

Public Prosecutor

AND

Rukmiati

**(Intermediate Court of Brunei Darussalam)
(Criminal Trial No. 40 of 2025)**

Pg Masni Pg Hj Bahar, Judge

Date of Sentence: 18th September 2025

Headnote: Sentencing - Section 12(1)(g) of the Passports Act, Chapter 146 and punishable under section 12(1) of the section of the same - without lawful authority, has in his possession any passport or internal travel document issued for the use of some person other than himself – Section 109 Penal Code - Punishment of abetment if act abetted is committed in consequence and where no express provision is made for its punishment - Section 466 Penal Code - Forgery of record of Court or of public register etc - Plead guilty - Appropriate Sentence – Commencement of Sentence.

DPP Pg Azmeema Bte Pg Mohiddin for the Public Prosecutor.

Mr Hj Daud Ismail and Sheikh Waez Sheikh Aubid (M/S Daud Ismail & Co.) for the Defendant.

Indonesian Interpreter, Mr. Arif Choirul Bashir present to assist the Defendant.

Cases cited:

Public Prosecutor v Ravindra N/Rethinam & Ors (1992)3 CLJ (REP)2

Mohammad Abdullah Ang Swee Kang v Public Prosecutor (1988)1 MLJ 167)

Sau Soo Kim v Public Prosecutor (1975) 2 MLJ 134

Public Prosecutor v Md Shamim Uddin (Criminal Trial No 61 of 2020)

Public Prosecutor v Sokery Bin Awg Buang (Criminal Trial No 76 of 2018)

Public Prosecutor v Haji Alias bin Haji Md Ali (Criminal Trial No 86 of 202)

Public Prosecutor v Silwa Gajasingha Badana Arachchige Kumar Nalin (2008) SGDC 80

Abdul Rashid bin Libut v Public Prosecutor (COA, Criminal Appeal No 20 of 2020)

Didiman Bin Jaya v Public Prosecutor [HCCT, Criminal Appeal No. 2 of 2014]

Ajizul bin Dagang v Public Prosecutor (Criminal Appeal No 8 of 2019)

Supt.Hj Khairur Rijal Bin Haji Abu Salim vs PP (HCCT Criminal Motion No. 10 of 2020)

SENTENCE

Pg Masni, Judge:

Introduction

1. The defendant, Rukmiati, an Indonesian National. She is assisted by Mr Arif Choirul Bashir, an officer from the Indonesian Embassy. The defendant appears before this court facing three charges.

2. She is facing three charges. She is charged for offence under section 12(1)(g) of the Passports Act, Chapter 146 and punishable under section 12(1) of the section of the same and two charges under section 109 of the Penal Code read with section 466 of the same. The defendant is represented by Hj Daud Ismail.
3. The Prosecution applied for the charges to be read and for her plea to be recorded. Hj Daud Ismail confirmed that the defendant has been duly briefed on the said charges and is ready to enter her plea.
4. The charges were read to the defendant in Indonesian language by Mr Arif Choirul Bashir.

Charges:

5. The charges read as follows:

Amended 1st charge (reinstated charge)

That you, on the 6th day of June 2023, at about 1552 hours, at address room 9, unit 22, 2nd floor, Lot 6074, Spg 72, Block D, Delima Square, in Brunei Darussalam, without lawful authority did have in your possession 55 passports issued for the use of some person other than yourself, to wit:

Passport of the Republic of Indonesia bearing No C4055767 issued to Sugiyono
 Passport of the Republic of Indonesia bearing No C7681888 issued to Sri Sarwantini
 Passport of the Republic of Indonesia bearing No E0540622 issued to Wawan
 Passport of the Republic of Indonesia bearing No E0539732 issued to Slamet Winarto
 Passport of the Republic of Indonesia bearing No E0538945 issued to Edi Prasetyono
 Passport of the Republic of Indonesia bearing No E2883655 issued to Salmiah
 Passport of the Republic of Indonesia bearing No E0541158 issued to Sri Lestari
 Passport of the Republic of Indonesia bearing No E0538951 issued to Abdul Rohman
 Passport of the Republic of Indonesia bearing No C7678542 issued to Warsini
 Passport of the Republic of Indonesia bearing No E0540862 issued to Mudiyo
 Passport of the Republic of Indonesia bearing No E2883543 issued to Atikah bt Suparman
 Passport of the Republic of Indonesia bearing No E0540963 issued to Didik Herwanto
 Passport of the Republic of Indonesia bearing No E0539993 issued to Rini
 Passport of the Republic of Indonesia bearing No E0539174 issued to Binti Masruroh
 Passport of the Republic of Indonesia bearing No E0539665 issued to Binti Sukaesih
 Passport of the Republic of Indonesia bearing No C8803372 issued to Lasidi Boiran
 Passport of the Republic of Indonesia bearing E2883721 issued to Supalil
 Passport of the Republic of Indonesia bearing No C7681847 issued to Lasiana
 Passport of the Republic of Indonesia bearing No E540658 issued to Gus Hendry
 Passport of the Republic of Indonesia bearing No E0540623 issued to Setiyo
 Passport of the Republic of Indonesia bearing No C7681091 issued to Suryono
 Passport of the Republic of Indonesia bearing No E2883720 issued to Sulyaji bin Warjo Wongso Ikromo;
 Passport of the Republic of Indonesia bearing No E0540644 issued to Mohammad Saiq
 Passport of the Republic of Indonesia bearing No C8802021 issued to Suwandi
 Passport of the Republic of Indonesia bearing No C7678472 issued to Suryati

Passport of the Republic of Indonesia bearing No C5956510 issued to Lamiyem
Passport of the Republic of Indonesia bearing No E0540614 issued to Samiatun
Passport of the Republic of Indonesia bearing No C4056561 issued to Endang PSW Sumitro
Passport of the Republic of Indonesia bearing No C6402362 issued to Istini
Passport of the Republic of Indonesia bearing No C7679696 issued to Unun Rachmawati
Passport of the Republic of Indonesia bearing No C4058449 issued to Dendi Setiyono
Passport of the Republic of Indonesia bearing No C4058577 issued to Gatot Legiman
Passport of the Republic of Indonesia bearing No C7677307 issued to Nani Wijayanti
Passport of the Republic of Indonesia bearing No C8238291 issued to Dodo Sunarno
Passport of the Republic of Indonesia bearing No C0836178 issued to Arif Susanto
Passport of the Republic of Indonesia bearing No C3849323 issued to Salihan
Passport of the Republic of Indonesia bearing No E1598239 issued to Wendi Andika
Passport of the Republic of Indonesia bearing No E0541241 issued to Wasli
Passport of the Republic of Indonesia bearing No E1939846 issued to Kanti
Passport of the Republic of Indonesia bearing No C4056691 issued to Imam Basori
Passport of the Republic of Indonesia bearing No C7678360 issued to Sugiyanto bin Sargi
Passport of the Republic of Indonesia bearing No E1237595 issued to Abdul Halim Arshad
Passport of the Republic of Indonesia bearing No E1662241 issued to Mukti Ali
Passport of the Republic of Indonesia bearing No C9719567 issued to Rudi Hartono
Passport of the Republic of Indonesia bearing No C3484479 issued to Akhmad Fathor Rohman
Passport of the Republic of Indonesia bearing No E0906195 issued to Sugimah
Passport of the Republic of Indonesia bearing No E0670859 issued to Mintarno
Passport of the Republic of Indonesia bearing No C4053239 issued to Akthar Farzan Wijaya
Passport of the Republic of Indonesia bearing No C5259140 issued to Ria Susanti
Passport of the Republic of Indonesia bearing No C4050599 issued to Batrisya Mikayla Ramadani
Passport of the Republic of Indonesia bearing No C4050255 issued to Nurianingsih
Passport of the Republic of Indonesia bearing No C5496454 issued to Yogi Pangestu
Passport of the People's Republic of Bangladesh bearing No BX0164574 issued to Md Akter Hossain
Passport of the Republic of Indonesia bearing No C5091091 issued to Suratin; and
Passport of the Republic of Indonesia bearing No C0835459 issued to Chowiarti

and you have thereby committed an offence under Section 12(1)(g) of the Passports Act, Chapter 146 and punishable under section 12(1) of the section of the same.

Additional 2nd charge

That you, on or about the 11th January 2023, in Brunei Darussalam, did engage in a conspiracy with one Nurul Jannah binti Abdullah Argente @ Memenia Embile Argente, to do a certain thing, namely to forge an employment pass endorsement on a passport issued by the Republic of Indonesia No B9233327 under the name Sukaesih, and in pursuance of that conspiracy and in order to the doing of that thing, an act took place on or about 11th January 2023 in Brunei Darussalam, where one Nurul Jannah binti Abdullah Argente @ Memenia Embile Argente did forge an "*Employment pass For Controller of Immigration Brunei Darussalam HQ105*" purportedly issued by a public servant in his official capacity, namely Controller of the Immigration of the Department of Immigration and National Registration, Government of Brunei Darussalam on the said passport, an

offence punishable under section 466(b) Penal Code, Chapter 22 which was committed in consequence of your abetment, and you have thereby committed an offence punishable under section 109 of the Penal Code read with section 466 of the same.

Additional 3rd charge

That you, on or about the 13th March 2021, in Brunei Darussalam, did engage in a conspiracy with one Nurul Jannah binti Abdullah Argente @ Memenia Embile Argente, to do a certain thing, namely to forge an employment on a passport issued by the Republic of Indonesia No C0835459 under the name Chowarti, and in pursuance of that conspiracy and in order to the doing of that thing, an act took place on or about 06 August 2022 in Brunei Darussalam, where one Nurul Jannah binti Abdullah Argente @ Memenia Embile Argente did forge an "*Employment pass For Controller of Immigration Brunei Darussalam HQ123*" purportedly issued by a public servant in his official capacity, namely Controller of the Immigration of the Department of Immigration and National Registration, Government of Brunei Darussalam on the said passport, an offence committed under section 466(c) Penal Code, Chapter 22 which was committed in consequence of your abetment, and you have thereby committed an offence punishable under section 109 of the Penal Code read with section 466 of the same.

Penalty:

6. The Penalty for offence under section 12(1) Passport Act warrants for a fine of \$10,000 and imprisonment for 5 years.
7. For the second and the third charges, the defendant is charged for offence punishable under section 109 of the Penal Code read with section 466 of the same. The punishment for offence under section 109 shall be the punishment for the offence under section 466 Penal Code. Section 466 Penal Code, it is punishable for a term which may be extended to 7 years and shall also be liable to fine.

Guilty Plea

8. The defendant informed the court that she understood the charges and its penalty read and explained to her. She pleaded guilty to all the three charges.

Section 175 CPC:

9. This court is satisfied that the defendant understood the nature and the consequences of her plea and accepted her guilty plea. Section 175 CPC is duly complied with.

Statement of Facts:

10. The Statement of facts were read and explained to the defendant by Mr Arif Choirul Bashir in Indonesian language. Defendant admitted to the following facts:

11. The defendant admitted that she is married to Mat Salleh@Muhammad Salleh bin Haji Abdul Rahman. He is a Bruneian. She admitted that she was given a Special Pass to reside in Brunei Darussalam since 27th July 2017.
12. The defendant admitted that since 2021, she had received the passports from the respective passport holders for the purpose of obtaining immigration passes, such as employment passes, student passes, and dependent passes. She admitted that she kept all the passports mentioned above at room number 9, unit 22, 2nd floor, Lot 6074, Spg 72, Block D, Delima Square, in Brunei Darussalam, a room that she rented at \$150 per month since October 2022.
13. The defendant admitted that she was not employed by any licensed employment agency and has no licence issued to her from the Immigration or has any lawful authority to handle matters related to immigration passes.
14. On 6th June 2023 at about 1152 hours, the Department of Immigration and National Registration jointly carried out the raid with the Royal Brunei Police Force at the said address. They found amongst other passports, the 55 passports mentioned above. During the raid, the defendant witnessed the raid and witnessed the passports being seized.
15. The defendant admitted that two of the Indonesian passports issued by the Republic of Indonesia, namely No B9233327 under the name Sukaesih (1st charge) and No C0835459 under the name Chowiarti (2nd charge), contained suspicious *“Employment pass For the Controller of Immigration Brunei Darussalam HQ105”*, purportedly issued by the Controller of the Immigration of the Department of Immigration and National Registration.
16. The defendant admitted that Sukaesih’s passport showed that his employment pass issued on 11th January 2023 and was extended until 11th February 2023 (Annex A) whilst in Chowiarti’s passport, his employment pass issued on the 13th March 2021 and was extended until 31st March 2023 was found (Annex B).
17. The defendant admitted that the said Employment Pass found on both passports were not recorded in the Immigration Visa and Pass system and were forged. The defendant admitted that since 2021, she would hand over the passport she received from the holder to one Nurul Jannah binti Abdullah Argente @ Memenia Embile Argente (NRIC: 31-005677 (P)) (hereinafter Nurul Jannah) for her to falsely endorse the passports with the relevant immigration pass.
18. The defendant admitted that she charged between \$50 to \$1200 depending on the type of service and period of the immigration pass from each passport holder. She also admitted that paid Nurul Jannah between \$300 to \$600 per passport to endorse the passport.

19. The defendant admitted that on or about or about 11th January 2023 she conspired with Nurul Jannah to forge an employment pass endorsement on Sukaesih's passport. She admitted handing over the two passports to Nurul Jannah and Nurul Jannah would use a counterfeit rubber stamp bearing "*Employment pass For Controller of Immigration Brunei Darussalam HQ105*" and stamped onto Sukaesih's passport purportedly issued by a public servant in his official capacity, namely Controller of the Immigration of the Department of Immigration and National Registration, Government of Brunei Darussalam. The defendant admitted that she was paid \$900 for her service. This is the essence of the additional 2nd charge.
20. The defendant also admitted that on or about the 13th March 2021, she had conspired with Nurul Jannah to forge an employment pass endorsement on Chowiarti's passport (the additional 3rd charge) who consequently forge an "*Employment pass For Controller of Immigration Brunei Darussalam HQ123*" on to Chowiarti's passport by using a counterfeit rubber stamp bearing "*Employment pass For Controller of Immigration Brunei Darussalam HQ123*" and thereafter endorsing the said stamp. The defendant admitted that she charged Chowiarti \$1200 for her service. The defendant admitted keeping Chowiarti's passport in the rented room after Nurul Jannah forged Chowiarti's passport with the forged employment pass.

Antecedent:

21. On record the defendant has no previous conviction

Mitigation:

22. Hj Daud Ismail furnished the court with a written mitigation. He urged the court to consider the following factors as the defendant's mitigating factor. There are as follows:
- a. The Defendant's early plea and clean record which has been accepted by court as a mitigating factor. The defendant's early plea has spared the Court considerable time, resources, and the inconvenience of calling witnesses for a lengthy trial - ***Public Prosecutor v Ravindra N/Rethinam & Ors, Mohammad Abdullah Ang Swee Kang v Public Prosecutor*** and ***Sau Soo Kim v Public Prosecutor***.
 - b. The defendant cooperated during the investigation, which has facilitated the swift resolution of the matter. Hj Daud Ismail submits that such cooperation is generally regarded as a mitigating factor, as it demonstrates responsibility and respect for the legal process.

Sentencing Tariff:

23. As for sentencing tariff, Hj Daud Ismail urged the court to exercise its discretion and imposed proportionate and short custodial considering the submitted aforesaid mitigation factors.

24. He cited the case of ***Abdul Rashid Bin Haji Libut v Public Prosecutor***, where the defendant received only a fine following a guilty plea, while in ***Public Prosecutor v Sokery Bin Awg Buang and Public Prosecutor v Haji Alias bin Haji Md Ali***, custodial terms ranged from three to six months after considering mitigating factors and the totality principle.
25. In the case of ***Didiman Bin Jaya v Public Prosecutor [High Court of Brunei Darussalam] [Criminal Appeal No. 2 of 2014]***, Hj Daud Ismail submitted that Justice Dato Paduka Hairolarni Majid, as he was then, upheld a 2 weeks' imprisonment for offence under Section 12(1) of the Passports Act.

Commencement of Sentence:

26. In deciding the commencement of sentence, Hj Daud Ismail urged this court to consider the time when the Defendant was under the custody of Internal Security Act (ISA) in Jerudong Prison for two years and 28 days and was subsequently remanded in prison from 10 July 2025 until the present sentencing proceedings. He submits that this period of pre-sentence deprivation of liberty is substantial and should be factored into any custodial term imposed. Hi Daud Ismail submits that the detention under the ISA is already a form of punishment, and in the interest of fairness, it should be taken into account so that any sentence imposed does not result in an unjustly excessive total period of incarceration.
27. In conclusion, Hj Daud Ismail in applying the totality principle, the overall sentence must be fair and proportionate rather than an excessive accumulation of penalties. Given the Defendant's early guilty plea, clean record, cooperation, long pre-trial detention, and relevant sentencing precedents, a lenient, reduced custodial sentence is appropriate. This would acknowledge her remorse, support rehabilitation, and uphold justice without imposing an unduly harsh punishment.

Prosecution Submission:

28. The Prosecution addressed pursuant to section 237 CPC. In her submission, she emphasis on the existence of aggravating factors. She emphasised that the defendant is not only charge with in possession of passports but she also abets in forging of official documents, particularly those related to immigration and identity, which is a serious offence. She submits that such act compromises public systems and national security as observed in the Singapore case of ***Public Prosecutor v Silwa Gajasingha Badana Arachchige Kumar Nalin***.
29. The aggravating factors addressed by the Prosecution are as follows:

- a. The defendant was found in possession of 55 foreign passports, which the defendant had collected for the purpose of obtaining forged immigration passes. The Prosecution submits that large number passports found in the defendant's possession demonstrates that the defendant is coordinating and systematic criminal operation. The prosecution submits that it is not an isolated act;
- b. The defendant works with one Nurul Jannah binti Abdullah Argente since 2021 to forge employment passes on foreign passports. Counterfeit stamp was used in this operation. To sustain such criminal conduct, it involves sophistication and reflects a degree of planning;
- c. The defendant financially gained in this illegal activity. The defendant charged \$50-\$12000 from each passport holders for each transaction depending on the type of service requested and period of immigration pass for the 1st charge. For the 2nd and the 3rd charge, the defendant profited a total of \$2100;
- d. Lastly, the Defendant committed this offence while residing in Brunei Darussalam on a Special Pass. She abused her immigration status to facilitate unlawful activities.

Submission on Sentencing:

30. For the aforesaid reasons, the Prosecution urged the court to impose submit a **global** sentence of not less than 18 months is appropriate to reflect the seriousness of the offence and deter like-minded individuals from committing similar offence.
31. Prosecution cited and distinguished the following case from this present case:
32. In ***Public Prosecutor v Sokery bin Awg Buang***, received only three months' imprisonment. The defendant forged a *nikah* certificate under section 466. He acted without financial benefit, in a one-off incident to have his name appear on his child's birth certificate, and showed remorse. The Prosecution submits that this is distinguishable from the present case, where the defendant in this present case involved financial gain, ongoing conduct, and multiple forged documents.
33. In ***Public Prosecutor v Haji Alias bin Haji Md Ali***, a clerk forged various departmental documents (official letterheads, work passes, and payment receipts). The court imposed concurrent and consecutive sentences amounting to two years' imprisonment, starting from 9 months per section 466 offence (reduced to 6 months) and 6 months per section 465 offence (reduced to 4 months). While serious, those forgeries were confined to departmental matters and did not implicate national border security, unlike the present case which involves forged immigration passes in foreign passports.

34. By contrast, Prosecution submits that in the case of ***Silwa Gajasingha Badana Arachchige Kumar Nalin***, the offender was sentenced to 24 months' imprisonment for forging a Singapore identity card and 21 months for forging a work permit (to run concurrently). The court recognised the serious nature of such documents and their direct connection to immigration control. This case is highly analogous and supports a substantial custodial sentence in the present matter.

Court's Sentencing Consideration:

35. For the 1st charge, I take note of the penalty under the Passport Act.
36. I appreciate the assistance of Hj Daud Ismail and the Prosecution in assisting the court on the sentencing tariff. This Court bears in mind each case has to be decided on its own merits and the sentence must reflect the culpability so as the interest of the Public and Government are protected.
37. In deciding the appropriate sentence, this Court takes into account that the defendant in this present case was performing immigration services without any lawful authority issued by the Controller of Brunei Darussalam Immigration Department. In addition to that the defendant provide such services under a Special Pass immigration status. Under the said status, the defendant is prohibited from gaining any employment. Unfortunately, the defendant took advantage of the special pass extended to her and conduct illegal activities as she has admitted in the statement of facts. I believed the defendant would continue to provide illegal immigration service if she is not arrested.
38. This Court opines that a deterrent sentence is imperative to discourage others from violating immigration laws. Immigration offences are not minor and should not be taken lightly. They undermine the national security of the country and compromise the proper implementation of immigration rules and procedures for those entering our nation.

Appropriate Sentence:

39. Based on the aforesaid consideration, this Court is of the view that the following sentence is appropriate. Credits will be given to the defendant for pleading guilty and her clean record as mitigated by Hj Daud Ismail. The defendant is entitled to a 1/3 discount from the considered starting point.

1st Charge:

40. In determining an appropriate sentence, this Court takes into account the defendant's overall culpability. The defendant deliberately planned and engaged in these illegal activities over several years, during which she possessed a large number of passports, derived substantial financial profit, and acted in disregard of her own immigration status.

In doing so, she has knowingly facilitated the unlawful stay of these passport holders in Brunei.

41. A deterrent sentence is imperative to convey a clear message to potential offenders that the immigration status granted to them must not be abused, and that breaches of immigration law will be treated with utmost seriousness. Such conduct warrants the imposition of a custodial sentence.
42. Based on the facts of the case, a starting point of 9 months' imprisonment would reflect the defendant's culpability as a whole. The defendant is entitled to a 1/3 discount from the said starting point for her guilty plea and her clean record.
43. For the 1st charge, I sentence the defendant to 6 months' imprisonment.

2nd and 3rd charge:

44. As for the 2nd and the 3rd charges, the defendant abetted with one Nurul Jannah to forged employment passes within foreign nationals' passports, which enabled them to unlawfully extend their stay in Brunei Darussalam. Such conduct poses a far greater threat as it risks allowing individuals to move undetected across borders, undermining government immigration policies and raising legitimate national security concerns. These aggravating features render the present case more serious and of greater public interest, thereby justifying a higher sentencing starting point and a more severe overall penalty.
45. This Court bears in mind the view of the Singapore District Court judge in the case of ***Public Prosecutor v Silwa Gajasingha Badana Arachchige Kumar Nalin (2008) SGD 80***. This case involved the forgery of Singapore identity cards and work permits, the District Court emphasised the seriousness of forging identification documents purportedly issued by public servants. It was held that offences falling under section 466 of the Penal Code warrant a mandatory sentence of imprisonment, reflecting the gravity of such acts. In reaching its decision, the court referred to *Sentencing Practice in the Subordinate Courts* (LexisNexis, 2nd edition, 2003), which states that the starting point for sentencing in such cases is 12 months' imprisonment. The court explained that the length of a sentence for forgery depends on factors like the type of document forged, the benefit gained, the harm caused, the scale of the crime, any abuse of authority, and the offender's role. It added that forging serious documents—such as passports or work permits—or actions that obstruct justice should lead to a heavy prison sentence. This shows the court's strong stance against forgery and its impact on public trust and the legal system.
46. Having evaluating the facts before me and the case cited, this Court adopts the reasoning and sentencing in the case of ***Public Prosecutor v Silwa Gajasingha Badana Arachchige Kumar*** and imposed a starting point of 12 months' imprisonment reduced to 8 months' imprisonment for the defendant's guilty plea and clear record.

Individual Sentence:

47. The individual sentence imposed on the defendant are as follows:

Amended 1st charge: 6 months' imprisonment
Additional 2nd charge: 8 months' imprisonment
Additional 3rd charge: 8 months' imprisonment.

Totality Principle:

48. The Defendant committed two different offences involving different people. It therefore warrants for a consecutive sentence.

49. The Defendant is therefore sentenced to a total of 22 months' imprisonment.

Commencement of sentence:

50. Hj Daud Ismail submits that the defendant has previously undergone a period of detention lasting two years and twenty-eight days under the Internal Security Act for a similar offence in 2023 and was released on 10th July 2025. Immediately upon release, she was charged in court on the same day for the present offences and subsequently pleaded guilty on 25th August 2025. Hj Daud Ismail submits that the prior detention constitutes substantial punishment for the offence, and the period spent in remand following the July 10th, 2025 charges should be included when calculating her sentence. In light of these circumstances, Hj Daud Ismail urged the court consider the date of remand was from the date she was remanded in Detention.

51. The Prosecution acknowledges the defendant was detained under the Internal Security Act order. The Prosecution provides the court with the chronological event of the case to assist the Court.

No	Date	Remarks
1.	5/6/2023	Defendant arrested
2.	7/6/2023	Defendant's first appearance in Magistrate's Court and was ordered to be remanded for 3 days granted for investigation
3.	10/6/2023	Defendant further remanded for 5 days for further investigation
4.	13/6/2023	Defendant taken in by Internal Security Department (ISD)
5.	15/6/2023	Matter adjourned for Defendant to be produced by ISD
6.	17/6/2023	Adjourned for 2 weeks
7.	1/7/2023	Adjourned for 2 weeks

8.	11/7/2023	An order under section 3(1) of the Internal Security Act issued against the Defendant for detention of 24 months
9.	17/7/2023	Adjourned to consider next course of action
10.	22/7/2023	A <i>Nolle Prosequi</i> was entered against the Defendant.
11.	10/7/2025	Defendant released from ISA detention Defendant brought to Magistrate Court – application made to reinstate the charge and reopen MCCT/BSB/241/2023 and adjourn to peruse evidence. Bail was objected and Defendant remanded in Jerudong Prison.
12.	17/7/2025	Adjourned to finalize the charges
13.	26/7/2025	Charges finalized. Application to remit to ICCT
14.	25/8/2025	Heard in ICCT and plea recorded. Defendant entered guilty pleas.

52. The Prosecution referred to the cases of ***Ajizul bin Dagang v Public Prosecutor*** (Criminal Appeal No 8 of 2019) and ***Abdul Rashid bin Hj Libut v Public Prosecutor***, (Criminal Appeal No 20 of 2020).

53. Prosecution submits that in the case of ***Ajizul bin Dagang v Public Prosecutor*** and ***Abdul Rashid bin Hj Libut v Public Prosecutor*** both Appellants were detained under Criminal Law Preventive Detention Act while the case was ongoing. The Court of Appeal in ***Ajizul*** ruled that regard should be given to the period of the appellant's detention in custody and ordered for the sentence to commence from the date of remanded. This principle was followed in ***Abdul Rashid***.

54. However, the prosecution submit that both these cases are distinguishable from the facts of the present case whereby in this present case, the defendant was detained under the ISA which by its nature is for reason of national security, namely from acting in a matter prejudicial to the security of Brunei Darussalam or any part thereof or to the maintenance of public order or essential services therein.

55. The Prosecution submits that the detention under ISA should not be considered as a mitigation factor, taken into account in sentencing nor does it warrant a reduction in sentence.

56. I refer to the case of ***Supt.Hj Khairur Rijal Bin Haji Abu Salim vs PP*** (High Court of Brunei Darussalam) (Criminal Motion No. 10 of 2020), Chief Justice Dato Seri Paduka Steven Chong distinguished the Court of Appeal reasoning in the case of ***Ajizul Bin Dagang*** pertaining to the commencement of sentence to the case of ***Supt.Hj Khairur Rijal Bin Haji Abu Salim***.

57. In *Ajizul's* case, the Court of Appeal held that *Ajizul's* sentence should commence from the date he was first remanded in custody by order of the court. In delivering judgment,

Lunn, JA emphasised that *Ajizul* had in fact been remanded from 6 September 2018 to 6 February 2017 on the prosecution's application in relation to charges to which he subsequently pleaded guilty. Although those charges were withdrawn on 6 October 2018, A remained continuously detained under the ISD. When the charges were later reinstated on 28 January 2019, the prosecution did not seek a fresh remand order, as Ajizul was already in lawful custody under the CLA. In those circumstances, the Court of Appeal concluded that it would be just and consistent with established practice to credit the earlier period of court-ordered remand towards *Ajizul's* sentence

58. By contrast, in ***Supt.Hj Khairur Rijal Bin Haji Abu Salim's*** case, his Lordship Dato Paduka Steven Chong distinguish this case from *Ajizul*. His Lordship observed that *Supt Hj Khairul Rizal* he was never at any point remanded in custody by order of the court on the charges brought against him. Hi Lordship took note that *Supt Hj Khairul Rizal* he was produced first brought before the Magistrate on 12 March 2015 but he was released on bail and only later detained under the CLPD on 2 April 2015. The charges against Supt Hj Khairul Rizal were subsequently withdrawn and later reinstated, with the trial concluding on 31 October 2018 and sentence imposed on 14 February 2019. Throughout the proceedings, the Prosecution did not use the applicant's ISA detention to circumvent remand applications, unlike in *Ajizul's* case. His Lordship finds that there was no basis for backdating the commencement of the applicant's sentence to the date of his arrest.
59. In the present case, the defendant was brought to court in 2023, where the prosecution applied for her to be remanded for 5 days pending investigation. On the return date, the prosecution further applied for her to be remanded for an additional 3 days. It was at this juncture that the ISD intervened and detained her for a period of two years and twenty-eight days.
60. Having considered the reasoning in *Ajizul* and *Supt Khairul Rizal*, this Court is of the view that the present case bears certain similarities to *Ajizul*. The defendant was remanded pursuant to a court order to facilitate the Prosecution's investigations. Unlike in *Supt Khairul Rizal*, where the accused had been released on court bail, there is in this case an overlap between the period of court-ordered remand and the subsequent ISD detention. The defendant was in continuous remand.
61. For the said reason, I order that the sentence imposed on the defendant shall run from the date she was first remanded in custody pursuant to the court's order, 5th June 2023.

PG MASNI PG HJ BAHAR
Judge, Intermediate Court

