

SPEECHES DURING THE OPENING OF THE LEGAL YEAR 2014

THE HONOURABLE CHIEF JUSTICE

Dato Seri Paduka Haji Kifrawi bin Dato Paduka Haji Kifli

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ
السَّلَامُ عَلَيْكُمْ وَرَحْمَةُ اللَّهِ وَابْرَكَاتِهِ

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.

Welcome to the Year of the Horse 2014. With Allah's Blessing, I hope this New Year 2014 will be a more happy, peaceful, prosperous and exciting New Year.

1. STATISTICS

Court of Appeal, High Court and Intermediate Court Statistics

41 criminal cases were registered in the High Court in 2013 as against 28 in 2012, and 83 civil cases were filed in the High Court in 2013 as against 97 in the previous year.

Civil appeals from the High Court and Intermediate Court to the Court of Appeal in 2013 numbered 11, that being 1 LESS than in 2012; and criminal appeals to the Court of Appeal in 2013 were 15 in number, this being 4 LESS than in 2012.

There are 3 capital cases before the High Court in 2013, 2 cases of murder awaiting trial, and 1 drugs case on trial.

There were 50 criminal appeals to the High Court from the Magistrate's Court in 2013 compared to 53 criminal appeals in 2012 and 1 civil appeal to the High Court from the Magistrate's Court in 2013 compared to 3 civil appeals in 2012.

High Court and Intermediate Court civil cases (Chamber Hearings) registered to be heard before the Senior Registrars and Registrars DECREASED by 188 from 394 in 2012 and 206 in 2013.

In 2013, the Registry of Civil Marriages registered 89 marriages. With regards to Bankruptcy matters, 338 Notices were received during 2013, that being 323 LESS than in 2012; and 67 Adjudication Orders were made in 2013, that being 16 MORE than the previous year.

The Intermediate Court had 217 civil matters registered in 2013, this being 20 MORE than in 2012; and 46 criminal matters were registered in 2013, that being 18 MORE than in 2012.

The Subordinate Court's Statistics

Criminal Cases

In the Magistrate's Court for 2013 for criminal cases, 1779 cases were registered in Bandar Seri Begawan, 219 cases LESS than that in 2012, 574 cases were registered in Kuala Belait, 278 cases MORE than in 2012, 82 cases were registered in Tutong, 69 LESS than in 2012 and no criminal cases were registered in Temburong.

Civil Cases

The figures for civil cases registered in the Magistracies were as follows : in Bandar Seri Begawan, 895 suits were registered in 2013 as against 1182 filed in 2012, in Kuala Belait, 173 suits were registered in 2013 as against 236 filed in 2012, in Tutong, 122 suits were registered in 2013 as against 207 filed in 2012 and in Temburong, no civil matters were registered.

Inquests

Figures for Inquests heard in Bandar Seri Begawan were 19 in 2013 as against 27 in 2012. In Tutong Court, no Inquest was heard in 2013 as against 4 in 2012. In Kuala Belait Court and Temburong Court no Inquests were heard for both 2013 and 2014.

Applications made under the Lunacy Act

Figures for applications made under the Lunacy Act in Bandar Seri Begawan court were 61 in 2013 and 79 in 2012, in Kuala Belait Court, no applications were made in 2013 compared to 10 in 2012. In Tutong Court and Temburong Court no applications were made for both 2013 and 2012.

Statutory Declarations

The number of Statutory Declarations filed in Bandar Seri Begawan Court were 15,681 in 2013 as against 16,370 in 2012, in Kuala Belait Court, 2390 in 2013 as against 2511 in 2012, in Tutong Court 1141 were filed in 2013 as against 2033 in 2012 and in Temburong Court, 201 were filed in 2013 as against 150 in 2012.

Probate and Letters of Administration

In Bandar Seri Begawan, 185 applications for Letters of Administration were registered in 2013, 112 Letters of Administration were granted. 4 applications for Probate were registered and 3 Probate were granted. In Tutong, 47 applications for Letters of Administration were registered in 2013 and 41 Letters of Administration were granted. In Kuala Belait, 87 applications for Letters of Administration were registered in 2013 and 84 Letters of Administration were granted; 2 applications for Probate were registered, 2 Probate were granted. In Temburong, 8 applications for Letters of Administration were registered in 2013 and 4 Letters of Administration were granted.

Total Revenue

Lastly, the Total Revenue collected during 2013 amounted to B\$5,430,245.55 as compared to B\$6,810,368.73 during 2012.

2. SMALL CLAIMS TRIBUNAL

The Small Claims Tribunal is now in its 2nd year of operations. Between April to December 2013, there were 5 registered cases, 3 of which were disposed of successfully.

3. JUVENILE COURT

The Juvenile Court continues to recognize that the potential for change is present in every young person and the court's role is to give due consideration to helping him to do so. Achieving a balance between deterrence and public protection and the juvenile's reform and reintegration remains an objective that the Juvenile Court strives to achieve.

The statistics of the Juvenile Court are as follows. In 2013, 23 cases were registered in Bandar Seri Begawan, as against 22 registered in 2012. 1 case was registered in Tutong and 0 cases were registered in Kuala Belait and Temburong.

Of the 23 cases registered in 2013 in Bandar Seri Begawan Juvenile Court, 9 were Beyond Parental Control applications, 4 Child Protection Order Applications, 5 Juvenile Traffic cases and 5 Juvenile Arrest cases were registered in 2013. In 2012, 22 cases were registered.

4. COURT MARTIAL

In 2012, I mentioned that a number of my Judicial officers were also appointed as Judge Advocates to assist in hearing Court Martial cases.

I am pleased to report that 2 cases have just recently been referred to the Judiciary by the Royal Brunei Armed Forces requesting assistance of a Judge Advocate for Court Martial proceedings. I am informed we can expect a few more cases in the near future.

I wish to take this opportunity to record my appreciation to the Royal Brunei Armed Forces for the close and good relations that have been fostered and maintained with the Judiciary and assure the Royal Brunei Armed Forces of the utmost dedication and commitment of our judicial officers in providing their professional expertise to the Court Martial.

5. TECHNOLOGY COURT

And now I turn to an exciting area of development for the Judiciary. We all know that the legal profession is still one of the most traditional professions in the world. We associate litigation with lawyers wheeling in cartons and cartons of paper documents, usually to the horror of the presiding Judge!

In this day and age therefore, giving due consideration to save the environment amongst other things, paperless litigation has become an objective to be achieved by the Judiciary.

There are many benefits of embracing a paperless litigation system. We have seen from the Singapore experience, the refining of a legal system by way of introduction of electronic filing of court documents for court proceedings. And this, undoubtedly, is also the way the Brunei Judiciary should move forward.

I am pleased to announce that the implementation of a Judicial Case Management System will be initiated this year which will introduce the concept of E-Filing into our legal system.

Court users will be able to file, process, retrieve, serve, extract and store electronically all documents that form part of any proceedings.

It is very much our hope that this advancement will reduce backlogs and delays in the administering of cases and provide court users with a workable system all around. To support the use of electronic documents in a court environment, the Judiciary has established Technology Courts, which are housed at the Supreme Court Building, Court 6 of the Bandar Seri Begawan Subordinate Court Building and Court 1 the Kuala Belait Subordinate Court Building. These courtrooms are now equipped with a computer system as well as audio-visual equipment including a computer based recording facility which allows oral testimony to be digitally recorded. This was particularly useful in several cases heard recently of 2 sexual cases, a corruption case, a road traffic case and a civil trial. The video conferencing facility was used in the criminal trial for the vulnerable witnesses to give evidence, the digital recording facility was used in the corruption case, the audio visual equipment was used in the road traffic case and the use of video conferencing in the civil trial for the presentation of the testimony of a witness overseas.

From this, I think it is safe to say that the investment in the installation of the technologies into our legal system has proved that it is a worthwhile one and look forward to the ease and convenience it will bring to the hearing of cases that have requirements.

It is also our hope that this audio-visual link equipment can also be used in future for applications for remand or bail as the case may be, from Jerudong prison, police stations and the Attorney General's Chambers by the relevant parties to reduce cost and time in transporting prisoners or detainees in custody to the Courthouse as well as maximize security in doing so.

To prepare for the possible introduction of this process, I am informed that my officers are in the planning stage of proposing amendments to the Criminal Procedure Code to be referred to the Attorney General's Chambers for their consideration, to enable the use of audio visual link for such applications.

It is also within this context that I wish to stress the necessary cooperation of all enforcement agencies to ensure the success of this process and invite the higher authorities to consider

the planning and budget consideration for installing the required infrastructure in the premises of these agencies when the proposed amendments are ready to be considered.

An electronic legal system will no doubt, upon its introduction, present teething problems for court users and court staff alike. It is important, therefore, to stress that the Judiciary is committed to providing better professional services by also ensuring that the Judiciary has complete and available support in the supervision of technical problems that may arise in the working of the system.

That being so, I would like to highlight the need for budget allocation for creating of posts for recruitment of technical personnel with the aim of creating an in-house Information Technology unit to serve the Judiciary's needs and requirements.

Last but not least, I wish to mention that with the introduction of a computer based recording facility, there are opportunities for outsourcing the transcribing of the notes of proceedings by private sector companies as it is done in Malaysia. This will allow a faster turnaround for transcripts of evidence to be furnished and is just of many exciting, developments we can all look forward to in embracing technology as a legal tool in the administration of court proceedings.

To conclude, it is clear that the advancements in technology for the legal profession will bring about many benefits to court users. Indeed, we should leverage on IT as a tool in our administration of justice. What we must be mindful of, however, as eloquently said by Singapore's Chief Justice Yong Pung How at the Technology Renaissance Conference, 24 September 1996.

'Whatever changes the future brings, we must always remember that justice must be assisted, not dominated by technology. Technology alone does not improve the system. It is people, assisted by technology, who make the justice system work. We must be careful not to blindly substitute technology or become slaves of technology'.

6. MACHINERY OF JUSTICE

In 2013 two local lawyers have joined the Judiciary. We still need more local Magistrates, Registrars, Intermediate Court Judges and High Court Judges. Our Chief Magistrate has just been appointed as the new Intermediate Court Judge. He is the Honourable Judge Haji Abdullah Soefri bin Pehin Orang Kaya Saiful Mulok Dato Seri Paduka Haji Abidin.

The Chief Registrar of the Supreme Court has also been appointed as the new Judicial Commissioner of the Supreme Court. She is Her Ladyship Pengiran Hajah Rostaina Binti Pengiran Haji Duraman.

I congratulate them on their new appointment. I think it is high time for more Magistrates and Intermediate Court Judges to be appointed to deal with increasing load of cases and duties. There are still 4 Magistrates/Registrar in the Intermediate Court in 2013.

The increase in the civil jurisdiction of the Intermediate Court has led to the increase in the number of civil case registered in the Intermediate Court in 2013.

There is also an increase in the number of criminal cases registered in the Intermediate Court in the same year. We already have several Senior Magistrates and Senior Registrars who deserve to be appointed as Intermediate Court Judges.

The Judiciary should have enough well experienced local judges to deal with both criminal and civil cases so as to ensure that the cases can be disposed off within reasonable time.

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.