for suitable offences. This is being practiced in some jurisdiction. Chambers is ready to consider these with the support from the Judiciary and if My Lord welcome this proposal, may I propose for a Working Committee to be established comprising of both Chambers and the Judiciary and other relevant agencies.

## **Third Initiative: the Brunei Darussalam Treaty Series**

Another publication which Chambers is proud to have launched this year is the Brunei Darussalam Treaty Series. The objective is to serve as a beneficial resource not only to practitioners in international law, but to policy makers, lawyers, academics and even students. Brunei Darussalam Treaty Series is a compilation of all multilateral treaties that Brunei Darussalam had ratified or acceded to. The publication is in its final stage and for the first edition Chambers hope to sell compilation of agreements on Counter Terrorism, Law of the Sea and Maritime and also Intellectual Property. As in any series of publication, the Brunei Darussalam Treaty Series will be updated and improvised from time to time to ensure that it remains a relevant and useful resource.

At this juncture, I wish to thank Dyg Alice Khan, Legal Draftsman, Awang Hj Mohd Yusree Hj Junaidi, Assistant Solicitor General, Dyg Hj Norhashimah Hj Mohd Taib, Assistant Solicitor General and Head of International Affairs Division and Intellectual Property and Registries Division, Dyg Aldila Hj Mohd Salleh, Principal Counsel and Head of Criminal Justice Division, Dyg Hj Hassanah Hj Hassan and Dyg Hj Hasnah Hassan, Deputy Senior Counsel and all other officers and staff who are instrumental in coming up with the above publications. We are also grateful to the Government Printer for their invaluable assistance.

## **INFORMATION TECHNOLOGY**

In my speech last year, I mentioned that Chambers is in the process of procuring a legal information management system. I am happy to announce that Chambers had embarked on a customised file management application system designed to facilitate internal work process and enable users at my Chambers to conduct routine tasks more efficiently and effectively.

The first phase of this system will be to develop 3 workflow application and one function as follows:-

- i) File Management Workflow – handles registration and management of correspondences throughout Chambers.
- ii) Prosecution Management Workflow – handles registration and management of investigation papers from the enforcement agencies until the case/files closed.
- iii) Debt Collection Management Workflow – handles registration and management of civil claims from Government agencies until claims are settled/closed.
- iv) Generation of Report and Statistics.

The contract was signed on 16 January 2013 and is currently undergoing implementation stage. Chambers hope to use the system during the stabilisation period which is as early as mid-February 2014.

My Lord

## **Muzakarah/Activites**

In addition to the overwhelming range of matters referred to the various Divisions, I am also happy to inform that Chambers continue to hold and will continue to hold muzakarah, dialogue or forum with Ministries, departments and relevant agencies as part of Chambers outreach programme to provide a better understanding of the role of Chambers and to provide a useful forum for the various representatives from Ministries and government related agencies to mutually discuss ways to fulfill our respective roles more effectively.

The Civil Division had also organised several muzakarah (dialogue) sessions and briefings in relation to contract management and debt collection which aim to increase awareness of Ministries and department's responsibilities and legislated powers, in order to reduce the number of debt cases. Debt collection cases have increased from 2,982 in January 2011 to 4,356 in December 2012, an increase of 42%. This can be seen as a result of Government departments becoming more proactive in pursuing money owed to them in the form of unpaid utilities bills, housing fees, municipal fees, amongst others. Through the various dialogues with the relevant Departments, it was suggested that the legislated powers be exercised by the respective departments to assist in the recovery of debt. It is also repeatedly stressed how imperative it is to be proactive and not allow the debts to accumulate. Similar advise applies in that from the health perspective "prevention is always better and cheaper than cure". We will continue to work closely with the relevant Ministries to find ways to resolve this.

My Lord

## **Intellectual Property**

Another important milestone of which Chambers can be proud of is the development of Intellectual Property. Intellectual property protection is very important to encourage



creativity and is an important driver to the economy. 2012 saw significant steps taken by Brunei Darussalam for an effective intellectual property protection such as:

1. Setting up of the Office of the Registrar of Patents, also known as PRO, under the Brunei Economic Development Board.
2. Celebration of World Intellectual Property Day on 26<sup>th</sup> April organized by Chambers In cooperation with BED.
3. National Policy Forum on creative industries organized by Ministry of Culture Youth and Sports.
4. Serious efforts of the Municipal Board and other enforcement agencies in curbing the sale of pirated CDs, DVDs etc.
5. Series of awareness campaigns in the forms of training, workshop or briefings, tirelessly organized by my Chambers, PRO and other agencies.
6. Accession of Brunei Darussalam to the Paris Convention on Industrial Property, to the Patent Cooperation Treaty and the Budapest Treaty.

Chambers continued to carry out its role and early this year, in collaboration with BEDB and PRO, held Regional Consultation Seminar on Accession to Madrid Protocol. It was attended by trademark agents as well as SMEs and other local entrepreneurs and was intended to inform all stakeholders on the importance and why countries should accede to the Madrid Protocol. Based on the level of participants for both events, I feel that more needs to be done to create more awareness and to promote and protect intellectual property. At the BEDB WIPO Introductory Seminar on the Patent Treaty and the Budapest system which was held on 13<sup>th</sup> July 2012, I have urged all relevant agencies to take an active role in promoting intellectual property, whether for business development or preservation of our traditional and cultural heritage. Chambers has also encouraged and is willing to assist to coordinate with all relevant stakeholders towards formulating a national IP strategy.

I am also happy to announce that with consent of His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam, with effect from 1<sup>st</sup> October 2012, the Registry of Industrial Designs had moved to BEDB. Plans to move the Registry of Trademarks to BEDB is being considered at the moment. With these developments I am hopeful that my call for the setting up of an independent Intellectual Property Office during my maiden speech as Attorney General during the Legal Year 2010 will materialize in the near future.

### **Development of Human capital**

On the important subject of development of human capital, Chambers is constantly striving to improve the quality of legal service we provide to Government Ministries and departments. In every area of practice, my officers also attend, contribute and benefit from training abroad. I cannot overemphasize the importance of human resource development and capacity building. Chambers have stepped up our efforts to train, mentor our officers especially the young lawyers. A training roadmap is prepared for each officer by the Human Resource Committee. In this regard my officers had been attached to our counterparts and reputed legal firms in Malaysia, Singapore and Hong Kong. Chambers will continue to send more officers not just the lawyers but also our support officers from the Translation Unit, Library, Proof Readers, Archives etc as part of our training, career progression and succession planning. I am



most grateful to the Government of His Majesty The Sultan and Yang Di-Pertuan, the Prime Minister's Office, other relevant Ministries for their whole-hearted support in this important exercise.

In-house training, sharing and discussing legal issues of common interest and the knowledge gained from the various training abroad by experts, among the officers during our Share and Discuss Sessions (SDS) will also continue. We have also conducted in-house training for our own Prosecutors, and that from the enforcement agencies, with whom we have a very good rapport.

In line with Chambers Strategic Planning to produce specialists in some identified subjects and areas of practice I am happy to announce in 2012 Chambers saw the return of 4 officers after doing their Masters of Law in various areas. I am proud to announce that one Chambers officer, Dayang Riana Dewi binti Haji Aji, Deputy Senior counsel with the International Affairs Division received Best Student Prize Queen Mary, University of London. Indeed, such accomplishment brings us pride and hopefully serve as an encouragement to my other officers.

Presently, 4 officers from Chambers are currently doing their Masters of Law in the United Kingdom in various field of law and hopefully when they come back this year they will add to the pool of expertise in the areas which the Human Resource Committee had identified.

Another important initiative by Chambers is to reach out to students that are currently doing their Law course at all levels, whether at graduate, post graduate and even at professional level by doing briefings and Open Day as well as visiting them abroad. In April 2012 when on a working visit to the various legal institutions in the United Kingdom, I met the students there who are doing their law courses. Chambers also met with the representatives from the Ministry of Education to discuss on the law subjects which Chambers are looking for in the years to come and in October 2012, Chambers held an Open Day with Law Students. With these initiatives I hope that the law students would have a general idea of what Chambers can offer and what Chambers expect from them. Chambers had also been receiving students who wish to pursue law as their profession for attachment for many years. Chambers are proud to say that some of these students do join Chambers after they have graduated. Chambers will continue to receive attachment students as part of our recruitment strategy. Most of all, I would encourage them to serve the country in this honourable profession and lead the profession with exemplary passion and serve the country with compassion.

### **Acknowledgement**

Last, but not least, I am very grateful to all my officers and staff for their continuous commitment, support, integrity, perseverance and unity towards our combined efforts to provide the services entrusted upon us. I am also grateful to those Ministries/departments who never fail to extend their appreciation to Chambers when a task is completed, often, at challenging time-lines.

I also take this opportunity on behalf of all my officers in Chambers to repeat our unstinting support in your task in the fair and efficient administration of justice in Brunei Darussalam.

Finally, we wish Your Lordship, Honourable Judges, all members of the legal community and all present a happy, healthy and successful 2013.

مت الفربو لىلا تمحرو مكيلع مالسلا ، ءيادل او قي فوتلا لىلابو

Thank you.

# THE PRESIDENT OF THE LAW SOCIETY

## Haji Muhammad Zainidi bin Haji Abdul Hamid

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BISMILLAHIR RAHMANNIR RAHIM

Assalamualaikum Warahmatullahi Wabarakatuh

My Lord Chief Justice, Yang Amat Arif Ketua Hakim Mahkamah Syariah, The Honourable Justices of the Supreme Court, The Honourable Attorney General, fellow counsels and colleagues of the legal profession, distinguished guests, ladies and gentlemen, good morning.

### INTRODUCTION

May it please your Lordship, I would like to start by extending a very warm welcome to the distinguished representatives from the Law Society of Singapore, their Vice-President, Mr Leo Cheng Suan, and from the Bar Council of Malaysia, a Council member, Mr Desmond Ho. This year is the first year that we have, with your Lordship's leave, extended the invitations to attend and share the experience of this important event with our neighbours. It is an important milestone for our Law Society and it is hoped that this will become a tradition in years to come and our Law Society and the relationship we have with our neighbours continue to strengthen.

I am pleased to recite the utmost gratitude to Allah Subhanahu Wata'ala for His many blessings upon us and for making it possible for us to again come together on this auspicious occasion to mark the opening of the Legal Year 2013.

I am thankful for the privilege and honour given to me to be back on this podium to represent the Law Society in our annual pledge of support to the Judiciary.

We are also thankful for the wise leadership and benevolence of His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam under the guidance of Allah for being able to live and work in a peaceful, safe, secure and stable environment.



In our unflagging support for the His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam and to the Judiciary we also remind ourselves of and maintain our pledge in upholding of the rule of law. In upholding the rule of law, we also contribute to the peace, prosperity, safety and security of our future and generations to come. In this respect, we welcome the generosity of all parties in the Judiciary and Government to include the Law Society in discussions not only in matters affecting the profession but also all relevant issues concerning the law.

## **CONGRATULATIONS**

Last year, we congratulated the transfer and promotion of Dayang Naimah binti Haji Mohd Ali, who was for our first few formative years the statutory member of the Council of the Law Society, to the Prime Minister's Office. We are pleased that show has not been transferred back and appointed the Solicitor General in the Attorney General's Chambers. We record our utmost congratulations to her on her new appointment. We look forward to continue the good working relationship with her and the Attorney General's Chambers as a whole.

## **THE LAW SOCIETY**

The number of our members at the start of this year increased to 117 members. In early 2012, we had 107 members. We had a number of new admissions and 2 former members coming back to practice and some members chose not to renew their practicing certificates or were unable to do so. There is a net increase of 10 practitioners to date.

From the statistics made available to me currently the number of practitioners who are Bruneian nationals are slightly outnumbered by non-Bruneian nationals. We always welcome non-Bruneian practitioners to contribute to the functioning and development of our legal system over the years. However, I would like to see the trend to be more of our local Bruneians to join our profession in the private sector than what it is currently and that they would stay in practice for many years. It is hoped that with the help of the senior members of the Law Society and the coordinated efforts of all potential facilitators and stakeholders including the Government this trend can be achieved. Starting this year we hope to welcome the law graduates from UNISSA to join the profession. This is one of those efforts that will have a positive effect on this aspiration. May I now reiterate a part of my speech in the Opening of the Legal Year ceremony of 2009 when I said,

*"Your Lordship has given us a timely reminder of His Majesty's 'titah' of 25 years ago urging His Majesty's subjects especially those who are still in schools and institutions of higher learning to choose the subjects of law so that in the future they can play an important role in the management of judicial and advocacy may it be in Government or private sectors. This 'titah' we believe still applies now, if not more so. We in the private sector fully support His Majesty's vision, even now as we strive to increase our membership with more local practitioners in line with His Majesty's aspirations."*

Four years on and 29 years since that 'titah' and we are very much in the future now. Much has been achieved but we need to scrutinise the achievements and look at what more needs to be done. Let us work together and in tandem to achieve the best for Brunei Darussalam.

This only the 8<sup>th</sup> year that our Law Society is in operation. We are a very young organisation, but an important one. There is much we have to do and learn to do. The learning curve is



sometimes very steep. The dedication, work and time expended by our members in serving as Council and Committee members all these eight years are very much appreciated. I must also record our thanks to our members for their support towards the Council and understanding towards the limitations that we have to face and to the mistakes that we may have made along the way.

To our members, I would strongly encourage them to be more active in the Law Society in every way possible. It is true that the Law Society also have a duty to serve its members first and foremost but there is no Law Society to serve its members if its members do not contribute to the Law Society or are indifferent to its existence. We need members to continue to serve as Council members and volunteer as Committee members, to contribute more and sacrifice some more of their time to the workings of the Law Society so that we that we can grow faster and develop into a Law Society everybody can be proud of serving its members better and able to increase the Law Society's relevance to its members, the community and Brunei Darussalam as a whole. It is a great privilege to have this Law Society. Let us not be complacent. We need to earn respect as a springboard to greater achievements. This is not just a Law Society that the members belong to by default because of the operation of the Legal Profession Act but this is a Law Society that belongs to you, its members. Something that belongs to you need to be cared for and nurtured at all times.

### **THE LAW SOCIETY'S ACTIVITIES**

The Law Society will again organise the usual annual program of social activities, including the annual legal year dinner and the annual games this year. The Law Society is as always appreciative of the time spent by those who help in the organisation of these activities including those from the Attorney General's Chambers and the Judiciary and also for their participation in them. It is hoped that our members, staff of the Judiciary and the Attorney General's Chambers will also show their support and appreciation by participating in these event in larger numbers than previous years.

Last year, The Continuing Legal Education Committee of the Law Society organised a talk on Case Management. We invited a prominent lawyer from neighbouring jurisdiction who had also for a long time practiced in Brunei to give the talk. The talk was attended by our members but also Counsels from the Attorney General's Chambers. I would like to record our thanks to the Honourable Attorney General for her support in this respect and also for generously providing the venue and facilities to hold the talk. The Law Society being a relatively new organisation welcome all the support we can get.

We have also continued our activity in enhancing our relationships with Bar Associations and Law Societies of neighbouring countries. We have earlier this year accepted invitations from the Law Society of Singapore and the Malaysian Bar Council to attend the Opening of the Legal Year in their respective jurisdictions. We will do our part as best we could in maintaining good relationship with our neighbours in the spirit of cooperation in the region and globally. With Singapore and Malaysian, our legal systems are similar and historically entwined. Greater cooperation can only be beneficial to all.

### **LEGAL AID AND PRO BONO**

The legal advice clinic that was started by the Law Society in 2010 will be continued. As with previous years, we again thank the Judiciary for the continuing support in providing the premises for our volunteer lawyers to dispense basic advice to those who needs them. Admittedly, this effort of ours is a small gesture but a meaningful one. We sincerely hope to be able to do more in the future.



Our efforts to get more lawyers involved in this scheme and to give more continues. The question is how best to do this? In fairness, some lawyers may be making their own contributions and pro bono work in their own big way without much publicity. We also acknowledge the concerns and the contributions of other parties and organisations in the provision of access to justice for those in need. I am of the view that we ought to do much more to champion such good causes, however let us not forget the need to work closely together in a small jurisdiction such as ours with limited number of volunteer lawyers to pool our resources together to be able to make a bigger impact. To help those in the community who are unable to afford access to justice is not mandatory. It is a privilege that we lawyers have that we are in a position to help when no one else can and we make that personal sacrifice to do so without any expectation of any financial or professional gain in return. It gives our life more meaning and it has a positive effect on everyone and the community in general.

It must be understood that giving free legal services and provision of legal aid can mean different things. Free legal services or pro bono work is as stated above totally voluntary with no payment to the lawyer concerned. Legal aid is when assistance is given to a person in need of legal services with the legal fees paid at a subsidised rate or paid for by an authorised third party.

In terms of legal aid there is a lot of work that needs to be done to bring this to higher levels to be more meaningful to the community in need of access to justice for all. Providing access to justice is not the sole responsibility of lawyers in private practice. It would be asking too much for a relatively young organization such as ours with limited membership and funding that we have and our sometimes onerous obligations to our own members, to the community and country to be expected carry out this duty alone either by way or pro bono work or otherwise. We are prepared to play a big part in constructing comprehensive pro bono and legal aid schemes for the community but we need to work together in collaboration with the Judiciary, Government and others with the necessary funding made available. Currently, government legal aid is only available to those who cannot afford legal representation in court and are charged with capital punishment offences that will lead to the death sentence. I am of the view that the imminent implementation of the Islamic Criminal Law system provides us with one more reason for this scheme to be expanded and made more comprehensive and institutionalised to include most criminal cases in all courts. It goes without saying that everyone in the community should have access to justice. It is part of a better society in any country that access to justice is available to all in the community. Where the need arise, legal aid should also be extended to certain categories of civil cases. The need for this is especially important to those cases involving family matters where women and children are particularly at risk.

### **COURT FACILITIES**

It is vital for the continued maintenance and development of the excellent court facilities that we currently have. With a tinge of regret, I have the unenviable task to again repeat the yearly Law Society's request for the reinstatement of our own private space in the courthouses for the purpose of robbing room, interaction, refreshments and private conferences outside the courtrooms. General refreshments area is also necessary for lawyers and the public users of the courthouses.



## **CONDOLENCE**

It is with sadness that we record the Law Society's condolences on the passing of your Lordship's predecessor Allahyarham Dato Seri Paduka Mohammed Saied earlier this year in his adopted country in England to his family and all who knew him. Many of our members will remember him as a firm but fair judge who stood firmly for the rule of law. As Chief Justice, he also gave our Law Society his confidence; support and advice when we first started out not so long ago back in 2006. It is also a credit to him that he served Brunei not just as Chief Justice from 2001 to 2009 but also firstly as Coroner in 1984 and then again as Chief Registrar from 1986 to 1987 and he earned the respect of all who knew him. May Allah bestow blessings on his soul and be placed in the company of the righteous. Amin Ya Rabbal A'lammin.

## **CONCLUSION**

To conclude my speech, we join your Lordship in thanking the Honourable Chief Registrar and the officers and staff of the Judiciary for the preparations they have made to this ceremony. It is a credit to them that they have always done a better job than the last year. This year we particularly thank them for the welcome and hospitality extended to our guests for Malaysia and Singapore.

I extend my apologies to those concerned for any unwelcomed contents in this speech and also for detaining all of you for longer than necessary from enjoying the sumptuous refreshments kindly laid out downstairs by the Honourable Chief Justice.

The thanksgiving prayer comes next, so let us also pray for peace, blessings and success for the future ahead of us.

Wasalamualaikum Warahmatullahi Wabarakatuh.

Thank you.

# IN MEMORIAM

# IN MEMORIAM OF THE FORMER LATE CHIEF JUSTICE

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**DATO SERI PADUKA SIR DENYS TUDOR EMIL ROBERTS**

19th January 1924 - 19th May 2013

*Appointment:*

18th June 1979 - 31st July 2001

**President of the Court of Appeal**

3rd October 2002 - 26th May 2003



## In Memoriam for the late former Chief Justice Justice Dato Seri Paduka Sir Denys Tudor Emil Roberts

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It is with great sadness that the Judiciary announces the passing of the former Chief Justice, the Honourable Dato Seri Paduka Sir Denys Tudor Emil Roberts on 20<sup>th</sup> May 2013.

Sir Denys was born on 19<sup>th</sup> January 1923 in London, England. He was educated in Aldenham School in his childhood, and later studied law in Wadham College, Oxford University in 1942. After serving in the Second World War, Sir Denys retired from the army in 1946 and resumed his interrupted education at Oxford. He obtained his Master of Arts degree in 1948, Bachelor of Civil Law degree in 1949, and was made an honorary fellow of Wadham College in 1984.

Sir Denys was called to the bar by Lincoln's Inn and in 1950 began his career as a barrister-at-law in London. He then joined the colonial civil service in 1953 as a Crown Counsel in Nyasaland (now Malawi). In 1960, he was promoted to Attorney-General of Gibraltar. In 1962, Sir Denys was sent to Hong Kong as Solicitor-General and was made a Queen's Counsel of Hong Kong on 8<sup>th</sup> September 1964. He was appointed Attorney General in 1966.

Sir Denys was appointed honorary bencher of Lincoln's Inn in 1978 and was appointed Chief Justice of Hong Kong in 1979 and simultaneously also served as the Chief Justice of the Supreme Court of Brunei Darussalam. Sir Denys retired as Chief Justice of Hong Kong in 1988 but continued to serve as Chief Justice of Brunei Darussalam until 2001. After standing down as Chief Justice of Brunei Darussalam, Sir Denys was appointed as President of the Court of Appeal of Brunei Darussalam in 2002 until his retirement in 2003.

In his 22-year tenure as Chief Justice of Brunei Darussalam, Sir Denys had made vast contributions to the Judiciary for which he is still remembered for till this day. Amongst his various contributions, he will forever be remembered for his vision and law reform initiatives and most of all his issuance of practice directions and legal guidelines through his judgments which are still being used and referred to as case precedents.

The extent of his knowledge and understanding of the law, his industry and judicial technique in the formulation of his judgments were readily appreciated by those who had the opportunity of appearing in his court and reading his judgments in the local law reports. These law reports contain a wealth of his exposition of the local laws, and are of tremendous assistance to practitioners as well as to those who administer justice in our courts.

His promotion of the rule of law is widely felt in the Brunei legal profession. Amongst the judicial family, he is fondly remembered as a man of compassion, integrity and humor. Sir Denys, through his perseverance and tireless effort had improved and expanded the Brunei Judiciary and legal fraternity and we truly appreciate his contribution to the progress and development of our legal system.

Sir Denys Roberts is survived by his wife Lady Anna Fiona Roberts, his two sons and daughter.



**Former President of Court of Appeal**  
**DATO SERI PADUKA KUTLU TEKIN FUAD**  
23rd April 1926 - 27th July 2013

***Appointment:***  
**Acting President of the Court of Appeal**  
11th March 1992 - 24th June 1992

**President of the Court of Appeal**  
17th May 1995 - 04th September 2000



## In Memoriam for the late former President of the Court of Appeal Justice Dato Seri Paduka Kutlu Tekin Fuad

It is with great sadness that the Judiciary announces the passing of the former President of the Court of Appeal, The Honourable Justice Dato Ketlu Tekin Fuad on 25<sup>th</sup> July 2013.

A Turkish-Cypriot, born in 1925 and educated in England, he began his judicial career as a Magistrate in Cyprus in 1953. In 1956, he was appointed as a Magistrate in Uganda and thereafter promoted as a Judge of the High Court of Uganda in 1963. Justice Dato Kutlu Tekin Fuad was formerly Director of the Legal Division of the Commonwealth Secretariat and was also the first editor of the Commonwealth Law Bulletin in 1974.

From 1980 to 1982 Justice Dato Kutlu Tekin Fuad was appointed as a Judge of the High Court in Hong Kong and subsequently served as a Judge on the Court of Appeal of Hong Kong from 1982 to 1993. He was also Vice President of the Court of Appeal of Hong Kong between 1988 to 1993. Justice Dato Kutlu Tekin Fuad was appointed President of the Court of Appeal of Brunei Darussalam on 17<sup>th</sup> May 1993. He continued to serve as a Non-Permanent Hong Kong Judge of the Court of Final Appeal from July 1997 to July 2009.

Justice Dato Kutlu Tekin Fuad was known as a kind and inspirational judge and colleague and is fondly remembered with respect. He will be remembered by many as being incisive and profound in his judgments, and always having a kind and courteous demeanour in Court.

Dato Kutlu Tekin Fuad is survived by his wife and three children.





# THE SUPREME COURT

## The Court of Appeal

The Court of Appeal hears appeals against the decisions of the High Court and Intermediate Court in both civil and criminal matters. It is the final court of appeal for criminal matters.

The President of the Court of Appeal sits with 2 other Judges of the Court of Appeal. The current President of the Court of Appeal is His Lordship The Honourable Justice John Barry Mortimer. Judicial Commissioners of the Supreme Court who are also members of the Court of Appeal include His Lordship The Honourable Justice Geoffrey Lance Davies who will sit during the Court of Appeal May Session, His Lordship The Honourable Justice David John Leonard who will sit during the Court of Appeal November Session and His Lordship The Honourable Justice Michael Peter Burrell who will sit during both the Court of Appeal May and November session.

The Honourable Justice Michael Peter Burrell was sworn in at Istana Nurul Iman on 26th October 2013 by His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam. Justice Burrell will serve a three-year term as a Judicial Commissioner and will sit on the Court of Appeal together with the President of the Court of Appeal and fellow Judicial Commissioners of the Supreme Court. Justice Burrell has been a High Court judge in Hong Kong since 1995. He will bring to Brunei Darussalam his many years of experience and we trust that he will contribute to and assist with the efficient administration of justice in our courts.

We are also pleased to announce that recent Court of Appeal judgments (from 2011-2013) may now be accessed online through the Judiciary's website at [www.judicial.gov.bn](http://www.judicial.gov.bn). Following each Court of Appeal session, the Judiciary will undertake to ensure that recent judgments be made available online to assist practitioners and provide them with up to date case law. Older case law is available in the Judgments of Brunei Darussalam and is published annually by the Government Printing Department.

The Court of Appeal sits twice a year, in May and November. The session dates for 2014 are as follows:

- May Session – 5<sup>th</sup> May 2014 to 31<sup>st</sup> May 2014
- November Session – 3<sup>rd</sup> November 2014 to 29<sup>th</sup> November 2014

The Court of Appeal remains committed in their efforts to have cases heard in a timely manner and intend to continue their practice of minimising the granting of adjournments. For 2014, the Court of Appeal aims to ensure that all cases filed between December 2013 to May 2014 are heard in the May 2014 session and all cases filed between June 2014 to November 2014 are heard in the November 2014 session. The Court of Appeal is also looking to advance possible reforms for Procedure Rules in order to make hearings more efficient and to improve current practices. The new Technology Court will also be utilised by the Court of Appeal to assist them with the recording of proceedings and they will also make use of the new E-Filing and E-Judicial Case Management systems.

## The High Court

The High Court consists of the Honourable Chief Justice, Judges of the High Court, Judicial Commissioners of the High Court and Registrars. The High Court hears both criminal and civil cases. The High Court also hears appeals from the decisions of the Magistrate's Court in civil and criminal cases.

2013 was filled with many notable points and there is much that has happened in the High Court in the last year on which we can reflect.

In its efforts to improve the Court's services, the High Court began the digitization of its files in 2013 through the Electronic Filing (E-Filing) and Electronic Judicial Case Management System (E-JCMS) and it is anticipated that the Courts will begin to electronically manage its files and cases through this new system. The testing of E-JCMS is scheduled to be implemented in early 2014. The E-Filing and E-JCMS systems are expected to significantly increase court efficiency. This means substantial time saving for both judicial officers and practitioners and this frees them to make better use of their professional time.

The High Court has continued in its efforts to work together with other government departments and agencies to improve its services. With effect from January 2014, the High Court will introduce new Criminal Appeal Forms in cooperation with the Prisons Department in order to aid non-represented defendants file in their appeals into court. The new forms are bi-lingual, provided for in English-Malay, and it is anticipated that more forms will soon be provided for in various other languages for the benefit of foreign defendants.

Throughout 2013, the High Court has also worked together with the Prime Minister's Office (PMO), Ministry of Industry and Primary Resources (MIPR) and members of the Law Society in its efforts to improve Brunei Darussalam's 'Ease of Doing Business' rankings measured by the World Bank, specifically in relation to 'Enforcing Contracts' and 'Resolving Insolvency'. The rankings are measured by the cost of the claim, the number of procedures and the number of days it takes to enforce a contractual claim. The High Court together with PMO, MIPR and members of the Law Society have discussed and sought to find ways in which to reduce the number of procedures involved and number of days taken to enforce such claims in Brunei Darussalam.

In addition, the High Court has continued to work with E-Government National Centre (EGNC) to increase the content and data available on the Judiciary's website such as the addition of the Court of Appeal judgments online, as mentioned above.

The High Court building has also undergone new changes. 3 Registrar's chambers have been placed on the 1<sup>st</sup> Floor and the new Marriage Room has also been moved to the 1<sup>st</sup> Floor. The new Bar Robing Room for the convenience of members of the Law Society will also be placed on the 1<sup>st</sup> Floor.



## Training

Several High Court Judges and Officers attended various conferences and workshops throughout 2013 including:

- 'ASEAN-USPTO Advanced Workshop on Effective Enforcement Against Notorious Markets' in Bangkok, Thailand attended by Senior Registrars Ramzidah binti PDKD Haji Abd Rahman, Dayangku Norismayanti binti Pengiran Haji Ismail and Harnita Zelda Skinner in March 2013.
- 'Case Management System - Working Visit to the Malaysian Judiciary' in Kuala Lumpur, Malaysia attended by Chief Registrar Pengiran Hajah Rostaina binti Pengiran Haji Duraman, Senior Registrars Dayangku Norismayanti binti Pengiran Haji Ismail and Hazarena POKSJDP Haji Hurairah in April 2013.
- 'ASEAN Law Association 35<sup>th</sup> Governing Council Meeting' in Singapore attended by The Honourable Chief Justice Dato Paduka Haji Kifrawi bin Dato Paduka Haji Kifli and Senior Registrar Dayangku Norismayanti binti Pengiran Haji Ismail in August 2013.
- '15<sup>th</sup> Conference of The Chief Justice's of Asia and the Pacific 2013' and '5<sup>th</sup> Round Table Meeting of the Asia Pacific Judicial Reform Forum' in Singapore attended by The Honourable Chief Justice Dato Paduka Haji Kifrawi bin Dato Paduka Haji Kifli and Senior Registrar Hazarena POKSJDP Hj Hurairah in October 2013.
- '3<sup>rd</sup> International Conference on Enforcing Contracts of Vietnam, Brunei and Saudi Arabia' in Seoul, Korea attended by Chief Registrar Pengiran Hajah Rostaina binti Pengiran Haji Duraman in October 2013.
- '15th ASEAN Senior Law Officials Meeting (ASLOM)' in Vientiane, Laos attended by Deputy Chief Registrar Radin Safiee bin Radin Mas Basiuni in December 2013.

The High Court staff have also attended various training programs in 2013 such as the Leadership Development Program and Communication and Customer Service Program at the Civil Service Institute of Brunei Darussalam.

## Bankruptcy Office

2013 brought in important amendments to the Bankruptcy Act whereby the minimum debt threshold for claims in bankruptcy was increased from \$500 to \$10,000. Further amendments include the possible discharge of a bankrupt from bankruptcy by the issuance of a certificate, provided that at least three years have passed since the date of commencement of the bankruptcy declaration, his or her debts do not exceed \$100,000, and the debtor agrees to relinquish his or her passport or travel documents. It is expected that these changes will help ease the number of bankruptcy applications dealt with by the Official Receiver, Deputy Official Receivers and the Bankruptcy Registry.

The Bankruptcy Office has improved services in the past year by ensuring that a staff member is always on duty at the counter to deal with enquiries. There has also been an increase in the number of staff including the hiring of a new registration clerk and the additional post of Acting Assistant Official Receiver to assist with the administration of the bankruptcy files.

With effect from February 2014, the Bankruptcy Office will work on new procedures to help streamline the process for judgment debtors, the Bankruptcy Registry and Deputy Official Receivers alike when receiving such applications.

The High Court and the Bankruptcy Office will continue to hold discussions and dialogue sessions with all banks and relevant agencies such as TAP and AMBD and it is hoped that such assistance and cooperation will remain steadfast in the years to come.

### **Probate Office**

The Supreme Court of Brunei Darussalam has exclusive jurisdiction to make Orders in relation to the validity of a will of a deceased person, the appointment of an Executor or an Administrator, and the administration of deceased estates. The Probate Office deals with all applications for grants of probate (when the deceased person left a valid will and an executor is acting) or letters of administration (usually when there is no valid will) in Brunei Darussalam. The Probate Office is established in all four districts and people may now apply for Probate and Letters of Administration in the district of Temburong.

For 2014, the High Court and Probate Office intends to place an emphasis on settling complex or disputed probate matters through mediation provided by the High Court Registrars on a case-by-case basis. Mediation is voluntary and provided free of charge. In the past year, parties have been encouraging and shown a willingness to mediate to resolve probate related disputes. High Court Registrars have been trained in mediation and hope to continue to develop their mediation skills in the future by attending more alternative dispute resolution courses and workshops and eventually hope to become accredited mediators.

### **Judicial Officers and Staff**

To ensure that Judicial Officers receive adequate experience in both civil and criminal matters, several Judicial Officers will split their time between the High Court as a Registrar and Deputy Official Receiver (DOR) where the emphasis is more on civil matters and the Magistrate's Court as a Magistrate where the focus is more on hearing criminal cases.

With effect from January 2014, Senior Magistrate Pengiran Masni binti Pengiran Haji Bahar after many years as a full-time Magistrate will now be full-time Registrar and Deputy Official Receiver at the High Court. Conversely, Registrar Azrimah binti Haji Abdul Rahman who was previously a full-time Registrar will now be based in the Magistrate's Court as a Magistrate however will continue her work as a Deputy Official Receiver. Senior Registrar Harnita Zelda Skinner who has heads the Kuala Belait Magistrate's Court for the past 3 years will also spend two days a week at the High Court doing both Registrar's and Deputy Official Receiver's work.

The Judiciary welcomes two new judicial officers, Hajah Noor Amalina binti Dato Paduka Haji Alaihuddin and Hajah Ervy Sufitriana binti Hj Abdul Rahman, both recently called to the bar in England and Wales by the Honourable Society of the Middle Temple in 2012 and 2013 respectively. New officers will divide their time between the High Court and Magistrate's Court to gain experience in both criminal and civil matters.



The Judiciary has increasingly been receiving attachment students who wish to pursue law in university and as their profession. We have also received attachment students from the Business School of Brunei Darussalam as part of their course requirement of six months industrial attachment. We will continue to receive selected attachment students as part of our initiative to expose and educate interested students to Brunei Darussalam's judicial system.

#### **Conclusion and Aims for 2014**

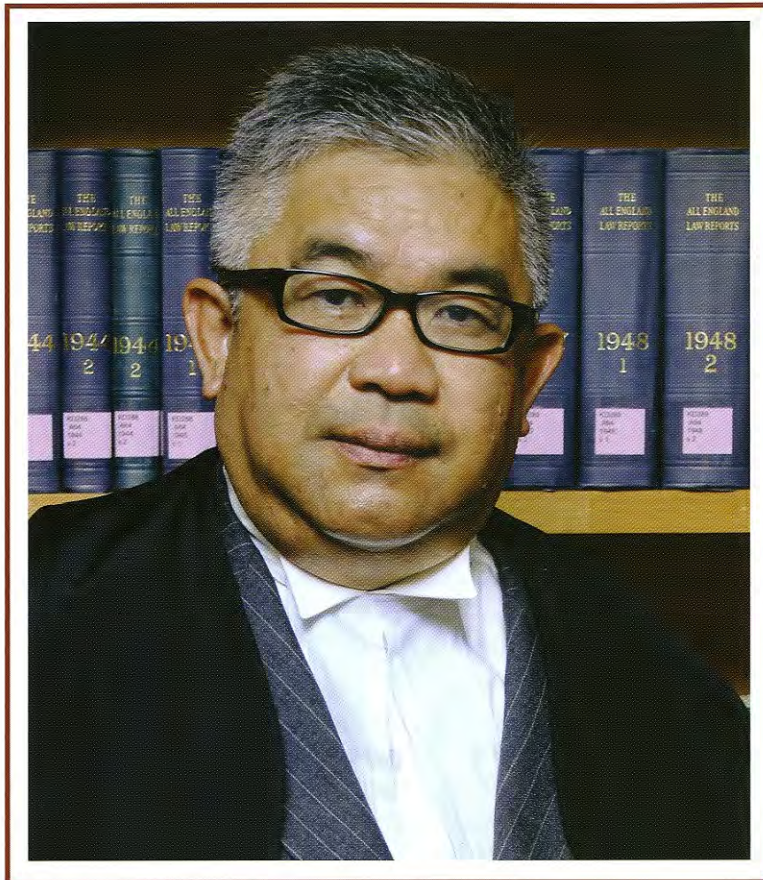
For 2014, the High Court aims to fully utilize the Electronic Filing and Electronic Judicial Case Management systems to further enhance the court's efficiency and to provide court users better access to various court services. The Court also aims to familiarize and integrate the new facilities provided in Technology Court for all court users.

It is also aimed that in 2014 and in the years to come, that Judicial Officers will be able to participate in judicial training programs and work attachments with courts abroad in other jurisdictions so as to acquire valuable experience and expertise in developing judicial skills and continuing legal education. It is hoped that more schemes will also be available to High Court staff to develop and enhance their knowledge and capabilities through relevant courses and training.

The High Court recognizes that upholding core values of integrity and transparency are paramount to instill public trust and confidence so as to achieve the highest levels of performance in delivering quality public service. Indeed, it will be a busy year ahead for the High Court and we will accept such challenges and remain dedicated in improving our services for the benefit of all court users.

The High Court would also like to take this opportunity to express its sincerest appreciation and gratitude to all the staff for their hard work this past year. All their efforts and contributions have made a big difference to the smooth running of the courts and registries and it is only with their support that the High Court will be able to achieve its mission in upholding the efficient and fair administration of justice.

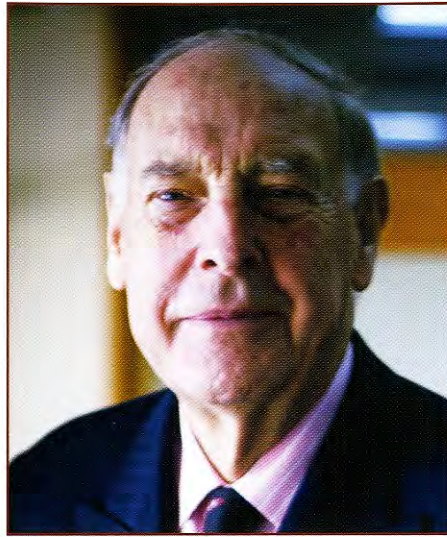




The Honourable  
Dato Seri Paduka Haji Kifrawi bin Dato Paduka Haji Kifi  
The Chief Justice of Brunei Darussalam

# Court of Appeal Judges

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Justice John Barry Mortimer  
President of the Court of Appeal

## Judicial Commissioners of the Supreme Court and members of the Court of Appeal

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Justice Geoffrey Lance  
Davies



Justice David John Leonard



Justice Michael Peter Burrell



# Supreme Court Judges

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Justice Dato Paduka Steven Chong Wan Oon  
High Court Judge



Justice Dato Paduka Haji Hairol Arni bin Haji Abdul Majid  
High Court Judge

# Judicial Commissioner of the Supreme Court

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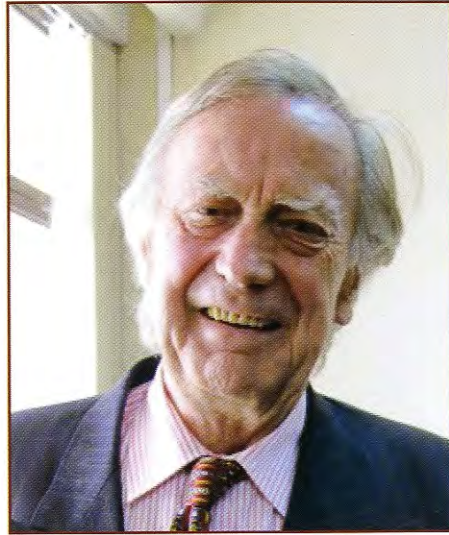


Justice Pengiran Hajah Rostaina  
binti Pengiran Haji Duraman

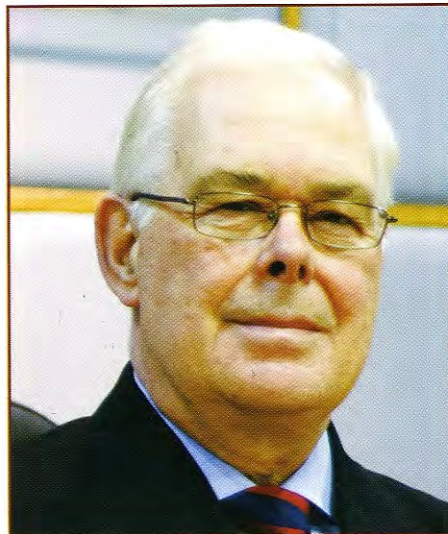


# High Court Visiting Judges Judicial Commissioners of the Supreme Court

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Justice James Kerr Findlay



Justice Gareth John Lugar-Mawson

# Registrars of the Supreme Court

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Pg Hjh Rostaina binti Pg Hj Duraman  
**Chief Registrar**



Radin Safiee bin Radin  
Mas Basiuni  
**Deputy Chief Registrar**



Ramzidah binti PDKD Hj  
Abd Rahman  
**Senior Registrar**



Dk Hjh Norismayanti binti  
Pg Hj Ismail  
**Senior Registrar**



Hjh Hazarena binti POKSJDJ  
Hj Abu Hurairah  
**Senior Registrar**



Pg Masni binti Pg Hj Bahar  
**Registrar**



Hamita Zelda Skinner  
**Senior Registrar**





Confidential Secretaries



High Court Registry





Probate Registry



Bankruptcy Registry





Court Translators



Court Librarians





Court Finance



# THE INTERMEDIATE COURT

## The Intermediate Court

The Intermediate Court hears both criminal and civil cases. Regarding criminal matters, it does not have jurisdiction with respect to offences punishable with death, life imprisonment or imprisonment for a term that exceeds 20 years. With respect to civil matters, the Intermediate Court will hear cases where the amount claimed or the value of the subject matter in dispute exceeds \$50,000 but does not exceed \$300,000. The Intermediate Court presently consists of two judges, The Honourable Judge Pengiran Hajah Hanani binti Pengiran Haji Metusain and The Honourable Judge Haji Abdullah Soefri bin Pehin Orang Kaya Saiful Mulok Dato Seri Paduka Haji Abidin.

In 2013, The Honourable Judge Lim Siew Yen completed her service with the Government of His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam. The Honourable Judge Lim Siew Yen began her service with the Judiciary as a Registrar in February 1989. She was appointed as Deputy Chief Registrar in January 2001, confirmed as an Intermediate Court Judge in December 2004 and thereafter became a full time Intermediate Court Judge in March 2008. The Judiciary wishes to thank The Honourable Judge Lim Siew Yen for her many years of service and valuable contribution during her tenure and wishes her well for the future.

2013 also saw the appointment of The Honourable Judge Haji Abdullah Soefri bin Pehin Orang Kaya Saiful Mulok Dato Seri Paduka Haji Abidin as an Intermediate Court Judge. The Judiciary wishes to congratulate The Honourable Judge Haji Abdullah Soefri on his appointment and he will serve as an Intermediate Court Judge in addition to continuing his position as the Chief Magistrate of the Subordinate Court.



# Judges of the Intermediate Court

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Judge Pengiran Hajah Hanani binti  
Pengiran Haji Metusain



Judge Haji Abdullah Soefri bin  
POKSM Dato Seri Paduka Haji Abidin

# THE SUBORDINATE COURT



# The Subordinate Court

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## **Small Claims Tribunal and Juvenile Courts**

With effect from January 2012, the definition of Subordinate Courts was amended to include both Juvenile Courts and Small Claims Tribunal. In 2013, the Subordinate Court witnessed the operation of the Small Claims Tribunal which has the jurisdiction of hearing cases with claims under \$10,000 as conferred under Small Claims Tribunal 2006. Since its operation the Small Claims Tribunal had heard a total of 5 cases ranging from claims \$500 to \$6,000 in which the first case was brought in April 2013. The Subordinate Court hopes that the Small Claims Tribunal continues to be as successful in 2014 and for the number of staffs to increase so that the Small Claims Tribunal can run full time and be available in all districts.

The Juvenile Court has been in operation since 2010 and the Magistrate is assisted by a Panel of Advisers in deciding the best way to deal with a juvenile offender to rehabilitate and reintegrate them back into the society. In 2013, a total of 23 cases are heard in the Juvenile Court at Bandar Seri Begawan, 3 juvenile cases in Kuala Belait and 1 Juvenile case in Tutong Court. There a total of 9 cases involving Beyond Parental Control Order, which is a decrease from 2012. However, there has been an increase in the number of Juvenile Arrest Case and Juvenile Traffic Case registered in 2013.

## **Magistrates Court in all districts**

The Magistrates Court hears both criminal and civil cases. In 2013, there had been a slight decrease in the number of Civil cases registered in the Magistrates Court. Further, with the exception of Kuala Belait, there was also a decrease in the number of Criminal cases registered in the Magistrates Court.

The Judicial-Case Management System (J-CMS) and digitization of files have also commenced in 2013. The Subordinate Court hoped that this will further improve the Subordinate Court's services in 2014.

The Subordinate Court also saw the operation of the first Technology Court that is currently located in Court 6, Ground Floor of the Law and Court's Building, Bandar Seri Begawan. It aims to assist vulnerable witness or witness outside the country to give their testimony. In October 2013, the Technology Court was first utilized for an outraging modesty case.

Improvements to the other district's court were also advanced in 2013. In Kuala Belait a Technology Court was implemented which has the same purpose as that of the Technology Court in Bandar Seri Begawan.

In Tutong, plan is in the pipeline to build a new court building. With the assistance of State Judiciary Department, several projects were implemented and completed on the existing Court building such as the removing and replacing of the asbestos roof.

For Temburong Subordinate Court, for the convenience of the Temburong residents who are applying for Letter of Administration, they are no longer required to travel to Bandar Seri Begawan for the hearing of the said application. The said application will be heard in Temburong Court as the Deputy Probate Office will travel to Temburong to hear the said application.

Temburong Court is still being placed at its temporary location awaiting for the repair and renovation to the permanent court building to be completed. And hopefully once the court rooms are available, all Temburong Criminal cases can be heard in Temburong rather than in Bandar Seri Begawan.

## Training

In 2013, a number of the Subordinate Court Officers attended several conferences, workshops and training programs overseas and in Brunei as part of its continual judicial training. This includes the Judicial Governance Programme Civil Service College (Singapore), Asia Pacific Judicial Reform Forum (Singapore), ASEAN-UPTO Advanced Workshop on Effective Enforcement Against Notorious Markets (Bangkok) and Judicial Colloquium on Intellectual Property for Judges (Washington). Subordinate Court staffs were also sent to attend several training programs in order to improve the quality of services provided by the Subordinate Court. Some of these conferences were 'Kursus Basic English For Frontliners' (Institute Perkhidmatan Awam) and 'Persidangan Antarabangsa Kali Ketiga: Ke arah Budaya Belia Yang Sihat Peranan Nilai-Nilai Kekeluargaan dan Nilai-Nilai Pendidikan Islam' (Universiti Brunei Darussalam). Also, there will be an upcoming English course in collaboration with CFBT for the Court's staffs.

## Judicial Officers and Staffs

The Subordinate Court would like to congratulate the Honourable Chief Magistrate Haji Abdullah Soefri for his appointment as Intermediate Court Judge.

The Subordinate Court would also like to welcome Magistrate Azrimah binti Haji Abdul Rahman, Registrar from the High Court, and new officers Magistrate Hajah Noor Amalina binti Dato Paduka Haji Alaihuddin and Magistrate Hajah Ervy Sufitriana binti Haji Abdul Rahman. The Judiciary wishes them the best and look forward to their contribution in the Subordinate Court.

Senior Magistrate Pengiran Masni binti Pengiran Haji Bahar, will be working as full-time Registrar in the High Court from January 2014 onwards. While Senior Registrar Harnita Zelda Skinner, besides being the Magistrate in-charge of Kuala Belait Court, will be working as a part-time Senior Registrar at the High Court.

The Subordinate Court also welcomed three new permanent Court's interpreters in 2013. On the other hand, the Subordinate Court also witnessed some transfers and retirements. The Subordinate Court would like to congratulate the following on their promotion; Dayang Foo Lim Chin as Assistant Public Relations Officer at Ministry of Culture, Youth and Sports, Dayang Nurul Nazihan binti Awang Jatikasuma as Confidential Clerk at Syariah Court of Appeal, Dayang Norhidayah binti Haji Md Noor as Clerk at Ministry of Education, Awang Mohammad Hairol Saripandy bin Omarali as Clerk at Institute of Public Service Department, Hajah Asmahwati binti Haji Ismail/Jaafar as Deputy Registrar of Subordinate Court, Khoo Sau Yew as Deputy Registrar of Subordinate Court and Noreida binti Muhammad as Assistant Scholarship Officer at Ministry of Education. Further, the Subordinate Court would like to convey its upmost gratitude to the following retired staffs for their services; Dayang Hajah Asmah binti Haji Yahya (served from 1/2/1984 to 22/11/2013), Hajah Maimun binti Haji Taja'ah (served from 1/3/1982 to 12/02/2014), Pengiran Sani bin Pengiran Tengah (served from 1/7/1990 to 01/02/2014) and Dayang Salamah binti Ahmad (served from 15/10/1983 to 17/02/2014).

## Aims

For 2014, the Subordinate Court aims:

- To send Judicial Officers for training and certification as accredited mediator for Small Claims Tribunal;
- To send Judicial Officers for judgment writing training; the Judiciary acknowledge the importance of judgment writing in order to convey the analytical and thought procedure involve in reaching judgment for fair trial and transparency for the benefits of both parties and public;
- To fully utilize the Information and Communication Technologies for research purpose;



- To fully utilize the J-CMS to further enhance the court's efficiency and to provide court users better access to the court's services;
- To elevate the judiciary staff's knowledge and capability through training and workshops;
- To conduct attachment program with the courts in other jurisdiction for both officers and staffs to share experience and expertise.
- Increase the number of officers and staffs by filling up the vacant posts.

We look forward to 2014 to accomplish the above aims in order to uphold and administer justice more efficiently.

### **Conclusion**

The Subordinate Court would like to express their gratitude to Officers and Staffs for their hard work and contribution in 2013. The Subordinate Court hopes that such dedication continues for 2014.

# Magistrates of Subordinate Court

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Muhammed Faisal bin  
PDJLD DSP Hj Kefli  
**Senior Magistrate**



Hj Abdullah Soefri bin  
POKSM DSP Hj Abidin  
**Chief Magistrate**



Hj Nabil Daraina bin  
PUKDPSSU Hj Badaruddin  
**Senior Magistrate**



Pg Masni binti Pg  
Hj Bahar  
**Senior Magistrate**



Lailatul Zubaidah binti  
Hj Mohd Hussain  
**Senior Magistrate**



Harnita Zelda Skinner  
**Magistrate**



Azrimah binti Hj  
Abdul Rahman  
**Magistrate**



Hjh Noor Amalina binti  
DP Hj Alaihuddin  
**Magistrate**



Hajah Ervy Sufitriana  
binti Hj Abdul Rahman  
**Magistrate**



## Panel of Advisers to the Juvenile Court

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*From left:*  
Hj Awg Abd Alim bin Hj Awg Othman,  
Hjh Mordiah binti Hj Jackia,  
Alinah binti Hj Tamin,  
Ustaz Hj Md Lazim bin Hj Matali



# Registrars/Adjudicators of Small Claims Tribunal

## Registrar and Deputy Registrar:

Awang Haji Abdullah Soefri bin POKSM Dato Seri Paduka Haji Abidin, Registrar  
Awang Muhammed Faisal bin PDJLD Dato Seri Pahlawan Haji Kefli, Deputy Registrar

## Assistant Registrars:

Awang Radin Safiee bin Radin Mas Basiuni  
Awang Haji Nabil Daraina bin PUK Dato Paduka Seri Setia Awang Haji Badaruddin  
Dayang Ramzidah binti PDKD Haji Abdul Rahman  
Pengiran Masni binti Pengiran Haji Bahar  
Dayangku Hajah Norismayanti binti Pengiran Haji Ismail  
Dayang Lailatul Zubaidah binti Haji Mohd Hussain  
Dayang Hajah Hazarena binti POKSJ Dato Paduka Haji Abu Hurairah  
Dayang Harnita Zelda Skinner  
Dayang Azrimah binti Haji Abdul Rahman

## Adjudicator:

Awang Haji Abdullah Soefri bin POKSM Dato Seri Paduka Haji Abidin, Registrar

## Deputy Adjudicators:

Awang Radin Safiee bin Radin Mas Basiuni  
Awang Muhammed Faisal bin PDJLD Dato Seri Pahlawan Haji Kefli  
Awang Haji Nabil Daraina bin PUK Dato Paduka Seri Setia Awang Haji Badaruddin  
Dayang Ramzidah binti PDKD Haji Abdul Rahman  
Pengiran Masni binti Pengiran Haji Bahar  
Dayangku Hajah Norismayanti binti Pengiran Haji Ismail  
Dayang Lailatul Zubaidah binti Haji Mohd Hussain  
Dayang Hajah Hazarena binti POKSJ Dato Paduka Haji Abu Hurairah  
Dayang Harnita Zelda Skinner  
Dayang Azrimah binti Haji Abdul Rahman





## Registrars of Subordinate Court

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Haji Badaruddin bin Haji Abdul Karim  
Senior Registrar





Bandar Seri Begawan Officers and Staff



# Court Interpreters

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Pengiran Norfarzat Irwani binti Pengiran Haji Mohd Jaafar  
Chief Interpreter



# Kuala Belait Subordinate Court

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Kuala Belait Magistrate and Court Staff



# Tutong Subordinate Court

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Tutong Magistrate and Court Staff

# Temburong Subordinate Court



Chief Magistrate and Temburong Court Staff



## Judge Advocates at Court-Martial

In 2006, a number of judicial officers were appointed as Judge Advocates by the Judge Advocate General on the Royal Brunei Armed Forces Court-Martial by virtue of s.124(3)(b) of the Royal Brunei Armed Forces Act, Cap, 149, which provides for the appointment of persons having judicial or legal experience as may from time to time, be required to act as Judge Advocates at Court-Martial.

Dato Paduka Steven Chong Wan Oon

Dato Paduka Haji Hairol Arni bin Haji Abdul Majid

Pengiran Hajah Rostaina binti Pengiran Haji Duraman

Awang Haji Abdullah Soefri bin POKSM Dato Seri Paduka Haji Awang Abidin

Awang Radin Safiee bin Radin Mas Basiuni

Awang Muhammed Faisal bin PDJLD Dato Seri Pahlawan Haji Kefli

Pengiran Masni binti Pengiran Haji Bahar

Dayang Lailatul Zubaidah binti Haji Mohd Hussain

## Court-Martial Session 1 of 2014



THE  
STATE JUDICIARY  
DEPARTMENT



# The State Judiciary Department

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The State Judiciary Department is responsible for the administration and management of support services, provision and financial affairs of the Civil Courts. With the establishment of the State Judiciary Department, the Civil Courts will maintain procedural and judicial principals as written in the Acts and Regulations, except for matters relating to finance and administration.

Since its establishment in May 2002, the State Judiciary Department has been providing its invaluable support to the Civil Courts. This is further enhanced with the transition of the administrative and financial functions of the Civil Courts to the State Judiciary Department on July 1, 2002.

In 2012, the State Judiciary Department assisted the Court in procuring two major contracts namely the establishment of the Technology Courts and the implementation of the Electronic Case Management System.

The State Judiciary Department will continue to provide managements and financial services to ensure that the administration of the court will continue to run smoothly.



Haji Mohd Serudin bin Haji Timbang  
Director of the State of Judiciary Department



Officers and Staff of the State Judiciary Department



# COURT PROJECTS

# Technology Court

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The establishment of the Technology Court is aimed to meet the changing needs and to enhance efficiency and effectiveness of court services by providing parties a wider range of technology-based facilities. In this regard, parties have now have access to the latest audio-visual technology when utilising our courts.

The Technology Court was first used by the High Court in November 2013 for a corruption trial presided by The Honourable Judge Lugar-Mawson, Judicial Commissioner. Through the use of integrated audio, video and electronic documentation and exhibit handling system and other enhanced services, parties can now conduct proceedings at trial with the assistance of electronic documents, real-time transcripts, video recordings or multimedia presentations. The presentation of evidence can be conducted through the multimedia platform, incorporating audio, video, and digital signals with graphics, text, film, and computer animation.

Video conferencing facilities are also available in the Technology Court and these may be used to present the testimony of vulnerable witnesses or overseas witnesses who are unable to be physically present in court. These facilities provide a direct video link between any locations having similar service provision for real-time video, audio and data communication and transmission. The video conferencing facility was first used in the High Court for a case in December 2013 presided by the Honourable Judge Lugar-Mawson, Judicial Commissioner to present the testimony of an overseas witness from Canada.

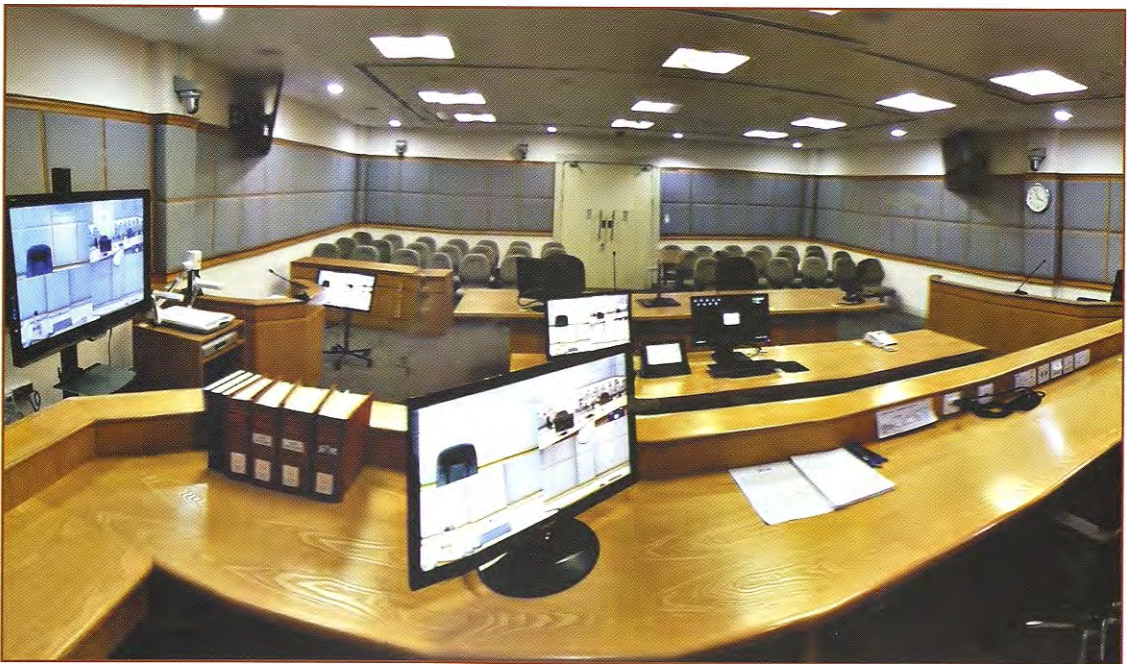
The examination of vulnerable witnesses can also be conducted via CCTV and the Technology Court performs the functions of a CCTV courtroom where the evidence of a vulnerable witness is to be taken at another site.

Court users are encouraged to take advantage of the facilities and equipment provided in the Technology Court. It is hoped that these technological tools will facilitate the presentation of evidence in court and promote greater efficiency in the hearing process. In keeping with its vision and mission, the High Court is committed to seeking continuous improvement in its processes and in embracing new innovation.





High Court, Supreme Court Building



Court 6, Subordinate Court, Bandar Seri Begawan





**Court 1, Subordinate Court, Kuala Belait**



# EVENTS





























































# Law Society Annual Dinner 2013

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# Justice Micheal Peter Burrell Swearing Ceremony Nurul Iman Palace, 26th October 2013

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ASEAN Law Association 35th Governing Council Meeting, Singapore  
August 2013



Judicial Governance Programme, Civil Service College, Singapore  
8th to 12th July 2013





Asean USPTO Roundtable for Judiciary on Intellectual Property Rights Issues and Enforcement, Bangkok, Thailand  
25th - 27th March 2013



# Visit to the Supreme Court

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Study visit from TYT Mr Charae Panpruang  
Deputy Secretary General of the House of Representative of the Kingdom of Thailand  
16th May 2013



Republic of Korea, APEC Ease of Doing Business: Enforcing Contracts  
3th June 2013



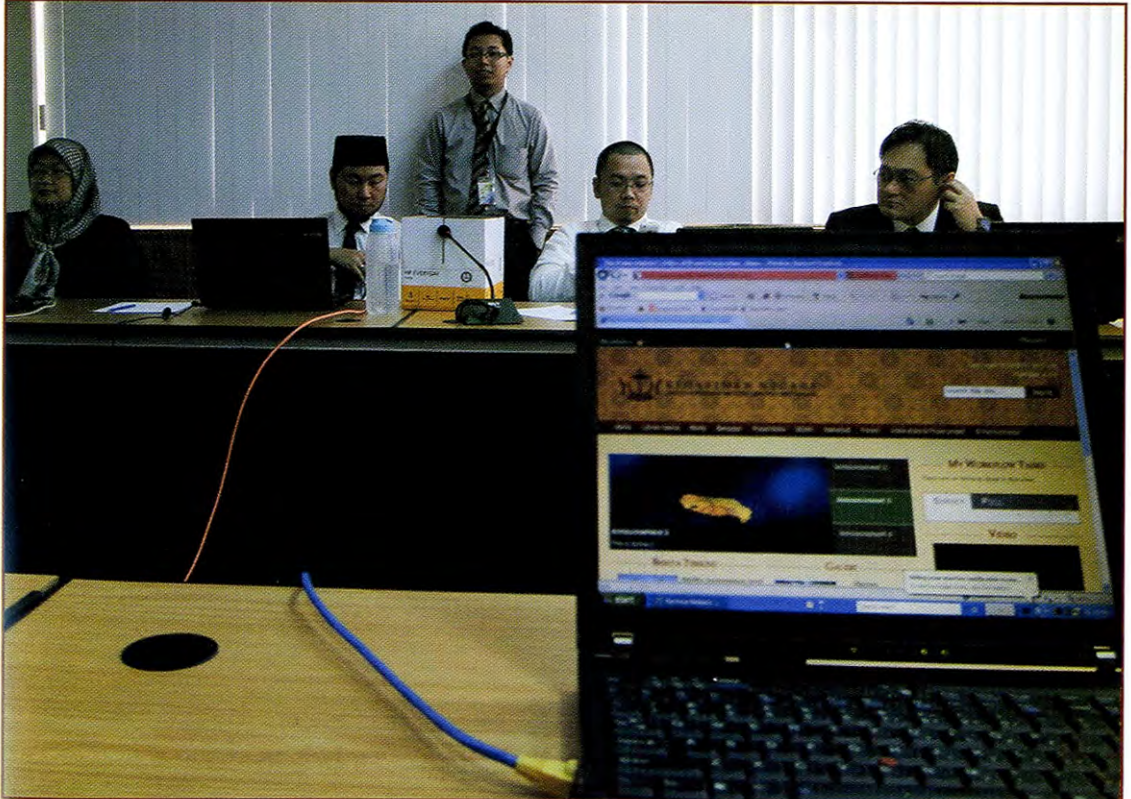
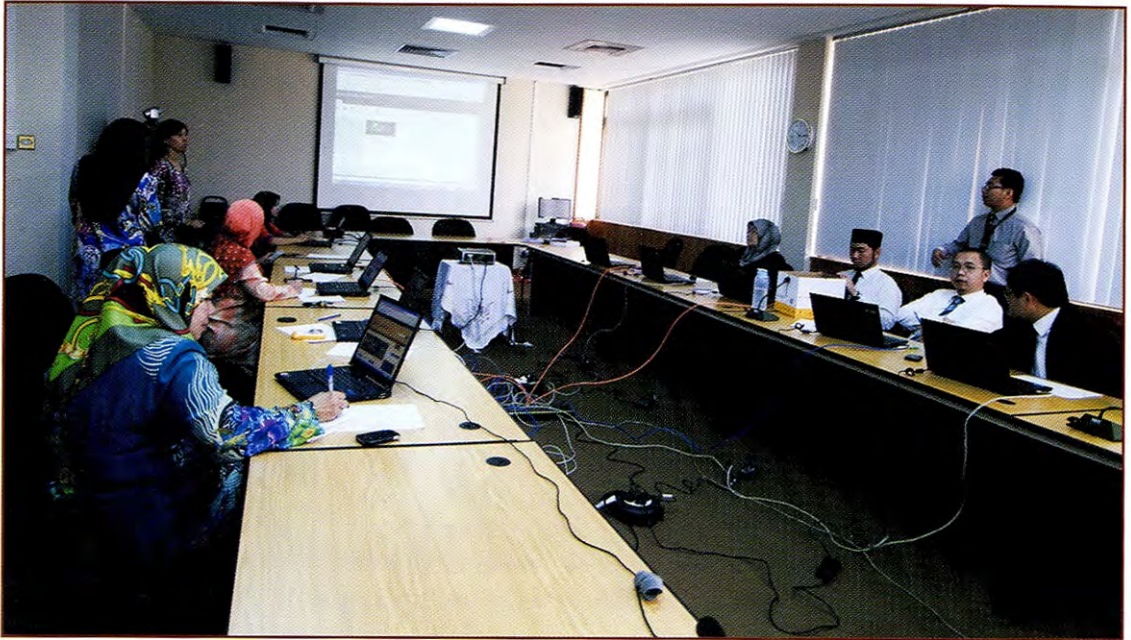


Visit from Awang Yahya bin Haji Idris, Permanent Secretary of the Prime Minister's Office, Kuala Belait Subordinate Court, 28/01/2014



# Intranet Portal Training at Conference Room, Supreme Court Building, 19th October 2013

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# ACTIVITIES



Judge Lim Siew Yen's farewell, 27th April, 2013



Hajah Asmah binti Haji Yahya's farewell, 27th April, 2013





Promotion and transfers, 27th April 2013



National Day, 23rd February 2013



# Majlis Tadarus and Khatam Al-Quran Ceremony at Supreme Court Building 2013







Ramadhan Charity Event 2013, Subordinate Court, Kuala Belait



Subordinate Court Bandar Seri Begawan, Aidilfitri Celebration, August 2013

# STATISTICS



# SUPREME COURT

## COURT OF APPEAL

<b>Civil &amp; Criminal Appeal Cases (From High Court and Intermediate Court to Court of Appeal)</b>		
<b>Year</b>	<b>2012</b>	<b>2013</b>
<b>Civil</b>	<b>12</b>	<b>11</b>
<b>Criminal</b>	<b>19</b>	<b>15</b>

# HIGH COURT

Year	2012	2013
Civil	97	83
Criminal	28	41

## Civil & Criminal Appeal Cases (From Magistrates Court to High Court)

Year	2012	2013
Civil	3	1
Criminal	53	50

## Chamber Hearing before Registrars in High Court

Year	2012	2013
Civil	284	206

# Other Matters

## Legal Aid

Year	2012	2013
Criminal	3	3



Bankruptcy		
Year	2012	2013
Bankruptcy	661	338
Receiving Order	282	473
Adjudication Order	51	67
Recession	36	54
Discharge of Adjudication Order	Nil	2
Winding-Up Order	1	7
Creditors Meeting	2433	2708

Letters of Administration		
Year	2012	2013
Received	394	327
Issued	315	241

Probate		
Year	2012	2013
Received	12	6
Issued	10	5

Marriage and Divorces		
Year	2012	2013
Marriage	184	89
Divorce	32	33



# INTERMEDIATE COURT

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Year	2012	2013
Civil	197	217
Criminal	28	46



# SUBORDINATE COURT

## Magistrate's Court

Bandar Seri Begawan		
Year	2012	2013
Civil	1182	895
Criminal	1989	1770
Lunacy Complaints	79	61
Married Women Order	Nil	Nil

Kuala Belait		
Year	2012	2013
Civil	236	173
Criminal	296	574
Lunacy Complaints	10	13
Married Women Order	Nil	Nil

Tutong		
Year	2012	2013
Civil	207	122
Criminal	151	82
Lunacy Complaints	Nil	Nil
Married Women Order	Nil	Nil



Temburong		
Year	2012	2013
Civil	Nil	Nil
Criminal	4	Nil
Lunacy Complaints	Nil	Nil
Married Women Order	Nil	Nil

## Juvenile Court

Year	2012	2013
Juvenile Arrest	2	5
Juvenile Traffic	1	5
Child Protection Order	4	4
Beyond Parental	14	9

## Small Claim Tribunal Cases

Year	2013
Bandar Seri Begawan	5

## Inquest Hearing

Year	2012	2013
Bandar Seri Begawan	27	19
Kuala Belait	Nil	Nil
Tutong	4	Nil
Temburong	Nil	Nil



## Statutory Declarations

Year	2012	2013
Bandar Seri Begawan	16,370	15,681
Kuala Belait	2,511	2,390
Tutong	2,033	1,141
Temburong	150	201

## The Revenue of the Judiciary of Brunei Darussalam

Year	2012	2013
Estate Duty	\$301,258.36	\$5,980.97
Stamp Duty	\$3,087,904.60	\$2,640,443.56
Search and Registration	\$40,760.00	\$32,740.00
Miscellaneous	\$3,380,445.77	\$2,751,081.02
Total Revenue	\$6,810,368.73	\$5,430,245.55

## Committee Members of the Opening of the Legal Year 2014

### 1. PROTOCOL COMMITTEE

Adat Istiadat Department Officers  
State Judiciary Department Officers and Staff  
Radin Safiee bin Radin Mas Basiuni  
Ramzidah binti PDKD Haji Abdul Rahman  
Azrimah binti Haji Abdul Rahman  
Hajah Ervy Sufitriana binti Haji Abdul Rahman  
Haji Badaruddin bin Haji Abdul Karim  
Muhammad Hardy Iman bin Haji Muhammad Ukit  
Suhana binti Haji Md Jaini  
Shahrin bin Haji Ibrahim  
Noorhayati binti Haji Ismail  
Norhayati binti Haji Idris  
Noreizah binti Haji Md Jaya  
Hajah Noorinah binti Haji Noorkaseh  
Hajah Nurul Hazimah binti Haji Tengah  
Hajah Norsiah binti Haji Jamil  
Rabiqah binti Ahmad  
Mohd Fadzillah bin Haji Abu Bakar  
Hajah Asmawati binti Haji Ismail @ Haji Jaafar  
Sumarni binti Haji Sairan  
Selamah binti Haji Bujang @ Zahrina  
Awangku Mohd Abdul Malik bin Pengiran Haji Ibnoh  
Mohd Azhan bin DSS Haji Abdul Aziz  
Rodglan bin Haji Abd Rahman  
Puasa bin Haji Tuah

### 2. FINANCE COMMITTEE

Haji Mohd Serudin bin Haji Timbang  
Haji Tamin bin Haji Lamat

### 3. INVITATION AND SECRETARY COMMITTEE

Pengiran Hajah Rostaina binti Pengiran Haji Duraman  
Hajah Mariah binti Awang Ali  
Suzanah binti Basman  
Pengiran Hajah Rahaiyah binti Pengiran Haji Mohd Yassin  
Norhayati binti Haji Idris  
Norhayati binti Haji Masri  
Hajah Nurul Azimah binti Haji Tengah  
Rabiqah binti Ahmad  
Setia Wati binti Hj Tamit  
Noraidah binti Haji Mohd Yussof  
Masita binti Haji Zohari @ Johari  
Rohani binti Haji Jaafar  
Nani Hamizah binti Haji Omar Ali

### 4. REFRESHMENTS COMMITTEE

Pengiran Masni binti Pengiran Haji Bahar  
Pengiran Haji Mohd Khairuddin bin Pengiran Haji Hashim  
Dayangku Hajah Norismayanti binti Pengiran Haji Ismail  
Harnita Zelda Skinner  
Hajah Noor Amalina binti Dato Paduka Haji Alaihuddin  
Hajah Fauzihana binti Haji Mohamad  
Norhamizah binti Mohamad  
Nur Kamilah binti Haji Metussin  
Awangku Ibrahim bin Pengiran Badar  
Noor Khadzah binti Abdullah  
Siti Rafeah binti Haji Md Yusof  
Hajah Norazizah binti Haji Ering  
Nurul Husna binti Haji Mohamad  
Ang Chia Ying



5. **FACILITIES & BUILDING MAINTENANCE COMMITTEE**

Pengiran Haji Mohd Khairuddin bin Pengiran Haji Hashim  
Shahrezawati binti Ahmad  
Haji Omar bin Haji Mohd Daud  
Mohd Amin bin Abdullah Lim  
Haji Badaruddin bin Haji Abdul Karim  
Muhammad Hardy Iman bin Muhammad Ukit  
Haji Morshidi bin Haji Mokhtar  
Khamis bin Haji Tamit  
Shahrin bin Haji Ibrahim/Sharbini  
Sun Tze Yun  
Fadzillah bin Haji Abu Bakar  
Haji Mohd Noor bin Tamit  
Yusof bin Haji Mustapa  
Haji Rakawih bin Haji Dollah  
Pengiran Kamarudin bin Pengiran Haji Md Tahir  
Muhammad Fauzi bin Haji Duraim  
Nur Afiq bin Haji Morsidi  
Hanafi bin Ibrahim  
Ali Rahman bin Haji Simba  
Haji Md Shamsul bin Haji Ismail  
Mohammad Hassim bin Othman  
Awangku Ibrahim bin Pengiran Badar  
Mohd Daud bin Haji Metussin  
Pengiran Suhaili bin Pengiran Ahmad  
Puasa bin Tuah  
Rodglan bin Haji Abdul Rahman  
Mohamad Shamri bin Alias  
Pengiran Hairulardi bin Pengiran Ahmad  
Pengiran Abu Nurhairah bin Pengiran Hashim  
Mohd Ghazali bin Haji Tassim  
Haji Jasni bin Haji Misir  
Mohd Yussof bin Haji Ahmad  
Pengiran Metali bin Pengiran Metamin  
Mohamad Izzam bin Mahmood/Mahmud  
Hassanudin bin Haji Kula  
Hasrol bin Bahrin

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Haji Abdullah Soefri bin POKSM DSP Haji Abidin  
Hajah Hazarena binti POKSJ DP Haji Abu Hurairah  
Harnita Zelda Skinner  
Pengiran Hajah Rahaiyah binti Pengiran Haji Mohd Yassin  
Muhamad Faizal bin Haji Saban  
Md Zaini bin Haji Japar  
Razidah binti Mohamad Daud  
Shuzalina binti Jainoh @ Sabariah  
Hajah Irmoni Sumira Ratna binti Haji Ismail  
Noridah binti Haji Matnoor  
Haji Abdul Rahman bin Haji Matarsat  
Abdul Rahman bin Haji Omar  
Halijah binti Haji Aji  
Pengiran Yusaffry bin Pengiran Haji Kamaluddin  
Pengiran Haji Ibrahim bin Pengiran Mohd Daud  
Alimah binti Haji Mohamad  
Hajah Hashimah binti Haji Kassim  
Hajah Rosmimah binti Haji Abd. Rahim  
Awang Sofian bin Taim

7. **MEDIA COMMITTEE**  
 Suzanah binti Haji Sulaiman  
 Rozliani binti Haji A Timbang
  
8. **WEBSITE COMMITTEE**  
 Haji Badaruddin bin Haji Abdul Karim  
 Shahrezawati binti Ahmad  
 Muhammad Hardy Iman bin Muhammad Ukit  
 Mohd Amin bin Abdullah Lim  
 Zulfadli bin Hamdi
  
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 Alizah binti Hidup  
 Shaliza binti Haji Ahmad
  
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 Pelapis Ketua Perbarisan Kawalan Kehormatan  
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 ASP Mohd Fathdillah bin Haji Abd Hamid, JSKLL  
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 Insp Awang Ismail bin Awang Ibrahim, Pegawai Pendakwa Polis  
 Pegawai Pengiring Panji-Panji  
 Pelapis Pegawai Pengiring Panji-Panji  
 Mohd Amin bin Abdullah Lim



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