

SPEECH BY

YANG MULIA

**AWANG KIFRAWI BIN DATO PADUKA HAJI KIFLI
AT THE OPENING OF THE LEGAL YEAR
15 FEBRUARY 2000**

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Bismillahir Rahmanir Rahim

Assalamu Alaikum Warahmatullahi Wabarakatuh

Judge
My Lords, Chief Justice, ~~Commissioners~~ of the Supreme Court

Yang Berhormat

Pehin Orang Kaya Laila Setia Bakti Diraja Dato Laila Utama
Awang Haji isa bin Pehin Datu Perdana Menteri Dato Laila
Utama Awang Haji Ibrahim, Special Adviser to His Majesty
The Sultan and Yang Di-Pertuan Negara Brunei Darussalam in
the Prime Minister's Office and Minister of Home Affairs

Distinguished guests

Ladies and Gentlemen

On behalf of my Chambers I would like to express our appreciation to Your Lordship, the other Judges and Magistrates and staff of the Judiciary, the private legal practitioners, law enforcement officers and other Government officers for their cooperation and support in our on-going effort to uphold the rule of law and the maintenance, fine-tuning and proper running of our machinery of justice.

LEGISLATION

In 1999 several important legislations have been passed. I would like to mention briefly some of them.

The Emergency (Defamation) Order was passed to codify the law of libel and slander which are laws to protect a person's reputation in this country.

The recent amendment to the **High Court Rules** amongst other things, provides detailed procedure for pre-trial conference which hopefully would encourage parties in civil cases to settle and thus avoid in certain cases unnecessary and expensive trial.

The Criminal Procedure Code was also amended last year.

One notable amendment I would like to mention is that preliminary inquiry is no longer required for rape cases. This would mean the victims in rape cases are no longer required to give evidence twice and thus avoid the ordeal of giving evidence twice.

The passing of Emergency Orders relating to the protection of intellectual property rights, namely, the Emergency (Trade Mark) Order, the Emergency (Patent) Order, the Emergency (Copyright) Order, the Emergency (Industrial Design) Order and the Emergency (Layout Design) Order would mean Brunei Darussalam has taken important steps to comply with its international obligations under the TRIPS Agreement.

The Emergency (Married Women) Order, the Emergency (Guardianship of Infants) Order and the Emergency (Islamic Family Law) Order were passed to provide certain provisions relating to marriage, divorce maintenance, guardianship and others in connection with family life.

The new family law would give better protection to women and children.

There are other legislations which have been passed such as Emergency (Security Agencies Act) Order, 1999, Emergency (Land Code [Strata]), Order, 1999, Emergency (Wills) Order, 1999 and Emergency (Fatal Accidents and Personal Injuries) Order Amendment to Section 4. The laws are printed in the Government Gazette.

CRIME STATISTICS

As is customary on this occasion, I would like to refer to the incidence of crime in the country.

According to statistics compiled by the Royal Brunei Police Force, there were 3,085 reported cases in 1999 compared to 2,750 in 1998. 2,484 arrests were made and 1,426 were resolved. The number of offences against the person were 401 in 1999 compared to 338 in 1998. The number of offences against property were 1,281 cases in 1999 compared to 1,230 in 1998.

The traffic statistics compiled by the Royal Brunei Police Force show that in 1999 there were a total number of 2,782 cases compared to 2,692 in 1998. 45 persons died in 41 fatal accidents compared to 50 deaths in 1998.

In 1999 the total number of persons arrested for offences under the Misuse of Drugs Act was 558 compared to 432 in 1998.

The Anti Corruption Bureau received 142 information in 1999 compared to 146 in 1998. 8 persons appeared in court to face charges under the Prevention of Corruption Act.

The Royal Customs and Excise dealt with 116 cases compared to 150 in 1998 for offences under the Customs Act. 43 cases compared to 87 in 1998 were brought to Court and 11 cases were compounded compared to 8 in 1998.

The Immigration authority prosecuted 541 persons in 1999 compared to 441 in 1998.

The Attorney General's Chambers together with the other law enforcement agencies have been monitoring closely punishment ordered by the courts against criminal offenders. We want to ensure the punishment are adequate deterrence to such offenders. We do appreciate that the courts have been working very hard in their difficult job of dispensing justice, in particular to be fair and just not only to the accused, but also the victims of crime. We too have been working hard doing our

difficult job of maintaining law and order in this country. So together with the Courts we will continue using our machinery of justice to keep Brunei Darussalam which has been enjoying a period of continuing peace, progress and prosperity, always a safe place to live in.

I do not wish to deal with policy matters which you have just raised in your speech. The issue regarding power to sue the Government has been discussed and decided upon. As to the setting up of Motor Insurance Bureau, the matter has been referred to relevant Ministries for them to take further action.

CONCLUSION

May it please Your Lordship, that brings me to the end of my address.

I hope the good relationship between my Chambers, Judiciary and the private practitioners will continue forever and ever. We shall and will meet again in the coming legal year dinner. My Lord Chief Justice, let us focus on the good food this time and leave the singing to the professional singers.

On behalf of my Chambers I wish to thank those who have arranged and participated in this ceremony.

Finally may I take this opportunity to wish Your Lordship
and everyone present this morning a successful and prosperous
2000.