

# LEGAL YEAR

2024

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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 Negara Brunei Darussalam*

# EXCERPTS

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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. Kearah 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 Haji Hassanah Bolkih Mu'izzaddin Waddaulah,  
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 Haji Hassanah Bolkih Mu'izzaddin  
Waddaulah, Sultan and Yang Di-Pertuan Negara Brunei Darussalam  
at the Official Opening of the New Supreme Court Building of  
Brunei Darussalam on 15th March, 1984.



CHIEF  
JUSTICE  
SUPREME COURT

The Honourable Chief Justice  
Dato Seri Paduka Steven Chong Wan Oon

# FOREWORD



## ACTING CHIEF REGISTRAR OF THE SUPREME COURT

Pengiran Masni binti Pengiran Haji Bahar  
*Chairperson of the Organising Committee*

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ  
السلام عليكم ورحمة الله وبركاته

At the close of an eventful 2023 and as we welcome in the New Year 2024, I extend my sincere greetings to all of you. It is an honour for me to address members of our legal fraternity for the first time as Acting Chief Registrar.

In the short time I have been in the Chief Registrar's office, I have found, that the role requires great insight and understanding of the workings of the courts and the efforts, time and funds required to function effectively.

Our world is undergoing change with new technologies, methods of practice and ways of working. As such, it is important to ensure that we best deliver justice to those we serve.

Chief Justice Warren E Burger, of the United States Supreme Court, said in a speech:

*“Lawyers and judges will be necessary components wherever men and women are gathered together in villages, towns, and cities where they must rub shoulders, share boundaries, and deal with each other daily. Lawyers will be necessary because, in their highest role, they are the healers of conflicts and they can provide the lubricants that permit the diverse parts of a social order to function with a minimum of friction.”*

This brings into sharp focus the work done by members of the legal fraternity as officers of the court. In performing their duties, counsel, prosecutors, advocates and solicitors all have a responsibility to uphold the highest standards of professionalism and integrity and ensuring ethical behaviour and conduct. I am of the view that education and training are the foundational building blocks to apply and maintain ethical competence and I would encourage the legal fraternity to work together to add value to the profession through continuing professional development and do its part in upholding the rule of law.

On our part, the Judiciary will continue must also to work together as one, to ensure that we continue to be an independent, impartial, fair and competent judiciary that commands public confidence and that we can dispense with justice and uphold the rule of law. Indeed, it is about getting the fundamentals right so that our courts and our justice system can do its job of delivering justice.

To begin 2024, I would like to say thank you to all our staff who support the work of our judges and judicial officers throughout the country.

I would also like to pay tribute to our members of staff who passed away late last year. We mourn the loss of our colleagues who have long served the Judiciary as hardworking and dedicated members of our team. They are greatly missed and our thoughts and prayers are with their families. Al-Fatihah.

Lastly I would like to thank the organizing committee for all their efforts in preparing this Opening of the Legal Year 2024.

May this New Year bring you and your loved ones health, happiness and prosperity.

# JUDICIARY'S MISSION STATEMENT

## OBJECTIVE

“Upholding the Rule of Law”

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## MISSION

“Administration of Justice”

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## GOALS

“Securing Justice”

“Enhancing Access to Justice”

“Preserving Public Trust and Confidence”

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## 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”

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## VALUES

“Taqwa”

“Independence”

“Accountability”

“Timeliness”

“Accessibility”

“Equality and Fairness”

“Integrity”



# LEGAL YEAR

## SPEECHES



## CHIEF JUSTICE OF THE SUPREME COURT

The Hon. Dato Seri Paduka Steven Chong Wan Oon

Yang Berhormat Pehin Orang Kaya Laila Setia Bakti Di-Raja Dato Laila Utama Haji Awang Isa, Special Adviser to His Majesty The Sultan and Yang Di-Pertuan of Brunei Darussalam and The Minister in the Prime Minister's Office,

Honourable Attorney General,

Yang Mulia Acting Minister at the Prime Minister's Office,

Yang Amat Arif/Yang Berhormat Chief Syarie Judge,

President of the Law Society,

Members of the Bar,

Distinguished Guests,

Ladies and Gentlemen,

### Introduction

1. On behalf of the Judiciary, I would like to welcome you to the Opening of the Legal Year 2023 and I am most delighted that we are able to hold this ceremony together again in-person.

2. As we enter the third year since COVID-19 came into existence, we have had to adapt to many changes in the way we administer justice. Judges, judicial officers, counsel in the private sector and prosecutors in the public sector alike were significantly impacted, not only in the modalities of work but also in the way we engaged with and delivered services to court users, clients, and enforcement agencies alike.

We found ourselves working from home, managing cases, holding meetings and conducting trials online, supervising children unable to go to school, dealing with health issues, our own or others' and throughout, we kept our justice system running. While each of us faced many challenges arising from the pandemic, I believe we have emerged from it with more understanding, patience and resilience as a whole. It is therefore fitting that we are gathered here today, after returning in-person, to reflect on how our legal fraternity has navigated this new reality and how we can build on this momentum to further pursue the fair and efficient delivery of justice.

3. Before I report on the work done over the course of 2022, please allow me to outline some developments affecting the bench.

4. I would like to take this opportunity to congratulate Judge Radin Safiee bin Radin Mas Basiuni on his appointment as Chairperson of the Brunei Darussalam Arbitration Centre (BDAC). I am confident that he will apply his extensive knowledge and experience to help develop the dispute resolution landscape in our jurisdiction. My congratulations also go to Senior Registrar Kamaliah Fadhilah binti Hj Ibrahim and Magistrate Nur Eleana binti Dato Seri Paduka Haji Hairol Arni on successfully completing the 'Strategic Conflict Management for Professionals' training programme. They are now accredited mediators of the BDAC and Singapore Mediation Centre (SMC) and join our panel of experienced court mediators.

5. I am also pleased that our Judiciary continues to grow in strength through the appointment of two new judicial officers, Muhammad Syafiq bin Haji Zakaria and Syaffina binti Shahif and it is my pleasure to welcome them to the bench.

I would also like to extend my profound gratitude and appreciation to the officers and staff who have left or retired from the Judiciary in the past year. I wish to thank them for their dedicated service and valuable contributions and wish them every success in their future endeavours.

## The Past Year

6. I will now give a brief account of how we have progressed in the past year.

## Transition to online hearings

7. Online hearings are now a permanent feature of our courts, with a total of 3,542 cases conducted online between August 2021 and October 2022 whereby 50% of those cases were heard in the Subordinate Courts, 29% in the High Court and 21% in the Intermediate Court. In the Subordinate Courts, 75% of its online hearings were criminal trials and mentions, whereas 64% of online hearings in the Intermediate Court comprised of civil and commercial matters. Similarly, in the High Court, 50% of online hearings were civil suits.

8. We believe online hearings are here to stay and the use of videoconferencing platforms such as Zoom have been very much essential to our ability to continue functioning throughout the pandemic. Whilst Brunei Darussalam has since entered the endemic phase of its response to COVID-19, we take the view that the changes spurred by the pandemic should be retained, even when it is possible to revert to pre-COVID practices. We look ahead and will continue to encourage online litigation in allowing aspects of

our judicial process to remain online. Preparing the judicial system for any future eventuality is essential and our Judiciary will continue to leverage the use of technology in order to facilitate the expeditious processing of cases, help reduce case backlogs in the system and make justice more affordable and accessible to all.

9. Indeed, these are exciting times for the future of online litigation in the post pandemic world. We hope our initiatives continue to be supported by the legal fraternity and practitioners must not risk being left behind in these technological changes and would benefit by continuing to keep up to date on their digital literacy.

## Statistics

10. On to statistics, in the 12-month period ending in December 2022, the number of civil appeal cases filed in the Court of Appeal, interlocutory hearings filed in the High Court and Intermediate Court and civil cases in the Subordinate Courts increased significantly compared to the previous year, signalling a positive return for civil and commercial litigation with the easing of restrictions as the economy reopened. Similarly, applications for civil marriages through the Civil Marriage Registry and letters of administration and probate through the Probate Registry had also risen significantly compared to those in 2021.

11. While the number of rescission orders to discharge debtors from bankruptcy increased from 146 in 2021 to 219 in 2022, the number of bankruptcy notices filed at the commencement of bankruptcy proceedings rose from 260 in 2021 to 348 in 2022, with a marked increase in the number of creditors meetings heard from 3,074 in 2021 to 3,587 in 2022. I am also pleased to report that from January

to October 2022, payments of composition and dividends have been declared in 438 cases totalling \$22,818,107.46.

12. Meanwhile, the Subordinate Courts docketed 1,056 criminal cases in 2022, an increase from the previous year's number of 880 and correspondingly, the number of criminal cases on appeal to the High Court from the Subordinate Courts also saw an increase when compared to 2021.

13. In ensuring the efficiency of court performance, the Judiciary closely monitors clearance rates as an indicator of whether the court is experiencing a backlog in cases. I am pleased to report that notwithstanding the rise in caseload, the clearance rate of criminal trials in the Magistrate's Court stands at 76.8%, meanwhile the clearance rate for civil matters stands at 63.4%.

14. Another key performance indicator that the Court monitors is the time taken for the delivery of judgments by judges and judicial officers. Our statistics have shown that in 2022, 100% of judgments for civil trials in the High Court and 77% of judgments for criminal trials in the Magistrate's Court were delivered within our target of between 1 to 3 months from the close of submissions.

15. There is always room for improvement in the speed and quality of justice and we will continue to work towards achieving better disposal rates at all levels of court whilst also enhancing the standards and quality of our judicial decisions. I sincerely appreciate the hard work and efforts that our judges and judicial officers have made to help move our court system forward and I reiterate the importance of securing ongoing education and training to support our sustained performance.

16. As for cases referred to mediation, a total of 90 suitable cases were invited to mediate with the courts. From these, only 17 cases agreed to participate in mediation, with 4 cases successfully settled by consent and 4 cases still pending to be heard before court mediators. With 73 cases declining to participate in mediation or failing to reply to the court's invitation to mediate, it is clear that there is a reticence and apathy by counsel and/or parties to actively engage in mediation. I must acknowledge the work that the BDAC has done in promoting the use of mediation in our jurisdiction. However, practitioners themselves must look to expand their knowledge and competencies of the mediation process in obtaining the necessary training and accreditation in mediation. For mediation to grow and thrive, I would strongly encourage practitioners to shift their mindset from an adversarial to a collaborative one in the context of dispute resolution and to advise on the suitability and benefits of mediation as an effective and cost saving alternative to litigation for the best interests of their clients.

## International Engagement

17. On the international front, we have continued to engage actively and advanced judicial cooperation with our foreign counterparts. Over the course of the year, we were involved in various events, including:

i. The 3rd China-ASEAN Justice Forum hosted by the Supreme People's Court of the People's Republic of China, with the theme of 'Establishing a High-Level Judicial Cooperation Platform to Jointly Build the 21st Century Maritime Silk Road' where we reaffirmed judicial networks to support China-ASEAN trade, investment and

economic recovery post pandemic;

ii. The inaugural 'Insolvency Training Programme for the Brunei Courts, the Attorney General's Chambers, The Law Society, Banks and Financial Regulators' hosted and organized by INSOL International, and I wish to thank our Justice Kannan Ramesh for setting up this collaboration between the Brunei and Singapore Judiciaries in bringing together key players in the domestic insolvency and restructuring landscape;

iii. The 18th Conference of Chief Justices of Asia and the Pacific organised by the Judicial Section of the Law Association for Asia and the Pacific (LAWASIA) and hosted by the Judiciary of the Hong Kong Special Administrative Region of the People's Republic of China where views and insights on issues of common interest on the administration of justice were shared amongst 24 Chief Justices and 8 representative judges from across 32 Asia-Pacific jurisdictions; and

iv. The 10th Meeting of the Council of ASEAN Chief Justices (CACJ) where we strengthened our commitment to judicial cooperation with our ASEAN counterparts and welcomed new collaborations through the inaugural ASEAN+ meeting between the CACJ and the Judiciaries of The People's Republic of China, Japan, and the Republic of Korea.

## Ethics and Professional Standards

18. This past year has brought sharp focus to the issue of ethics and professional standards in the legal profession. According to data provided by the Law Society, there were 23 complaints heard by the Inquiry Committee from 2018 to 2022, of which 3 were investigated by the Disciplinary Committee. At the end of 2022, the Court heard an application for a Show Cause Order against a senior member of the Bar for misconduct. The Court was satisfied that there was dishonesty and deceit by the solicitor and

misconduct was so serious that striking off was warranted.

19. I must reiterate that the Court will not hesitate to take firm action when necessary to uphold public confidence in the administration of justice and in the integrity of the legal profession in order to protect the public who are dependent on the services of solicitors and to deter any misconduct in the profession. Errant solicitors who are found guilty of misconduct will be punished accordingly and I believe that the legal fraternity must work together to send a strong message that any degradation of standards is not acceptable. Necessary measures must be introduced to foster ethical and professional standards before there are serious and lasting ramifications to our profession.

20. The legal profession is an honourable one and the core attributes of integrity, excellence and service must be put in practice and the commitment to serve and contribute is vital. I am hopeful that those who have chosen this path in service of the law will remember that they have chosen it not only because it aligns with their individual strengths and passions but also that they would be able to use those very strengths and passions to serve the needs of the community in which we live.

21. On that note, I must commend members of the legal profession who have contributed to the work of the Legal Aid Clinic in ensuring access to justice and those who have provided pro bono representation. I thank you for dedicating your time and energy

to this important cause and meeting the needs of the underprivileged, even with disruptions faced due to the pandemic. I urge young members of the Bar to become actively involved in this integral part of being an advocate. Professional success should not be measured by status and material wealth but by the positive and meaningful impact one has on the lives of others, particularly for those who are disadvantaged.

22. In November 2022, we saw the coming into effect of the Pupillage Framework by the issuance of Practice Direction of 3 of 2022 and I wish to thank the committee for its efforts and contributions in making the framework a reality. It is my hope that the Practice Direction will ensure a comprehensive framework for the training of young lawyers, not only in the law but also in professional ethics, which will assist in enhancing public confidence in the quality and integrity of the profession. We must do what we can to support pupils when entering the workforce as their formative experiences and preparedness is key in nurturing their values.

23. Equally, we hope to cultivate and retain top talent in the legal profession and support the pursuit of professional development opportunities. With that, I wish to congratulate the group of young lawyers who recently won the Best International Team trophy and represented Brunei Darussalam's Law Society at the finals of the moot competition held in Singapore by the Essex Court Chambers and the Singapore Academy of Law. I encourage junior members of the Bar to participate in such competitions to develop and showcase their advocacy and reasoning skills. It also provides opportunities to foster partnerships, network and engage with lawyers from other jurisdictions and learn about developments in the legal field.

# Code of Practice for the Conduct of Criminal Proceedings

24. I am pleased that the Code of Practice for the Conduct of Criminal Proceedings is ready for publication and I must thank **members of the committee for their valuable contribution** in formulating it. It is my hope that the Code of Practice will support the work of the criminal justice system and will help to ensure due process and fair outcomes for those impacted by the criminal process. The successful administration of criminal justice lies in the collective efforts of the prosecution and the Bar and I am optimistic that the Code of Practice will promote a spirit of mutual respect and cooperation in the conduct of criminal proceedings.

## Access to Justice

25. I am also pleased to inform that initiatives have been made to develop the Judiciary's access to justice in order to better serve the needs of our court users. I must commend the Subordinate Courts for making available online guides that allow members of the public to better understand court processes and procedures.

26. As of 6 February 2023, court users can find more information and content on the workings of the Magistrate's Court, Juvenile Court,

Road Traffic Section, Small Claims Tribunal, Registrar and Notarial Services and Counter Services on the Judiciary website. Efforts to enhance access to justice in this way enables lay persons to better understand in plain language the issues before them should they find themselves in court or if they are in need of the court's services. Ultimately, helping court users understand judicial processes promotes access to justice, especially for litigants in person who may find it difficult to navigate court procedures on their own.

## Looking Ahead

### Introduction of McKenzie Friends

27. Widening access to justice means effective access to legal assistance, legal advice and where necessary, representation. The number of legal aid applications granted for capital cases alone grew from 3 in 2021 to 17 in 2022 and with the presence of litigants who appear in court without representation becoming more commonplace, the justice system still needs to assist those who fall in the gap that exists for those who are unable to afford to instruct a legal professional but cannot qualify for legal aid or pro bono assistance.

28. For this reason, I would like to propose for the Chief Registrar, Law Society and the Attorney General's Chambers to consider the introduction of a "McKenzie friend" scheme involving participants such as university law students and those in pupillage to provide assistance to unrepresented litigants not eligible for legal aid and cannot afford legal fees.

A guidance or code of conduct would have to be in place to regulate and specify the tasks they could undertake. However, this scheme could potentially make justice more accessible for those struggling to afford legal services and I would suggest that this be studied further by the legal fraternity.

## APPRECIATION

29. As I conclude, I would like to express my appreciation to the Chief Registrar and members of the organizing committee for the preparations made for today. I also wish to thank the Prime Minister's Office, State Judiciary Department, Department of Adat Istiadat Negara, Department of Environment, Parks and Recreation and Accident and Emergency Department of RIPAS Hospital for their assistance and continued support. I am also grateful to the Commissioner of Police for the Guard of Honour Parade. We very much welcome the parade's return after its absence for the past two years due to the pandemic.

30. It was a full and productive last year for our Judiciary and we will continue to strive for excellence and seek to improve in all aspects of our work in order to build a fair and efficient justice system. Once again, I am honoured and privileged to thank all of our judges, judicial officers, court staff, and personnel for their hard work and efforts in discharging their duties. I also wish to thank the legal fraternity for its steadfast support and encouragement. Together, we show the importance of the service that the law can render, most especially when times are hardest.

My best wishes to you all for the year ahead.



## THE ATTORNEY GENERAL

The Hon. Dato Seri Paduka Haji Ahmad bin Pehin  
Orang Kaya Laila Setia Bakti Di-Raja Dato Laila  
Utama Haji Awang Isa

My Lord Chief Justice Dato Seri Paduka Steven Chong,

Yang Berhormat Pehin Orang Kaya Laila Setia Bakti DiRaja Dato Laila  
Utama Haji Awang Isa bin Pehin Datu Perdana Manteri Dato Laila  
Utama Haji Awang Ibrahim,  
Special Adviser to His Majesty the Sultan and Yang Di-Pertuan Brunei  
Darussalam and The Minister in the Prime Minister's Office,

Yang Mulia Dato Seri Paduka Awang Haji Sufian bin Haji Sabtu, Acting  
Minister at the Prime Minister's Office

Yang Amat Arif Chief Syar'ie Judge,  
Honourable Justices, Judges,  
Excellencies,  
(My Learned Friend) President of the Law Society,  
Members of the Bar,  
Members of the Foreign Bars and Law Societies,  
Distinguished Guests,  
Ladies and Gentlemen.

### Introduction

My Lord,

1. It gives me great pleasure to be able to address Your Lordship and meet my fellow members of the legal fraternity in person at this distinguished gathering once again.

## Rule of Law

2. My speech this morning is guided by His Majesty's Titah during the special meeting of Cabinet Ministers held on 4th July 2022 where His Majesty stated: "Perlu diingat, undang-undang dan peraturan ada, no one above the law". And today is no better occasion than to re-visit and remind ourselves of this concept we are all bound by called the "Rule of Law".

3. Adherence to the Rule of Law is one that takes commitment and determination. It is the foundational principle upon which the legal fraternity stands but more than that, it is the thread that weaves together our society, securing the economic prosperity and national development of our country along with the welfare of the people in it.

4. There are many ways in which the Rule of Law may be defined that such a notion can seem quite elusive; indeed, from the core idea that 'no one is above the law' flows many other interconnected principles that are essential to the maintenance of the Rule of Law such as having laws that are known and accessible and the presumption of innocence until proven guilty. However, I think any good definition capturing the essence of the "Rule of Law" includes the following 3 things: -

- a. equal treatment and accountability under the law;
- b. clear and fair processes for enforcing these laws; and
- c. accessible and impartial justice.

5. When being guided by these principles, we must also ask ourselves how we are to go about giving these aspirations life. In other words, how can we ensure that there are just laws that are

just laws that are respected and observed by the community and are applied in an equal and fair manner?

6. Undoubtedly, there is myriad of ways in which these principles can, and should be upheld. Like in any attempt to reach lofty goals we ought to "keep our eyes on the stars but must always keep our feet on the ground" and therefore, to bring these ideals to life, my view is that an approach that is practical and purposeful will get us there.

7. One way in which we have strived to achieve this at the AGC in the last year has been through continuous collaboration, active achievement and engagement. I hope to carry this forward throughout this coming year.

## Collaboration

8. As you may be aware, My Lord, the AGC's vision is "Excellence in Legal Service" and as part of this, we are determined to foster closer cooperation with Government institutions to give guidance on the formulation of their policies and practices as well as the enforcement of their statutory powers and duties to ensure they are performed within the ambit and principles of the law.

## Training

9. To this end, we have identified training and engagement as paramount in ensuring that the law is understood and correctly interpreted. One such training is the Basic Prosecution Course for law enforcement agencies, focusing on Government officers involved in investigations and

prosecutions involved in investigations and prosecutions of criminal matters. This course aims to increase the quality of investigation and prosecution as a whole and to develop the knowledge and personal skills and confidence of the individual officers.

10. There are also plans to embark on organising a series of talks with relevant stakeholders and carry out more public outreach programmes on various fields of the law, such as sexual offences, narcotics offences, corruption, money laundering.

### Guideline for Law Enforcement Agencies in Asset Recovery

11. Another initiative embarked by the AGC for closer cooperation has been to prepare guidelines and manuals to assist implementers of the law and enforcement agents in the performance of their duties and carrying out their powers such as the recently launched guideline for law enforcement agencies on 'how-to' processes to facilitate the recovery of criminal proceeds; now available on the AGC website.

12. Some areas that have been covered in the guidelines are - red flag indicators to kick-start parallel financial investigations; referral of financial investigations to DPPs; interagency cooperation and mutual legal assistance; interim orders; confiscation proceedings and preparing an affidavit.

### Engagement with the Law Society

13. Lastly, but by no means the least, we continue to work together with the Law Society by engaging with them during the drafting process involving matters of public interest such as the amendments to the Land Code and welcome their views. In addition to this, the AGC together with the Law Society have also drafted a "Code of Practice for the Conduct of Criminal Proceedings by the Prosecution and the Defence". The Code will outline best practices guidelines in the conduct of criminal proceedings in Brunei Darussalam to which we hope will aid the court process and ensure fair and prompt trials.

14. The AGC is also eager to take part in the games to be organised this year and welcome the Law Society's spirit of sportsmanship - we look forward to winning the football and badminton once again.

15. Going back to the "Rule of Law" My Lord, these are but a few steps the AGC have been taking towards achieving this overarching goal of adherence to the "Rule of Law". As with anything worth pursuing, the path will not be easy but in my opinion, we are up to the task.

16. These are the ideals that we must continuously strive towards and work together to uphold. Just as we are all affected by the same laws, so too must we all aspire to be active participants in the upholding of these principles and values and I renew my and the AGC's commitment and highest assurance that this, forms and shall continue to form, the basis for all the work that we do - both within the AGC and beyond.

## Congratulations

17. Finally, before I conclude My Lord, on this special occasion, I wish to share with everyone the recent promotion of Yang Mulia Dayang Hajah Suriana binti Haji Radin, Head of the Criminal Justice Division, from Principal Counsel to Assistant Solicitor General. I offer her my heartiest congratulate on this achievement and wish her every success in her new role.

## Conclusion

18. This brings me to the end of my address, My Lord. I shall conclude by extending my good wishes to Your Lordship, Honourable Judges, the legal fraternity and everyone present, a healthy, happy and successful 2023.

Thank you.

# THE PRESIDENT OF LAW SOCIETY

Haji Mansur bin Dato Paduka Dr Hj Latif



1. My Lord Chief Justice, the Honourable Justices of the Supreme Court, my learned friend the Honourable Attorney General, Yang Mulia Acting Minister at the Prime Minister's Office, Yang Amat Arif Ketua Hakim Mahkamah Syariah, your excellencies of the Diplomatic Corps, my learned friends from the legal profession, distinguished guests, ladies, and gentlemen.

2. Assalamualaikum Warahmatullahi Wabarakatuh, by the grace of Allah Subhanahu wa ta'ala, I am bless to appear before Your Lordship on this momentous ceremony. In comparison to the previous Opening Legal Year, I am extremely pleased to see many of my fellow practitioners today. It is a nice change when compared to the attendance at our AGM.

3. I extend a warm welcome to our overseas guests:-

- i) Mr Amirali Nasir, Vice-President of the Law Society of Hong Kong;
- ii) Mr Desmond Ho Chee Cheong, representative of the Malaysian Bar;
- iii) Ms Lisa Sam Hui Min, Vice-President of the Singapore Law Society;
- iv) Mr Gurvir Singh Sandhu, President of the Advocates Association of Sarawak;
- v) Mr Roger Chin Ken Fong, President of the Sabah Law Society.

4. Last year, I congratulated the appointment of eight Judicial Officers of the Supreme Court. Inadvertently, I missed out on one. As such, I extend a belated congratulation to Hajah Noor Amalina binti Dato Paduka Haji Alaihuddin as Senior Registrar of the Supreme Court.

5. However, this is not the only cause of congratulation as there are a few more individuals I must congratulate and that is our Brunei Law Society Mooting Team. To say that I am only proud of our Mooting Team

is an understatement. Since 2015, our Society has sent 2 Teams to participate in a moot competition held in Singapore, co-organised by members of Essex Court Chambers and the Singapore Academy of Law (“ECC-SAL”).

### The ECC-SAL International Mooting Competition

6. This year’s team comprised of Cedric Loo Shyh Cherng of Ridzlan Lim and Lim Li Chyi of Yusof Halim & Partners as well as Brandon Chin Wei Chun of YC Lee & Lee and Sa’adatun Naadhiyah Mohd Rosli of CCW Partnership. Prior to this year, our teams have never reached the next stage of this competition, the quarterfinal. We felt that the quarterfinal was an invisible wall and for eight years, that wall remained impenetrable.

7. That changed with this new group of young lawyers and when Kamal Shaari was appointed as a mentor for this year’s team. On a personal note, I first met Mr Kamal when we attended a residential advocacy weekend workshop at the Cumberland Lodge in the United Kingdom in 2013. Don’t worry my friend, what happens in Cumberland Lodge, stays in Cumberland Lodge.

8. Under the guidance of Kamal, Brandon and Naadhiyah finally smashed that quarterfinal wall, triumphally marched through the semi-final and for the first time since the inception of the ECC-SAL moot in 2012, Brunei Darussalam became the first international country to reach the finals of this prestige International Mooting Competition. Before our team left for Singapore, I sarcastically said “Don’t come back without a

trophy”. Instead, the team came home with three accolades:-

- 1) Li Chyi was nominated as the best speaker in the second round of the competition. She was described as “good energy, listens well, responsive to cases”.
- 2) Brandon and Naadhiyah won Best International Team; and,
- 3) last but not least, this dynamic duo has captured the hearts of all the lawyers in Brunei. Congratulations again.

### “Train the trainers” Advocacy Course 2023

9. However, this should not be a one-off celebration. We have showcased Brunei’s talent on an international stage, but domestically, we must strive to improve and develop our young lawyers.

10. Therefore, I am pleased to announce that this year, we will collaborate with the Advocacy Committee of the Singapore Law Society to conduct a “Train the Trainers” course. We are inviting our senior members, Judicial Officers and senior Deputy Public Prosecutors to join this programme.

11. With the support of the Prime Minister’s Office, Attorney General Chambers and Judiciary, the Society aims to create a pool of skilled trainers so we can organise future advocacy courses for our young lawyers, independently and sustainably.

12. We will continue to invite overseas trainers as their experience and knowledge in advocacy are invaluable. This will enhance our interaction and cooperation with international faculties. Let us take heed from the titah of His Majesty’s Sultan Haji Hassanal Bolkiah Mu’izzadin Waddaulah ibni Al-Marhum Sultan Haji Omar Ali Saifuddien Sa’adul Khairi Waddien, Sultan and Yang Di-Pertuan of

Brunei Darussalam during the High-Level Meeting to commemorate the 75th anniversary of the United Nations on 21st September 2020:-

“If history has taught us anything, it is that, we could not have realized such achievements without the strong support and commitment from all nations”.

## The Future of Mediation

13. Advocacy is an essential skill. It goes hand in hand with litigation, but the latter is no longer seen as the only answer to resolving disputes. Over the past decade, we have seen mediation gaining visibility, traction and recognition. The Court will always welcome mediation at the earliest proceeding, and I commend Brunei Darussalam Arbitration Centre’s (“BDAC”) contribution to the legal ecosystem, promoting mediation as a vehicle for resolving conflict. More recently, the legal fraternity attended a Deep-Dive Workshop on International Mediation and Dispute Resolution specifically for Brunei stakeholders and I extend my gratitude to the Singapore Dispute Resolution Academy and Temasek Foundation for organising this workshop.

14. We hope mediation will continue to develop and evolve in our legal system, this includes introducing mandatory mediation of other civil cases, cost consequences for refusing mediation and potentially, incorporating BDAC into the Judicial framework where parties have the option of a private mediation or court mediation. This could help reduce the weight of cases tried in Court. I echoed the words of Mr Hizkias

*“Mediation and reconciliation work is about a profound quest for justice and social transformation. But at the same time, they are about service, solidarity, about exploring and rediscovering the human spirit that has been lost or shattered through human conflict, cruelty, ignorance and greed.*

15. We have seen a steady growth of admission to the Brunei Bar and with the introduction of an LLB Law programme by the Laksama College of Business and the University of Essex, we foresee more lawyers in Brunei in the coming years.

16. There is a saying, “competition breeds success” but competition should not carry a negative connotation. The commonality between judges, prosecutors, and defence counsel is that, we are lawyers first. We are cut from the same cloth, held together by the fabric we called “the rule of law”. Through this legal fraternity bond, I will highlight to Your Lordship the works that we have achieved together and the works that will come to fruition in the near future.

## The Code of Practice for the conduct of Criminal Proceedings by the Prosecution and the Defence

17. As stated by Your Lordship at the Opening Legal Year Speech in 2021, the “Code of Practice will contribute to maintaining the rule of law and assisting in the administration of criminal justice”.

18. The completion of this code was a collaborative effort between the Law Society and the Criminal Justice Division of the Attorney General Chambers, and we appreciate the Chief Registrar and the committee members in overseeing this project, I also extend my

Asafa, a prominent conflict mediator:-

appreciation to the Attorney General Chambers'and Law Society of Singapore for allowing us to adopt their Code of Practice as a guide of reference.

## Proposed amendments to the Land Code (Amendment) Order 2016

19. We are grateful to the Ministry of Development and the Attorney General Chambers for giving the Law Society a seat at the table, to give our views on the proposed amendments. We hope that this amendment will achieve clarity on the subject of transfer, acquisition and retention of landed property. We look forward to seeing a clear resolution on these issues for the benefit of all.

## Proposed Mediation Legislation

20. In last year's speech, I discussed the need of regulating mediation, and I am glad that our plea has not fallen on deaf ears. We are delighted that the Prime Minister's Office has taken the lead in pursuing a proposed framework of a legislation focused on mediation. Our honourable members have offered their assistance and will continue to work closely with the Prime Minister's Office together with the relevant stakeholders.

## Improvements to the legal Profession

21. Our profession must continuously be of the mindset of improving ourselves. The Court Motto is "Judicial Excellence", and the Attorney General Chambers is "Excellence in Legal Services", then the Law Society must strive for "Greatness in the Legal Profession". With that in mind, the Council will set out four objectives.

22. First, amending and improving our Practice Etiquette Rules. We must uphold, maintain and enhance the standards of professionalism and ethical conduct in our profession, with integrity, honesty and independence.

23. Second, amending the complaint proceedings against advocates & solicitors. A committee will be formed to filter frivolous and vexatious complaints and only meritorious complaints will be forwarded to the Inquiry Committee. Regulating the conduct of advocates is a painstaking, heartbreaking but necessary task. The complexity faced by the Law Society is succinctly described by our former Chief Justice, the late Dato Seri Paduka Mohammed Saied at the Opening Legal Year speech in 2006:-

*"The Society [now] bears the burden of ensuring that its members, who are not massive in numbers, behave and conduct themselves in a manner which, while not tarnishing the image of the profession and bringing it into disrepute both outside in their treatment of their clients and inside the courthouse, is such that it reflects the true and recognizable reflection or face of the honourable profession to which they claim to belong. This is not as easy a task as it looks, particularly in a comparatively small community of lawyers and, as such, it will call for absolute adherence to the principles of the Society, including above all their ability to absolutely erase from their minds the slightest remnant of friendship or any other relationship of any sort or any inclination of considering the complaint as being minor deserving outright*

*rejection. Their function is to thoroughly investigate any complaint against a member of the fraternity, and deal with it on the basis of the evidence that is placed before them by both sides in a detached, forthright and independent manner in arriving at their decision”.*

24. Third, Continuing Professional Development. When the Chief Justice announced the Pupillage Framework on 15th October 2022, it is to arm pupils with the requisite knowledge but, the conquest for knowledge must not stop at pupillage. This profession is a life-learning process and our members must continue to develop, upgrade and polish our skills and knowledge of the law. I shall seek solace and comfort that the goals achieved by the Law Society could not have been accomplished without the cooperation and assistance of the Prime Minister’s Office, Judiciary and Attorney General Chambers and I look forward to continuing this synergy.

25. Fourth, for the Law Society to win our law soc games. Vice President Zheng asked me, why do we need to organise these games if AGC keeps winning them? I said that in the spirit of sportsmanship, it is important to let other teams win, like how the Law Society football and badminton team remained champion from 2019-2021. On a serious note, congratulation to AGC for winning the football and badminton tournament and I also congratulate the Law Society for winning the Cross-Country Run. Medals will be distributed at our Law Society Legal Night which we hope to host again this year.

## Legal Aid

26. Lastly, I would like to update on our Legal Aid Clinic programme.

For 2022, we have attended to 53 cases and I want to extend my deepest appreciation to our Head of Legal Aid, Navrita Kaur and our members who have volunteered for this pro-bono service.

27. However, there are still members who opt not to attend and of course, the nature of Legal Aid is voluntary but, I call upon our members again to participate in our legal aid. The service you provide at the clinic would not be considered “specialist high-end services” but the service you provide is a noble service; to provide free legal advice to low-income communities.

## Conclusion

28. To conclude, the Law Society reaffirms its commitment to the Judiciary and cooperation with the Attorney General Chambers in the administration of Justice and rule of law. As this is my final tenure as President, I selected a quote from the late Robin Williams to close my speech:-

“I don’t know how much value I have in this universe, but I do know that I’ve made a few people happier than they would have without me, and as long as I know that, I’m as rich as I ever need to be.”

29. Have a blessed day and stay safe everyone. Wabillahitaufik walhidayah wassalamualaikum.

# SUPREME COURT





# COURT OF APPEAL



With the amendment to the Supreme Court Act in 2023, the Chief Justice by virtue of his office is now the President of the Court of Appeal. This is in line with other like minded judiciaries whose Chief Justices are also the President of the Court of Appeal.

Currently the Court of Appeal comprises of the President of the Court of Appeal and three Judicial Commissioners. The appeal judges are supported by Registrars from the Supreme Court and staff from the Supreme Court Registry.

The Court of Appeal has always actively managed its cases due to the nature of having fixed sessions during the year. Dialogues between the law society and the Attorney General's Chambers has continued to encourage the exchange of ideas and collaboration to ensure that appeals are heard in an effective and efficient manner.

Practice Direction 1 of 2023 was also introduced in the last quarter of 2023 with respect to the filing of case authorities before the Court of Appeal. The reasoning behind this practice direction is rooted in the goals of streamlining court

proceedings, promoting clarity in legal submissions, and ensuring the efficient use of judicial resources, while also imposing consequences for non-compliance to encourage adherence to the new rules.

A total of 24 appeals were heard in 2023. 10 appeals were listed in the June 2023 session and an additional 14 appeals were heard in the October/November 2023 session. 7 Criminal Appeals and 17 Civil Appeals in 2023 were heard.

### *Kasim Bin Omar (COACM/10/2021)*

The Court of Appeal upheld the total sentence of 20 years' imprisonment and 2 strokes imposed by the Chief Justice. Kasim had pleaded guilty to three charges under the Penal Code, including causing the death of his 5-month-old daughter, causing grievous bodily harm, and failing to report the death to the police. The court considered the severity of the offenses, the aggravating factors, and the need for deterrence. The Chief Justice imposed the maximum sentence within the band of the worst type of case, emphasizing the breach of trust, the vulnerability of the victim, and the inhumane nature of the assaults. No discount was given for Kasim's guilty pleas, as the court prioritized the protection of society and the reflection of public abhorrence. The Public Prosecutor's appeal against the order of 2 strokes for one of the charges was dismissed, as it fell within the judge's discretion.

### *Sahid Sdn Bhd v. Ice Petroleum Engineering Sdn Bhd (COACV1/2021)*

The appellant, Sahid, appealed against a judgment that found in favour of the respondent, Ice. The dispute revolved around unjust enrichment, stemming from a failed business relationship based on an oral Joint Venture Agreement. The case highlights the significance of clear and comprehensive pleadings. The judge criticized both parties for failing to use standard procedures and clearly setting out their respective cases in pleadings. This lack of clarity necessitated the use of a Scott Schedule to organize and clarify the issues. The judge emphasized the importance of the Scott Schedule in overcoming deficiencies in the pleaded cases. The Schedule became an essential tool for both the judge and the parties, helping to organize and clarify the evidence presented during the trial. The appellant's counterclaims, including issues of estoppel and overpayment, were comprehensively dismissed. The judgment favored Ice, with Sahid ordered to pay a total of RM4,106,938.42 with interest and costs. The appeal was ultimately dismissed, and Sahid was directed to bear the costs of the appeal.

### *Commitments*

The Court of Appeal is committed to continued regular and consistent sessions to ensure that parties and appeals are heard in a timely manner despite the ongoing pandemic. As the apex court with the Civil Court structure the Court of Appeal has the responsibility to ensure the development of jurisprudence, case precedent and criminal and sentencing guidelines. The court is expected to resume in 2024 with 2 sessions fixed for the year.



# HIGH COURT REGISTRY

The High Court Registry is currently led by the Acting Chief Registrar who assisted by the Deputy Chief Registrar.

In February 2019, Chief Registrar Hj Abdullah Soefri retired as the Chief Registrar bin POKSM DSP Haji Abidin. The High Court wishes to take this opportunity to express our gratitude for the profound impact he has had. His leadership has been an unwavering source of inspiration, guiding us through challenges and fostering an environment of growth and collaboration. In his place, Judicial Commissioner Muhammed Faisal bin PDJLD DSP Haji Kefli was acting Chief Registrar from February to October 2023. Currently, Intermediate Court Judge Pg Masni binti Pg Bahar is the Acting Chief Registrar. Both officers have illustrated a keen understanding

of the High Court's dynamics, and they have brought a fresh perspective that inspires confidence and enthusiasm.

We also welcomed new colleagues to the High Court, *Haji Abdullah Soefri, Judicial Commissioner of the High Court; Nurulbillah Aqilah binti Mohd Ali; Fatin Fikriyah binti Hj Rosli; Abdul Azim bin Othman; Sharifah Nur Baqiyah binti Malai Shahrani and Nur Sariy Syahmina binti Jaffri*, all holding all holding the posts of Registrar/Magistrate.

The High Court would like to take this opportunity to congratulate and wish them well in their new positions. Collectively they bring with them experiences and knowledge that will undoubtedly be beneficial in their respective roles.

The judicial officers in the High Court currently comprise of the Chief Justice of the Supreme Court; two full time Judicial Commissioner, the Acting Chief Registrar who is also an Intermediate Court Judge; the Deputy Chief Registrar; two Senior Registrars; Seven Registrars and two Judicial Law Officers (i-ready).

In order to assist in the administration of justice, the High Court recognises the need for assistance and is tasked to look after the Supreme Court Registry; Civil Marriages; Legal Aid; Trust Accounts; Corporate Unit; Research and Data Collection Unit; Interpreters and Court Recorder Unit and Translation Unit.

## Case Management

The High Court has employed a number of measures to ensure efficient case management of cases.

### *Visiting Judges and additional Judges and Registrars*

The High Court was also pleased to welcome back Justice Woolley, JC to hear cases in person in October and November 2023. Together with Justice Abdullah Soefri, JC and Justice Muhammad Faisal, JC the judicial commissioners have handled a diverse range of criminal and High Court civil cases and appeals, in an effort to achieve the High Court's commitment to expeditiously and effectively resolve legal matters.

In addition, the High Court continues to confer powers under Section 16 C of the Supreme Court Act, Chapter 5 to transfer civil cases from the High Court to the Intermediate Court with an aim to deal with matters in an efficient and expeditious manner. In 2023, the High Court has also increased the number of registrars and is currently training additional officers to hear matters in the High Court.

### *E-filing Judicial Case Management System (JCMS)*

JCMS continues to play a crucial role in ensuring cases are filed and managed electronically. The Registry has maintained that e-filing is the primary

method in which cases are to be filed by registered users. Members of the public still continue to file through the High Court Registry who assist in converting physical documents into a digital file. In 2023, the High Court received 346 files through JCMS compared to 329 files in 2022.

### *Practice Directions*

Practice Direction 1 of 2023 changes the current practice of submitting entire Bundle of Authorities in both Civil and Criminal Appeals before the Court of Appeal. Instead, it mandates a more concise and focused approach to referencing legal authorities. The Practice Direction specifies that parties should provide an outline stating the proposition or principle along with a reference to the title of the authorities on the front page of the Bundle of Authorities.

Only relevant portions supporting the stated proposition or principle should be included in the written submission, and each party is limited to filing one Bundle of Authorities. Non-compliance with these guidelines may result in rejection by the Registry, and the court may impose adverse orders concerning costs if there is a perception of wasted resources or failure to adhere to the directive. The overall objective is to promote efficiency, reduce unnecessary documentation, and streamline the referencing of legal authorities in court proceedings.

Practice Direction 2 of 2023 seeks to bring about a fair and consistent system of compensation for legal practitioners by considering the uniformity of rates, recognizing the gradual progression of skills and experience, and aligning compensation with both the practitioner's expertise and the complexity of the cases they handle. This approach promotes equity within the legal profession's remuneration structure.

## Notable Cases in High Court

**Daelim Industrial Co Ltd and The owners and/or demise charterers of the ship or vessel "Linau 129" & 2 Others (ADREM 1,3,4 of 2018)**

the central focus was on the proper use of expert evidence and the role of an expert witness. Expert evidence should address scientific or technical matters within the expert's expertise, not establish factual issues. The court emphasizes that expert opinions rely on established facts and must be relevant. The case highlights the importance of understanding the purpose of expert evidence and the role of experts in legal proceedings.

However, the court, emphasised aggravating factors such as the victim's tender age and the repeat nature of the offense, imposed consecutive sentences. The defendant received a 20% reduction, resulting in a total of 30 years and 4 months imprisonment and 20 strokes of whipping. The judge reiterated the need to protect children, described the defendant as a predator, and underscored the importance of a deterrent sentence, also advocating for the establishment of a sexual offender register.



*Sitting: Safwan, Ali Rahman, Pg Suhaili, Amirul Kamal*

*Standing: Salmiah, Siti Nazurah, Noorhadina, Dk Nuramalina, Fatimah, Hasrina*

### **Public Prosecutor against Amirul Haffizul Firdaus Bin Amir Umizan (HCCT/13/2022)**

The defendant faced charges of rape under section 376(2)(b) involving an 11-year-old girl. Initially pleading not guilty to three charges, the defendant later changed his plea, admitting guilt to an Amended 1st Charge and Amended Additional 2nd Charge. The prosecution withdrew the 3rd Charge. The sentencing, delivered by Judge Haji Abdullah Soefri, JC, considered the defendant's status as a first offender, his expression of regret, and a plea for leniency.

*Judgments for all High Court matters are available on the judiciary's website or may be searched through the e-filing portal.*

In 2023, the High Court initiated the investigation into the adoption of digital transcription, conducting multiple demonstrations. This effort has culminated in the development of a pilot project. The aim is to have selected courts utilize real-time digital transcription during this pilot phase. Looking ahead, the court aspires to implement comprehensive hardware and software solutions across all courts, facilitating real-time transcription of court proceedings in the long term.

Digital transcription in court proceedings offers a range of advantages, including time efficiency, real-time capabilities, improved accuracy, cost-effectiveness, and enhanced accessibility. These benefits collectively contribute to a more streamlined and effective legal process.

## Digital Transcription



## International Relations

International relations between judiciaries play a crucial role in fostering cooperation, understanding, and promoting the rule of law on a global scale. international relations between judiciaries contribute to the development of a more just and interconnected global legal system. Through collaboration, legal systems can address common challenges, uphold the rule of law, and promote human rights, ultimately fostering a more stable and cooperative international community.

The judiciary has paid visits and had visits from The People's Republic of China, Malaysia, Singapore, Australia, The United Kingdom and Hong Kong.

# Memorandum of Cooperation and Memorandum of Understanding

On 4 May 2023, a Memorandum of Cooperation (MOC) was signed between the Supreme Court of Brunei Darussalam and the Department of Justice (DoJ) of the Hong Kong Special Administrative Region of the People's Republic of China (Hong Kong SAR) to strengthen communication, collaboration and cooperation on issues relating to dispute avoidance and resolution.

The MOC serves as a framework of enhanced cooperation which will greatly benefit both Brunei Darussalam and Hong Kong SAR in promoting better outcomes in the resolution of disputes, greater confidence in doing business, and enhancing access to justice. This is the second MOC signed between the Supreme Court of Brunei Darussalam and other jurisdictions, following the signing of a MOC with the Supreme People's Court of the People's Republic of China on 21 September 2004.

On 18 July 2023, a Memorandum of Understanding (MOU) was signed between the Supreme Court of Brunei Darussalam and the Supreme Court of Singapore to strengthen communication, collaboration and cooperation on issues relating to dispute avoidance and resolution. The MOU signifies the deep-rooted history and warm friendship between Brunei Darussalam and Singapore and reaffirms the commitment to maintaining strong bilateral ties between the two countries.

The MOU will serve as a fundamental pillar of judicial cooperation in providing a platform to enhance communication and lays the groundwork for collaboration, enabling the exchange on perspectives and best practices on dispute avoidance and resolution.

## Education

On 22 May 2023, the Supreme Court of Brunei Darussalam, the British High Commission in Brunei Darussalam and the Slynn Foundation organised a virtual seminar delivered by the Honourable Justice Jeremy Baker. Mr Justice Baker spoke on the 'The Use of Expert Witnesses in Criminal Cases' and gave an overview of what constitutes expert evidence, how to regulate expert evidence and in what circumstances it may be deployed in the course of a criminal trial in England and Wales.

On Tuesday 27 June 2023, the Supreme Court of Brunei Darussalam and the Department of Justice of the Hong Kong Special Administrative Region held its first seminar organized in collaboration with the AALCO Hong Kong Regional Arbitration Centre and the eBRAM International Online Dispute Resolution Centre.

The seminar featured two eminent speakers: Mr. Nick Chan Hiu-Fung, Director of AALCO Hong Kong Regional Arbitration Centre, who delivered a presentation on the 'ABCs of LawTech, ODR Platform and Generative AI and the positive impact on access to justice and increasing economic developments,' and Mr. Jacob Sin, ODR Director of eBRAM International Online Dispute Resolution Centre, who delivered a presentation on 'The benefits of the APEC ODR Framework for resolving cross-border disputes and how to use the APEC ODR Rules.'

On 18 September 2023, the Supreme Court of Brunei Darussalam and the British High Commission in Brunei Darussalam organised two lectures delivered by The Right Honourable the Master of the Rolls and Head of Civil Justice in England and Wales, Sir Geoffrey Vos. Sir Geoffrey Vos spoke on 'Technology and Access to Justice:

England and Wales' Revolution in Dispute Resolution and the Creation of the Digital Justice System' and on 'The Transformation Apart from holding seminars, the High Court has continued to recognise the importance of continuous judicial education and has sent its Judges and Officers for training in several areas in 2023. This training will continue in 2024 and is overseen by the Human Resource Development Committee.

## Looking Ahead

The ever-changing landscape and environment have necessitated the Registry to evolve rapidly, and this commitment to adaptability will persist throughout 2024. We recognize the dynamic nature of our work and are dedicated to enhancing our processes, embracing innovative approaches, and fostering a culture of continuous improvement.

The High Court extends its appreciation for the invaluable support and assistance provided by various dedicated units, crucial to the administration of justice. Recognizing the paramount importance of a seamless judicial process, the High Court expresses gratitude to the Supreme Court Registry for their meticulous organization and management of court records and court files.

The Corporate Unit is acknowledged for its role in facilitating essential administrative functions. The Research and Data Collection Unit is commended for its commitment to providing comprehensive and well-informed insights that contribute to informed decision-making. Special thanks are extended to the Interpreters and Court Recorder Unit, whose linguistic expertise ensures effective communication within the legal proceedings. Additionally, the Translation Unit is recognized for its vital role in bridging language gaps, facilitating a clear understanding of legal documents. Together, these units exemplify unwavering dedication, enhancing the overall efficiency and effectiveness of the justice system.



**The ever-changing landscape and environment have necessitated the Registry to evolve rapidly and this commitment to adaptability will persist throughout 2023. We recognize the dynamic nature of our work and are dedicated to enhancing our processes, embracing innovative approaches, and fostering a culture of continuous improvement.**



# BANKRUPTCY OFFICE

The Chief Registrar of the Supreme Court concurrently serves as the Official Receiver, while the Bankruptcy Office, currently under the supervision of the Chief Magistrate and assisted by another Registrar/Deputy Official, has undergone several operational changes.

## Operational Changes

A significant modification pertains to the collection o payment of composition and dividend cheques, where a centralized system is being implemented for improved management. Other initiative includes enabling online transfer for the payment of composition and dividend which is hoped to become a standard practice by 2024. This initiative was initiated in 2022 on selected files, and has been gradually extended to all additional bankruptcy cases.

## Gratitude

Gratitude is extended to Muhd Muzakkir bin Hj Zakaria for his dedicated service as the head of the Bankruptcy Unit over the past 18 months. His commitment and efforts have significantly contributed to the smooth functioning of the unit, and his leadership has been commendable. We sincerely appreciate his hard work and the positive impact he has made during his tenure.

## Head of Unit

At the end of DOR Muzakkir's term, we warmly welcome Pengiran Siti NurSu'aidah binti Pengiran Jufriزار @ Pengiran Tajuddin, who will be taking over the helm of the Bankruptcy Unit for the remainder of 2023 and throughout 2024.

We are confident that Pg Suaidah's skills and experience will be invaluable in maintaining the high standards set by her predecessor. Her leadership is anticipated to bring fresh perspectives and contribute to the continued success of the unit.

## Achievements

Commendable achievements were accomplished by our dedicated team, comprising six full-time Deputy Official Receivers (DORs) and two additional Judicial Officers (JOs) who contribute to DOR responsibilities. In the fiscal year 2023, the collective efforts of these officers led to the declaration of payment of composition and dividend for a substantial 526 files, totalling an impressive sum of \$17,970,635.17. This noteworthy accomplishment is underscored by the fact that, on average, each DOR declared dividends in eight cases per month throughout 2023. The commitment and efficiency demonstrated by this team have significantly contributed to the successful administration of bankruptcy cases, reflecting their expertise and dedication to delivering impactful results.

The inception of the Finance Unit, fully operational since early 2022, ensures the systematic financial management of bankruptcy files in compliance with existing regulations, the Finance Unit is led by a Senior Finance Officer, supported by a Finance Officer and trained staff with expertise in finance and accounting.

The unit's responsibilities encompass overseeing cheque receipts and issuances, monitoring payments from judgment debtors, supervising the Official Receiver's account, establishing and maintaining an independent database, and generating notices for payment of composition and dividend and collection of cheques.

## Concerns & Response

Concerns have been raised by judgment debtors (JDs) who, after settling their debts, discover that they have overpaid their debts. Notably, the surplus funds are no longer promptly refunded; instead, they are utilized to cover post-receiving Order (RO) interest. Additionally, there has been a delay in responses from the bankruptcy unit to inquiries and communications from the public, both in written correspondence and phone calls.

In response to these challenges, recent initiatives led by the Deputy Official Receivers (DORs) involve a comprehensive review of the debt settlement process through the Finance Unit. The goal is to identify cases where the entire debt has been fulfilled and to initiate the timely reimbursement of any excess funds to JDs before concluding the file, preventing the retention of surplus funds in the Official Receiver's (OR) account as post-RO interest by banks.



A noteworthy constraint is the bankruptcy unit's lack of direct access to relevant bank accounts, requiring notifications from banks for updates. The unit has become aware of changes only upon prompting the bank. Ongoing discussions with banks aim to address this issue and streamline the information flow for more efficient debt settlement processes.

Despite ongoing challenges, the Bankruptcy Office assures its stakeholders that it remains dedicated to delivering procedures and services at the highest standards while adapting to the uncertainties of the times. The commitment extends to addressing user concerns and ensuring a seamless continuation of services amid evolving circumstances.

*From left: Sarinah, Norzafan, Hjh Azza Yossie, Sa'adatul Firdaus, Surimah, Nurhafizah*



*Bankruptcy Finance Unit*



*Front row: Afandi, Hasiah, Nur 'Afifah Basyirah, Hjh Azza Yossie, Surimah, Sa'adatul Firdaus*

*Middle row: Haji Shamsul, Siti Aliah, Sarinah, Hanafi*

*Back row: Norzafan, Nurul Atiyah, Hjh Rakiah, Nurhafizah*

*Bankruptcy Registry*

# Probate Office



*From left: Nurul Zahra Aqilah, Azdisyahfina, Atillah, Noorhayati, Deputy Probate Officer Kamaliah Fadhilah, Acting Probate Officer Pg Masni, Muhammad Amir Irsyadudeen, Asstistant Probate Officer Mohammad Fikri Fathuddin, Siti Yura Nadhirah, Asrina, Rozliani*

The Probate office is a branch of the judicial system handling legal matters of estates for a deceased individual. It is the sole office in the Country for issuance of Letters of Administration and Grant of Probates and carries the heavy responsibility of ensuring the correct handover of estates for beneficiaries of the deceased.

The Probate Office is currently headed by the Acting Probate Officer Pengiran Masni binti Pengiran Haji Bahar and supported by Senior Registrar Hajah Kamaliah Fadhilah Haji Ibrahim who assist to oversee the day to day running of the office. The registry consists of our dedicated Deputy Probate Officers, Assistant Probate officer, officers and staffs.

## Review of Processes

The Probate office is committed to provide expedient and efficient service to the public to ease their affairs in matters of the estate. The Probate Office is also committed in constantly reviewing and updating its Standard Operating Procedure to provide an excellent service. Throughout 2023, the Probate Office has made strides in refining its rules and practices, implementing the changes across all four districts.

Whilst the core objective of the Probate Office remains the acceptance, hearing, and granting of Letters of Administration or Letters of Probate for non-contentious matters. In response to the increasing complexity and diversity of probate matters, the

the Probate Office has extended its services to hear non-contentious matters before a Deputy Probate Officer via Summon in Chambers. These applications include matters under the Probate and Administration Act, Chapter II in relation to Sanction Orders (Section 67), Letter of administration of trust property (Section 39), Approval of transactions (Section 6(vi)) and Special administration (Section 33 & Section 34). Previously such matters would have to be filed in the High Court or by letter to the Probate Officer. Streamlining the process for non-contentious matters, increases efficiency whilst ensuring the proper hearing and determination of the matter.

The Probate Office has also undertaken significant efforts to enhance procedural clarity and efficiency by introducing separate application forms tailored for Muslims and non-Muslims, which are available in the website at Judiciary.gov.bn. This ensures that the distinct legal frameworks governing the administration of estates in the Civil and Syariah courts are appropriately addressed. Additionally, the Probate Office has implemented standardised explanations accompanying the application forms, providing guidance to prospective administrators and executors. This initiative is pivotal in fostering a thorough understanding for the applicants regarding their associated duties, responsibilities, and legal consequences of an administrator/executor.

## Stakeholders

To ensure the unity of the processes with relevant stakeholders, the Probate Office recognises the importance of collaborating with other stakeholders. In a move to realise such collaboration, the Probate Office has participated in several talks and meetings with stakeholders to exchange knowledge on processes and legal framework. This includes a briefing with the Ministry of Development on the roles and responsibilities of administrator in relation to the transfer of land. The Probate Office had also taken part in several Syariah Legal Clinics aimed at providing valuable information to Senior Citizens and answering queries on probate matters and the role of the Probate Office. The Probate Office, intends to continue its participation in the clinic and any other collaborations.

## Contentious Matters

Given the increasing complexity of probate matters, particularly in the context of global dynamics, there has been a noticeable rise in probate matters in which the Probate Officer has become a party. It is crucial to underscore that contentious issues are adjudicated before the High Court.

In such cases, the Probate Office may offer mediation to parties. However, if parties are not able to resolve the issues amicably, the matter may be taken to court for resolution. The High Court handles contentious probate matters, providing a legal forum to address the disputes and make decisions based on the evidence presented. Legal proceedings in contentious probate cases can be complex and involve litigation to determine the rightful beneficiaries and the proper distribution of the deceased person's assets.

Where the Probate Officer assumes the responsibility as the administrator of an estate, the Probate Officer is committed to carry out their responsibility meticulously and efficiently.

## Statistics

The Probate Office has showcased a notable improvement in its operational efficiency by handling a significantly increased caseload from 2022 to 2023. Since 2021 where the office had only received 179 applications throughout the 4 districts, the unit experienced a substantial surge in workload, receiving a total of 621 applications in 2022 and 745 applications in 2023. Despite the considerable rise in the number of cases, the office continued to demonstrate enhanced efficiency, successfully granting a staggering 806 applications in 2023 in comparison to 498 in 2022.

This improvement highlights the office's capacity to manage and process a higher volume of applications, showcasing its commitment to expediting probate proceedings and addressing the growing demand for its services. The Probate Office will continue to dedicate itself to facilitating the probate process for individuals seeking legal recognition and authorisation for estate administration.

In 2023, there are still 24 pending applications awaiting hearing due to several factors including awaiting valuation report from stakeholders, submissions of incomplete applications, extraction fees payment and uncontactable applicants.

## Conclusion

Looking ahead to 2024, the Probate Office aims to enhance its initiatives by increasing the number of Deputy Probate Officers, revisiting and simplifying probate procedures, providing and publishing information on probate-related matters, and revising the Probate Procedural Rules. Grateful for the continued support of staff and stakeholders, the Probate Office is committed to ongoing improvements, ensuring an expedient and efficient probate service.



*From left : Safwan, Masrina, Noorhadina, SR Hjh Nor Amalina, Dk Nur Amalina, Hjh Fatimah, Amirul Kamal*

# CIVIL MARRIAGES

The Registry of Civil Marriages continues to assist couples on their marriage journey and provides the following services the solemnisation and registration of civil marriages; name searches for marriage records; and duplicates of marriage certificates.

As of 1 April 2023, the Civil Marriage Registry began to provide its services at Tutong District court. Marriage interviews continue to be conducted with couples via Zoom and the Civil Marriage Registry continues to be active in communicating with couples and in responding to inquiries through the Registry's e-mail address [civil.marriage@judicial.gov.bn](mailto:civil.marriage@judicial.gov.bn).

The Civil Marriage Registry looks forward to assisting couples on their marriage journey in 2024.



# Translation Office



Although generally the unit does not accept documents to be translated from private individuals for private purposes, it accepts certain official pieces which need to be certified by the Court and embossed with the Court seal to be recognized and submitted in foreign jurisdictions. These documents are Birth Certificates, Identification Cards, Adoption Certificates, Marriage Certificates, Divorce Certificates, Personal Academic Certificates and official documents from other government departments.

*Officers and Personnel:*

**Chief Translator**

Dewi Susianty Hj Md Daud

**Senior Translator**

Nurfazidah binti Taib

**Translator/Interpreter**

Nooreizah binti Haji Jaya

Nurhafizah binti Haji Moxsin

Norzafan binti Haji Nordin

**Senior Interpreter**

Sun Tze Yun

Nurhafizah binti Haji Moxsin and Norzafan binti Haji Nordin are attached to assist at the Finance Unit, Bankruptcy Section from July 2022 until recent, as at 29th November, 2023.

The year 2023 saw another milestone in overall efficiency of the 7 years old newly revamped unit in providing services to the Court and The Public in general. The Unit, with advices from its former predecessors as well as leadership and wisdom of Judge Pg Masni binti Pg Hj Bahar and Judge Muhammad Faisal bin PDJLD Kol (Rtd) DSP Hj Kefli has met the desired and expectation goal of its own pledge to clients' charter this year.

Translation Unit reports directly to Acting Chief Register of Supreme Court. Apart from doing translations for inter-departmental purposes, this unit serves to accept various types of documents for translation and for certification pertaining to court cases such as documents from other government departments.

# Statistics

Numbers of application rose drastically from January 2023 to June 2023 compared to numbers from January 2022 to June 2022 last year.

Citizenship documents from Department of Immigration and National Registration Brunei Darussalam's translation application made up for the large numbers in first half of 2023 which demonstrates the demand for such document required in foreign jurisdictions processes.



## Courses, Talks and Roadshows Activities

From January 2023 to 24th August 2023, officers and staff of the unit has attended and taken part in all the events assigned (as per direction from minutes by HR JKN) below:

Majlis Tazkirah Sempena Bulan Ramadhan 1444/2023 on 30th March, 2023 at Banquet Hall, PMO Building and Sesi Pertama bagi Seminar Majlis Ilmu 2023 attended by Nooreizah binti Hj Jaya.

Ceramah Motivasi Ramadhan on 15th April, 2023 at Dewan An-Najah, IPA Building and Jerayawara Ke Arah Komuniti Mesra Demensia (Dementia) on 15th August 2023 Press Con Hall, ICC Berakas attended by Dewi Susianty.

Norfazidah binti Taib also attended Sesi Pertama bagi Seminar Majlis Ilmu 2023.

## Court of Appeal Translation

15 folders of translation containing notice of motion and submission was completed and submitted a month prior Court of Appeal May 2023 session.

## Challenges

With the rising number of applications for Chinese translation both in Traditional and simplified form, the unit is currently facing challenge of producing competent talents in this field.

# JUDGES AND JUDICIAL COMMISSIONERS



*From left: The Hon. Justice Haji Abdullah Soefri bin POKSM DSP Haji Abidin, The Hon. Chief Justice Dato Seri Paduka Steven Chong Wan Oon, The Hon. Justice Muhammed Faisal bin PDJLD DSP Haji Kefli.*

# PANEL OF INTERNATIONAL JUDGES



Judicial Commissioner of Court of Appeal  
The Hon. Justice Conrad Seagroatt  
*Date of appointment: 23rd April 2016*



Judicial Commissioner of Court of Appeal  
The Hon. Justice Michael Peter Burrell  
*Date of appointment: 19th November 2018*



Judicial Commissioner of Court of Appeal  
The Hon. Justice Michael Victor Lunn  
*Date of appointment: 19th November 2018*



Judicial Commissioner of Court of Appeal  
The Hon. Justice Sir Peter Henry Gross  
*Date of appointment: 28th October 2023*



Judicial Commissioner of Supreme Court  
The Hon. Justice Edward Timothy Starbuck Woolley  
*Date of appointment: 7th September 2021*

# REGISTRARS OF THE SUPREME COURT



*from left: Registrar Muhammad Muzakkir Haji Zakaria, Registrar Mohammad Marzuqi bin Sabtu, Registrar Pengiran Siti Nursu'aidah binti Pg Jufriza, Senior Registrar Kamaliah Fadhilah Hj Ibrahim, Deputy Chief Registrar Hajah Hazarena POKSJ DP Haji Hurairah, Acting Chief Registrar Pengiran Masni Haji Bahar, Senior Registrar Hajah Noor Amalina DP Hj Alaihudin, Registrar Hajah Normazdina Hj Md Maskub, Registrar Nurul Hidayah Hamdan, Registrar Nuuror Raheebah Hj Abd Wahab and Registrar Muhammad Syafiq Haji Zakaria*

# The Supreme Court Units

## Corporate Affairs & Policy



The Corporate Affairs Unit serves to assist the Chief Registrar of the Supreme Court in matters concerning the administration and policy of the civil courts.

*From left:*

*Suzie, Asiah, Asrina, Ghazali, Md Izzam Mahmud, Hj Badaruddin, Yusof, Fakhriena, Noraidah, Mastika*

The Research, Statistics, and Data Collection Unit plays a crucial role in the organization by meticulously gathering and analyzing court-related data across all levels. It evaluates court effectiveness through various metrics like case registrations, clearance rates, resolution timelines, and judicial workloads, offering essential insights for informed decision-making and procedural enhancements.

## Research, Statistics & Data Collection



*From left:*

*Ahmad Haziq, Kamaluddin Bakar, Iffah Asmawi, Athirah Harman*

## Court Interpreters

Court interpreters play a vital role in preserving the justice system's integrity. A minor misunderstanding or misinterpretation in a legal context can have far-reaching consequences, including unfair sentencing or the potential dismissal of a case. Their responsibility is to bridge the communication barriers so as to provide limited English proficient court users with equal access to justice.

Currently, the number of interpreters altogether are 22 serving full time. 2 in Kuala Belait and 2 in Tutong on rotation basis every 3 months.

1 clerk/interpreter post and 1 Senior interpreter post are still vacant and the process of acquiring them are still in the process.

For the services of foreign language interpreter, it will be provided by the Foreign Embassy and High Commission in Brunei or foreign nationals residing in Brunei listed by their Embassy or the High Commission.



*Sitting: Nurul Ain, Nariyyah, CI Pg Norfarzat Irwani, SI Hjh Noorinah, Dk Khadijah, Dk Syafeeqah Hakeemah*

*Standing: Qhaire, Hafizurahman, Alizah, Khairunnisa, Rashidah, Nurarina, Shaliza, SI Fadzillah, SI Sun Tze Yun*

*Not in picture: Siti Hadizah, Siti Khadijah, Nor'izzati, Faizin, 'Arief*

## Court Recorders



As the “silent guardians of the record”, they have a critical role in every court case presented. Court recorders are tasked with the significant responsibility of generating a word-for-word transcript of court proceedings.

*Sitting: Nurnajiah, Dyg Nurbazilah, Diyana Rashidah @ Ruz'zainnah, Khairul Khairiah. Standing: Dyg Siti Nooraqilah, Nurarina Nazirah, Suhailah.*

## I-Ready Officers

I-Ready officers are undergoing 18 - month long apprenticeship under several units which includes Corporate Unit, IT Unit, Research and Statistics Unit, Justice Law Clerk and Accounting.

*Sitting:*

*Muhammad Iqbaal Syakib, Ahmad Haziq, Muhammad Amir Irsyadudeen*

*Standing:*

*Fakhriena, Siti Yura Nadhirah, Iffah Batrisyia, Farah Najihah,*

*Ida Fazira, Nur Fajrina*



## Internal Training Unit



*From left:  
Mohamad Marzuqi, Mohamad Muzakkir, JC Muhammed Faisal,  
Nurul Hidayah*

## Confidential Secretary & Confidential Clerks



*From left:  
Norhayati, Suzana Basman, Hjh Nurul Hazimah*

# SWEARING-IN CEREMONY

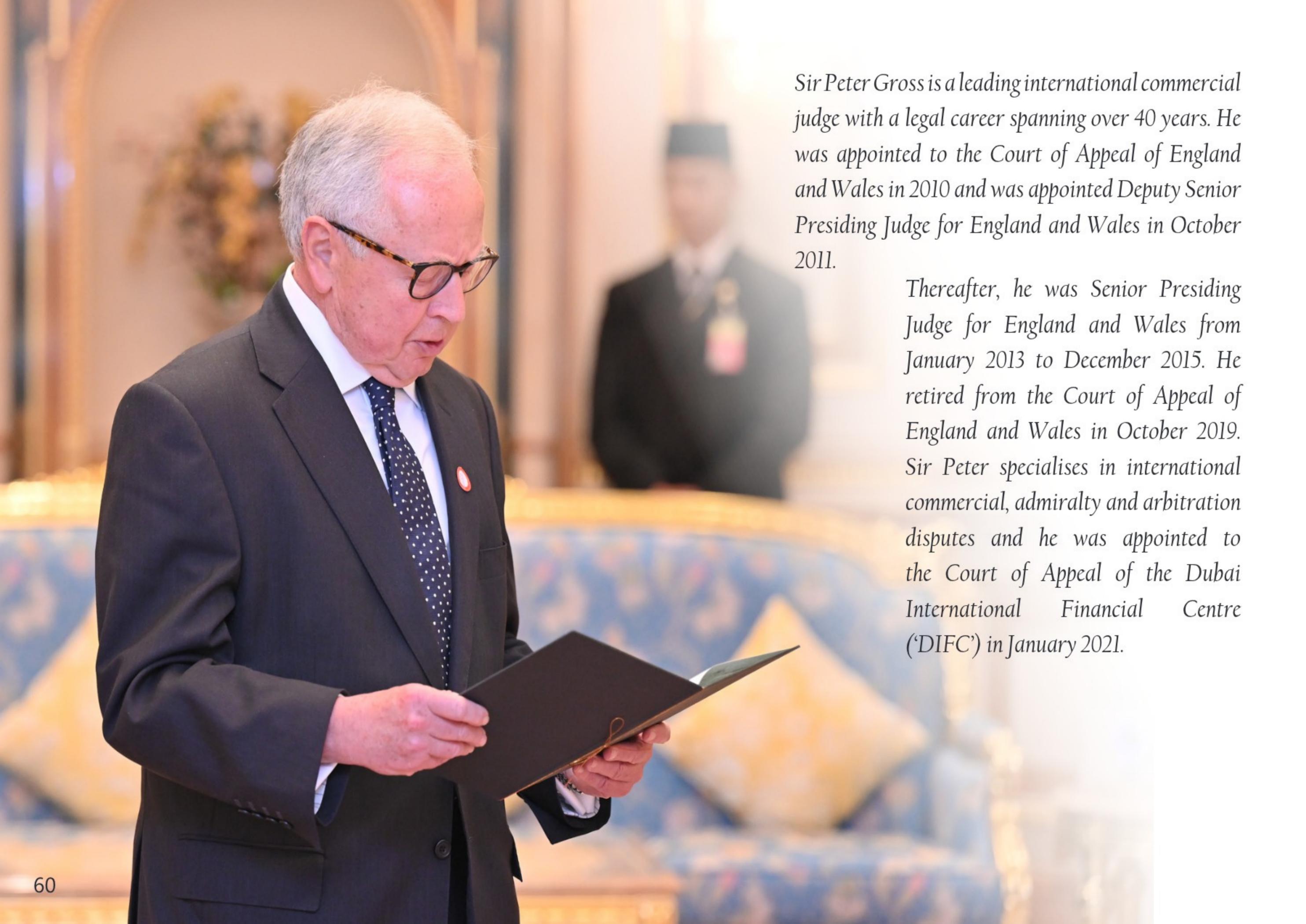
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*His Majesty Sultan Haji Hassanal Bolkiah Mu'izzaddin Waddaulah ibni Al-Marhum Sultan Haji Omar 'Ali Saifuddien Sa'adul Khairi Waddien, Sultan and Yang Di-Pertuan of Brunei Darussalam has consented to the appointment and swearing in of a new Judicial Commissioner of the Court of Appeal of Brunei Darussalam, The Right Honourable Sir Peter Gross.*



*Sir Peter Gross has been appointed and sworn in as Judicial Commissioner of the Court of Appeal of Brunei Darussalam with effect from 28 October 2023 and the appointment will be for a period of 2 years.*





*Sir Peter Gross is a leading international commercial judge with a legal career spanning over 40 years. He was appointed to the Court of Appeal of England and Wales in 2010 and was appointed Deputy Senior Presiding Judge for England and Wales in October 2011.*

*Thereafter, he was Senior Presiding Judge for England and Wales from January 2013 to December 2015. He retired from the Court of Appeal of England and Wales in October 2019. Sir Peter specialises in international commercial, admiralty and arbitration disputes and he was appointed to the Court of Appeal of the Dubai International Financial Centre ('DIFC') in January 2021.*





# INTERMEDIATE COURT



The Supreme Court Registry extends its jurisdiction to Intermediate Court matters, which shares a registry with the High Court, leading to similar challenges faced by both courts. Currently, a pool of five Intermediate Court Judges includes two serving on a full-time basis, with one based in the Tutong District. Three other judges hold Intermediate Court powers while undertaking other judicial functions.

The Intermediate Court has continued to focus on and emphasize mediation, actively providing more opportunities for parties involved in Intermediate Court matters to engage in mediation. This initiative is integrated into the commercial court process, presenting mediation as a valuable option for dispute resolution. The court encourages parties to consider mediation at the close of pleadings, either conducted by the court or privately based on the party's decision.

**Post-covid cases has seen a number of cases involving automatic discontinuance. In an Intermediate Court appeal *Sheikh Abul and Kwansoo (B) Sdn Bhd v. Daelim Industrial Co. Ltd (ICCS/19/2020)*, the court considered the dismissal of the Plaintiff's application for reinstatement following the deemed discontinuance of the action.**

**Summary of the case**

*The Plaintiff, a laborer, initiated a personal injury suit related to a work site accident. The judgment extensively refers to relevant rules on discontinuance and reinstatement under the Supreme Court (Amendment) Rules 2017. The court applies established principles from case authorities like *Bannister v SGB pls* and *Moguntia-EST Epices S.A v Sea-Hawk Freight Pte Ltd* to assess the Plaintiff's appeal.*

*The judgment considers the impact of Covid-19 as an exceptional circumstance affecting the law firm's operations and, consequently, the delay in taking steps in the proceedings. The court concluded that the Plaintiff satisfied all three tests for reinstatement, emphasizing the absence of significant failure, excusability of the delay due to Covid-19, and the balance of justice favoring reinstatement and allowed the Plaintiff's appeal and reinstated the action.*

Armed gang robbery and theft related cases were also in focus. The surge in such cases could be indicative of various factors, such as economic hardships, social disparities, or other underlying issues contributing to criminal behavior. This trend places an added burden on the court system, requiring increased resources and efficiency to address the growing caseload.

From a societal perspective, the rise in theft cases may also raise concerns about the overall safety and security of the community. It underscores the importance of implementing effective crime prevention measures and addressing root causes that may be contributing to the increase in theft incidents.

Additionally, a number of child abuse cases were heard under the Children and Young Persons Act.

In ICCT 29 of 2023 the Judge presided over a case involving an Indonesian national charged with assaulting a 4-year-old autistic child. The defendant pleaded guilty, emphasizing remorse and personal distress. The court, considering the severity of the offense and zero tolerance for child abuse, sentenced the defendant to 12 months' imprisonment, reduced from 18 months due to the guilty plea and clean record. The prosecution referenced precedents, highlighting the distressing impact on the child. The decision underscored the gravity of child abuse, emphasizing the responsibility of those entrusted with child care, with legal precedents cited to support the sentencing rationale.

“ In 2024, the Intermediate Court reaffirms and strengthens its commitment to the effective administration of justice by pledging to handle cases in a manner that is not only timely but also characterized by fairness and judiciousness. This renewed commitment is rooted in the fundamental principles of the judiciary, aiming to ensure that justice is not only delivered promptly but is also grounded in the principles of equity, impartiality, and sound judgment.”





*from left:*

*The Hon. Judge Harnita Zelda Skinner, The Hon. Judge Dk Hajah Norismayanti Haji Ismail,  
The Hon. Judge Radin Safiee Radin Mas Basiuni, The Hon. Judge Pengiran Masni Pengiran Haji Bahar and  
The Hon. Judge Hajah Hazarena POKSJ DP Haji Hurairah*



# SUBORDINATE COURT



The Subordinate Court consists of the Magistrate's Court, Juvenile Court and Small Claims Tribunal. For a third successive year, Dk Hajah Norismayanti binti Pg Haji Ismail has been leading the Subordinate Court as the Chief Magistrate. Alongside her, a team of six judicial officers stands as the backbone of the Subordinate Court.

Within their range of responsibilities, these officers also shoulder the weighty responsibility of the administration of both criminal and civil cases, in addition to their public duties and coroner responsibilities. The Chief Magistrate also oversees the court's administrative functions ensuring a fair and impartial administration of justice and the provision of essential services.

In addition, the Chief Magistrate is supported by a team of nine Registrars and Duty Registrars, with two stationed in the district courts. These court personnel play a key role in ensuring the seamless operation of court registries and the efficient delivery of public services within the court houses.

# District Courts



The management of the district court facilities are entrusted to the District Magistrates. The Tutong District Court is headed by *Senior Magistrate Hajah Ervy Suftriana binti Haji Abdul Rahman*; the Belait District is headed by *Acting Senior Magistrate Dewi Norlelawati binti Haji Abdul Hamid* and the Temburong District is headed by *Magistrate Nur Eleana binti Dato Seri Paduka Haji Hairol Arni*.

The District Courts in Tutong and Belait expand their scope of responsibilities by providing services akin to those offered by the Supreme Court. This includes tasks such as apostille issuance, the administration of estates governed

by the Probate Registry, and the execution of marriage registrations.

The Tutong Court recently marked a historic milestone by conducting its first-ever marriage ceremony. This noteworthy accomplishment signifies the court's unwavering commitment to expanding its services and its dedicated efforts to meet the needs of the public.





**Belait  
Court**



**Temburong  
Court**



*One Judiciary*



**Tutong  
Court**



# Case Management System

The Subordinate Court is steadfast in its commitment to enhancing its efficiency in trial proceedings through its Case Management System. Within this system, the Magistrates take a proactive stance in evaluating criminal cases during Pre-Trial Conferences with a focus on reducing waiting periods by minimising the number of witnesses and hearing dates, encouraging parties to collaborate on creating a Statement of Agreed Facts.

In civil cases, the Magistrates will propose the option of referring the case to mediation as part of the Pre-Trial Conference proceedings. These efforts are geared towards expediting the judicial process and ensuring the swift resolution of cases.

In the wake of the COVID-19 pandemic, the utilisation of technology in court rooms has witnessed a remarkable surge. This increased reliance on digital tools and platforms has reshaped the landscape of court proceedings. Recognising this shift, the Subordinate Court has undertaken an assessment of its existing technological infrastructure.

This review aims to identify and implement essential upgrades that will not only keep pace with the technological evolution, but also, optimise the efficiency of the justice administration process. Through these refinements over time, the Subordinate Court is committed to maintaining technology as a valuable tool in delivering justice promptly and effectively.

## The Significance of Technology in Court Proceedings

## Access to online Information

The Subordinate Court have taken significant steps to enhance online information accessibility for the public, especially for Litigants in Person and unrepresented defendants. This online information has been launched to ensure that the details required is readily available to the public through the Judiciary Website. The primary objective of this effort is to bring about improvements with a strong emphasis on increasing efficiency and improving the overall experience for court users.

By providing transparent access to information, the Subordinate Courts aim to empower court users in the legal process, simplifying navigation and ensuring that justice is not only within reach, but also, efficient. This initiative aligns with the vision of the Subordinate Court, “To Provide a Fair and Efficient Justice for the People.”

## Attachment with the Subordinate Court

Over the past year, the Subordinate Court have welcomed a diverse cohort of attachment students from various academic institutions, both locally and abroad including Malaysia and the United Kingdom. This attachment program serves not only as a stepping stone but also as a crucial educational link, connecting students' academic pursuits with the real-world law application. Through engaging hands-on experiences, the program equips students with practical knowledge and essential skills, laying a solid foundation for their future careers.

Under this program, these students have been afforded a unique opportunity to bolster their legal knowledge and skill. This was achieved by enabling them to observe legal proceedings in a real court room setting and participate in mooting exercises. During these exercises, students learned advocacy skills by presenting and arguing legal cases, further developing their capacity to analyse complex legal issues. They also engaged in research, opinion writing, sentencing and judgment writing exercises, acquiring the skills needed to deliver well-structured decisions and judgments.

In essence, these acquired abilities will undoubtedly contribute to their future careers, regardless of where they embark on their professional journeys.

## Training for Judicial Officers and Court Personnel

Training remains a cornerstone for the ongoing advancement of the Subordinate Court. The year 2023 witnessed a range of training programs introduced to enhance the skills of the Judicial Officers and court personnel. These training opportunities extended across local and international platforms including online and physical sessions. The goal of these programs is to ensure that the Subordinate Court team possess the necessary expertise and proficiency in carrying out their duties.

## Enhancing Standard Operating Procedure

To enhance and streamline our Standard Operating Procedures, the Chief Magistrate, in collaboration with judicial officers at the Subordinate Court, has been engaging in regular meetings with various stakeholders including representatives from the Attorney General's Chambers, Tabung Amanah Pekerja (TAP), Jabatan Pembangunan Masyarakat (JAPEM), enforcement agencies and various Government Departments. These meetings serve as an essential platform for the exchange of insights, ideas and expertise aimed at enhancing the productivity and performance of our judicial processes through open communication and cooperation with these agencies.

# Bidding Farewell

in 2023, we bid farewell to one of our Judicial Officers, Senior Magistrate Pg Hazirah Pg Mohd Yusof who has held pivotal roles as the Magistrate in charge of the criminal registry and the resident Tutong Magistrate. We also bid farewell to two members of our court staff, Jauyah bte Abdullah from Tutong Court and Siti Rafeah Hj Mohd Yusof from Bandar Seri Begawan Court. Additionally, at the end of this month, we prepare to part ways with Deputy Registrar Khoo Sau Yew, who has been serving at the Kuala Belait Court.

Throughout their service, they have not only demonstrated their immense commitment and dedicated service but have also earned the well-deserved respect within our team and for this, we extend our deepest gratitude and convey our best wishes in all their future endeavors.



# Conclusion

To conclude, the smooth operation of the Subordinate Court also hinges on the dedicated efforts of our entire court personnel including Registrars, Deputy Registrars, Legal Assistants, Interpreters, Clerks and frontliners. Their assistance has been of utmost importance in ensuring the ongoing effectiveness and functionality of the Subordinate Court.

Furthermore, the current harmonious working relationships among our Magistrates have fostered a positive atmosphere, excellent teamwork and mutual support within the Subordinate Court, achieving our mission to elevate the quality of justice administration.

The introduction of new officers has been crucial in improving the distribution of assignment of cases and responsibilities, which in turn, has resulted in the production of quality work and timely disposition of cases. We eagerly anticipate the prospect of welcoming more Magistrates to our team. We are confident that these future additions will enhance our capacity to deliver justice efficiently and effectively and we look forward to a more robust team in the future.



*from left:*

*Magistrate Syaffina Shahif, Senior Magistrate Hjh Ervy Sufitriana Haji Abdul Rahman, Senior Registrar/ Magistrate Harnita Zelda Skinner, Chief Magistrate Dk Hjh Norismayanti Pg Hj Ismail, Senior Magistrate Hajah Azrimah Hj Abdul Rahman and Magistrate Nur Eleana DSP Hj Hairol Arni*

## Registrars of the Subordinate Court



*Sitting:*  
Mohamad Jazmi, Haji Badaruddin, Mohamad Norhamizan, Muhammad Hardy Iman.

*Standing:*  
Hajah Asmawati, Hajah Fauzihana, Hashimah, SR(M)Harnita Zelda, CM Dk Hajah Norismayanti, Khoo Sau Yew, Dk Norafidah.

*Not in picture:* Noorhayati

## Subordinate's Court

# OFFICERS

Subordinate Court Act [Chapter 6 Section 11(2)] states that the Registrars and Deputy Registrars shall be ex-officio Commissioner for Oaths.

Examples of documents attested by the Registrar of the Subordinate Court:

- Public documents
- Statutory Declarations
- Affidavits
- Proof of Debts
- Contracts
- Agreements
- Deeds
- Power of Attorney
- Other declarations

## Office Administration



*Sitting:  
Yenny, Pg Abu Nurhaira*

*Standing:  
Rohani, Norhayati, Hajah Fauzihana, Nani Hamizah, Nur Fadillah*

# STAFF

## Finance



*From left:  
Pg Saerah, Hajah Anisah*

## Criminal Section

This section is responsible in administrating day to day criminal cases in Magistrates Court. It includes in issuing summons, sub-poena, correspondences to parties, processing criminal appeal applications and anything related to criminal cases.

*From left:*

*Nor Hafizah, Norhamizah, CMDk Norismayanti, Norhamizan, Nur Kamilah, Mumtazah*



## Civil Section



*From left:*

*Yusof, Nor Hafizah, Nurafiqah, Mohamad Jazmi, Mahmud Zuhdi, SM Hajah Ervy Suftriana, Mohammad Shamri, Nurul Hafizah Dewiyana, Norkhadizah, Hajah Hajah Asmawati.*

The main function of this section is to assist in the administration of civil cases. The section receives and processes civil claims from private individuals, law firms and the government.

Members of the Civil Section include the Registrar, Deputy Registrar, Legal Assistants, civil clerks, bailiffs and process servers, and is headed by an Officer – In – Charge of the Civil Section.

Private individuals may seek assistance from the Legal Assistant on procedural matters such as filing of Summons and defence, stages of civil mentions and so on.

## Small Claims Tribunal



The Small Claims Tribunal is a low cost, simplified and a fast track forum allowing parties to resolve their disputes amicably by way of informal mediation before an impartial Registrar. It hears matters involving monetary claims not exceeding \$10,000. The claim however, must be filed within 12 calendar months from the date when the cause of action has accrued.

The types of disputes heard at the SCT are *disputes arising from a contract for the sales of good; disputes arising from a contract for the provision of services; tort relating to damages caused to property. (not including damages arising from the use of a motor vehicle and contracts made under the Consumer Protection (Fair Trading) Order 2011.*

From left:  
Noraiman, Rosnah, Hashimah, ASM Dewi Norlelawati, Norkhadizah, Rakinah

## Road Traffic Section

This section receives application for summons in which the registry will fix mention dates for a Magistrate to hear. Summons will be issued by the registry to be served to road traffic offenders by the Police.

Common traffic offences includes *Driving under the influence of drink, drugs or intoxicating substance (s. 26 (1) RTA); Careless driving without due care and attention) (s.29(1) RTA); Use of mobile phone while driving (s.29ARTA); Driving without valid road tax (s.8(1) RTA); Driving without valid driving license (s.16(1)); Driving without valid vehicle insurance policy (s.3(1) Motor Vehicle Insurance Act).* The penalties for these kind of offences ranges from a fine to imprisonment sentence for serious cases or repeated offenders.



From left:  
Mumtazah, Nur Kamilah, Hajah Fauzihana, Mag Nur Eleana, Hashimah, Nor Hafizah

# Juvenile Court



From left:  
Mumtazah, Nurkamilah, SR(M) Harnita Zelda, Muhammad Hardy Iman,  
Norhamizah

The Juvenile Court is a system that deals specifically with the welfare of children and young persons below the age of 18 years old who needs care & protection, guidance and rehabilitation.

The Court sits in all four districts and deals with 3 categories of cases, namely;

- Child Protection Order
- Beyond Parental Control
- Juvenile Criminal Offences (Arrest & Traffic)

Matters that are referred to the Juvenile Court are brought by the Attorney General's Chamber and JAPEM as well as other relevant enforcement agencies.

In the Juvenile Court, the Magistrate is empowered to deliver Orders with the intention of rehabilitating and reintegrating these children and young persons. In the making of their final Orders, the Magistrate will deliberate with a Panel of Advisors on what is the best course of action to be taken.



## Panel of Advisors for Juvenile Court

From left:

Haji Awang Abd Alim Bin Haji Awang Othman,  
Hajah Mordiah Binti Haji Jackia,  
Alinah Binti Haji Tamin,  
Ustaz Haji Md Lazim Bin Haji Matali

# NEWLY APPOINTED JUDICIAL OFFICERS



*From left: Magistrate/Registrar Fatin Fikriyah Haji Rosli, Magistrate/Registrar Nur Sariy Syahmina Haji Jaffri, Magistrate/Registrar Abdul Azim bin Othman, Magistrate/Registrar Sharifah Nur Baqiyah Malai Shahrani and Magistrate/Registrar Nurulbillah Aqilah Hj Mohd Ali*

# COURT MARTIAL



## JUDGE ADVOCATES

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 section 124(3)(b) of the Royal Brunei Armed Forces, Chapter 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 of the Court-Martial.

The appointed Judge Advocates are as follows:-

The Hon. Chief Justice Dato Seri Paduka Steven Chong Wan Oon  
Muhammed Faisal Bin PDJLD Dato Seri Pahlawan (B) Haji Kefli  
Radin Safiee Bin Radin Mas Basiuni  
Pengiran Masni Binti Pengiran Haji Bahar  
Harnita Zelda Skinner  
Hajah Ervy Sufitriana binti Haji Abdul Rahman  
Hajah Hazarena binti POKSJ Dato Paduka Haji Hurairah  
Dk Hajah Norismayanti binti Pengiran Haji Ismail  
Hajah Azrimah binti Haji Abdul Rahman  
Hajah Noor Amalina binti Dato Paduka Haji Alaihuddin  
Hajah Kamaliah Fadhilah binti Haji Ibrahim

# STATE JUDICIARY DEPARTMENT

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NEGARA BRUNEI DARUSSALAM



**Shahminan Haji Tengah**

*Acting Director of the State Judiciary Department*

On 1st April 2023, the State Judiciary Department merged both Civil Court and Syariah Court Revenue Counters at the Tutong District Courts building, as one-stop payment counter headed by the Assistant Finance Officer Grade II.

State Judiciary Department also welcomed some new officers and staff to fill in certain posts either in the Department itself as well as in the Civil Court. Annually, the Department organizes sports tournaments for both Civil Court and Syariah Court to foster health awareness, good sportsmanship and to strengthen bonds amongst the officers and staff.



*Acting Director, officers and staff of the State Judiciary Department*

# HIGHLIGHTS & EVENTS

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CONFERENCES, TRAININGS & VISITS

# COURTESY CALLS TO HON. CHIEF JUSTICE



His Excellency Luke Arnold, Australian  
High Commissioner to Brunei Darussalam.  
24th July 2023

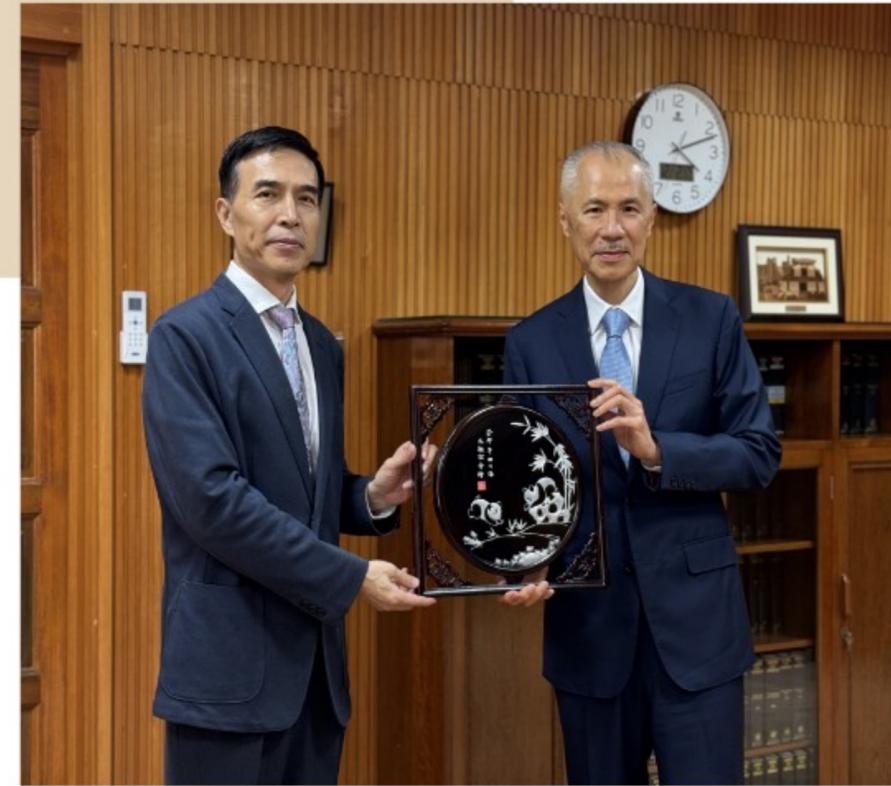
His Excellency Laurence Bay, Singapore  
High Commissioner to Brunei Darussalam.  
5th October 2023





His Excellency Dr. Achmad Ubaedillah, MA, Indonesian Ambassador Extraordinary and Plenipotentiary to Brunei Darussalam, accompanied by Mr. Bonnie Sastranegara, Counsellor.

16th October 2023



His Excellency Dr. Xiao Jianguo, Ambassador Extraordinary and Plenipotentiary of the People's Republic of China to Brunei Darussalam.

2nd December 2023

# VISITS BY HON. CHIEF JUSTICE & DELEGATES

## VISIT TO JUDICIARY OF ENGLAND AND WALES AND UK SUPREME COURT



The Honourable Chief Justice Dato Seri Paduka Steven Chong together with two senior judicial officers visited the Judiciary of England and Wales and the Supreme Court of the United Kingdom from 27 to 28 February 2023 in London, United Kingdom.

During the visit, the Chief Justice called on The Lord Chief Justice of England and Wales, The Right Honourable The Lord Burnett of Maldon and The President of the Supreme Court of the United Kingdom, Lord Reed of Allermuir.

Meetings were held with senior judges of the Judiciary of England and Wales as leads for international relations, insolvency, and international training. Visits were also made to the Royal Courts of Justice, the Supreme Court of the United Kingdom, the Judicial Committee of the Privy Council and Central Criminal Court of England and Wales (commonly referred to as the Old Bailey).

**Fruitful discussions were held on areas including judicial cooperation in court administration, continuing judicial education and training, developments in insolvency resolution processes and the modalities of appellate hearings now conducted online by the Judicial Committee of the Privy Council (JCPC), where in Brunei Darussalam parties for civil cases are able to appeal to the JCPC provided that both parties agree beforehand.**

The visit reaffirms the longstanding, friendly and substantial ties between Brunei Darussalam and the United Kingdom. Judicial cooperation is a valued area of partnership between the two countries and through its shared common law heritage, aims to promote an efficient, effective and fair system of justice that is committed to the Rule of Law.

Speaking of his visit, the Chief Justice wished to express his gratitude to the Judicial Office for the generous and kind reception that was extended to the delegation and to the British High Commission in Brunei Darussalam for their support in making the meetings and visits possible.

# SIGNING OF MEMORANDUM OF COOPERATION WITH THE DEPARTMENT OF JUSTICE AND VISIT TO THE JUDICIARY AND LAW RELATED ORGANIZATIONS OF HONG KONG SAR

On 4 May 2023, a Memorandum of Cooperation (MOC) was signed between the Supreme Court of Brunei Darussalam and the Department of Justice (DoJ) of the Hong Kong Special Administrative Region of the People's Republic of China (Hong Kong SAR) to strengthen communication, collaboration and cooperation on issues relating to dispute avoidance and resolution.

Signing on behalf of the Supreme Court of Brunei Darussalam was Chief Justice Dato Seri Paduka Steven Chong and the Secretary for Justice, Mr Paul Lam, SC signed on behalf of the Department of Justice (DoJ) of the Hong Kong SAR. Present at the signing ceremony was the Consul General of Brunei Darussalam in Hong Kong SAR, Hajah Ainatol Zahayu binti POKSD Major General (Rtd) Dato Seri Pahlawan Hj Mohammad.

In his remarks, the Chief Justice described the memorandum as a 'significant milestone' between Brunei Darussalam and Hong Kong SAR on cooperation for issues relating to dispute avoidance and resolution. The Chief Justice said that the MOC will 'serve as a key pillar for cooperation' and affords 'an excellent platform to strengthen communication' and 'facilitate mutual learning and promote collaborative initiatives'.



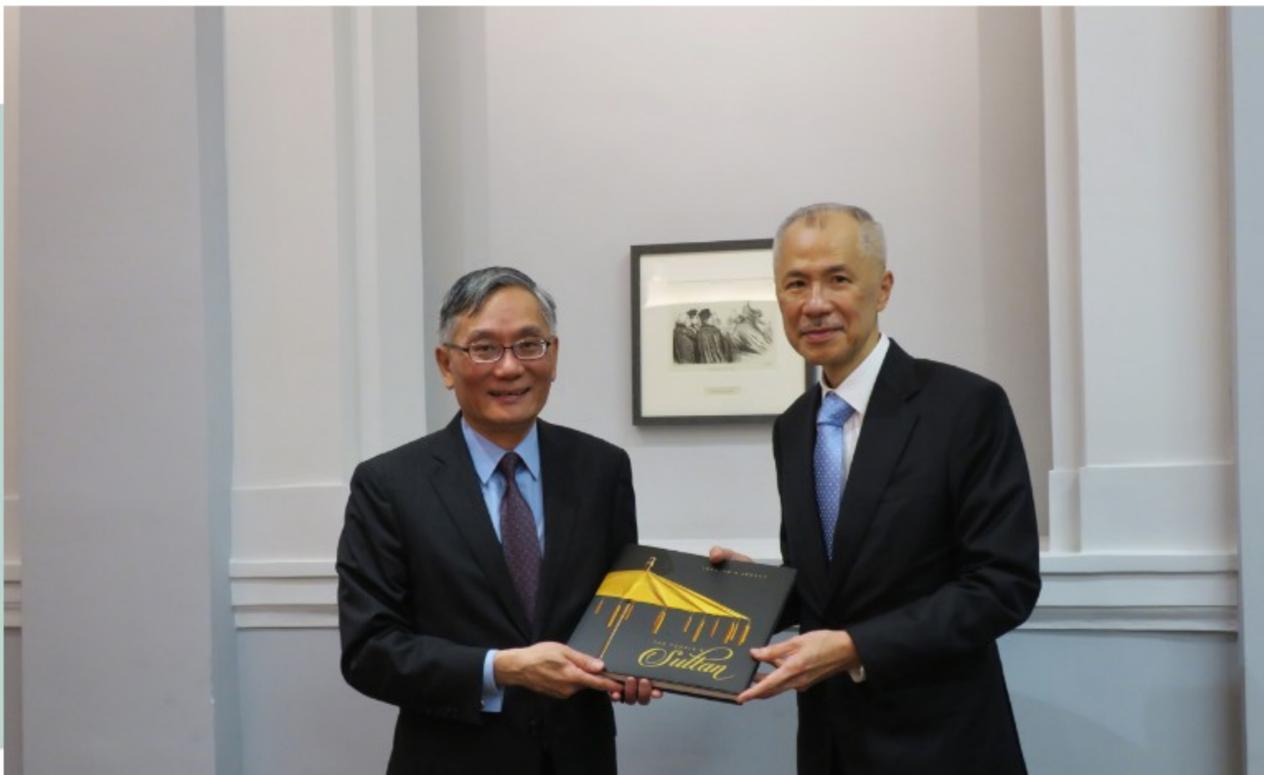
**The MOC serves as a framework of enhanced cooperation which will greatly benefit both Brunei Darussalam and Hong Kong SAR in promoting better outcomes in the resolution of disputes, greater confidence in doing business, and enhancing access to justice. This is the second MOC signed between the Supreme Court of Brunei Darussalam and other jurisdictions, following the signing of a MOC with the Supreme People's Court of the People's Republic of China on 21 September 2004.**

During his visit to Hong Kong from 4 to 7 May 2023, the Chief Justice called on Chief Justice Andrew Cheung, Chief Justice of the Court of Final Appeal of Hong Kong SAR and also met with Mr Justice Poon, Chief Judge of the High Court of Hong Kong SAR. The bilateral meetings included visits to the Court of Final Appeal, the High Court and West Kowloon Law Courts Building where the Chief Justice and his delegation held fruitful discussions on areas including case management, court administration, judicial education and training, the use of mediation and developments on the use of technology in court.

The Chief Justice and his delegation also visited dispute resolution bodies in Hong Kong, including the AALCO Hong Kong Regional Arbitration Centre, the eBRAM International Online Dispute Resolution Centre and the Hong Kong International Arbitration Centre.

The signing of the MOC and meetings and visits by the Chief Justice and delegation are a testament to the long history and warm friendship between Brunei Darussalam and Hong Kong SAR. Hong Kong SAR has been a part of Brunei Darussalam's legal heritage for over 60 years where in 1963 arrangements were made with the Hong Kong Government for Judges of the Supreme Court of Hong Kong to sit as Judges of the Supreme Court of Brunei Darussalam. It was also then the practice for the Chief Justice of Hong Kong to be appointed as the Chief Justice of Brunei Darussalam or appointed as President of the Court of Appeal. This long-standing judicial arrangement with Hong Kong officially ended in 1993 however Brunei Darussalam continues to rely on the services of retired Hong Kong judges to fill appointments in its judiciary until today.

The Supreme Court of Brunei Darussalam looks forward to seeing the relationship with Hong Kong SAR grow from strength to strength in the years to come and hopes to work closely together in furtherance of the MOC to serve the common interest of both Brunei Darussalam and Hong Kong SAR.



In his opening remarks, Chief Justice Dato Seri Paduka Steven Chong highlighted that “ensuring equal access to legal services and the justice system is a fundamental principle of the rule of law and the foundation of the legal profession.” He added that “embracing technology is crucial in our mission to effectively serve the public and facilitate equitable access to justice and the use of lawtech, artificial intelligence (AI) and online dispute resolution (ODR) has the potential to enhance and simplify our approach to practicing law and administering justice.”

The Chief Justice spoke on the adoption of online dispute resolution (ODR) and underscored its potential to improve equality and inclusion to the justice system by offering considerable time and cost savings to parties. He emphasized that the true value of technology lies in its ability to make legal issues faced by individuals and businesses more affordable, more accessible, and more efficiently resolved and how it ultimately benefits real people and real businesses. The COVID-19 pandemic demonstrated the effectiveness of remote hearings and the Chief Justice stressed the need to “leverage on the successes achieved in the dispute resolution space during the pandemic”.

He added that “it is imperative that [the] legal fraternity keep informed of the advances made in lawtech, AI and ODR so that we are not left behind in modern digitised commercial life.” However, the Chief Justice recognized that the accessibility of justice through technology depends on users’ understanding and ability to utilize it effectively and that overcoming barriers such as funding, capacity, skill gaps, and digital literacy is crucial to ensure the development and full potential of technology in resolving disputes.

The seminar marked a significant milestone following the signing of a Memorandum of Cooperation (MOC) between the Supreme Court of Brunei Darussalam and the Hong Kong Department of Justice (DoJ) in May 2023. The MOC aims to strengthen ties and enhance cooperation between the two jurisdictions in matters of dispute avoidance and resolution. The Chief Justice remarked the following:-

**“firm foundation for future cooperation between Brunei Darussalam and Hong Kong and how we have begun to successfully materialise our shared commitment to the MOC through sharing experiences, exchanging ideas and expertise and promoting the delivery of fair, proportionate and timely justice.”**

The event brought together stakeholders from the justice system, including the Judiciary, the Attorney General’s Chambers, Brunei Darussalam Arbitration Centre (BDAC), The Law Society of Brunei Darussalam, Prime Minister’s Office, and State Judiciary Department. In attendance at the seminar were Mr. Paul Lam, Secretary for Justice of the Hong Kong Special Administrative Region, The Hon. JC of the Supreme Court, Haji Abdullah Soefri bin POKSM DSP Haji Abidin, and The Hon. JC and Acting Chief Registrar of the Supreme Court, Muhammed Faisal bin Pehin Datu Juragan Laila Diraja Colonel (Rtd) Dato Seri Pahlawan Haji Kefli.

# SIGNING OF MEMORANDUM OF UNDERSTANDING WITH THE SINGAPORE JUDICIARY

On 18 July 2023, a Memorandum of Understanding (MOU) was signed between the Supreme Court of Brunei Darussalam and the Supreme Court of Singapore to strengthen communication, collaboration and cooperation on issues relating to dispute avoidance and resolution.

The MOU was signed by The Honourable Chief Justice Dato Seri Paduka Steven Chong on behalf of the Supreme Court of Brunei Darussalam and The Honourable the Chief Justice Sundaresh Menon on behalf of the Supreme Court of Singapore. Present at the signing ceremony was the High Commissioner of Brunei Darussalam to Singapore, His Excellency Dato Paduka Haji Sidek bin Ali.

The Chief Justice together with a delegation of senior judges and judicial officers also made visits to Singapore's Supreme Court, State Courts, and Insolvency and Public Trustee's Office from 17 to 18 July 2023.

Fruitful discussions were held on areas including enhancing access to justice, hearings in the Small Claims Tribunal, the use of mediation and counselling in Singapore's Family Justice Courts, insolvency and bankruptcy administration, judicial administration and operations, court technology, judicial education and training, and case management.

The Chief Justice together with a delegation of senior judges and judicial officers also made visits to Singapore's Supreme Court, State Courts, and Insolvency and Public Trustee's Office from 17 to 18 July 2023.

Fruitful discussions were held on areas including enhancing access

court technology, judicial education and training, and case management.

The MOU signifies the deep-rooted history and warm friendship between Brunei Darussalam and Singapore and reaffirms the commitment to maintaining

strong bilateral ties between the two countries. The MOU will serve as a fundamental pillar of judicial cooperation in providing a platform to enhance communication and lays the groundwork for collaboration, enabling the exchange on perspectives and best practices on dispute avoidance and resolution.

This is the third MOU signed between the Supreme Court of Brunei Darussalam and other jurisdictions, following the signing of a memorandum with the Supreme People's Court of the People's Republic of China on 21 September 2004 and the Department of Justice of the Hong Kong SAR on 4 May 2023.



# VISIT TO THE MALAYSIAN JUDICIARY

The Honourable Chief Justice Dato Seri Paduka Steven Chong together with senior judges and judicial officers visited the Malaysian Judiciary at the Palace of Justice on 20 July 2023 in Putrajaya, Malaysia.

During the visit, the Chief Justice called on The Right Honourable Tun Tengku Maimun binti Tuan Mat, Chief Justice of Malaysia for a bilateral discussion on judicial cooperation. Present at the visit and courtesy call was the High Commissioner of Brunei Darussalam to Malaysia, His Excellency Dato Paduka Haji Mahmud bin Haji Saidin.



**Fruitful discussions and presentations by the Malaysian Judiciary were given on areas including judicial administration, case management, use of technology in court, transcription of proceedings, the use of mediation in court and judicial education and training.**

The Chief Justice together with the delegation were also given a tour of the Malaysian Judiciary Museum, the Federal Court/Court of Appeal court room and the registry of the Court of Appeal.

The visit reaffirms the long and historical relationship between Brunei Darussalam and Malaysia, with the hope to strengthen judicial cooperation through facilitating exchanges and fostering collaboration between both Judiciaries.

# CHIEF JUSTICE ATTENDS INAUGURAL COUNCIL OF ASEAN CHIEF JUSTICES (CACJ) RETREAT

The Honourable Chief Justice Dato Seri Paduka Steven Chong together with a delegation of senior judicial officers from the Brunei Darussalam Judiciary attended the inaugural Council of ASEAN Chief Justices' (CACJ) Retreat alongside the Opening Ceremony of the 14th ASEAN Law Association (ALA) General Assembly and the ASEAN Moot 2023 Finals from 19-20 October 2023 in Kuala Lumpur, Malaysia.



*ASEAN Law Association Group Photo with Prime Minister YB Dato' Seri Anwar Ibrahim*



*Chief Justice Dato Seri Paduka Steven Chong and Chief Justice Tun Tengku Maimun binti Tuan Mat*

Hosted by the Malaysian Judiciary, the inaugural CACJ Retreat provided the forum for the Chief Justices to reaffirm the ASEAN Judiciaries' strategic and cohesive approach towards deepening judicial cooperation and upholding the Rule of Law in ASEAN.

At the 10th CACJ meeting in November 2022, the CACJ agreed to convene a Retreat once every decade to reflect on the CACJ's milestones and achievements over the past ten years and chart the CACJ's strategic agenda for the next 10 years. The CACJ continues to mature as a forum for judicial cooperation in ASEAN.

The Chief Justice also attended the CACJ 10th Anniversary Commemoration at Istana Kehakiman, Putrajaya which included the launching of:

- The CACJ Model Rule on the Service of the Civil Process;
- The CACJ Model Rule on the taking of Evidence for Foreign Proceedings in Civil or Commercial Matters;
- The Governance Framework on the Use of Artificial Intelligence (AI) for the ASEAN Judiciaries; and
- The CACJ 10th Anniversary Commemoration 'Commemorative Stamp Collection'.

# HIS MAJESTY RECEIVED IN AUDIENCE SIR GEOFFREY VOS, MASTER OF THE ROLLS



Sultan Haji Hassanal Bolkhiah Mu'izzaddin Waddaulah ibni Al-Marhum Sultan Haji Omar 'Ali Saifuddien Sa'adul Khairi Waddien, Sultan and Yang Di-Pertuan of Brunei Darussalam received in audience Sir Geoffrey Vos, The Master of the Rolls in the United Kingdom (UK) on 20th September 2023.

During the ceremony, His Majesty and Sir Vos discussed matters related to the long-standing cooperation in the legal sector between Brunei and the UK as well as the latest development in law. Sir Vos and his wife were set in Brunei Darussalam for a five-day working visit to discuss issues and exchange ideas with the legal sectors.

Sir Geoffrey Vos was appointed as Master of the Rolls and Head of Civil Justice in England and Wales, he leads the delivery and development of civil justice across the jurisdiction.

Also present during the ceremony at Istana Nurul Iman were Minister at the Prime Minister's Office (PMO) and Minister of Defence II Pehin Datu Lailaraja Major General (Rtd) Dato Paduka Seri Haji Awang Halbi bin Haji Mohd Yussof, Chief Justice of the Supreme Court Dato Seri Paduka Steven Chong Wan Oon and Deputy Minister (Security and Law) at the PMO Dato Seri Paduka Haji Sufian bin Haji Sabtu. Sir Geoffrey Vos was also accompanied by the Acting British High Commissioner to Brunei Darussalam Catherine Pochkhanavala-Cleeve.

# COURSES, TRAINING & MEETINGS

## ENHANCING POLICY & PRACTICE IN THE FIELD OF CRIME PREVENTION & CRIMINAL JUSTICE: LEGAL

12 January - 6 February 2023  
Tokyo, Japan

Attended by:  
Senior Magistrate Hajah Ervy Sufitriana binti Haji Abdul Rahman



## INDO-PACIFIC JUDICIAL COLLOQUIUM ON INTELLECTUAL PROPERTY, INNOVATION & TECHNOLOGY

25 - 27 July 2023  
Washington DC, USA.

Attended by:  
Chief Magistrate Dk Hajah Norismayanti binti Pengiran Haji Ismail  
Senior Magistrate Hajah Azrimah binti Haji Abdul Rahman

## WIPO INTELLECTUAL PROPERTY JUDGES FORUM

15 - 16 November 2023  
Geneva, Switzerland.

Virtually attended by:

Intermediate Court Judge Radin Safiee bin Radin Mas Basiuni

Acting Senior Magistrate Dewi Norlelawati binti Haji Abdul Hamid

Deputy Official Receiver Nuuror Raheebah binti Haji Abdul Wahab



## 8TH CACJ WORKING GROUP MEETING ON CROSS-BORDER DISPUTES INVOLVING CHILDREN

18th July 2023  
Singapore

Attended by:

Senior Magistrate Hajah Ervy Sufitriana binti Haji Abdul Rahman

Magistrate Nur Eleana binti Dato Seri Paduka Haji Hairol Arni



## 7th JOINT JUDICIAL CONFERENCE 2023

21st July 2023  
Kuala Lumpur, Malaysia

Attended by:

Chief Justice Dato Seri Paduka Steven Chong  
Judicial Commissioner Muhammed Faisal PDJLD DSP Hj Kefli  
Senior Registrar / Magistrate Harnita Zelda Skinner  
Senior Registrar Hjh Noor Amalina DP Hj Alaihudin  
Senior Registrar Kamaliah Fadhilah Ibrahim

# UK-BRUNEI JUDICIAL COOPERATION SEMINAR SERIES



On 22 May 2023, the Supreme Court of Brunei Darussalam, the British High Commission in Brunei Darussalam and the Slynn Foundation organised a virtual seminar delivered by the Honourable Justice Jeremy Baker.

At the seminar, Mr Justice Baker spoke on the ‘The Use of Expert Witnesses in Criminal Cases’ and gave an overview of what constitutes expert evidence, how to regulate expert evidence and in what circumstances it may be deployed in the course of a criminal trial in England and Wales.

In attendance at the event together with the Chief Justice of the Supreme Court of Brunei Darussalam, the Honourable Dato Seri Paduka Steven Chong were the British High Commissioner, John Virgoe, and Chairman of the Slynn Foundation, the Rt. Hon. Sir Stephen Irwin. Participants in the seminar included members of the Judiciary, the Attorney General’s Chambers, Law Society, Syariah Courts, Judge Advocate General’s Office, Prime Minister’s Office and Sultan Sharif Ali Islamic University (UNISSA).

The event commenced with welcoming remarks from the Chief Justice. He stated that “expert witnesses have an overriding duty to the court and the provision of clear, unbiased and reliable expert evidence is paramount in any criminal justice system.” The Chief Justice highlighted the Supreme Court’s regular engagement with the British High Commission in Brunei Darussalam and the Slynn Foundation and how “enhancing cooperation through seminars such as these not only reflects our Judiciary’s excellent relationship with our counterparts in England and Wales but also advances our common aspiration to promote the Rule of Law.” He also expressed his sincere appreciation to both the British High Commission in Brunei Darussalam and the Slynn Foundation for their continued support of the Judiciary.

British High Commissioner, His Excellency Mr. John Virgoe said that he was delighted to continue the collaboration between the British High Commission, Brunei Supreme Court and the Slynn Foundation. He shared that the UK and Brunei Darussalam share a common legal heritage and a strong commitment to the rule of law. This is a central part of our bilateral relationship and the UK is committed to strengthening judicial cooperation between our two countries. To this end, the High Commissioner was delighted by the recent visit of the Chief Justice, Dato Steven Chong, to the UK in February 2023, which was a great opportunity to explore how we can increase our cooperation through training and capacity-building activities.

Chairman of the Slynn Foundation, the Rt. Hon. Sir Stephen Irwin, expressed his thanks to the Supreme Court of Brunei and the British High Commission for their support of the Slynn Foundation lectures. The Slynn Foundation works with senior judges and justice institutions around the world to enhance the rule of law, and to improve professional understanding of human rights, mediation, and legal practice. Through this series of lectures by leading legal experts the Foundation seeks to support the aims of the Supreme Court of Brunei Darussalam to continue to share and exchange knowledge in the areas of Common law strengthening the friendships established in 2021.

## ONLINE SEMINARS BY THE AALCO HONG KONG REGIONAL ARBITRATION CENTRE AND THE EBRAM INTERNATIONAL ONLINE DISPUTE RESOLUTION CENTRE



On Tuesday 27 June 2023 the Supreme Court of Brunei Darussalam and the Department of Justice of the Hong Kong Special Administrative Region held its first seminar organized in collaboration with the AALCO Hong Kong Regional Arbitration Centre and the eBRAM International Online Dispute Resolution Centre.

The seminar featured two eminent speakers: Mr. Nick Chan Hiu-Fung, Director of AALCO Hong Kong Regional Arbitration Centre, who delivered a presentation on the ‘ABCs of LawTech, ODR Platform and Generative AI and the positive impact on access to justice and increasing economic developments,’ and Mr. Jacob Sin, ODR Director of eBRAM International Online Dispute Resolution Centre, who delivered a presentation on ‘The benefits of the APEC ODR Framework for resolving cross-border disputes and how to use the APEC ODR Rules.’

During the seminar, AALCO Hong Kong Regional Arbitration Centre and eBRAM International Online Dispute Resolution Centre shared their expertise and showcased how their services, including ODR (Online Dispute Resolution) Platforms, can facilitate international trade, digital commerce, and dispute resolution in China, Hong Kong, Asia, and beyond. Participants gained valuable insights into Hong Kong’s latest developments in LawTech, including the use of AI, Blockchain, and Cloud technologies, which are advancing access to justice. The seminar featured discussions on Generative AI, such as ChatGPT, and highlighted the APEC Collaborative Framework for Online Dispute Resolution (ODR) for Cross-Border B2B Disputes and the eBRAM APEC Rules. These initiatives encourage the use of ODR to effectively resolve cross-border commercial disputes.

# LECTURES BY THE RIGHT HONOURABLE SIR GEOFFREY VOS

On 18 September 2023, the Supreme Court of Brunei Darussalam and the British High Commission in Brunei Darussalam organised two lectures delivered by The Right Honourable the Master of the Rolls and Head of Civil Justice in England and Wales, Sir Geoffrey Vos.

At the lecture, Sir Geoffrey Vos spoke on ‘Technology and Access to Justice: England and Wales’ Revolution in Dispute Resolution and the Creation of the Digital Justice System’ and on ‘The Transformation of the Legal Profession through Generative Artificial Intelligence (AI): Implications for Legal Service Delivery and Dispute Resolution, Including the Courts.’



In attendance at the event together with the Chief Justice of the Supreme Court of Brunei Darussalam, The Honourable Dato Seri Paduka Steven Chong were the Attorney General, Yang Berhormat Haji Ahmad bin bin Pehin Orang Kaya Laila Setia Bakti Di-Raja Dato Laila Utama Haji Awang Isa and the Acting British High Commissioner, Mrs. Catherine Pochkhanavala-Cleeve. Participants who attended in person included those from the Judiciary, Attorney General’s Chambers, Law Society, Prime Minister’s Office, Ministry of Transport and Info Communications and Brunei Darussalam Arbitration Centre. Online participants included those from the Singapore Judiciary, Malaysian Judiciary, Hong Kong Judiciary and Hong Kong Department of Justice.

The event commenced with welcoming remarks from the Acting Chief Registrar of the Supreme Court of Brunei Darussalam, Pengiran Masni binti Pengiran Haji Bahar. She stated that



**“transitioning from analogue to digital justice is imperative in a post-pandemic world in helping to make justice more accessible and in making dispute resolution processes simpler and more efficient”. The Acting Chief Registrar highlighted that “in realising Brunei Darussalam’s efforts to transform into a smart nation, we must take steps to ensure that our legal industry maintains the confidence of its users in the digital age of dispute resolution.”**



The Acting Chief Registrar also spoke on how judicial cooperation has emerged as a key pillar in the relations between Brunei Darussalam and the United Kingdom and how the relationship between the judiciaries of Brunei Darussalam and England and Wales has made vast strides in recent years due to the continued support of the British High Commission. The visit of Sir Geoffrey Vos marks the third time a senior member of the Judiciary of England and Wales has come to Brunei Darussalam.



# CONGRATULATORY MESSAGE



*The Supreme Court of Brunei Darussalam wishes to congratulate the following officers and staff who have been awarded State Honorary Medals in honour of His Majesty the Sultan and Yang Di Pertuan's 76th birthday celebrations:*

- 1. Yang Mulia Dayang Dewi Susianty binti Haji Md Daud*
- 2. Yang Mulia Dayang Hashimah binti Haji Abu Bakar*
- 3. Yang Mulia Dayang Hasiah binti Abdullah*
- 4. Yang Mulia Dayang Noorhadina binti Abdul Aziz*
- 5. Yang Mulia Dayang Siti Rafeah binti Haji Mohd Yusof*

# OPENING OF THE LEGAL YEAR

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2023



The Opening of the Legal Year took place at the Supreme Court on Thursday 9 February 2023 corresponding to 18 Rejab 1444.

The ceremony was held in-person and at full capacity for the first time since the start of the pandemic. After a two-year absence due to COVID-19 restrictions, the event also welcomed the return of the Guard of Honour parade by the Royal Brunei Police Force (RBPF) which was inspected by the Honourable Chief Justice of the Supreme Court, Dato Seri Paduka Steven Chong.

The tradition of Opening of the Legal Year underscores the central role of the Judiciary in the administration of justice. It also focuses attention on the legal community with speeches delivered by the Honourable Chief Justice, followed by the Attorney General and the President of the Law Society of Brunei Darussalam, in representing members of the legal fraternity.







# CHIEF JUSTICE & JUDICIAL OFFICERS



# ATTORNEY GENERAL & OFFICERS OF THE AGC



# THE LAW SOCIETY OF BRUNEI DARUSSALAM







# CHIEF JUSTICE, OFFICERS &



# STAFF OF THE JUDICIARY



# SOCIAL ACTIVITIES

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2023

# TADARUS & KHATAM AL-QURAN

On 13 April 2023, a Tadarus and Khatam Al-Quran event was held in the Supreme Court, which brought together all Judicial Officers, officers and staff from Supreme Court, Magistrate's Court and the district Courts. The event was organized to promote unity among the court's employees and to create a peaceful and religious atmosphere during the holy month of Ramadan.



The event began with the recitation of Surah Al-Fatihah, followed by the recitation of other Surahs. The participants took turns reading from the Quran, with the recitation ending with a prayer for peace, harmony, and blessings for the court and its employees.

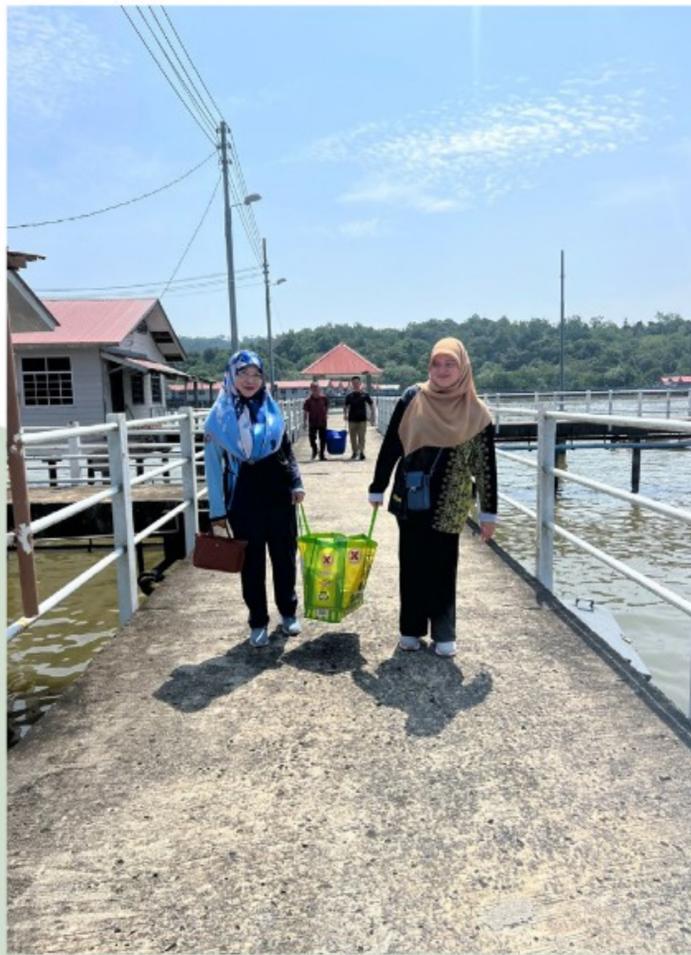
In line with concept of 'Negara Zikir, Court Officers and staff are encouraged to reflect on the Quran's teachings and implement them in their daily lives to help them become better individuals, better colleagues, and better citizens.

The guest of honour was the Acting Chief of Justice, Judicial Commissioner Haji Abdullah Soefri bin POK Saiful Mulok Haji Abidin.

The event concluded with a Khatam Al-Quran ceremony, where the final verses of the Quran were recited. This marked the completion of the recitation of the entire Quran, and was a significant moment for all those present.

# RAMADHAN CHARITY DRIVE

Civil Court's charity drive is an annual activity in which contribution will be collected amongst the officers and staff. The distribution of the donation is throughout all four districts and regularly done in Ramadhan month.



# 1444H AIDILFITRI CELEBRATION



JUDICIARY AIRLINES

Selamat Datang  
Welcome Onboard

# FOOTBALL 7-A-SIDE



On 5 November 2023, State Judiciary department organised a 7-a-side football tournament at the JKR football field. Officiating the event, Acting Director Shahminan bin Hj Tengah who highlighted the importance of good sportsmanship, health and well being of the officers and staff. Civil Court championed the competition by winning against JKN 2-0; and Syariah Court 2-1.



# FUTSAL



Civil Court held an intradepartmental futsal competition on 19 November 2023 at the JKR Sports Complex. With 4 wins and 2 draws, the Civil Court was the champion for the event. Acting Director Shahminan bin Hj Tengah presented the prize at the end of the event.



# BADMINTON



On 26 November 2023, Civil Court bagged the overall first runner up in the Badminton tournament held at the JKR Sports Complex. Organised by the Syariah Court, the event was officiated by Pg Haji Shahril Azman bin Pg Haji Metusin, Syarie Court Judge.

Civil Court participated in Men's, Women's and Mixed doubles category.



# 2023 YEAR END GATHERING



## DARI MAHKAMAH

### DIPENJARA, DENDA KERANA TINGGAL LEBIH MASA

Oleh : Nooratini Haji Abas

**BANDAR SERI BEGAWAN,** Jumaat, 13 Oktober. - Seorang wanita warganegara Indonesia, dijatuhkan hukuman tiga bulan penjara dan denda sebanyak BND500, di Mahkamah Majistret, di sini.

Majistret Harnita Zelda Skinner menjatuhkan hukuman tersebut setelah Samiatun, berumur 58 tahun, mengaku bersalah atas satu pertuduhan di bawah Seksyen 15 (1) Akta Imigresen, Penggal 17.

Majistret Harnita Zelda Skinner juga menambah hukuman satu bulan penjara kerana defendan gagal membayar denda berkenaan.

Samiatun didakwa melakukan kesalahan kerana tinggal

lebih masa di Negara Brunei Darussalam setelah Pas Imigresennya mansuh.

Pada 11 Oktober 2023, Bahagian Penguatkuasaan Undang-Undang, Jabatan Imigresen dan Pendaftaran Kebangsaan (JIPK) menjalankan Operasi Sakat di sebuah rumah di Kampung Lambak Kiri.

JIPK menjalankan siasatan, di mana mendapati bahawa defendan kali terakhir memasuki ke negara ini pada 18 Jun 2019 di bawah tajaan Lilee and Fuad Enterprise, sebagai pelayan.

Dalam rekod, ini merupakan kesalahan pertama defendan, di bawah Akta Imigresen.

Pendakwaan tertuduh dijalankan oleh pihak Pendakwa Raya, di JIPK, Mohd. Zul Azri bin Haji Rane.

### Padah miliki barang tegahan

**BELAIT,** Jumaat, 13 Oktober. - Akibat barang tegahan, seorang lelaki warga tempatan dijatuhkan hukuman denda sebanyak BND13,700 atau 13

bulan pemenjaraan jika gagal membayar denda atas satu pertuduhan di bawah Seksyen 146(1)(d) Perintah Eksais 2006.

### Curi, ceroboh : Lelaki tempatan dipenjarakan, sebat

Oleh : Rohani Haji Abdul Hamid

**BANDAR SERI BEGAWAN,** Khamis, 12 Oktober. - Seorang lelaki tempatan, Harun bin Metusin berusia 35 tahun dijatuhkan hukuman lima tahun penjara dan dua kali sebatan atas kesalahan mencuri di Mahkamah Perantaraan, hari ini.

Yang Arif Hakim Radin Safiee bin Radin Mas Basiuni menjatuhkan hukuman terbabit, selepas defendan mengaku bersalah sejurus pertuduhan yang dikemukakan terhadapnya.

Defendan dan dua rakannya iaitu rakan 'H' telah memecah masuk sebuah rumah di

Kampung Tanjong Bunut Kanan, manakala rakan 'A' hanya sebagai pemandu pada 11 Februari 2023.

Menurut fakta kes, defendan berserta rakan 'H' telah berjaya membuka tingkap rumah tersebut dengan menggunakan tangan lalu memasuki rumah tersebut dengan membawa beberapa kotak untuk mengisi barang yang dicuri.

Dalam siasatan polis mendapati pada 12 Februari 2023 seorang pengadu 'A' menerima panggilan daripada ibunya memaklumkan bahawa abang pengadu melihat ada sebuah troli diletakkan di luar

pintu pagar. Pengadu telah memeriksa rumah tersebut dan mendapati bahawa pintu utama rumah tersebut tidak berkunci dan rumahnya telah digeledah.

Pengadu juga mendapati ada beberapa barangan milik abangnya turut hilang iaitu sebuah mesin gerudi; sebuah basikal; dan sebuah mesin cuci kereta. Pihak polis tidak berjaya menemukan semula barang curi tersebut.

Dalam rekod, defendan mempunyai sabitan jenayah sebelum ini. Mahkamah mengarahkan hukuman penjara berkuat kuasa bermula defendan direman pada 14 Februari 2023.

Timbalan Pendakwa Raya, Mohammad Kamal Ariffin bin Ismail memaklumkan kepada mahkamah bahawa semua kejadian berkenaan telah dilaporkan kepada pihak polis oleh mangsa sehingga membawa kepada penahanan defendan.

### Didenda kerana memiliki pelbagai jenis rokok

**KUALA BELAIT,** Khamis, 12 Oktober. - Seorang lelaki warga tempatan didakwa di Mahkamah Majistret Kuala Belait atas satu pertuduhan mengikut Seksyen 146(1)(d) Perintah Eksais 2006.

Majistret Syaffina binti Shahif membuat keputusan berkenaan selepas tertuduh, Khairuldin bin Morshidi, berusia 44 tahun mengaku bersalah terhadap

pertuduhan dan dijatuhkan hukuman.

Defendan telah dijatuhkan hukuman denda mahkamah sebanyak BND13,700 atau 13 bulan pemenjaraan jika gagal menjelaskan denda tersebut.

Mengikut pertuduhan, defendan didakwa memiliki pelbagai jenis rokok, iaitu 18 karton rokok dan satu paket rokok pelbagai jenis.

Defendan ditangkap oleh Bahagian Penguatkuasaan Undang-undang, Jabatan Kastam dan Eksais Diraja, Bahagian Masuk, Pos Kawalan Sungai Tujoh pada 30 Ogos 2022.

Semua barang yang terlibat, iaitu rokok dihukum rampas untuk diserahkan ke pihak kerajaan bagi tujuan dimusnahkan.

Hukuman diputuskan oleh Majistret Syaffina binti Shahif, di Mahkamah Majistret Kuala Belait, di sini.

Tertuduh, Khairuldin bin

Morshidi, mengaku bersalah dan didakwa memiliki 18 karton dan satu paket rokok pelbagai jenis.

Tertuduh berumur 44 tahun, ditangkap oleh Pegawai

Pemeriksa Kastam, Pos Kawalan Sungai Tujoh di bahagian masuk pos tersebut pada 30 Ogos 2022, jam 12 tengah hari.

Semua barang yang terlibat, iaitu rokok dihukum rampas untuk diserahkan ke pihak kerajaan bagi tujuan dimusnahkan.

### Padah rakam gambar wanita di dalam tandas

Oleh : Rohani Haji Abdul Hamid



**BANDAR SERI BEGAWAN,** Selasa, 29 Ogos. - Gara-gara mengambil gambar wanita di dalam tandas, seorang lelaki warga tempatan dihukum penjara dua tahun oleh Mahkamah Majistret di sini.

Majistret Syaffina binti Shahif menjatuhkan hukuman itu terhadap Mohammad Nurhafiz

bin Haji Bogaibah, 24 tahun, seorang penghantar barang di sebuah syarikat swasta di Kampung Masin, selepas mengaku bersalah terhadap tujuh pertuduhan dan diperintah menjalani hukuman berkenaan bermula dari tarikh ditangkap.

Defendan didakwa mengambil gambar wanita di dalam tandas di tempat kerjanya di antara 10 Julai hingga 10 Ogos tahun ini, di mana dia telah merakam beberapa gambar rakan sekerja wanita di dalam tandas secara bersembunyi.

Tindakan defendan telah didedahkan pada 19 Ogos 2023 atas siasatan dalaman oleh pihak pengurusan berikutan aduan yang dibuat oleh pekerja wanita yang sering melihat defendan memasuki tandas wanita di tempat kerja.

Mengikut fakta kes, empat rakan sekerja wanita berjaya mengenal pasti diri mereka melalui gambar yang ditemui dalam telefon bimbit defendan.

Kes dikendalikan oleh Timbalan Pendakwa Raya Nurul Fitri binti Kiprawi.

### Dihukum denda akibat miliki 100 karton rokok

**BANDAR SERI BEGAWAN,** Ahad, 28 Mei. - Seorang lelaki warga tempatan dijatuhkan hukuman denda BND100,000 atau 18 bulan pemenjaraan jika gagal membayar denda di bawah Seksyen 146 (1) (b) Perintah Eksais, 2006.

Tertuduh, Haji Adanan bin Haji Sulaiman mengaku bersalah dan hukuman dijatuhkan di hadapan Majistret Syaffina binti Shahif, di Mahkamah Majistret, di sini.

Tertuduh berumur 46 tahun, didakwa memiliki 100 karton rokok semasa Operasi Sepadu gabungan keanggotaan yang melibatkan Pasukan Simpanan Polis 'C' Kompeni, Pasukan Polis Diraja Brunei (PPDB) dan Angkatan Bersenjata Diraja Brunei (ABDB).

Defendan ditangkap di Kampung Junjongan pada 29 Mei 2022, jam 6.48 malam.

Semua barang yang terlibat, iaitu rokok dihukum rampas untuk diserahkan kepada pihak kerajaan bagi tujuan dimusnahkan.

# NEWSPAPER CLIPPINGS



## NATIONAL Uncle jailed, whipped for assaulting minor

November 21, 2023

The Intermediate Court recently sentenced a local man to nine years and six months' jail, with four whippings after he was found guilty of sexually assaulting and sodomising his nephew.

The defendant, whose name is withheld, claimed trial to Deputy Public Prosecutor Raihan Nabilah binti Haji Ahmad Ghazali's charges.

It was earlier alleged the defendant of having sexually assaulted his 14-year-old nephew on two counts, and one count of sodomising him at a flathouse in the Brunei-Muara District sometime between February and April 2022. Judge Pengiran Masni binti Pengiran Haji Bahar found the prosecution's evidence to have satisfied the court beyond reasonable doubt, convicted the defendant and handed the sentence on November 13.

The Judge highlighted facts where the defendant had abused the trust as an uncle to the victim and his position of being a favourite in the bigger family.

The defendant was found not remorseful on claiming trial at first. From evidence during the trial, it started when the defendant called his nephew into a room to massage him. He played the same modus operandi in two other occasions.

The defendant then forced the victim to perform sexual acts on him on two occasions and sodomising him on one.

The Judge also reiterated the deterrence needed in handing punishments to such offenders in similar circumstances.

"The protection towards vulnerable children from harm and injury is of exceedingly high importance to the court," the Judge highlighted. - Fadley Faisal



## NATIONAL Habitual drug offender's appeal dismissed

December 5, 2023

The High Court yesterday dismissed a repeat drug offender's application for sentence reduction, on grounds that his imprisonment would cause hardship to his family.

"Sadly, it is often the case that the imprisonment of an offender will cause hardship to his family... however...(it) cannot be one of the factors which can affect what would otherwise be the right sentence for the crime," Chief Justice Dato Seri Paduka Steven Chong said.

Deputy Public Prosecutor Qamarul Affyian bin Abdul Rahman on responding to the application revealed that Zailin bin Haji Jimbol pleaded guilty to possessing 32.52 grammes (g) of methylamphetamine for trafficking, consuming the same drug and possession of another 28.75g of the same Class 'A' drug.

Magistrate Syaffina binti Shahif on June 1, handed a sentence of seven years' jail with five whippings. The Chief Justice, after examining the case circumstances, found the Magistrate's sentences to be on the lenient side, paired with the fact that Zailin has three previous drug consumption convictions. - Fadley Faisal

IAL ▾ BORNEO ▾ ASEAN ▾ ASIA PASIFIK ▾ BISNES & IT ▾ DUNIA ▾ RENCANA SUKAN ▾ PENDAPAT

## 'Tapau' telefon tetamu, pengemas bilik dipenjarakan 6 bulan

Facebook Twitter Pinterest WhatsApp

November 2, 2023

Oleh Nurdiyana R.

BANDAR SERI BEGAWAN, 2 NOV – Seorang kakitangan pengemas bilik warga Indonesia berusia 23 tahun telah dijatuhi hukuman penjara enam bulan selepas mengaku bersalah atas pertuduhan melesapkan harta milik tetamu.

Syaiful Bahri telah mengambil telefon bimbit tetamu yang tertinggal setelah menginap di sebuah hotel di Gadong.

Majistret Syaffina Shahif mendengar daripada pendakwa raya Abdul Musawwir bin Haji Awang Mahli yang mendedahkan bahawa pada 25 September lalu, defendan sedang bertugas membersihkan bilik di mana tetamu tersebut baru sahaja melakukan pendaftaran keluar.

Semasa mengemas bilik tersebut, dia terjumpa telefon bimbit dan mengambilnya sendiri.

Setelah tetamu berkenaan menyedari bahawa telefonnya tiada, lalu cuba mencarinya tetapi tidak berjaya dan tidak dapat dihubungi semasa ditelefon kerana ia telah dimatikan.

Pada 19 Oktober lalu, adik beradik pemilik cuba menelefon sekali lagi, kali ini dijawab oleh defendan dan kemudian segera menutup talian.

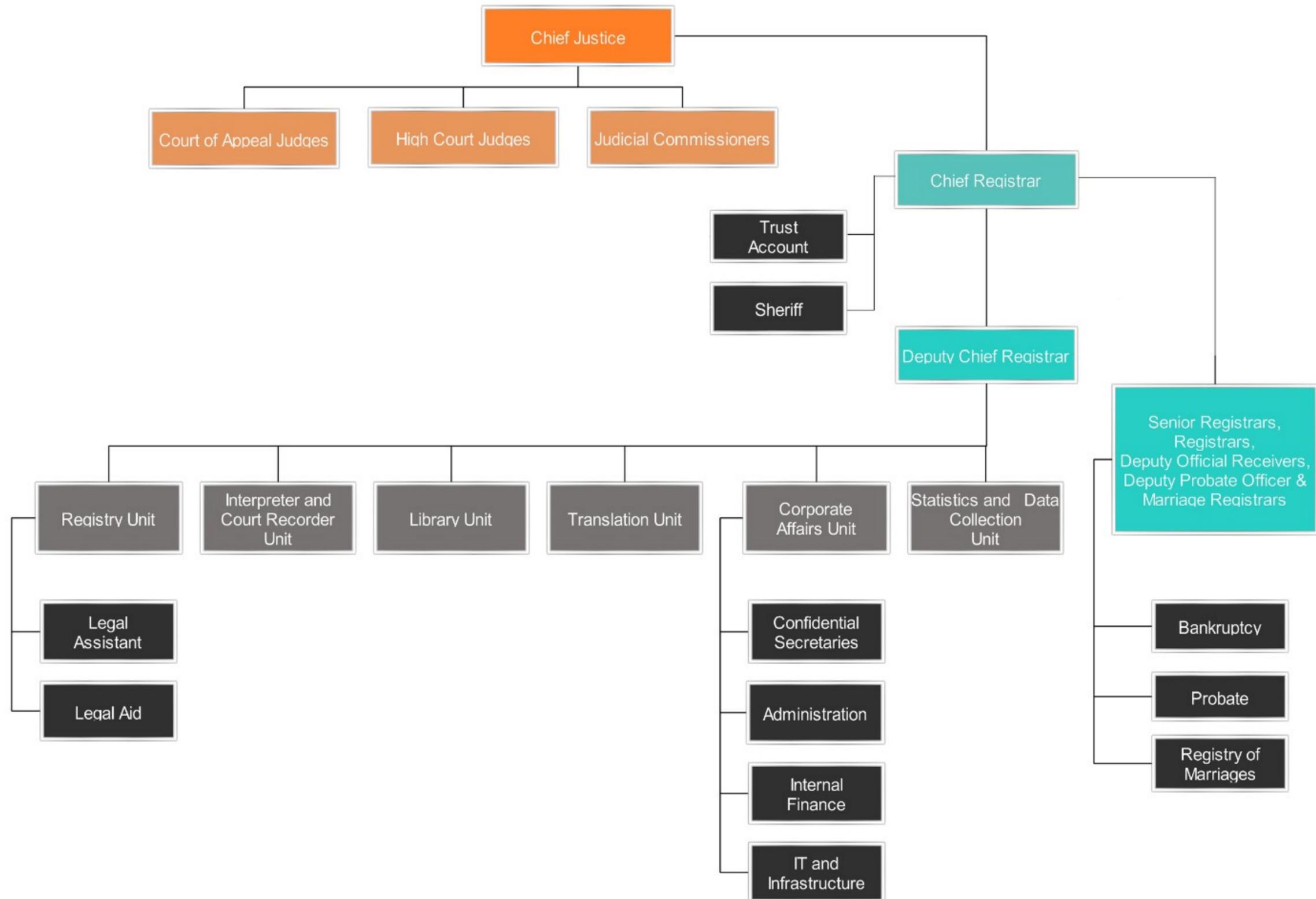
Ini membawa kepada pemilik telefon membuat laporan polis dan defendan akhirnya ditangkap.

# JUDICIARY

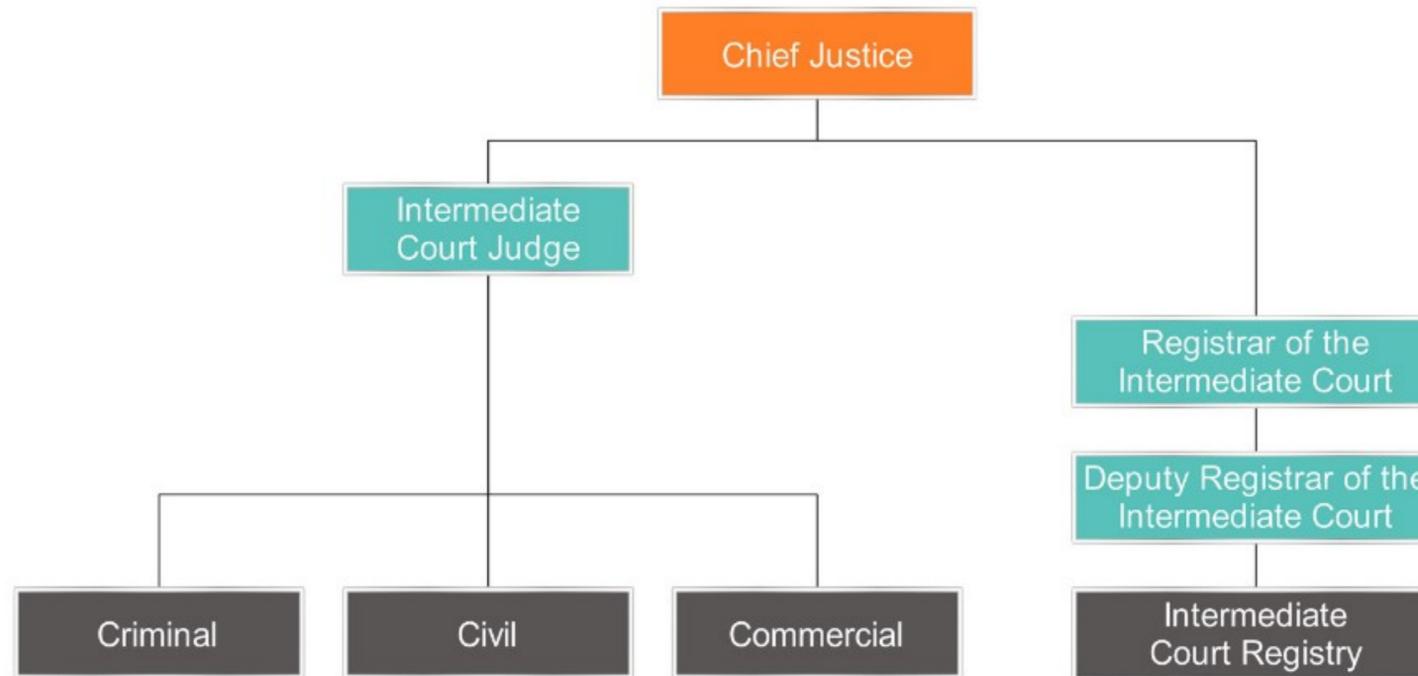
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## ORGANISATIONAL CHARTS

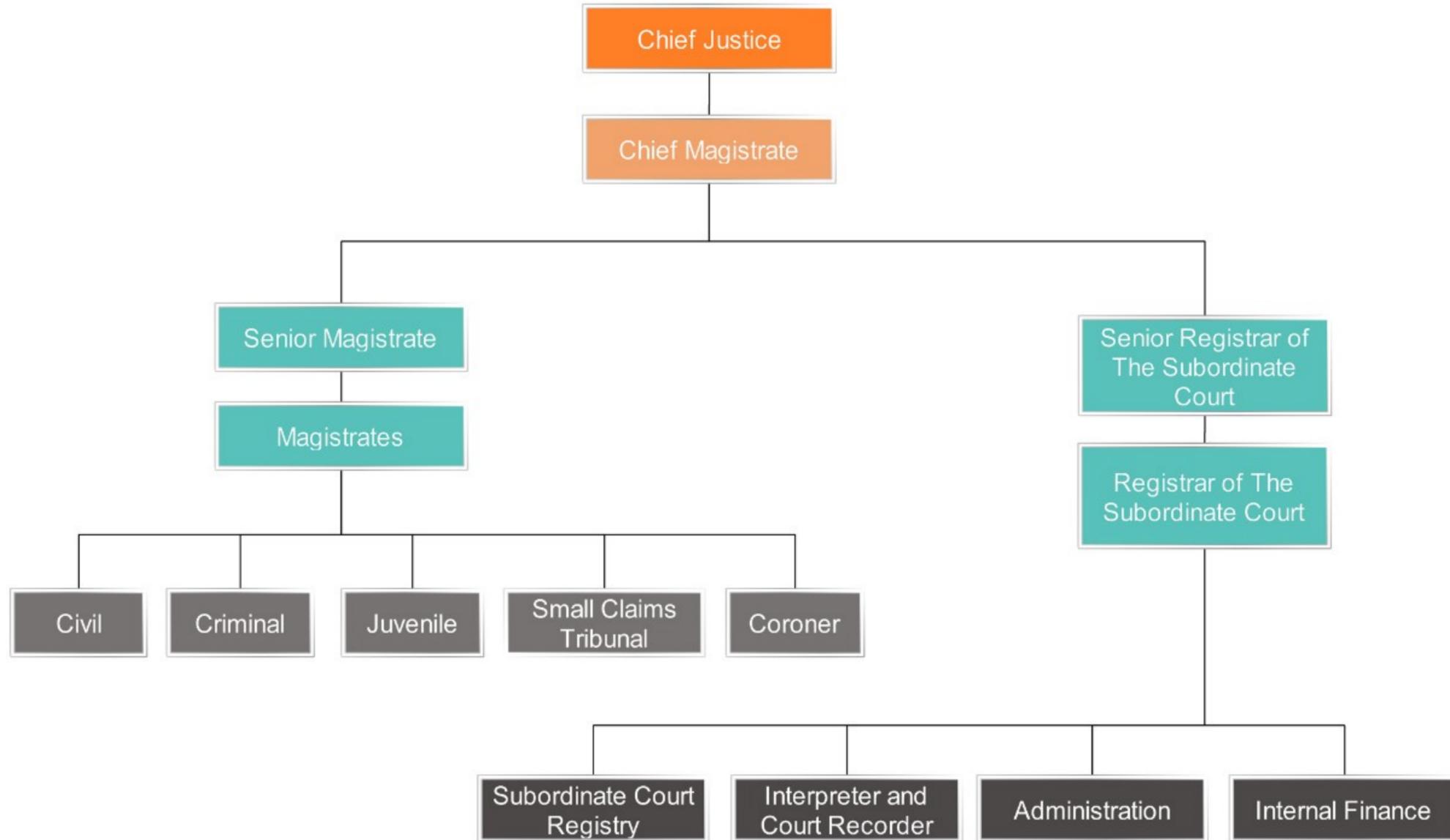
# SUPREME COURT



# INTERMEDIATE COURT



# MAGISTRATE COURT



# STATISTICS

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2023

# SUPREME COURT

The statistics will show the breakdown of the number of High Court case registered in the State Judiciary. Data was collected from the year 2022 to 2023.

	No. of cases filed	
	2022	2023
<b>Court of Appeal</b>		
Civil	13	21
Criminal	11	12
<b>High Court</b>		
Civil	62	64
Criminal	14	14
<b>Appeal to the High Court from Magistrate Court</b>		
Civil	2	1
Criminal	30	19
<b>Other Matters</b>		
Chamber hearings in the High Court and Intermediate Court before Registrars	573	497
Legal Aid applications granted	17	12

Bankruptcy Proceedings		
	2022	2023
Bankruptcy Office	348	344
Receiving Order	235	316
Adjudication Order	114	129
Rescission	219	182
Adjudication Order	9	4
Winding-Up Order	10	9

Executions made in the Sheriff Office		
	2022	2023
<b>Supreme Court</b>		
Writ Seizure	2	1
Writ of Possession	3	3
Notice of Sale	1	2
<b>Magistrate's Court</b>		
Warrant of Attachment and the Sales of Goods	-	-
Notice of Sale	-	-

Registry of Civil Marriages and Divorce Petitions		
	2022	2023
Marriage Application Registered	148	115
Divorce Petition Received	34	31

Registry of Probate				
	No. of applications received		No. of applications granted	
	2022	2023	2022	2023
Letter of Administration	621	737	375	780
Letter of Probate	26	29	19	26

## INTERMEDIATE COURT

	No. of cases filed	
	2022	2023
Civil	58	73
Criminal	69	58
Commercial	80	83

## MAGISTRATE'S COURT

	No. of cases filed	
	2022	2023
Civil	826	978
<b>Criminal</b>		
Bandar Seri Begawan	454	361
Tutong	44	46
Kuala Belait	87	91
Total	1411	1476
<b>Road Traffic Act</b>		
Bandar Seri Begawan	302	204
Tutong	50	128
Kuala Belait	119	100
Temburong	-	-
Total	471	432

Juvenile Court		
	2022	2023
Care and Protection Order	9	8
Beyond Parental Control	4	9
Juvenile Arrest Case	1	-
Juvenile Traffic Case	-	1

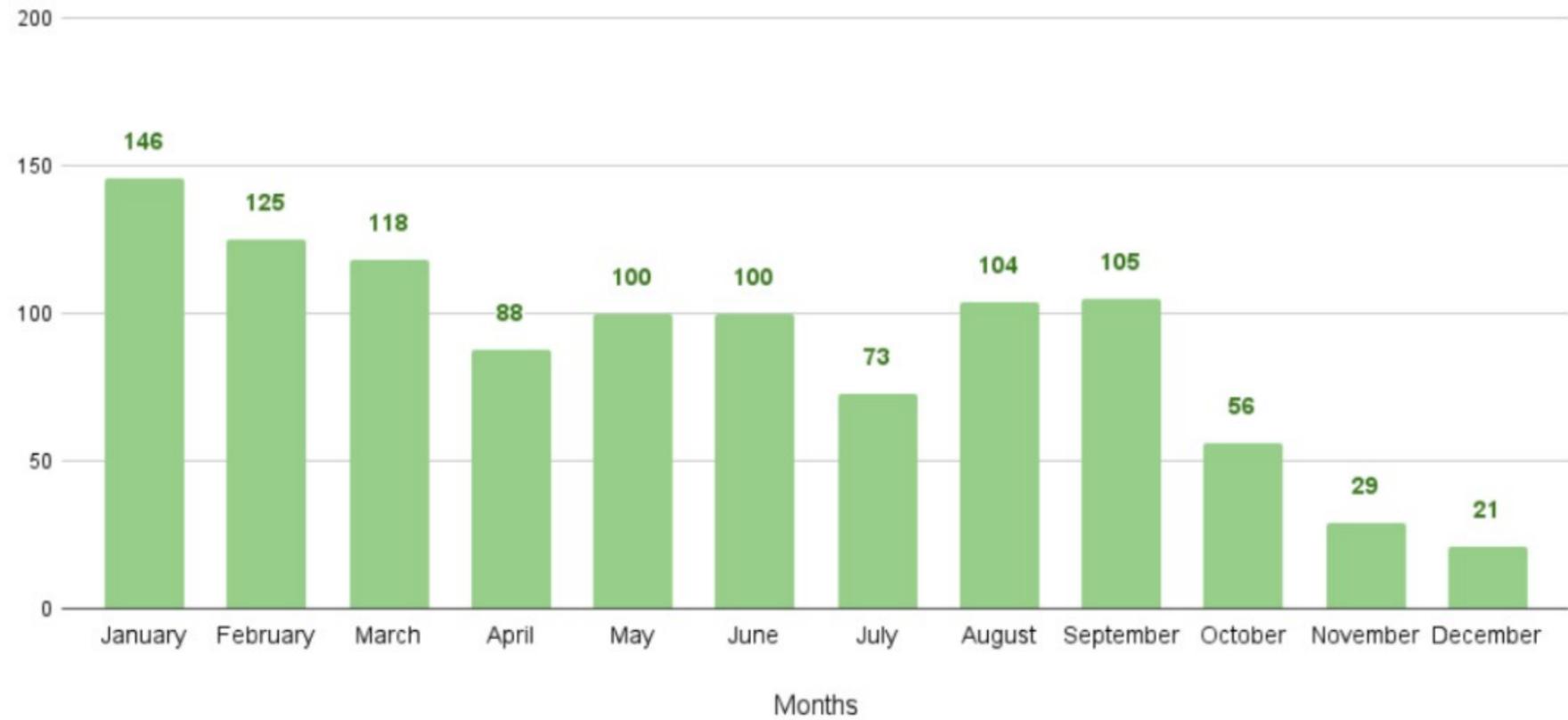
Statutory Declaration		
	2022	2023
Brunei-Muara	7626	9590
Tutong	710	1672
Kuala Belait	676	871
Temburong	187	224

## ONLINE HEARING

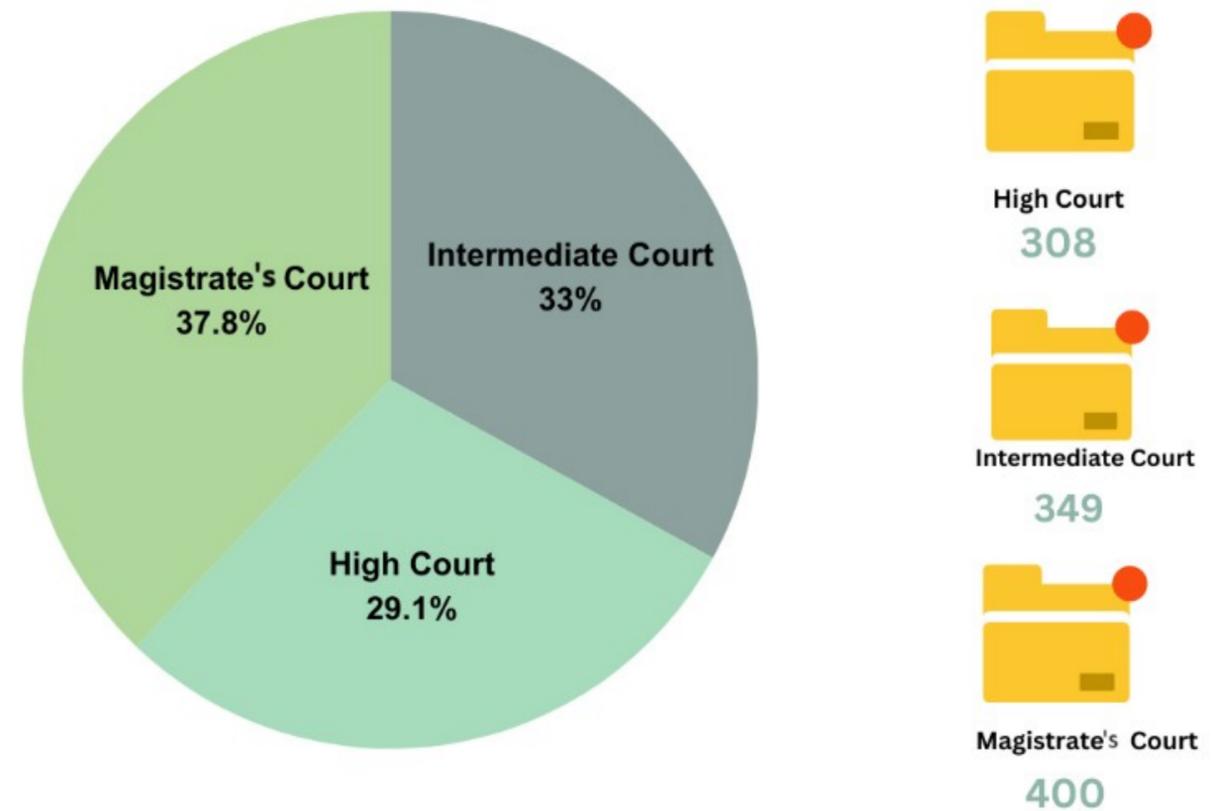
During the period from January 2023 to December 2023, a total of 1,065 proceedings were conducted online. The graph illustrates the monthly distribution of cases conducted online and the corresponding number of virtual proceedings based on the Court tier.

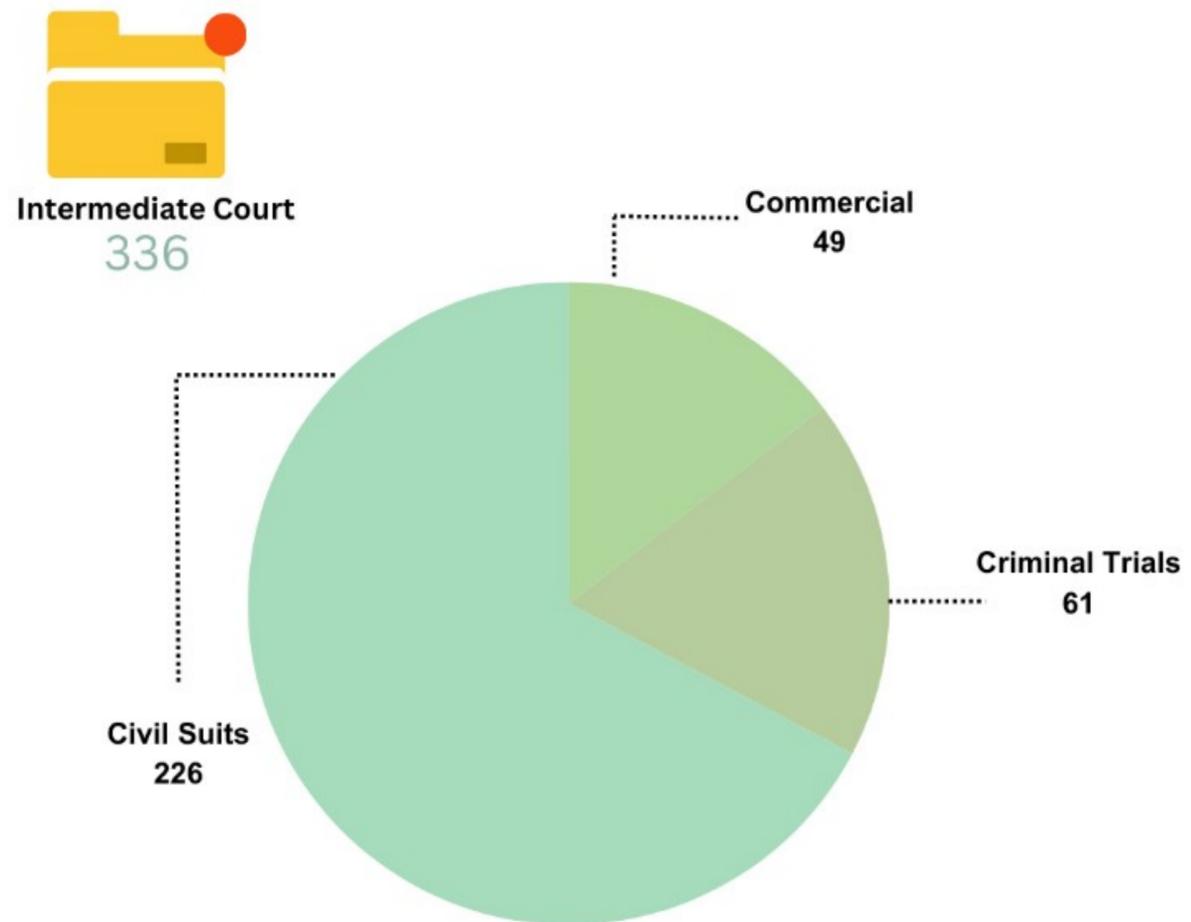
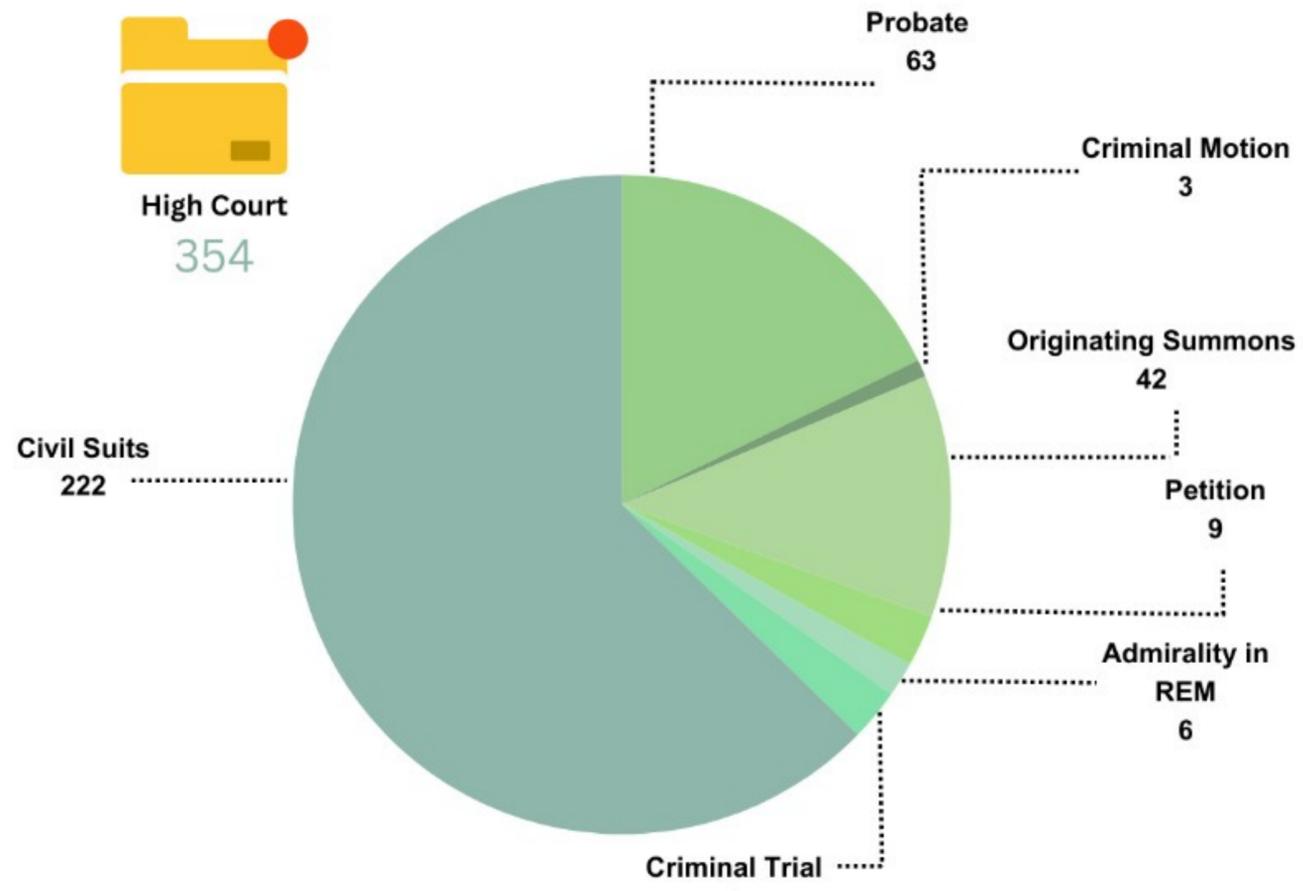
### TOTAL ONLINE CASES CONDUCTED

January 2023 - December 2023



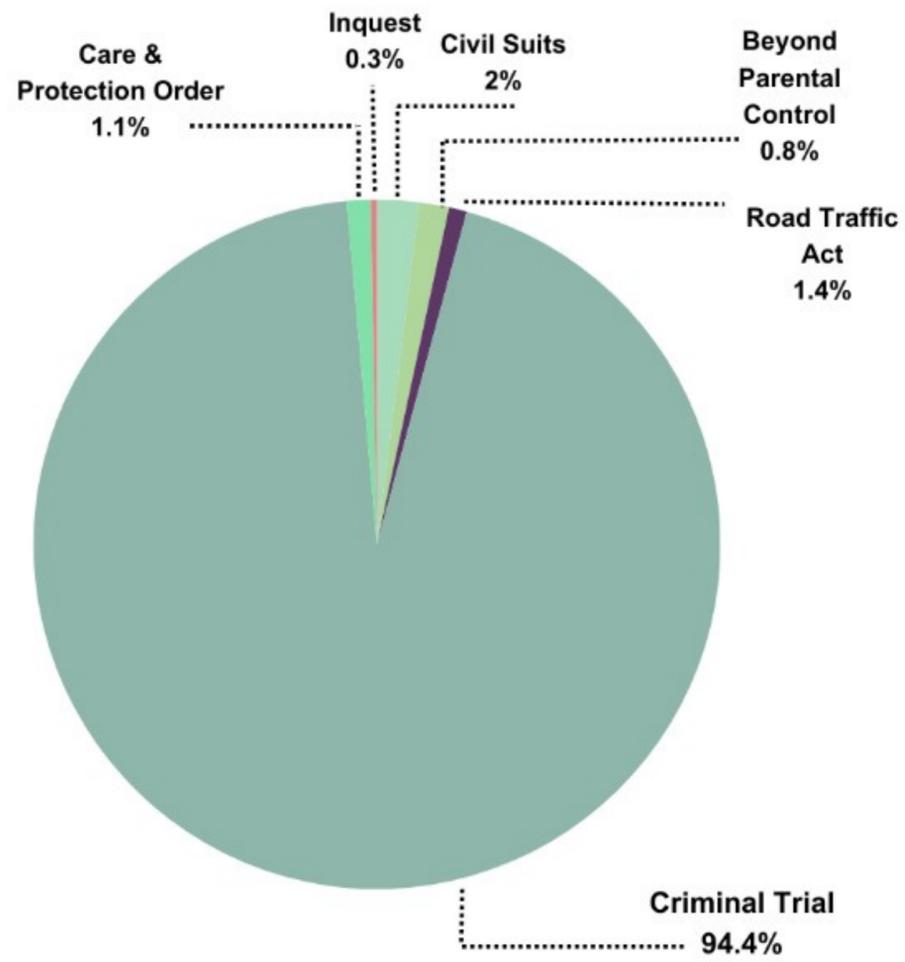
Online Hearings according to Court Tiers



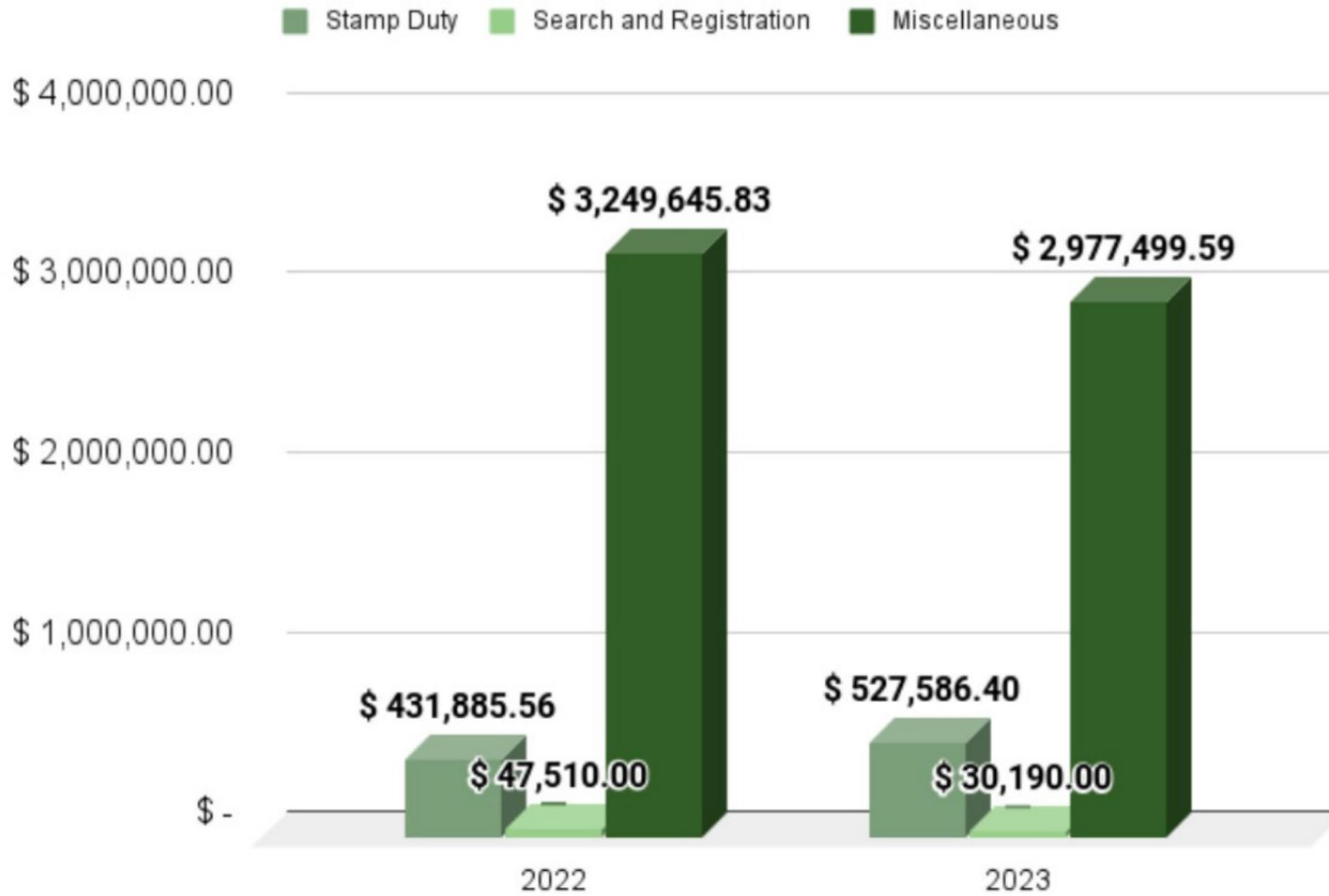




Magistrate's Court  
356



# COURT REVENUE



# AL-FATIHAH



Setia Wati binti Haji Tamit

Assistant Librarian Grade I

4th July 1970 - 24th December 2023



Awang Puasa bin Haji Tuah

Process Server

12th December 1968 - 24th October 2023

# COMMITTEE MEMBERS OF THE OPENING OF THE LEGAL YEAR 2024

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## 1. ADVISOR

The Hon. Chief Justice Dato Seri Paduka Steven Chong

## 2. CHAIRPERSON

Pengiran Masni binti Pengiran Haji Bahar

## 3. DEPUTY CHAIRPERSON

Hajah Hazarena binti POKSJ DP Haji Huraiah

Kamaliah Fadhilah binti Haji Ibrahim

## 4. FINANCE

Shahrezawati Binti Ahmad

## 5. FLOOR MANAGERS

Hajah Ervy Sufitriana binti Haji Abdul Rahman

Syaffina binti Shahif

Sharifah Nur Baqiyah binti Malai Shahrani

Fatin Fikriyah binti Haji Rosli

Mohammad Qhaire Hafez bin Haji Abdullah

Haji Badaruddin bin Haji Abdul Karim

Mohamad Norhamizan bin Mohd Nurazman

Pg Norfarzat Irwani Pg Haji Mohd Jaafar

Mohammad Hardy Iman bin Haji Muhd Ukit

Md Fadzillah bin Haji Abu Bakar

Ahmad Faizin bin Awang Md Jinan

Nurul Hidayah binti Hamdan

Pg Siti Nursu'aidah binti Pg Jufrizar @ Pg Tajuddin

Nur Sariy Syahmina Binti Haji Jaffri

## 6. REFRESHMENTS

Nuuror-Raheebah Hj Abd Wahab (Head)

Hjh Normazdina Hj Md Maskub (co-head)

Dk Siti Nursu'aidah binti Pg Jufrizar @ Pg Tajuddin

Nurulbillah Aqilah binti Haji Mohd Ali

Noorhadina Binti Abdul Aziz

Dk Nuramalina Binti Pengiran Umar

Hajah Fatimah Binti Haji Tahir

Masrina Binti Bakar

Hajah Fauzihana Binti Haji Mohammad

Nurul Hafizah Dewiyana Abd Aziz

Nurul Atiyah binti Awg Adam

Hajah Rakiah @Ruqaiyah Binti Haji Roslan

Hasiah Binti Abdullah

Nurul 'Ain binti Muhammad Hussini

Siti Norfadillah bte Untong

Nooreizah Binti Hj Md Jaya

Dewi Susianty Binti Hj Mohd Daud

Nurhafizah binti Haji Moxsin

Nurhafizatul Nariyyah binti Hassan

Hashimah Binti Haji Abu Bakar

Noorhayati Binti Haji Ismail

## **7. BOOK**

Harnita Zeldi Skinner

Nur Eleana binti Dato Seri Paduka Haji Hairol Arni

Syaffina binti Shahif

Mohamad Jazmi bin Haji Mohamad Kamel

Norhamizah binti Mohamad

## **8. INVITATION**

Pengiran Masni binti Pengiran Haji Bahar

Hajah Hazarena Binti POKSJ DP Haji Hurairah

Haji Badaruddin bin Haji Abdul Karim

Shahrezawati binti Ahmad

Sharifah Nur Baqiyah binti Malai Shahrani

Suzana binti Basman

Muhammad Hardy Iman bin Muhammad Ukit

Pengiran Suhaili bin Pengiran Hj Ahmad

Mohd Ghazali bin Hj Tassim

## **9. INFORMATION TECHNOLOGY**

Shahrezawati Binti Ahmad

Hjh Norzalinawati Binti Hj Razali

Muhammad Hardy Iman Bin Hj Muhammad Ukit

Siti Norhafiqah Binti Hj Mohd Salihen

Fazeli Bin Haji Duraman

Nur Fajrina Binti Hj Ibrahim

Nur Ida Fazira Binti Rosli

## **10. MASTER OF CEREMONY**

Mohamad Jazmi bin Haji Mohamad Kamel

Hjh Noorinah Hj Noorkaseh

Muhammad Iqbaal Syakib bin Haji Suhib

Dk Nurul Syafiqah Hakeemah Binti Pengiran Shaiful

Rezal Malek Faesal

Noraiman Al-Emi binti Mohd Shamsul

Dk Nur Khadijah binti Pg Kamarulzaman

'Arief Zulfadhly bin Awang Haji Mohd. Talip

## **11. RBPF GUARD OF HONOUR & HEALTH / SAFETY**

Muhd Muzakkir bin Haji Zakaria

Muhammad Kamaluddin bin Haji Abu Bakar

Mohd Afandi bin Haji Ebil

## **12. CAR PARK**

Mahmud Zuhdi bin Karim

Mohammad Fikri Fathuddin bin Assokan

Abdul Sa'adatul Firdaus bin Matali

Md Amirul Kamal Bin Yakup

Safwan Bin Haji Abdul Momin

Ali Rahman bin Haji Simba

Haji Hanafi bin Haji Ibrahim

Haji Md Shamsul bin Haji Ismail

Yussof bin Haji Mustapha

Rodglan bin Abdul Rahman  
Mohammad Shamri bin Alias  
Pengiran Abu Nur Hairah bin Pengiran Hashim  
Mohd Ghazali bin Haji Tassim  
Abdul Razak bin Haji Untong

### **13. MEDIA RELEASE & WEBSITE**

Hajah Noor Amalina binti Dato Paduka Haji Alaihuddin  
Hajah Suzunah @ Suzanah binti Haji Sulaiman  
Haji Badaruddin bin Haji Abdul Karim  
Mohamad Jazmi bin Haji Mohamad Kamel  
Dewi Susianty binti Haji Md Daud

### **14. PROTOCOL/ USHERS**

Radin Safiee bin Radin Mas Basiuni  
Mohammad Marzuqi bin Sabtu  
Hajah Azza Yossie binti Haji Abdul Aziz  
Suraimah binti Rosli  
Mohammad Hafizurahman bin Awang Haji Majid  
Abdul 'Azim bin Othman  
Md Syafiq bin Hj Zakaria  
Hj Md Shamsul bin Hj Ismail  
Suhailah binti Ali  
Siti Nooraqilah binti Haji sirat  
Sarinah Binti Sahak

Diyannah Rashidah @ Ruz'zainnah binti seruji  
Nur Najiah binti Haji Yussop  
Nur 'Afifah Basyirah Ibrahim  
Atillah binti Ahmad  
Siti Aliah binti Mohd Sufri  
Nurul Hafizah Dewiyana binti Abd Aziz  
Nor Hafizah binti Hj Abd Ghafar  
Rozliani binti Haji A. Timbang  
Nur Azdisyahfina binti Ahamadi  
Siti Nurafiqah binti Sufri  
Zulhazmi Bin Masri  
Selamah @ Zahrina Binti Haji Bujang  
Nurul Zahirah Athirah Binti Azmi  
Nurfattyima Binti Mohammad  
Abdul Razak Bin Haji Untong  
Mohammad Khairuddin Bin Zakaria  
Rakinah Binti Rosli  
Dk Nur Khayrin Syamimi Binti Pg Mohd Ariffin  
Noraidah Binti Haji Mohd Yussof  
Siti Yura Nadhirah binti Haji Md Yussop

### **15. LOGISTICS**

Pengiran Haji Mohd Khairuddin bin Pengiran Haji Hashim  
Muhd Hardy Iman bin Haji Muhd Ukit  
Mohd Fikri Fathuddin bin Asokan

Mohd Afandi bin Haji Ebil  
Muhammad Kamaluddin bin Haji Bakar  
Mohamad Jazmi bin Haji Mohamad Kamel  
Mohamad Norhamizan bin Mohd Nurazman  
Mahmud Zuhdi bin Karim  
Abdul Sa'adatul Firdaus bin Matali  
Md Fadzillah bin Haji Abu Bakar  
Ahmad Faizin bin Awang Md Jinan  
Haji Hanafi bin Ibrahim  
Safwan Bin Haji Abdul Momin  
Md Amirul Kamal Bin Yakup  
Haji Md Shamsul bin Haji Ismail  
Ali Rahman bin Haji Simba  
Yussof bin Haji Mustapha  
Mohd Yussof bin Haji Ahmad  
Mohd Ghazali bin Haji Tassim  
Pengiran Suhaili bin Pengiran Ahmad  
Rodglan bin Abdul Rahman  
Mohd Shamri bin Alias  
Pengiran Abu Nur Hairah bin Pengiran Hashim  
Mohd Izzam bin Mahmood/Mahmud

## 16. BUILDING MAINTENANCE

Pengiran Haji Mohd Khairuddin Bin Pengiran Haji Hashim  
Dayang Mastika binti Mohd. Kamal  
Mohd Khalil bin Kudil  
Abdul Mateen bin Amirisa  
Pengiran Metali bin Pengiran Metamin  
Ozzan bin Norman  
Azlan Al-Azri bin Abdullah Langkan  
Alimin bin Haji Md Tarsat

# ACKNOWLEDGEMENTS

PRIME MINISTER'S OFFICE

MINISTRY OF FINANCE AND ECONOMY

MINISTRY OF FOREIGN AFFAIRS

MINISTRY OF HEALTH

MINISTRY OF RELIGIOUS AFFAIRS

ATTORNEY GENERAL'S CHAMBERS

JABATAN ADAT ISTIADAT NEGARA

ROYAL BRUNEI POLICE FORCE

RADIO TELEVISION BRUNEI

INFORMATION DEPARTMENT

PUBLIC WORKS DEPARTMENT

DEPARTMENT OF ENVIRONMENT, PARKS AND RECREATION

FIRE AND RESCUE DEPARTMENT

ELECTRICAL SERVICES DEPARTMENT

STATE JUDICIARY DEPARTMENT

OFFICERS AND STAFF OF THE CIVIL COURT