



SPEECH BY
YANG BERHORMAT DATO SERI PADUKA AWANG HAJI AHMAD
BIN PEHIN ORANG KAYA LAILA SETIA BAKTI DI-RAJA DATO LAILA
UTAMA HAJI AWANG ISA
ATTORNEY GENERAL
ON THE OPENING OF THE LEGAL YEAR
THURSDAY, 9th FEBRUARY 2023

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 Foreign Bars and Law Societies,

Distinguished Guests,

Ladies and Gentlemen

INTRODUCTION

My Lord,

01. 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

02. 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".

03. 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.

04. 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.

05. 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 respected and observed by the community and are applied in an equal and fair manner?

06. Undoubtedly, there is a 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.

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

COLLABORATION

08. 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

09. 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 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 congratulations 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