

SPEECH BY

**THE HONOURABLE CHIEF JUSTICE
DATO SERI PADUKA HAJI KIFRAWI BIN DATO
PADUKA HAJI KIFLI**

OPENING OF THE LEGAL YEAR 2010

TUESDAY, 16 MARCH 2010

بسم الله الرحمن الرحيم
السلام عليكم ورحمة الله وبركاته

Your Royal Highness Paduka Seri Pengiran Anak Puteri Hajah Muta-Wakkilah Hayatul Bolkiah. The Honourable Attorney General. The Honourable Chief Syar'ie Judge. President of Brunei Darussalam's Law Society. Members of the Bar. Distinguished Guests. Ladies and Gentlemen, good morning and welcome.

It's been a few months now since we said goodbye to last year and welcomed the New Year, 2010. With Allah's blessing, we hope this new year will be a happy and prosperous year like the previous years.

1. STATISTICS

As usual the figures of the various types of cases for 2009, starting with the Magistrates' Courts, and criminal cases first. The court in Bandar Seri Begawan had 2693 cases in 2009, that being 719 less than in 2008; for Kuala Belait the figure was 301, that is, 65 less than the previous year; Tutong Court had 98 registered in 2009, that being 19 more than in 2008; and Temburong Court had 16 criminal cases registered compared with 47 in 2008.

The figures for civil cases registered in the Magistracies were: in Bandar Seri 1594 suits were registered in 2009 against 1533 filed in the previous year; Kuala Belait Court had 271 registered in 2009, that being 2 less than the previous year; Tutong Court had 275 registered in 2009 that is 36 more than in 2008; and in Temburong Court no civil matter was registered as in the previous three years.

The Intermediate Court had 98 civil matters registered in 2009, this being 9 less than 2008; and 14 criminal matters were registered in the past year, that being the same as in the previous year.

There were 6 civil appeals from the Magistrates' Courts to the High Court in 2009, less than 2 in 2008; and 41 criminal appeals were filed in 2009, this being 4 more than in 2008.

Coming now to the criminal cases heard in the High Court, the Court dealt with 26 cases as against 21 in 2008, and 199 civil cases were filed in the High Court in 2009 as against 192 in the previous year.

Civil appeals from the High Court and Intermediate Court to the Court of Appeal in 2009 numbered 14, that being 15 less than in 2008; and criminal appeals to the Court of Appeal in 2009 were 12 in number, the same as in the previous year.

Chamber hearings before the Senior Registrars and Registrars increased by 37 from 297 in 2008 to 334 in 2009.

There are 2 capital cases before the High Court awaiting trial both of which are drug trafficking cases. Trial dates have been given for both cases.

Lastly, the total revenue collected during 2009 amounted to B\$6,403,633.07 as compared to B\$5,719,854.65 during 2008.

The figures do not tell us the time taken for the various courts to dispose of the cases. In criminal cases, the public may want to know how long we would take to investigate a crime after a crime has been committed, and then to bring the alleged criminal to court to be charged and then the time for the court to try him leading either to his conviction or acquittal. If there is to be an appeal, how long would the appeal be heard and judgment given by the appeal court after the filing of the appeal.

In civil cases, the lawyers from the private practice are expected to prepare the clients' case efficiently. They may need information from certain Government Departments or Law Enforcement Agencies. When the case is referred to the court, the court has to be efficient. The public may want to know how long the case would be disposed of from the time the case is registered to the time when the court would give its judgment and later the enforcement of the judgment. Again if there is to be an appeal, like in a criminal case, how long would the appeal be heard after the appeal has been filed.

As usual in a criminal and sometimes in a civil case, medical report need to be prepared. A very important exhibit may be sent abroad to be examined by a Forensic Expert. This exercise will usually take considerable time.

I am afraid I still have to repeat what I have said before, when I was the Attorney General, to remind us every year the need to be efficient in our job. As I have said before all cases have to be disposed of within reasonable time. Justice delayed is Justice denied. The courts could only do this with the cooperation and support of the lawyers (both the Attorney General's Chambers and the Private Practice), the Police and other Law Enforcement Agencies, the Prime Minister's Office and other relevant Ministries.

In a criminal case, investigation has to be done thoroughly and efficiently. The lawyers from both Attorney General's Chambers and the private practice have to prepare their cases properly before the cases are referred to the courts. The lawyers (from Attorney General's Chambers, the Private Practice and the court) have to be given proper training and given the right tools to do their work efficiently.

2. THE RIGHT TOOLS

Talking about the right tools, my focus is the tools for the Judiciary. Like the Attorney General's Chambers, we need better research facilities such as the Lexis and the Law Net. We need to appoint more Registrars and Magistrates and Judges. Apart from the increasing bankruptcy works, the Registrars and Magistrates have to deal with additional work in the near future such as the Juvenile Court cases and the small claims tribunal cases. The increasing number of Judicial Officers means we need proper court building.

I understand there is already a plan to renovate the present High Court Building. As I have said before, we need a Robing room for our lawyers. It is also high time that our Court Canteen be repaired and opened its business again. The Court Canteen not only would serve the members of the public who come to the court but also to our lawyers who need to be refreshed like other normal human beings. They also need good toilets like other normal human beings. The toilets in the court building need to be repaired. Ideally a future Robing Room for the lawyers should also have toilets.

There should also be separate toilets for members of the public. There is already a plan to link by an overhead bridge the three buildings, the High Court building, the new building, the Law and Courts Building and the Attorney General's Chambers (The Law Building). This would make the buildings easily and conveniently accessible by lawyers and staff from Attorney General's Chambers, the

Private Practice and also our officers and staff of the Judiciary. I hope this overhead bridge will be completed this year.

3. BRUNEI DARUSSALAM LAWS ON LINE (www.AGC.Gov.bn/)

I am very grateful to the Honourable Attorney General and her officers for still maintaining our Brunei Laws on line. I am sure the Brunei Laws on line is a very useful research tool not only for our lawyers and law students but also to members of the public who want to know our Constitution, other important laws and our latest new Laws.

4. BANKRUPTCY WORK

As regards the Bankruptcy cases dealt by the court, it is high time we need to look into our bankruptcy law. I know that there is already draft amendment to the Bankruptcy Act. Amending the law is generally easy but the implementation or enforcement of the laws are usually difficult. We need the expertise and manpower to implement new ideas in the proposed amendment to the current Bankruptcy Act.

Currently, the Registrars who are also the Deputy Official Receivers have to deal with bankruptcy matters, unlike Registrars in Singapore and Malaysia. In Singapore and Malaysia, they have separate Bankruptcy Office, as big as our Attorney General's Chambers. A proper Bankruptcy Office usually has their own lawyers and accountants.

5. MORE LAWYERS

As I have said before, we still need more lawyers and I have been informed that the number of Bruneian graduates who are qualified in law are decreasing in number. I hope the relevant authorities do realise that Brunei Darussalam still need more lawyers not only to work in the courts, Attorney General's Chambers, the Private Practice but also in the relevant Ministries.

The future law graduates should not only be knowledgeable in law but also other areas of studies such as economics and finance, accountancy, business studies, politics and international relations etc, to name a few.

6. CONCLUSION

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

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

I should not forget the Prisons Department for their assistance in holding the prisoners awaiting plea and trial, in safe custody.

Finally, on behalf of the Judiciary, I must express my appreciation to all of you who have found time to attend this annual occasion. I think it signifies that there remains a deep interest in our judicial system which I believe has served Brunei Darussalam well and will continue to do so in the future.

I shall now call upon the Honourable General to address this gathering and she will be followed by the President of the Law Society.

At the conclusion of all the speeches and thanksgiving prayers, would you please proceed to the ground floor for refreshments.