ROYAL BRUNEI ARMED FORCES ACT
(CHAPTER 149)

ROYAL BRUNEI ARMED FORCES (IMPRISONMENT AND DETENTION) RULES

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ROYAL BRUNEI ARMED FORCES (IMPRISONMENT AND DETENTION) RULES

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ROYAL BRUNEI ARMED FORCES (IMPRISONMENT AND DETENTION) RULES

Commencement: 12th January 2006

PART 1

PRELIMINARY

Citation

1. These Rules may be cited as the Royal Brunei Armed Forces (Imprisonment and Detention) Rules.

Interpretation

2. In these Rules, unless the context otherwise requires —

"commandant" means —

(a) in relation to a military establishment, the officer appointed as commandant thereof, or any officer acting in his place;

(b) in relation to unit detention rooms, the colonel in command or commanding officer of the unit providing rooms under these Rules or any officer acting in his place;

"court-martial" means a court-martial under the Act;

"legal adviser" means, in relation to a soldier under sentence —

(a) an advocate and solicitor who is in possession of a practising certificate issued under the Legal Profession Act (Chapter 132);

(b) any officer representing or assisting a prisoner for the purposes of his defence or in connection with a petition or appeal;

"room" means any cell or room or other place of confinement within any premises, vessel, hut or tent, or any part of a hut or tent;

"soldier" includes any man or woman under military sentence of imprisonment or detention;

"unit" means either any independent portion of the Royal Brunei Armed Forces which is not higher in the corps organisation than a battalion or its equivalent or an equivalent body of troops.

PART 2

CONTROL AND INSPECTION OF MILITARY ESTABLISHMENTS

Control of military establishments

3. All military establishments shall be under the control of the Commander.

Inspectors of Military Establishments

4. The Commander may appoint one or more Inspectors of Military Establishments.

Inspection of military establishments

5. It shall be the duty of an Inspector of Military Establishments to inspect military establishments and to report to the Commander on all military establishments at least once in every year.

PART 3

PROVISION, CLASSIFICATION AND USE OF MILITARY ESTABLISHMENTS

Places in which persons may be required to serve military sentences of imprisonment or detention

6. Subject to and in accordance with the provisions of these Rules, the places in which persons may be required to serve the whole or any part of military sentences of imprisonment or detention passed upon them shall be military establishments and civil prisons.

Classification of military establishments

7. Military establishments shall consist of the following classes of establishments —

(a) military detention centres; and

(b) unit detention rooms.

Provision of unit detention rooms

8. (1) Unit detention rooms may be provided by the commanding officer of any unit, being an officer not below the rank of Lieutenant Colonel.

(2) Such rooms shall also be provided by the commanding officer of any unit, whatever his rank, or by an officer commanding part of a unit if ordered to do so by a superior officer not below the rank of Lieutenant Colonel.

Places in which officers, soldiers and certain civilians shall serve military sentences of imprisonment

9. (1) An officer, soldier or person to whom Part 5 of the Act applies by virtue of section 203 or 204, upon whom a military sentence of imprisonment has been passed, shall be required to serve that sentence in a civil prison.

(2) Such officer, soldier or person serving sentence in a civil prison shall, unless otherwise provided for in these Rules, be for all purposes subject to the Prisons Act (Chapter 51) and any regulations made thereunder.

Soldiers sentenced in or outside Brunei Darussalam

10. A soldier upon whom a military sentence of imprisonment or detention has been passed in or outside Brunei Darussalam shall be required to serve that sentence in Brunei Darussalam.

Places in which military sentences of detention shall be served in Brunei Darussalam

11. A soldier shall serve the whole or any part of a military sentence of detention either in a civil prison or a military establishment.

Places in which women shall serve military sentences of imprisonment or detention

12. Women under arrest and women serving imprisonment or detention shall be detained in such places as the Commander may, with strict regard to decency and the special position of women, direct.

Temporary place of custody

13. Any officer upon whom a military sentence of imprisonment has been passed and any soldier upon whom a military sentence of imprisonment or detention has been passed who cannot be immediately delivered to a civil prison or a military establishment, as the case may be, to serve his sentence of imprisonment or detention, or to be placed under close arrest, as the case may be, by reason of the fact that the officer or soldier is —

(a) in a unit that is engaged in operations;

(b) in a vessel at sea; or

(c) outside Brunei Darussalam,

may be kept in custody in such place as his unit commander may direct.

Committal to or removal from prisons and military establishments

14. Subject to the provisions of the Act, no soldier under sentence shall be committed to a civil prison, or to a military establishment, or from one prison or establishment to another, or from one country or place to another, except in accordance with an order made on the form specified in Schedule 1 as is appropriate to the case.

Release from military sentences of imprisonment or detention

15. (1) Except as provided for in rules 16 and 17, no soldier under sentence shall be released from a prison or a military establishment otherwise than —

(a) by an order of the Court of Appeal or other civil court of competent jurisdiction;

(b) by an order made in the form specified in Schedule 2 and signed by an officer of such rank and appointment as is specified therein; or

(c) on the expiration of his sentence:

Provided that where a sentence is due to expire on a weekly or public holiday, the soldier shall be released on the preceding day.

(2) Before his discharge, a soldier under sentence shall be examined by a medical officer for any fresh marks, injuries or tattoos on any part of his body which were not previously recorded upon his admission or during his detention.

(3) The medical officer shall immediately inform the commandant of the military establishment if he finds any fresh marks, injuries or tattoos on any part of the body of the soldier under sentence.

(4) Every soldier under sentence shall be released from a military establishment in his official working dress.

(5) The commandant of a military establishment shall inform the commanding officer of the soldier under sentence in writing of the date of release of that soldier one week prior to the date of his release.

(6) On the day of release, the commanding officer shall appoint a representative of the rank of Corporal or above to take custody of the soldier under sentence and of any relevant documents from the military establishment.

(7) At no time shall the soldier under sentence be released from the military establishment to his family or any other party.

Temporary release on medical grounds

16. A soldier under sentence may be released from a military establishment for the purpose of medical examination, observation or treatment for such period and under such conditions as the commandant of the military establishment or an officer authorised by him, acting on the advice of the medical officer, may impose.

Temporary release

17. (1) The commandant or an officer authorised by him may order, in the form specified in Schedule 3, the temporary release from a military establishment on compassionate grounds of a soldier under sentence in the cases and under the conditions set out in this rule.

(2) The conditions under which the commandant may authorise the temporary release of a soldier under sentence are that —

(a) the soldier under sentence shall comply with any conditions laid down by the commandant which apply during the period of his temporary release, including any conditions as to custody and as to places where the soldier may not go during that period;

(b) if the soldier under sentence fails to comply with any condition under which he was temporarily released, such release will immediately be terminated, and it shall be the duty of the soldier under sentence to return forthwith to the military establishment.

(3) The period of temporary release shall not count as part of the sentence served by the soldier.

Detention of soldiers in safe custody

18. (1) On receiving an order in writing made by the commanding officer of a person subject to military law or subject to Part 5 of the Act by virtue of section 203 or 204 —

(a) who has been remanded for trial by court-martial or has been tried; and

(b) is awaiting promulgation of the finding and sentence of a court-martial, or is awaiting investigation and disposal of a charge against him,

the commandant of a military establishment may detain him in safe custody in that military establishment:

Provided that —

(a) there is accommodation available in the military establishment in which such a person can be segregated from soldiers under sentence; and

(b) the commandant can make arrangements for such a person to be supplied with the ordinary rations of a soldier who is not under sentence.

(2) For the purposes of this rule, the commanding officer of a person subject to Part 5 of the Act by virtue of section 203 or 204 thereof shall be the officer appointed to be his commanding officer under regulation 8 of the Royal Brunei Armed Forces (Summary Jurisdiction) Regulations (Rg 4).

PART 4

TREATMENT, EMPLOYMENT, DISCIPLINE AND CONTROL OF SOLDIERS UNDER SENTENCE

Application of this Part

19. Except as otherwise stated or required by the context, this Part applies to all soldiers under sentence in military establishments.

Rules to be brought to notice of soldiers under sentence

20. A copy of this Part or a suitable extract of it in a form approved by the Commander shall be displayed conspicuously in every military establishment in such places where it can be seen from time to time by every soldier under sentence.

Aim of training and treatment

21. The aim of the training and treatment of soldiers under sentence is to train them, and to give them the will, to become more efficient members of Royal Brunei Armed Forces and to become better citizens.

Corporal punishment and use of force

22. (1) Corporal punishment is not to be inflicted on a soldier under sentence.

(2) Force is not to be used unnecessarily in the treatment of a soldier under sentence; but if the use of force is necessary, only the minimum shall be used.

Admission to military establishments

23. (1) The following procedure is to be adopted when a soldier under sentence is admitted to a military establishment —

(a) the committal order shall be examined and the attention of the commandant drawn to any omission or irregularity;

(b) except for the amount of clothing and those articles which a soldier under sentence is authorised to have in his possession, his equipment and any other article which arrives with the soldier on admission shall be taken from him, whether they are his own property or not. Removal of property shall be dealt with as follows —

(i) clothing, equipment and any other service or public property shall be withdrawn under current regulations, such items being struck off the soldier's charge;

(ii) private property of the soldier shall be retained in safe custody by the commandant, a record of such property being made and signed by the soldier concerned and a member of the staff of the military establishment;

(iii) a soldier's property (other than perishable articles) shall be returned to him on his release provided he signs a receipt acknowledging its return;

(iv) money is to be kept in a safe place or paid into a bank and the equivalent amount returned to the soldier on his release or, with the agreement of the commandant, it may be sent to any person at the request of the soldier;

(v) perishable articles are to be disposed of at the discretion of the commandant or an officer authorised by him who will take into account the soldier's wishes where practicable;

(vi) any other property which is held in safe custody on behalf of a soldier under sentence may be sent, with the commandant's consent, to a relative or friend of the soldier;

(c) the soldier under sentence shall be searched in accordance with these Rules to ensure he does not retain any unauthorised articles;

(d) the soldier under sentence shall be weighed and his weight recorded;

(e) the soldier under sentence shall be medically examined by a medical officer within 24 hours of his admission:

Provided that —

(i) this period may be extended to 48 hours where the soldier has been medically examined and certified as fit to undergo sentence on the day of his admission or the day before;

(ii) in computing such periods of 24 or 48 hours, weekly and public holidays shall be excluded;

(f) the religion of a soldier under sentence is to be recorded and a religious officer informed as soon as is practicable;

(g) within 24 hours of admission, the commandant, or a member of the staff of the military establishment, shall satisfy himself that the soldier under sentence has read or had explained to him this Part and the procedure for bringing any complaint to the notice of his commanding officer in accordance with the Act and these Rules.

(2) Any reference to the commandant in this rule includes a reference to a member of staff of the military establishment not below the rank of Captain who is authorised by him to act on his behalf.

Daily routine of soldiers under sentence

24. (1) The daily routine of soldiers under sentence shall be laid down by the commandant of the military establishment in accordance with any instructions issued at any time by or under the authority of the Commander.

(2) Such daily routine shall be subject to the provisions of these Rules where they refer to the number of hours of work or training which may be done by soldiers under sentence.

Work and training of soldiers under sentence

25. (1) *(a)* Except under subrule (2) and rule 26, throughout his sentence a soldier shall carry out work or training for not less than 6 hours and not more than 9 hours each day (excluding time for meals).

(b) He shall not, however, carry out work or training until he has been examined by the medical officer and certified in the form specified in Schedule 4 as fit for such work or training.

(2) A soldier under sentence shall not be required to carry out work or training at any time when he is —

(a) in close confinement;

(b) excused work or training on medical grounds on the advice of a medical officer; or

(c) excused work by the commandant or an officer authorised by him or is engaged in some other activity authorised by these Rules.

Weekly and public holidays

26. On weekly and public holidays, a soldier under sentence shall not carry out work or training except work which is necessary for the service of the military establishment.

Work in association

27. (1) A soldier under sentence in a military establishment shall carry out work or training in association with other soldiers under sentence, except when it appears to be the commandant that it is desirable in the interests of the soldier under sentence or for the maintenance of good order and discipline for a soldier not to work in association with others, in which case the commandant or an officer authorised by him may arrange for that soldier to work apart from other soldiers for a period of not more than 7 days.

(2) In deciding when a soldier under sentence should work apart from others or should rejoin them, the commandant shall take into consideration any advice he may be given by a medical officer.

Unauthorised work

28. A soldier under sentence shall not be employed directly or indirectly for the private benefit or advantage of any person, nor in any way contrary to these Rules or the orders of the commandant or an officer authorised by him.

Rations for soldiers under sentence

29. (1) *(a)* The food provided for soldiers under sentence in a military establishment shall be of a nutritional value adequate for health and strength.

(b) It shall be of wholesome quality, well prepared and served, and be reasonably varied.

(2) *(a)* The commandant and members of the staff of a military establishment shall endeavour to ensure that every soldier under sentence receives the rations to which he is entitled.

(b) A soldier under sentence may complain if he believes that he is not getting the rations to which he is entitled but he shall have no right to have them weighed.

Letters

30. (1) *(a)* A soldier under sentence in a military establishment shall be permitted to write and send two letters each week.

(b) Writing materials and stamps for such letters shall be at the expense of the soldier.

(2) A soldier in a military establishment may receive —

(a) any number of letters; and

(b) newspapers, periodicals and journals,

at the discretion of the commandant.

Censorship

31. (1) The commandant of a military establishment or any officer authorised by him may scrutinise letters written by or addressed to any person to whom this rule applies.

(2) The commandant may withhold from any person to whom this rule applies the whole or part of a letter addressed to that person, but he shall communicate to that person any part of the letter which is not objectionable.

(3) The commandant may withhold a letter written by any person to whom this rule applies, in which case he shall give such person an opportunity to write another in its place not containing the material to which the commandant objects.

(4) A letter written by any person to whom this rule applies may not be delayed by the commandant unless it contains matter relating to the security of the military establishment in which case he shall refer it to a higher authority.

(5) In every case where the commandant withholds a letter written by or addressed to any person to whom this rule applies, he shall record the fact and his reasons for doing so.

(6) Any reference to the commandant in this rule includes a reference to any officer not below the rank of Captain who is authorised by him to act on his behalf.

Parcels

32. (1) A parcel addressed to a soldier under sentence shall be opened by or under the authority of the commandant in the presence of that soldier.

(2) Any article which he is prohibited from receiving or which he is not authorised to receive shall be retained in accordance with rule 23(1)*(b)*.

Visits by relatives

33. (1) *(a)* A soldier under sentence may receive visits from his relatives at the discretion of the commandant.

(b) Such visits shall take place in the military establishment at times and places decided by the commandant.

(2) Any visit authorised by this rule shall be within the sight and hearing of the commandant or a member of the staff of the military establishment.

Visits for purpose of investigating offences

34. (1) The commandant may permit a soldier under sentence to be visited by a police officer or provost officer or by any officer or other person whose duty it is to investigate the commission, or suspected commission, of an offence.

(2) The commandant shall permit any person to visit a soldier under sentence if that person is authorised to visit him by a warrant or an order of a court.

Visits by legal advisers

35. (1) Any written communication between a soldier under sentence and his legal adviser shall be confidential and exempt from censorship, except that when the commandant has reason to believe that any such communication may contain material unrelated to the purpose of an investigation, trial or appeal, it may be subject to censorship in accordance with rule 31.

(2) The commandant shall provide reasonable facilities for a soldier under sentence to be visited by his legal adviser in connection with any investigation, trial or appeal.

(3) Any visit authorised by this rule shall be within the sight, but not within the hearing, of the commandant or a member of the staff of the military establishment.

Medical attention

36. (1) The commandant shall ensure that every soldier under sentence shall be examined by a medical officer at least once every day on the occasions when he is —

(a) in close confinement;

(b) subject to any form of mechanical restraint; or

(c) sick or complains of sickness.

(2) The medical officer shall also examine daily every soldier under sentence to whom his attention is directed by the commandant.

Functions of medical officer

37. (1) The medical officer shall have the care of the mental and physical health of soldiers under sentence in a military establishment.

(2) The commandant shall take into account his advice in these matters unless to do so would be contrary to any written law or these Rules.

Attendance by medical officer

38. A medical officer shall attend immediately or as soon as practicable to any soldier under sentence on receiving from the commandant information regarding his illness.

Appeals

39. A person on whom a military sentence of imprisonment or detention has been passed and which is to be served in a military establishment or who is temporarily detained in such a military establishment whilst awaiting reception into a civil prison in pursuance of a committal order —

(a) who has appealed or desires to appeal to the Court of Appeal against his conviction by the court-martial; or

(b) whose conviction or acquittal is the subject of an appeal,

may be taken to, kept in custody at, or brought back from any place at which he is entitled or ordered by that Court to be present for the purposes of any proceedings of that Court, as follows —

(i) he may be taken to, kept in custody at, and brought back from any such place as is stated above in military custody; or

(ii) he may be kept in custody at any such place in such manner as may be directed by the Court or, in the absence of any such direction in a —

(A) military establishment;

(B) civil prison; or

(C) police station:

Provided that he shall not be kept in a police station for periods exceeding 7 days at any one time.

Complaints

40. (1) A soldier under sentence who considers himself wronged in any matter may complain to the commandant of the military establishment in which he is serving his sentence to a visiting officer on the occasion of his visit or to the Board of Visitors on the occasion of that Board's visit.

(2) Where the soldier under sentence has a sub-unit commander, he shall forward any complaint he wishes to make to the commandant through his sub-unit commander.

(3) The commandant of a military establishment shall investigate any complaint made to him under this rule and shall take any steps he considers necessary for redressing the matter.

(4) A soldier under sentence may complain to his commanding officer under section 181 and it shall be the duty of the commandant to forward that complaint to the commanding officer of the soldier.

Searching soldiers under sentence

41. (1) On admission to a military establishment, a soldier under sentence shall be searched in accordance with rule 42.

(2) The commandant of a military establishment may order that a soldier under sentence shall be searched at any time while serving his sentence.

Method of searching

42. For the searching of any person in a military establishment in accordance with these Rules, the following conditions apply —

(a) no person shall be present at any search except the commandant or members of the staff of the military establishment, and in particular no soldier under sentence shall be present at the search of any other soldier under sentence;

(b) no person shall be searched by or in the presence of a person of the opposite sex other than a medical officer.

Escapes

43. (1) Any member of the staff of a military establishment who discovers that a soldier under sentence has escaped shall immediately report the fact to the commandant.

(2) If a soldier under sentence in a military establishment escapes, the commandant shall immediately inform —

(a) the Officer-in-Charge of the police district in which the military establishment is situated;

(b) the Military Police Unit;

(c) the Staff Officer for Security, Directorate of Intelligence and Security; and

(d) the Staff Officer for Personnel of the Directorate of Personnel and Administration.

Deaths in military establishment

44. (1) If a soldier under sentence in a military establishment dies, the commandant shall immediately report the fact to the coroner having jurisdiction in the place where the military establishment is situated.

(2) Nothing in this rule shall affect the duty of the commandant, or higher military authority, to record or report the death to meet the requirements of any other rules, regulations or instructions.

Offences against discipline by soldiers under sentence

45. A soldier under sentence commits an offence against these Rules if he —

(a) commits an offence of a nature which might be dealt with summarily by the commanding officer of a soldier of the regular forces;

(b) treats with disrespect any member of the staff of a military establishment, any visitor to the military establishment or any person employed in it;

(c) is lazy, negligent or careless;

(d) uses any abusive, insolent, threatening or improper language;

(e) is indecent in any act or gesture;

(f) leaves his room or place of work or any other appointed place without permission;

(g) has in his room or possession any unauthorised article or attempts to obtain such an article;

(h) gives to or receives from any person any unauthorised article;

(i) makes repeated and groundless complaints;

(j) attempts to commit any of the offences in paragraphs *(b)*, *(e)*, *(f)*, *(g)* and *(h)*.

Jurisdiction of commandant and sub-unit commander of military establishment

46. (1) The commandant of a military establishment shall have jurisdiction to punish a soldier under sentence who commits an offence against these Rules.

(2) The commandant of a military establishment may delegate jurisdiction to a sub-unit commander under his command to punish a soldier under sentence who commits an offence against these Rules.

Procedure for dealing with offences

47. (1) A soldier who, while under sentence, commits any offence against the Act or these Rules shall be dealt with in accordance with the following provisions of this rule.

(2) When it is reported to the commandant that a soldier under sentence has committed an offence as is described in subrule (1), the commandant shall deal with it as follows —

(a) if the alleged offence is one which the commandant has jurisdiction to deal with and if he believes his powers of punishment are adequate, he may deal with the matter in accordance with the Act and regulations made thereunder. In addition to the punishments authorised by the Act, he may also impose the punishments referred to in rule 48;

(b) if the alleged offence is one which the commandant has no jurisdiction to deal with or, even if he did have jurisdiction, he considers the punishment he might award would be inadequate, he shall report the case to his higher authority with a request that the soldier be dealt with under military law;

(c) in all other cases, the procedure laid down in subrule (3) shall be observed.

(3) *(a)* The commandant shall ensure that the soldier is informed of the offence or offences he is alleged to have committed against these Rules, and the soldier shall then be brought before him.

(b) The evidence in support of the allegations shall be given by each witness in person in the presence of the soldier, except that where the soldier has been supplied in advance with a written statement of the evidence of a witness and does not dispute any of its contents, the evidence of that witness need not be given in person provided the soldier agrees and the statement is read aloud in his presence.

(c) The soldier shall then be given an opportunity to question the evidence against him and to present his own case, and the commandant shall finally inform the soldier whether he finds him guilty or not guilty of each offence alleged.

Punishments which may be awarded by a commandant

48. (1) The commandant of a military establishment may award any one or more of the punishments set out in subrule (2) to a soldier under sentence who has been found by him to have committed an offence against these Rules.

(2) The punishments referred to in subrule (1) are —

(a) close confinement for a period not exceeding 3 days;

(b) deprivation of a mattress for a period not exceeding 3 days;

(c) extra military instruction;

(d) admonition.

Punishments which may be awarded by sub-unit commander

49. The commandant of a military establishment may delegate to a sub-unit commander under his command, jurisdiction to award any one or more of the following punishments to a soldier under sentence who has been found by the sub-unit commander to have committed an offence against these Rules —

(a) extra military instruction not exceeding 3 periods of 45 minutes each;

(b) admonition.

Close confinement

50. (1) No soldier under sentence shall be placed in close confinement unless he has been certified as specified in Schedule 5 by a medical officer as fit to undergo that punishment.

(2) A soldier under sentence in close confinement shall not be permitted any exercise except on the recommendation of the medical officer.

(3) A soldier under sentence who is in close confinement shall not be deprived of his room furniture or books nor be subjected to any form of discipline which has not been lawfully ordered under these Rules.

(4) A soldier under sentence who is in close confinement shall be visited at least once every day by the commandant or an officer authorised by him not below the rank of Captain and the medical officer, and he shall be visited at least once every 3 hours by a member of the staff of the military establishment.

Mechanical restraint

51. (1) The commandant of a military establishment may issue an order in writing for the mechanical restraint of a soldier in custody or under sentence to prevent him from —

(a) inflicting any bodily injury to himself or others;

(b) damaging any property;

(c) creating any disturbance; or

(d) escaping from custody.

(2) A mechanical restraint shall not be ordered for the purpose of punishment.

(3) A mechanical restraint shall only be by means of handcuffs or a straitjacket.

(4) Where the mechanical restraint is by means of handcuffs, the handcuffs —

(a) shall be designed in the figure of 8, and be of the swivel or curb chain type; and

(b) shall not exceed 567 grams in weight.

(5) The commandant of a military establishment may, when handcuffs or a straitjacket cannot efficiently secure the soldier in custody or under sentence, order other means or manner of restraint with the approval, and subject to the conditions laid down by a medical officer, in the form set out in Part II of Schedule 6.

(6) Where a soldier in custody or under sentence is restrained by means of handcuffs, the handcuffs shall not be attached to any object.

(7) Soldier in custody or under sentence may be handcuffed to one another in transit.

(8) An order made under subrule (1) shall be in the form set out in Part I of Schedule 6 and shall state —

(a) the type and manner of restraint that is to be applied; and

(b) the period during which it shall be applied.

(9) No soldier in custody or under sentence shall be mechanically restrained by means of handcuffs for more than 12 hours, except that the Director of Personnel and Administration may by order in the form set out in Part I of Schedule 6 authorise the use of handcuffs to be continued for a further period not exceeding 24 hours.

(10) A mechanical restraint may be applied to a soldier in custody or under sentence before an order under subrule (1) has been issued in a case of extreme urgency when an order in writing cannot be obtained.

Use of special clothing

52. When a soldier under sentence destroys, or attempts to destroy, his clothing or refuses to wear uniform, the commandant of the military establishment may order him to wear special clothing of a type approved by the Commander.

Isolation of soldiers under sentence

53. (1) A soldier under sentence may be isolated from other soldiers under sentence for the following reasons —

(a) he has been found to be infected, or he is suspected to be infected, with a communicable disease; or

(b) his behaviour and conduct is detrimental to the well-being of others and to the security of the military establishment in which he is detained.

(2) A soldier under sentence referred to in subrule (1) shall be kept in a single cell.

(3) An order for the isolation of a soldier under sentence shall be in the form set out in Schedule 7.

PART 5

UNIT DETENTION ROOMS

Application of this Part

54. (1) *(a)* This Part applies only to unit detention rooms.

(b) All these Rules, however, apply to unit detention rooms except those rules referred to in subrule (2) and those which are modified by subrule (3).

(2) The following rules do not apply to unit detention rooms —

(i) rules 37 and 38 (which relate to the functions and attendance of a medical officer);

(ii) rule 46(2) (which relates to the delegation of jurisdiction to a sub-unit commander);

(iii) rule 49 (which relates to punishments which may be awarded by a sub-unit commander);

(iv) rules 61 and 62 (which relate to education and welfare);

(v) rules 65 to 68 (which relate to visiting officers);

(vi) rules 69 to 71 (which relate to the Board of Visitors);

(vii) rules 72 and 73 (which relate to staff).

(3) The provisions of the rules specified below apply to unit detention rooms but subject to the following modifications —

(a) in rule 40 (which relates to complaints), the reference in this rule to a sub-unit commander, a visiting officer or the Board of Visitors do not apply to unit detention rooms;

(b) rules 51 and 52 (which relates to the use of mechanical restraint and special clothing) apply to unit detention rooms only where reference is made to mechanical restraints by means of handcuffs.

Setting up unit detention rooms

55. Unit detention rooms shall be under the control of the Commander or by the officer by whom they are provided in accordance with these Rules.

Segregation in unit detention rooms

56. Soldiers under sentence in unit detention rooms shall be segregated from any soldiers confined in such rooms awaiting trial by court-martial, disposal by a commanding officer or appropriate superior authority, or awaiting promulgation of sentence.

PART 6

RELIGION, EDUCATION AND WELFARE

Books of religious instruction

57. As far as practicable, the commandant shall make available for the use of every soldier under sentence such books of religious observation or instruction as are recognised for the use of his religion.

Religious officers

58. (1) When religious officers are present in a military establishment for the purposes of their duties, they shall abide by these Rules and the standing or other orders made for the running of the military establishment and they shall consult the commandant concerning their duties.

(2) The commandant shall afford facilities to religious officers to have access to soldiers under sentence at times approved by him for the purpose of visiting or giving them religious instruction.

Duties of religious officers

59. (1) Wherever possible, a religious officer of the same religion as a soldier under sentence shall visit him as soon as practicable after the soldier's admission to a military establishment, and thereafter at reasonable times and shortly before his release.

(2) The commandant shall make available to religious officers on the occasion of their visit a list of soldiers under sentence who are sick or undergoing punishment under these Rules and he shall afford facilities for such soldiers to be visited, if requested, either by a religious officer or the soldier.

(3) A religious officer shall officiate as appropriate at the burial of a soldier under sentence who dies in a military establishment.

Religious services

60. (1) Whenever possible, religious officers shall conduct religious services in military establishments on Fridays, other customary days and on such other convenient occasions approved by the commandant as the religious officer may propose.

(2) *(a)* A soldier under sentence shall be allowed to attend a religious service of his own religion.

(b) Any soldier undergoing punishment under these Rules may attend religious service unless he is in close confinement or is excluded from attending because of his disorderly conduct or because it is considered his conduct would be disorderly.

Education of soldiers under sentence

61. The commandant of a military establishment shall —

(a) where radios or television sets are provided, make use of them as he considers fit for broadcasting news and educational matters to soldiers under sentence;

(b) encourage soldiers under sentence to assist in the education of other soldiers under sentence;

(c) take a special interest in providing the rudiments of education to any illiterate soldiers under sentence;

(d) encourage other educational activities when circumstances permit;

(e) encourage soldiers under sentence to study any special subjects in which they are interested and, at his discretion, allow them to be provided with any necessary text-books or reference books.

Welfare

62. (1) A unit counsellor or welfare officer shall be appointed in each military establishment, and the commandant shall afford facilities to soldiers under sentence to consult the unit counsellor or welfare officer as is required.

(2) *(a)* The unit counsellor or welfare officer shall keep written records of the matters on which he is consulted by soldiers under sentence.

(b) If he has not completed any action or correspondence in connection with such matters before a soldier under sentence is released from the military

establishment to return to his unit, he shall send to that soldier's commanding officer a report on those matters and any relevant correspondence or papers.

PART 7

MISCELLANEOUS RULES AND OFFENCES RELATING TO MILITARY ESTABLISHMENTS

Unlawful introduction of articles

63. (1) No person shall without lawful authority convey or attempt to convey any article into or out of a military establishment or to a soldier under sentence.

(2) No person shall place such an article anywhere outside the military establishment with intent that it shall come into the possession of a soldier under sentence.

Admission of visitors and others to military establishments

64. (1) *(a)* No unauthorised person shall enter a military establishment, make any sketch, take any photograph, or communicate with any person in it under sentence.

(b) No such person shall remain in an establishment after being requested to leave by the commandant or other person acting under his authority.

(c) In deciding whether to grant permission, grant permission subject to certain conditions, or refuse permission to enter a military establishment, the commandant shall have regard to the orders of any court of competent jurisdiction, the provisions of these Rules and the directions or instructions of any higher military authority.

(2) The commandant of a military establishment may grant permission to any person to enter a military establishment subject to any conditions, and he may make it a condition of granting permission to a person to enter or do anything within a military establishment that such person agrees to being examined or searched if so requested.

(3) The commandant may order the removal from a military establishment of any person who, without authority, enters the military establishment, makes any sketch, takes any photograph, refuses to be examined or searched or fails to comply with any condition imposed by the commandant under this rule.

PART 8

VISITING OFFICERS AND BOARD OF VISITORS

Appointment of visiting officers

65. (1) The Director Personnel shall ensure that an officer not below field rank, or corresponding rank, (referred to in these Rules as a "visiting officer") visits each military establishment (other than unit detention rooms) once every month.

(2) A written order of appointment shall be given to each visiting officer.

Duties of visiting officer

66. (1) A visiting officer who has been appointed to visit a military establishment shall attend in accordance with the instructions of the order appointing him.

(2) On arrival at a military establishment the visiting officer shall, if required, produce to the commandant or anyone acting on his behalf the order appointing him.

(3) The visiting officer shall not inspect the staff, buildings or premises of the military establishment.

(4) *(a)* Except under the conditions of subrule (7), on each visit, the visiting officer shall see all the soldiers under sentence in the military establishment either on parade or in their rooms.

(b) Soldiers in close confinement or in a medical detention room shall be seen in those rooms.

(5) *(a)* Except under the conditions of subrule (7), the visiting officer shall ask all soldiers under sentence if they have any complaints to bring to his notice.

(b) This question is to be asked by the visiting officer himself and not by any member of the staff on his behalf.

(c) This question is not to be qualified in any way, nor is a soldier's right to complain to be made subject to any conditions.

(6) *(a)* A soldier under sentence who wishes to complain shall be asked by the visiting officer whether he wishes to make his complaint then or privately.

(b) If the soldier wishes to make his complaint privately, the commandant shall make a suitable room available for the visiting officer.

(c) If the commandant considers it necessary, a member of the staff may be present to ensure there is no breach of discipline by the soldier but, at the discretion of the visiting officer, that member of the staff shall remain within sight but out of hearing.

(7) A visiting officer shall satisfy himself that he has seen all the soldiers under sentence in the military establishment, except any whom he is specifically requested not to see on medical grounds on the advice of the medical officer.

Investigation of complaints by visiting officer

67. (1) *(a)* A visiting officer is to make full inquiries into any complaint made to him and the commandant shall place at his disposal any witness or evidence required.

(b) The visiting officer is to ascertain whether the complaint had previously been made to the commandant or other officer on the staff of the military establishment and, if so, any action taken as a result of it.

(2) After completing the investigation into any complaint made by a soldier under sentence, the visiting officer shall proceed as follows —

(a) if in his opinion the complaint was not justified, he shall inform the soldier under sentence accordingly;

(b) if in his opinion the complaint was justified, he shall inform the soldier under sentence that he will report the matter to the Director Personnel.

(3) A visiting officer shall not under any circumstances to offer any redress to the soldier under sentence.

(4) After each visit, a visiting officer shall make a report to the Director Personnel, including a full report of every complaint made to him and his subsequent investigation.

Redress of complaints made to visiting officer

68. On receipt of a complaint reported to him by a visiting officer, the Director Personnel shall investigate it and take any necessary steps for redressing the matter.

Board of Visitors

69. (1) The Minister shall for each year appoint a Board to be called the Board of Visitors.

(2) Each military establishment, other than unit detention rooms, shall be visited by the Board of Visitors in accordance with rules 70 and 71.

General duties of Board of Visitors

70. (1) The Board of Visitors shall carry out the following general duties with regard to the military establishment to which their appointment relates —

(a) inspect the military establishment in accordance with rule 71 on at least two occasions in a year;

(b) whether in the course of their inspection under paragraph *(a)* or not, inquire into any matter into which the Ministry or any officer authorised by the Minister directs them to inquire or into any alleged abuses or shortcomings which may come to their notice,

and shall report the results of each inspection or inquiry to the Minister.

(2) The Board of Visitors shall record each visit made by them to a military establishment in the journal kept by the establishment for that purpose, and they may note in the journal any observations they wish to make.

Duties of Board of Visitors on inspection

71. (1) On an inspection, the Board of Visitors shall satisfy themselves as to the state of the premises of the military establishment, the administration of the establishment, and the treatment of the soldiers under sentence.

(2) Without affecting the generality of subrule (1), the Board of Visitors shall in particular on each inspection —

(a) see all soldiers under sentence and hear, in private, if the Board thinks fit, any complaint or request which any such soldier may wish to make to them;

(b) inspect the food prepared and provided for the soldiers under sentence;

(c) inspect such of the Armed Forces forms and books maintained in connection with these Rules as they think fit.

(3) The Board of Visitors shall, if they consider necessary, report to the Minister, as specified in rule 70(1), any complaint or request made to them under subrule (2)*(a)*, or upon any food which they have inspected under subrule (2)*(b)* and found to be unsatisfactory.

(4) Where the Board of Visitors make a report about the food under subrule (3), the commandant of the military establishment shall take immediate steps to redress the matter.

PART 9

STAFF OF MILITARY ESTABLISHMENTS

Duties of commandant of military establishments

72. The commandant of a military establishment shall —

(a) exercise a close and constant supervision of the military establishment and, if practicable, visit and inspect daily all parts of the establishment in which soldiers under sentence are working or training. He shall also visit the military establishment during the night at least once a week. He shall make frequent inspections of the rooms occupied or used by soldiers under sentence and shall satisfy himself that the food intended for them is properly stored, cooked and served;

(b) supervise and control the duties of the staff of the military establishment and satisfy himself that the details and rosters of duties are prepared and maintained in accordance with any directions of the Commander and in a manner to ensure the efficiency of the establishment;

(c) issue at any time standing orders for the staff and examine such orders periodically so that they may be revised and maintained in line with current requirements;

(d) instruct the staff of the military establishment to maintain discipline with firmness but without more repression or restriction than is required for the safe custody of soldiers under sentence in a well-ordered community;

(e) encourage members of the staff to enlist the willing cooperation of soldiers under sentence by leadership and example;

(f) interview every soldier under sentence as soon as possible after his admission to the military establishment and shortly before his release;

(g) arrange for any soldier under sentence who is to be dismissed or discharged from the Armed Forces to be interviewed shortly before his release from a military establishment in Brunei Darussalam with reference to his future civil employment.

Duties of members of staff of military establishment

73. Members of the staff of a military establishment shall —

(a) carry out their duties in accordance with these Rules, the standing orders of the military establishment and the orders of the commandant;

(b) preserve an attitude of firmness tempered with understanding towards soldiers under sentence and avoid any form of harsh treatment, set an example of integrity and fairness, try to create a feeling of respect and confidence among the soldiers in their charge, and study their respective characteristics to bring out the best in them;

(c) draw the attention of the commandant to any soldier under sentence who may appear not to be in good health, even though he may not complain, or whose mental state warrants special notice so that such a soldier can be sent to the medical officer for examination;

(d) prevent prohibited articles from being hidden for the purpose of being conveyed to soldiers under sentence and immediately report any such occurrence;

(e) ensure no ladders, planks, ropes, chains, clothing or articles of any kind likely to facilitate escape are left in any place where they would be accessible to soldiers under sentence;

(f) take the utmost care to guard against fires and report any danger of fire, and not carry any naked light within the establishment;

(g) call attention to any defect in the sanitation or ventilation which they may notice;

(h) when on night duty, satisfy themselves as to the correctness of the number of soldiers in their charge and that the rooms are securely locked for the night;

(i) periodically examine the state of the rooms, bedding, locks and bolts under their charge and report when any action is required;

(j) seize all prohibited articles and hand them over immediately to the commandant.

SCHEDULE 1

(rule 14)

COMMITTAL ORDER TO MILITARY ESTABLISHMENT/CIVIL PRISON[1]

To

The Director of Prisons[2]

The Commandant of .....[3]

Whereas.....[4]

was on the ..... day of ..... 20 .....

at .....

awarded detention/imprisonment for a period of ..... days

by.....[5]

In pursuance of the Royal Brunei Armed Forces Act, this is to authorise and require you to receive the above-named.....[4] into your custody and for so doing, this shall be your warrant.

Dated this ..... day of ..... 20 .....

.....

(Signature of commanding officer to be committed/President of Court-Martial)

1 Delete where inapplicable.
2 Insert the name of the establishment.
3 Insert name of unit.
4 Insert number, rank and name of soldier to be committed.
5 Court, ASA or CO awarding sentence.

SCHEDULE 2

(rule 15(1)*(b)*)

ORDER FOR RELEASE FROM PRISON OR MILITARY ESTABLISHMENT

To The Director of Prisons/commandant or other person in charge of

.....[1],

Whereas.....

..... of the .....[2]

is now in your custody undergoing a sentence of imprisonment/detention passed by court-martial / awarded by his/her commanding officer.[3]

Now, therefore, in pursuance of the Royal Brunei Armed Forces (Imprisonment and Detention) Rules (R 2), I hereby order you to release.....[2] from custody.

Dated this ..... day of ..... 20 .....

.....[4]
(Signature)

.....
(Rank and appointment)

Dated this ..... day of ..... 20 .....

1 Insert the name and address of the military establishment.
2 Insert number, rank, name and unit of soldier to be released.
3 Delete as applicable.
4 This form must be signed by the reviewing or reconsidering authority or an officer authorised to do so by His Majesty the Sultan and Yang Di-Pertuan. In the case of a soldier serving a sentence of detention awarded by his commanding officer, only by his commanding officer.

SCHEDULE 3

(rule 17(1))

TEMPORARY RELEASE FROM MILITARY DETENTION
ON COMPASSIONATE GROUNDS

In pursuance of the Royal Brunei Armed Forces (Imprisonment and Detention) Rules (R 2), I hereby authorise the temporary release of .....[1]

a soldier under sentence for a period of ..... hours/days.

The reasons for release are as follows —

.....

.....[2]

The following conditions shall apply —

.....

.....

.....[3]

The abovenamed soldier shall be released from ..... hours on ..... until ..... hours on .....

Dated this ..... day of ..... 20 .....

.....
(Signature of Commandant)

.....
(Signature of soldier)

Note: This temporary release is subject to the condition that if the abovenamed soldier fails to return on the due date, he shall be liable to arrest and disciplinary charges under the Royal Brunei Armed Forces Act and the Rules made thereunder. The period of release will not count towards sentence.

1 Insert number, rank, name and unit of soldier to be released.
2 Insert the compassionate reasons for release.
3 Insert any conditions which shall apply e.g. "To reside at ....."; "To reside at ..... between the hours of ..... And ....."; "The report to ..... police station at ..... hours daily".

SCHEDULE 4

(rule 25(1))

MEDICAL CERTIFICATE OF FITNESS

I[1] ..... after the examination of .....[2] hereby certify him to be medically fit to be kept in custody under a sentence of detention or imprisonment.

I further certify that[2]

.....

is/is not[3] medically fit to be engaged in authorised work and training subject to the following conditions[4] —

.....

.....

.....

.....

.....

Dated this ..... day of ..... 20 .....

.....

(Signature of Medical Officer)

1 Insert number, rank and name of medical officer.
2 Insert number, rank and name of soldier.
3 Delete where inapplicable.
4 To be completed where the medical officer considers that there should be conditions on work and training. If there are none then the words "subject to the following conditions should be deleted and initialled by the medical officer".

SCHEDULE 5

(rule 50(1))

MEDICAL CERTIFICATE OF FITNESS FOR CLOSE CONFINEMENT

I[1] ..... after the examination of .....[2] hereby certify him to be medically fit to be kept in custody under a sentence of detention or imprisonment.

I further certify that[2]

.....

is/is not[3] medically fit to be kept in close confinement subject to the following conditions[4] —

.....

.....

.....

.....

.....

Dated this ..... day of ..... 20 .....

.....

(Signature of Medical Officer)

1 Insert number, rank and name of medical officer.
2 Insert number, rank and name of soldier.
3 Delete where inapplicable.
4 To be completed where the medical officer considers that there should be conditions on work and training. If there are none then the words "subject to the following conditions should be deleted and initialled by the medical officer".

SCHEDULE 6

(rules 51(5), (8) and (9))

ORDER FOR RESTRAINT OF PERSON IN CUSTODY AND APPROVAL OF MEDICAL OFFICER

PART I

ORDER FOR RESTRAINT OF PERSON IN CUSTODY[1]

I, [2]..... hereby order
(Number, rank, name)

[3] .....
(Number, rank, name and unit)

to be restrained by means of [4] .....
.....
.....

in the following manner [5] .....
.....
.....

from [6] ..... to .....
(date/time) *(date/time)*

This order is given for the following reasons —

[7].....
.....
.....

Dated this ..... day of ..... 20 .....

.....
(Signature of Commandant)

1 To be filled by the commandant.
2 Particulars of the commandant.
3 Particulars of arrested person or person serving detention.
4 State instrument of restraint.
5 State position of the hands of arrested person or person serving detention and other particulars relating to manner of restraint.
6 The period shall not exceed 12 hours in the case of restraint with the hands to the rear or 24 hours in any other case.
7 State reasons for the order.

SCHEDULE 6 — *(continued)*

PART II

APPROVAL OF MEDICAL OFFICER[8]

I,[9] ..... hereby approve
(Number, rank, name, appointment)

the following means and manner of restraints [10] .....

.....

.....

to be applied to [11] .....
(Number, rank, name, unit)

from ..... to ..... provided that[12] .....
(date/time) *(date/time)*

Made at ..... hours this ..... day of ..... 20.....

.....
(Signature of Medical Officer)

8 To be filled by a medical officer when the instrument of restraint is other than handcuffs or when soldier in custody or under sentence is restrained in a manner other than with his hands handcuffed at the front or rear.
9 Particulars of medical officer.
10 State the instrument and manner of restraint.
11 Particulars of soldier in custody or under sentence.
12 State any condition relevant to the application of restraint.

SCHEDULE 7

(rule 53(3))

ORDER FOR ISOLATION OF SOLDIER UNDER SENTENCE

I, [1] ..... hereby approve
(Number, rank, name, appointment)

[2] .....
(Number, rank, name and unit)

to be isolated in a[3] normal/single cell for the period from[4] .....
(date/time)

This order is given for the following reasons —

[5] .....

.....

.....

The conditions of the isolation shall be as follows —

[6] .....

.....

.....

Dated this ..... day of ..... 20 .....

.....
(Signature of Commandant)

1 Particulars of commandant.
2 Particulars of the soldier under sentence to be isolated.
3 Delete as applicable the types of cell.
4 State the period of the isolation.
5 State the reasons for the isolation.
6 State the conditions of the isolation.