



**ATTORNEY GENERAL'S CHAMBERS**  
**ANNUAL REPORT 2017**



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## CIVIL DIVISION

### CD Personnel in 2017

There are 26 officers and 14 support staff under the Civil Division. The Civil Division comprises of 4 major units: Advisory I, Advisory II, Registries and the Debt Recovery Unit (DRU)

- 1) Advisory I (8 officers)
- 2) Advisory II (8 officers)
- 3) Registries (1 officer)
- 4) Debt Recovery Unit (8 officers)

### Advisory Units

- Providing legal advisory services including drafting, vetting and negotiating contracts, Memorandum of Understandings and deeds, statutory interpretations for the ministries and all departments thereunder / statutory boards

### DRU

- Represents and assists the Government in any legal proceedings or alternative dispute resolution involving the Government and particularly, the recovery of debts owed to the Government
- Admission of advocates and solicitors to the Supreme Court of Brunei Darussalam as required under Legal Profession Act (Cap. 132).



### CD Statistics 2017

#### Advisory Units

Matters	496
Legal Advice	164
Agreement / Contract / Memorandum of Understanding	169
Advisory and related services in relation to legislation	22
Attendance to Board / Committee Meetings / Meetings	120
Matters Vetted/Dealt (outgoing)	333

In 2017, the Division received 164 matters on legal advice and 169 matters on agreements/contracts/MOUs compared to 2016 during which 87 and 102 matters respectively were received.

Recorded outgoing matters in 2017 are at 333, whereas the previous years, it was 185. This illustrates that the officers has also worked hard in disposing and dealing with the increased volumes of matters assigned.

Some of the highlights and the important cases and matters dealt with in 2017 are as follows:

1. Completion of the long-term Sukuk docs and advisories,
2. Completion of the Services Agreement for H40 Lambak Kanan between Ministry of Development and Darussalam Assets
3. Completion of the TF2 matter (Naval Boat Collision with Cargo Ship) ;
4. Completion of Agreement between MOF & CAE (Brunei) MPTC;
5. Successfully defending the Chief Registrar from being sued by Messrs Yusof Halim & Partners
6. Completion of the consultancy agreement for establishment of the MSME Bank.



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### DRU statistics 2017

Matters	
Arbitration	1
Admissions to the Legal Profession	8
Tortious Claims Against the Government	NIL
Hearing in the Magistrates Court	539
New Cases	180
Settled Files	297
Correspondence Received	2672

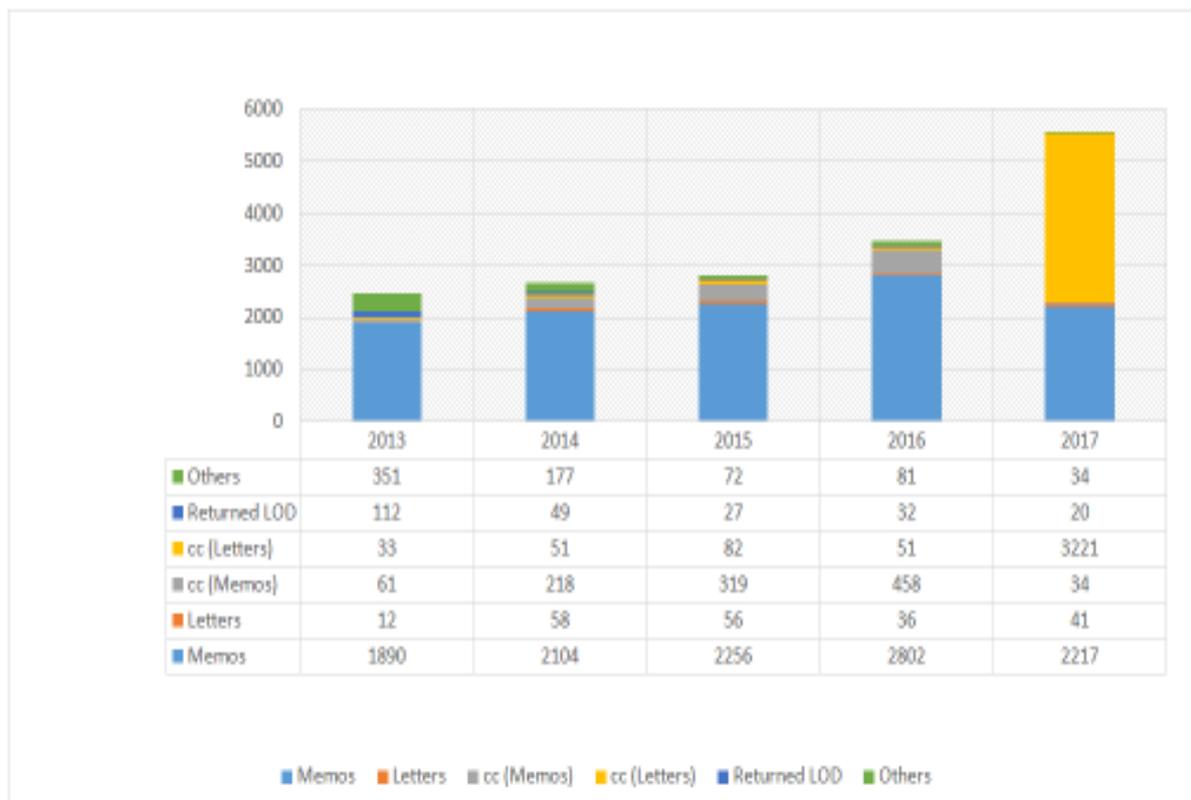
### Recorded Claim Cases – 2016 to December 2017

INSTRUCTING DEPARTMENT	AMOUNT RECOVERED		TOTAL SETTLED	
	2016	2017	2016	2017
MUNICIPAL	\$ 1,723,421.01	\$ 970,795.00	160	150
MOF TREASURY (RECOVERY)	\$ 28,782.01	\$ 168,970.00	5	22
TELECOMS	\$ 24,748.63	\$ 87,029.00	33	90
PUBLIC WORKS DEPARTMENT	\$ 1,584.80	\$ 2,628.00	21	5
MOH HOSPITAL BILLS	\$ 275.00	\$ 3,007.00	1	4
RTB	\$ 205,594.00	\$ 12,509.00	4	3
MOE MEDICAL DOCTORS	\$ 1,143,536.99	\$ 1,004,435.00	3	2
DES ELECTRICITY BILLS	\$ 75,376.00	\$ 118,777.00	12	6
MISCELLANEOUS (DAERAH TEMBURONG, HOSPITAL, SEWA STADIUM, SEWA GUDANG, KANTIN MOE, CAJ PERLABUHAN, JPKE3 & PERCETAKAN)	\$ 447,907.00	\$ 31,152.00	4	15
<b>TOTAL</b>	<b>\$ 3,651,225.44</b>	<b>\$ 2,400,746.00</b>	<b>243</b>	<b>297</b>



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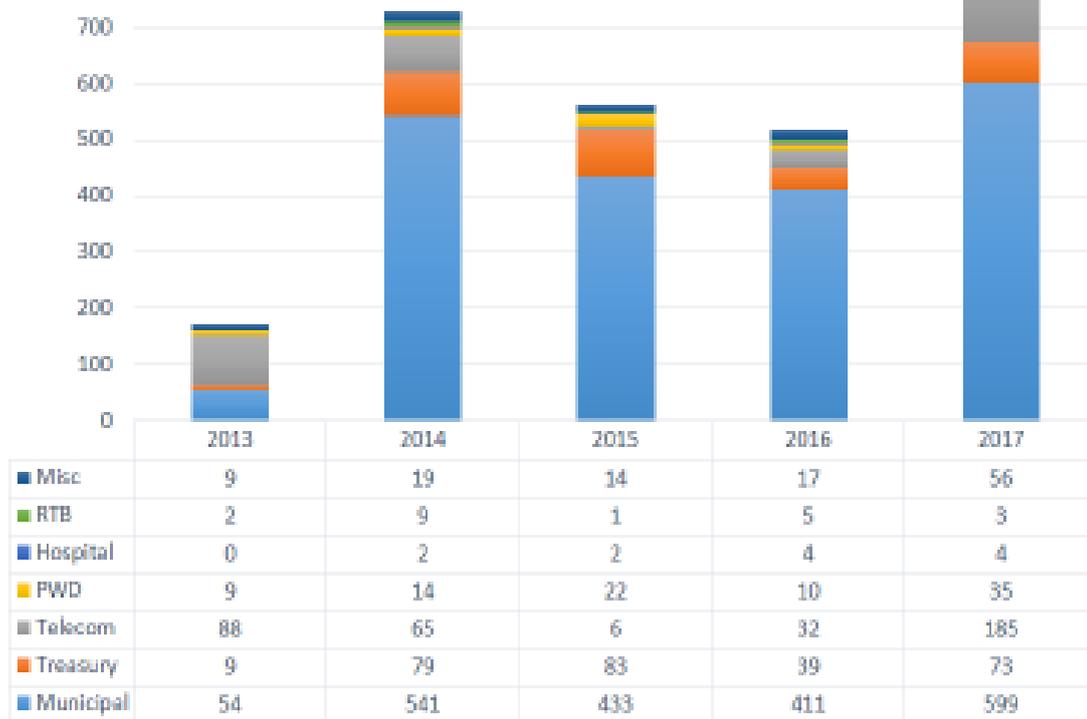
CLIENTS	CASES
Municipal Boards	Municipal Rates, Building/Stall Rents
Ministry of Finance (MOF) (Treasury)	Recovery Matters; Car/House Loan/ Overpaid Salary, Bonus, Allowance, Accidents with Government Vehicle
Telecom (MOF)	Telecom Bills
Public Work Department (PWD)	Damage / Lost of Government Property
Hospital (Ministry of Health)	Ward Bills
Radio Television Brunei (RTB)	Advertisement   Rental of Building
Ministry of Education	Scholarship Claims
MISCELLANEOUS (MISC.)	
Department Electrical Services	Electricity Bills
Ministry of Welfare Youth & Sport	Rental of Building
Ministry of Industry & Primary Resource	Rental of Building, Loan schemes
Economic Planning and Development	Finance Scheme
Others	Miscellaneous Cases, e.g. Recovery of Balance of Advances.



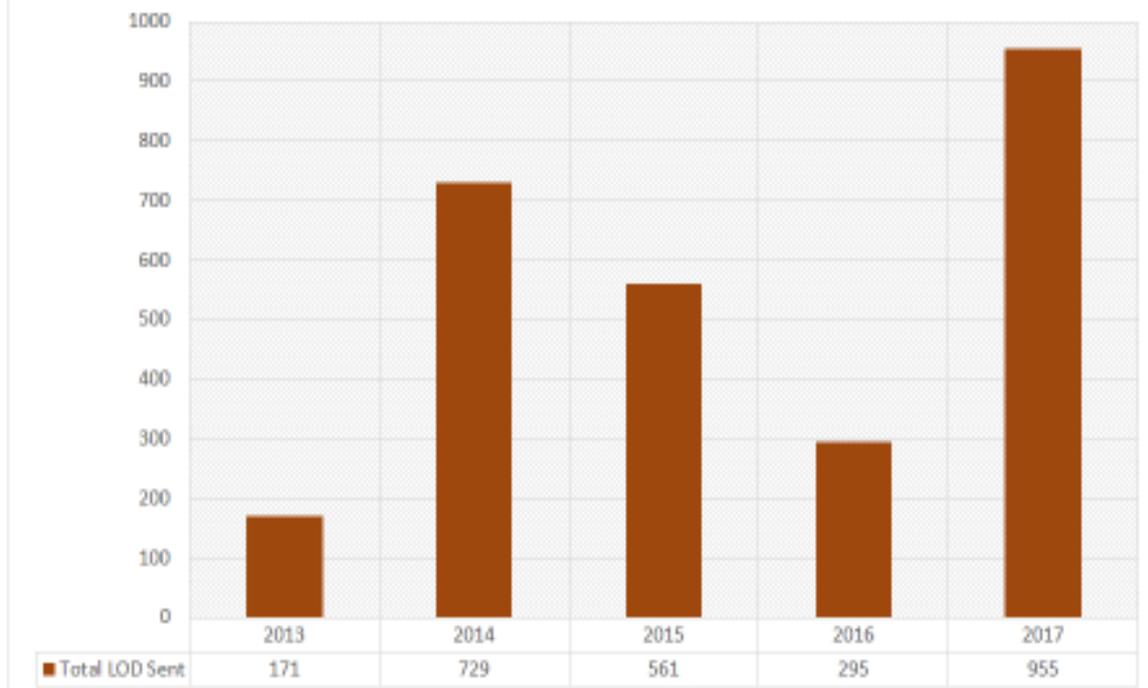


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### Number of Letter of Demand Sent

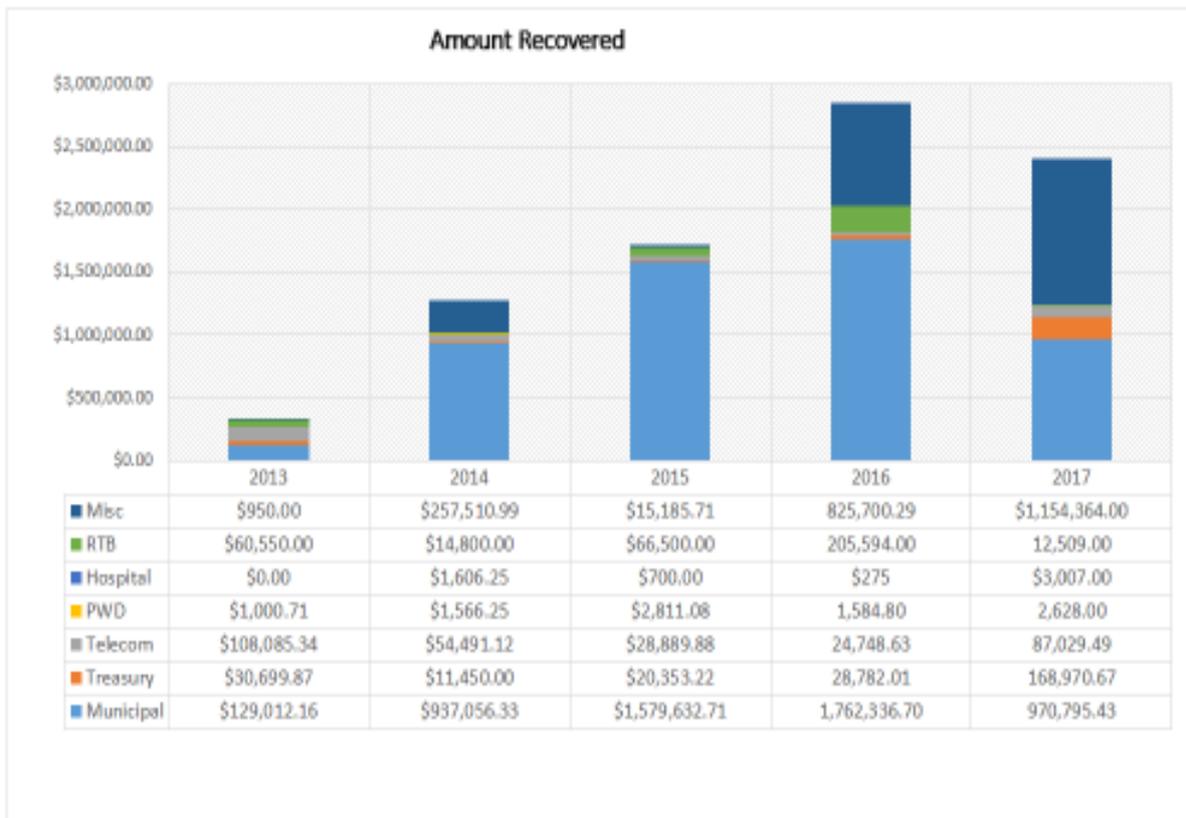
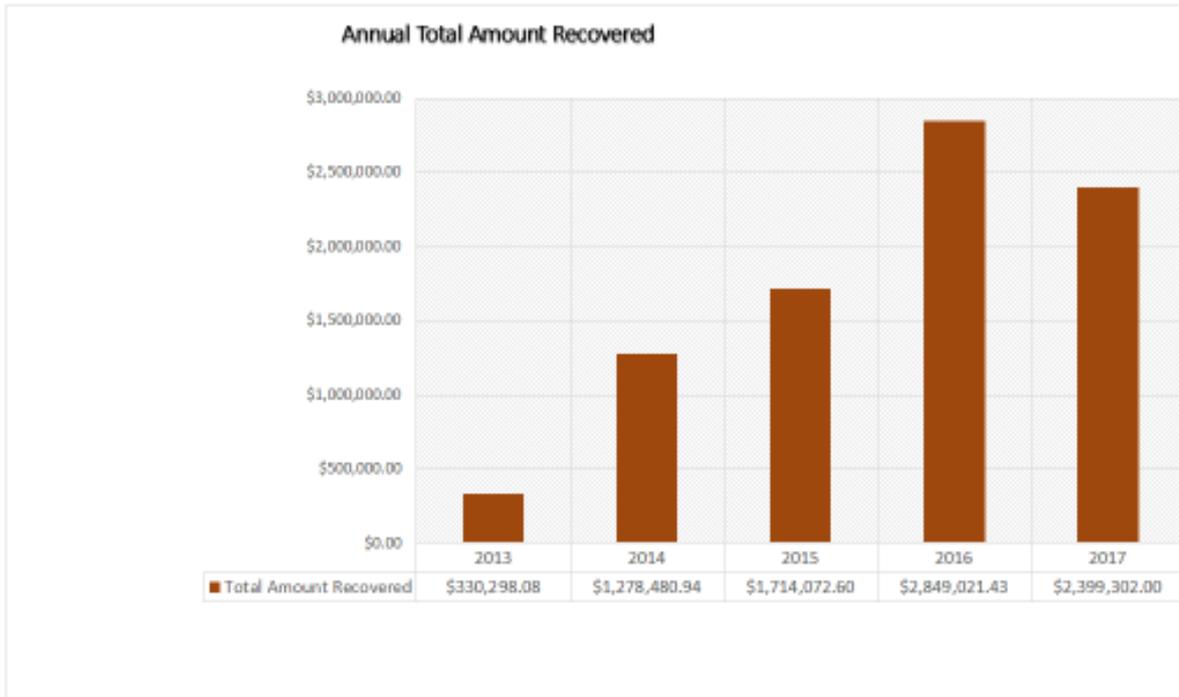


### Annual Total Number of Letter of Demand Sent





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Some of the notable cases handled by the DRU in the High Court are as follows:

1) Originating Motion 7/2015 In the matter of an arbitration under the Arbitration Order 2009 and under the UNCITRAL Arbitration Rules ( as revised in 2010) between S.W Seawave Sdn Bhd and The Government of His Majesty the Sultan and Yang Di Pertuan Brunei Darussalam [An appeal against arbitral award under section 49 of the Arbitration Order 2009);

(2) Awg Hj Tashim bin Japar & Tan Sui Seng v MOD, TCP & ABCi (HCCS: 41 of 2016); &

(3) Originating Motion 10/2015 In the Matter of an appeal against an income tax assessment by the Collector of Income Tax under section 67 of the Income Tax ( CAP 35) ex-parte : Freme Travel Services Sdn Bhd (appellant).

For the Magistrates Court in 2017, there were 539 appearance of cases on debt collection recorded including 108 new summons cases.

For 2017, for both LoDs issued and cases taken to court a total of nearly \$2.4 Million was collected. However, this is figure is less than last year's total amount. There is no particular reason why 2017 collection is less although the amount of cases dealt with and the amount of LoDs issued had increased from 2016. In 2018, DRU will need to improve and endeavor to strive better and to target an increased amount of \$4 Million.

In addition to the advisories work, court cases and debt collection, CD officers are members of committees where they attended 120 meetings in 2017.

### **The Civil Division List of Committees**

<b>NO</b>	<b>AHLI JAWATANKUASA</b>	<b>PEGAWAI YANG DILANTIK</b>
1.	Ahli Jawatankuasa Teknikal Tawaran Kenderaan 'Leasing' di bawah Kawalan Jabatan Perdana Menteri (2016-2021)	Hjh Norhijradini



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2.	Jawatankuasa 'Taskforce' Program Khidmat Bakti Negara [PKBN] siri 1/2016	Hjh Noorba'eyah
3.	Lantikan Jawatankuasa Menimbang Permohonan Membina atau Menambah Bangunan bagi Sekolah-Sekolah Formal Swasta Kementerian Pendidikan	Hjh Badariah
4.	Ahli jawatankuasa Manfaat SCP	Hjh Suhana
5.	Jawatankuasa Khas Institusi Keluarga dan Wanita	Siti Badriyah
6.	Kumpulan kerja urusetia jawatankuasa kumpulan peneraju strategi infrastruktur, alam sekitar dan guna tanah	Hjh Suhana
7.	Cadangan bagi Pemindahan Aset-Aset Sistem Janakuasa dan Penghantaran Jabatan Perkhidmatan Elektrik Kepada Syarikat Bandtree / Darussalam Assets (Selaku Resource Person)	Advisory 1
8.	Lantikan Ahli Lembaga Brunei Darussalam Arbitration Centre	Hj Ahmad Nizam
9.	Lantikan Ahli-Ahli bagi Kumpulan Pelaksana Autoriti Permakanan Kebangsaan (National Food Authority Implementation Team	Hjh Noor Sukhairiyani & Siti Khalillah
10.	Lantikan Jawatankuasa Induk Isu-Isu Kebersihan	<p>1) Hj Abdullah Soefri bin POK Saiful Mulok Haji Abidin menjadi wakil peguam negara sebagai Ahli Jawatankuasa Induk Isu-Isu Kebersihan</p> <p>2) Hjh Suhana bte Hj Sudin menjadi wakil Peguam Negara bagi mesyuarat "Working Group"</p>



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11.	Jawatankuasa Pandu bagi Penelitian semula Peraturan-Peraturan Pegawai-Pegawai Kerajaan (Lantikan-Lantikan dan Kenaikan-Kenaikan Pangkat) dan Peraturan-Peraturan Pegawai-Pegawai Kerajaan (Kelakuan dan Tatatertib), Akta Suruhanjaya Perkhidmatan Awam (Penggagal 83)	Hjh Suhana
12.	Jawatankuasa Bertindak Perundangan dan Penguatkuasaan Kementerian Pembangunan	Norazizah
13.	Lembaga Institut Tahfiz Al-Quran Sultan Haji Hassanal Bolkiah	Hjh Noorba'eyah (If Tuan ASG I Could not attend)
14.	Mesyuarat Ahli Kumpulan Kerja Majlis Penasihat Ke atas Isu-Isu yang berhubungkait dengan Perisian (Content)	<p>1) Hj Abdullah Soefri bin POK Saiful Mulok Haji Abidin menjadi wakil peguam negara sebagai Ahli Jawatankuasa Induk Isu-Isu Kebersihan</p> <p>2) Hjh Suhana &amp; Hjh Yani if Tuan ASG I could not attend</p> <p>3) Hjh Noorba'eyah menjadi wakil Peguam Negara bagi mesyuarat "Working Group"</p>
15.	Ahli Jawatankuasa Kanun Tanah 1909 Penggal 40	Hjh Suhana
16.	Ahli Lembaga Peperiksaan Brunei	Md Shukri & Hjh Norhijradini
17.	Ahli Jawatankuasa Ease of Doing Buisness bagi petunjuk getting credit	Nicholas
18.	Ahli Jawatankuasa pandu bagi pelaksanaan perintah keselamatan dan kesihatan tempat kerja, 2009, bagi tahun 2015	Hj Abdullah Soefri & Hjh Suhana



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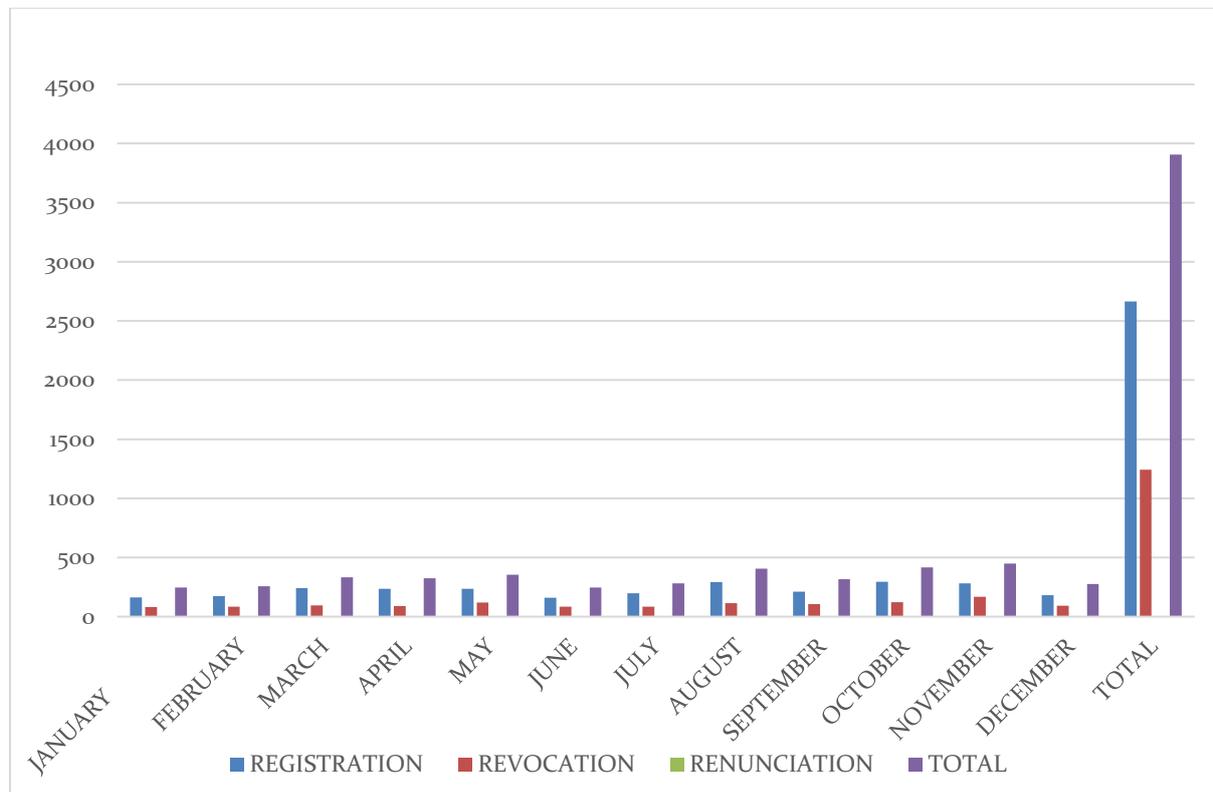
19.	Jawatankuasa Penilaian 'Request for Proposal (RFP) Projek Pembangunan Bersepadu Bangunan 12 Unit Rumah Kedai Jalan Sultan Omar 'Ali Saifuddein, Bangunan Pusat Komersial dan Perdagangan Bumitera dan Bangunan Letak Kereta Bertingkat, Bandar Seri Begawan	Nicholas & Sheikh Khaliq
20.	Lantikan Ahli-Ahli Jawatankuasa Kumpulan Kerja Business Services	Hjh Nadia
21.	Jawatankuasa Penilai Public Private Partnership (PPP)	Hjh Suhana
22.	Jawatankuasa Tanggagaji dan Syarat-Syarat Perkhidmatan (Sesi Khas) Mengenai Cadangan Penelitian Semula Peraturan-Peraturan Am ('General Orders')	Hjh Suhana
23.	Jawatankuasa Khas Institusi Keluarga dan Wanita	Siti Badriyah
24.	Ahli Jawatankuasa Keselamatan Peraturan Pengeluaran Peta dan Imej Satelit Negara Brunei Darussalam	Md Shukri
25.	Ahli-Ahli Jawatankuasa Task Force bagi Legal & Enforcement Kementerian Hal Ehwal Dalam Negeri	Hjh Suhana & Raafe



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### Statistics Registries 2017

POWER OF ATTORNEY APPLICATION ( JAN – DEC 2017 )				
MONTHS	REGISTRATION	REVOCATION	RENUNCIATION	TOTAL
JANUARY	162	83		245
FEBRUARY	173	84		257
MARCH	240	94		334
APRIL	235	90		325
MAY	236	119		355
JUNE	161	85		246
JULY	198	84		282
AUGUST	291	115		406
SEPTEMBER	212	105		317
OCTOBER	295	121		416
NOVEMBER	281	168		449
DECEMBER	182	93		275
TOTAL	2666	1241		3907

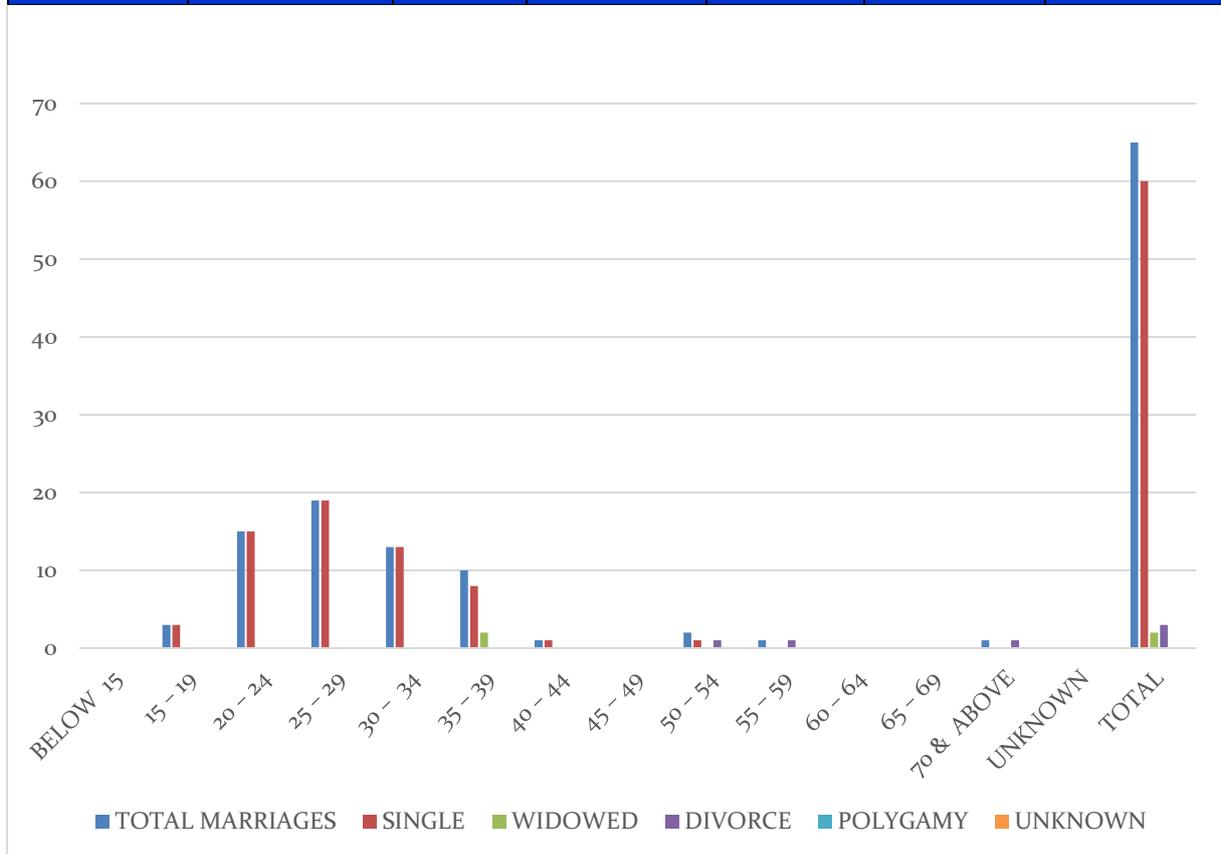




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### Marriages By Age And Previous Marital Status Of Groom For The Year (Jan – Dec 2017)

AGE GROUP	TOTAL MARRIAGES	PREVIOUS MARITAL STATUS OF GROOM				
		SINGLE	WIDOWED	DIVORCE	POLYGAMY	UNKNOWN
BELOW 15	-	-	-	-	-	-
15 – 19	3	3	-	-	-	-
20 – 24	15	15	-	-	-	-
25 – 29	19	19	-	-	-	-
30 – 34	13	13	-	-	-	-
35 – 39	10	8	2	-	-	-
40 – 44	1	1	-	-	-	-
45 – 49	-	-	-	-	-	-
50 – 54	2	1	-	1	-	-
55 – 59	1	-	-	1	-	-
60 – 64	-	-	-	-	-	-
65 – 69	-	-	-	-	-	-
70 & ABOVE	1	-	-	1	-	-
UNKNOWN	-	-	-	-	-	-
<b>TOTAL</b>	<b>65</b>	<b>60</b>	<b>2</b>	<b>3</b>	<b>-</b>	<b>-</b>

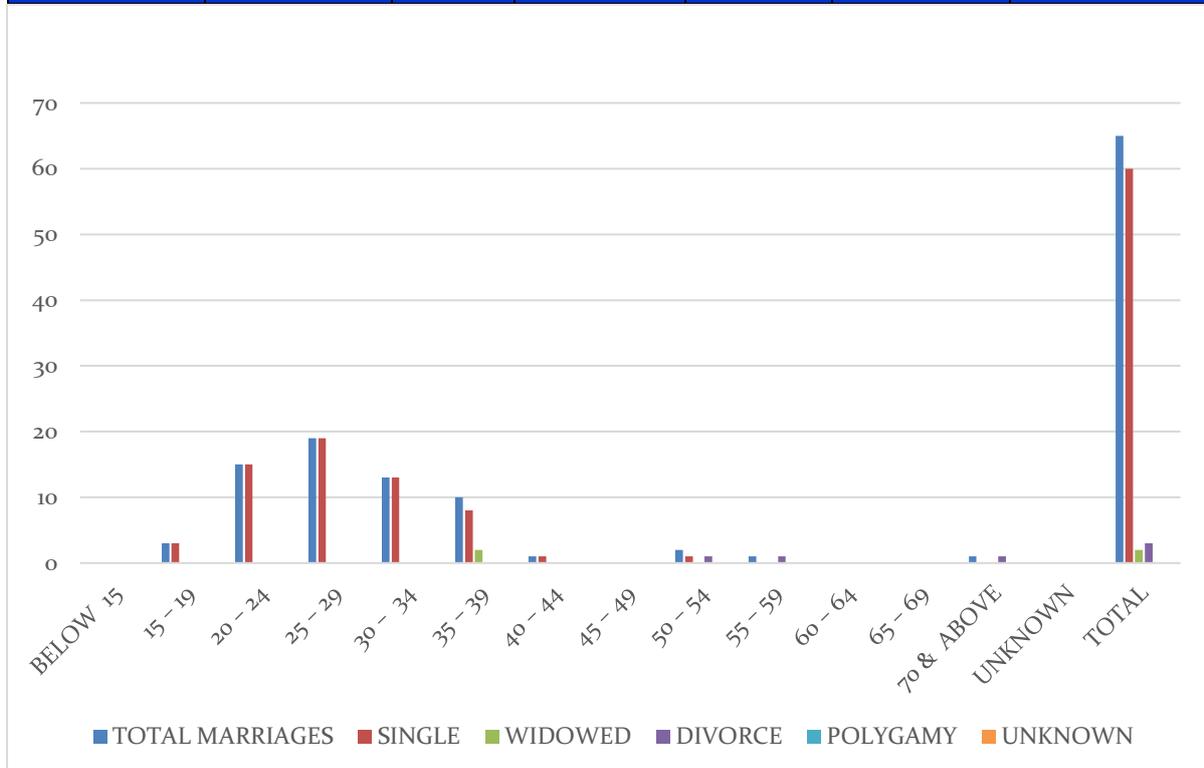




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### Marriages By Age And Previous Marital Status Of Bride For The Year (Jan – Dec 2017)

AGE GROUP	TOTAL MARRIAGES	PREVIOUS MARITAL STATUS OF BRIDE				
		SINGLE	WIDOWED	DIVORCE	POLYGAMY	UNKNOWN
BELOW 15	-	-	-	-	-	-
15 – 19	4	4	-	-	-	-
20 – 24	15	15	-	-	-	-
25 – 29	25	25	-	-	-	-
30 – 34	10	10	-	-	-	-
35 – 39	8	7	1	-	-	-
40 – 44	1	1	-	-	-	-
45 – 49	-	-	-	-	-	-
50 – 54	-	-	-	-	-	-
55 – 59	2	-	-	2	-	-
60 – 64	-	-	-	-	-	-
65 – 69	-	-	-	-	-	-
70 & ABOVE	-	-	-	-	-	-
UNKNOWN	-	-	-	-	-	-
<b>TOTAL</b>	<b>65</b>	<b>62</b>	<b>1</b>	<b>2</b>	<b>-</b>	<b>-</b>

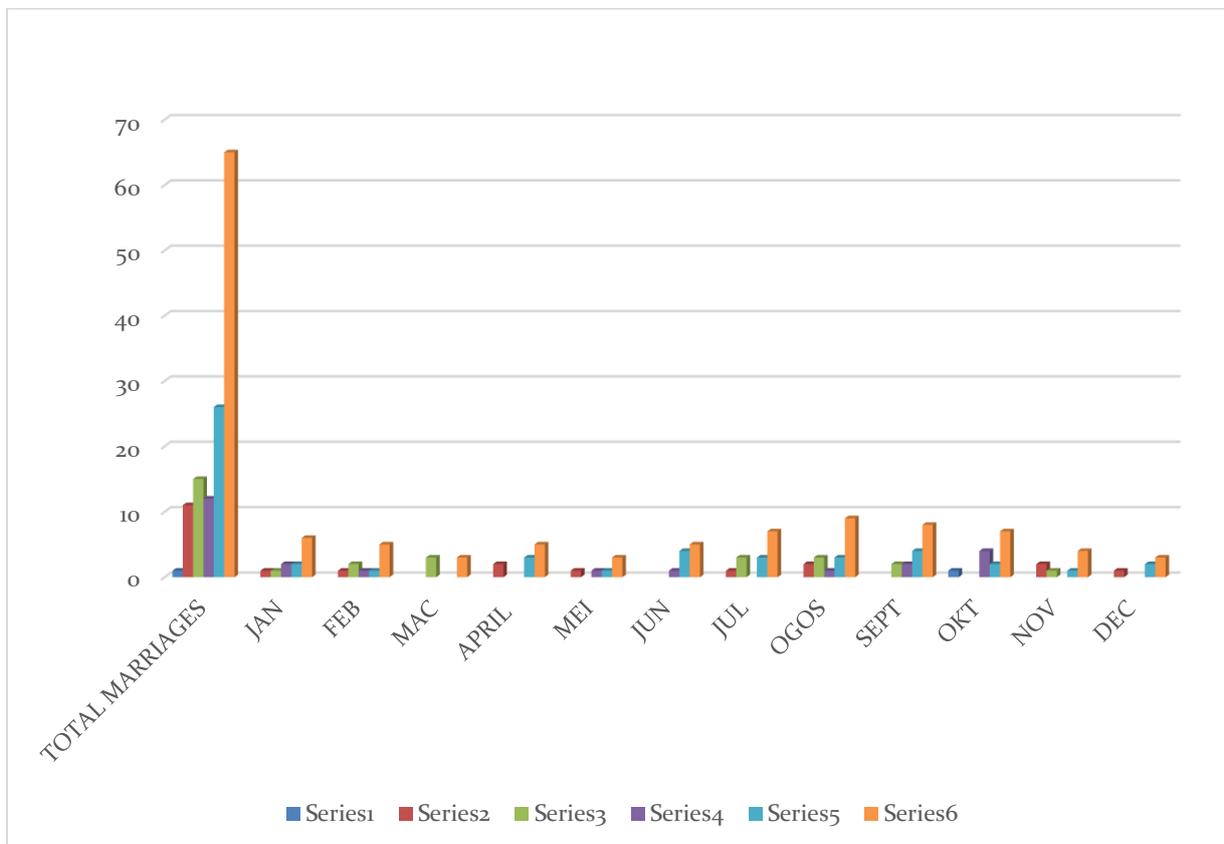




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### Marriages By District And Month Of Marriages For The Year (Jan – Dec 2017)

DISTRICT	TOTAL MARRIAGES	MONTH											
		JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
BRUNEI MUARA	1	-	-	-	-	-	-	-	-	-	1	-	-
BELAIT	11	1	1	-	2	1	-	1	2	-	-	2	1
TUTONG	15	1	2	3	-	-		3	3	2	-	1	-
TEMBURONG	12	2	1	-	-	1	1	-	1	2	4	-	-
OUTSIDE BRUNEI	26	2	1	-	3	1	4	3	3	4	2	1	2
<b>TOTAL</b>	<b>65</b>	<b>6</b>	<b>5</b>	<b>3</b>	<b>5</b>	<b>3</b>	<b>5</b>	<b>7</b>	<b>9</b>	<b>8</b>	<b>7</b>	<b>4</b>	<b>3</b>

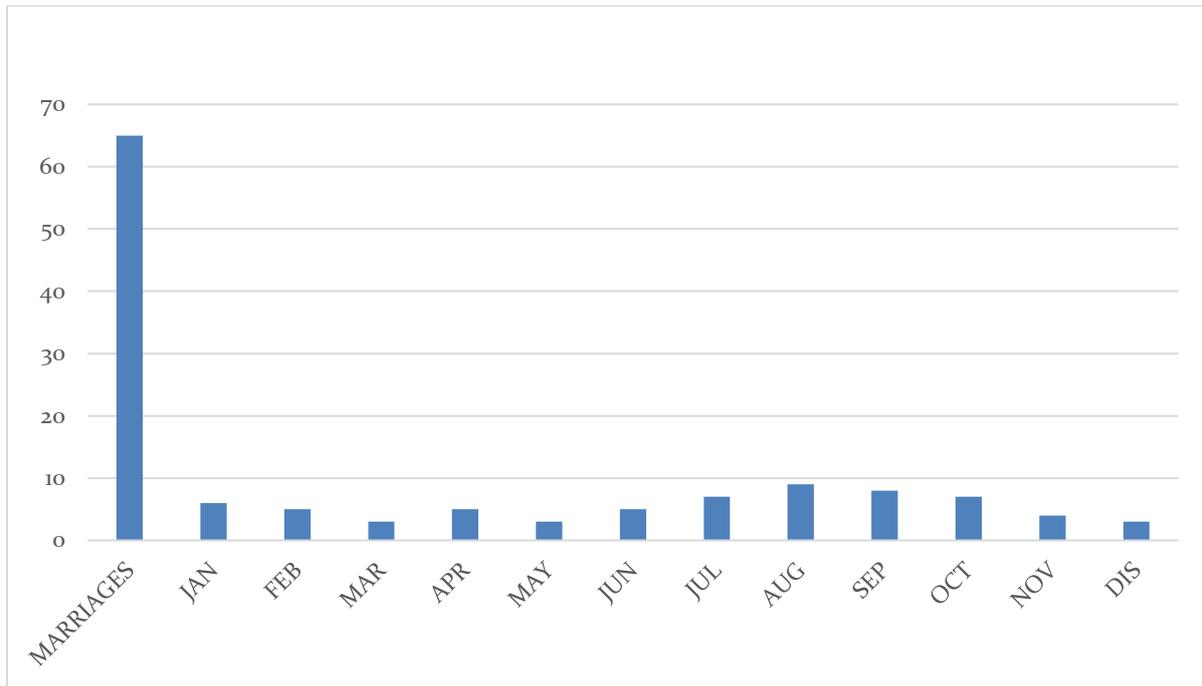




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### Month Of Marriages For The Year (Jan - Dec 2017)

TOTAL MARRIAGES	MONTH											
	JAN	FEB	MAC	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DIS
65	6	5	3	5	3	5	7	9	8	7	4	3





## CRIMINAL JUSTICE DIVISION

2017 saw the Criminal Justice Division continue its core responsibilities in line with the Attorney General's role as the Public Prosecutor as well as the Chief Legal Adviser to the Government of His Majesty the Sultan and Yang Di Pertuan of Negara Brunei Darussalam.

### Legislative Amendments

- On 24<sup>th</sup> July 2017, the Penal Code Amendment Order 2017 was passed, increasing punishments for rape and unnatural offences as well as extending and clarifying the offence of rape to include even situations where a woman consents to sexual intercourse with a man who is in a position of trust or authority towards the woman or is a person with whom the woman is in a relationship of dependency. The amendment also provides that the defence of consent cannot be used by any accused person if the sexual intercourse is committed under those circumstances. The Penal Code (Amendment) Order 2017 also imposes minimum sentences for a repeated offenders of those offences.
- The amendments which were undertaken after careful research of the laws of neighbouring jurisdictions such as Singapore and Malaysia as well as those from the Commonwealth Jurisdiction were undertaken by the Sexual Offences Review Team (SORT) under the Criminal Justice Division of the Attorney General's Chambers which comprises of officers who have considerable experience in the prosecution of sexual offences in the Courts of Brunei Darussalam and forms part of the mandate of the team to review the laws pertaining to sexual offences in Brunei Darussalam.

### Money Laundering and Asset Recovery

- Officers of the Criminal Justice Division continue to utilize the provisions under the Criminal Asset Recovery Order to prosecute those who launder illicit funds and ensure that those criminals who have accumulated proceeds of crime do not stand to profit from their activities.
- On 6th April 2017, a local Bruneian male became the first individual in Brunei Darussalam to be convicted of the offence of money laundering.



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The defendant cheated a number of individuals out of a total sum of B\$147,581 through a fake investment scheme and then remitted the money to another person in the Philippines.

- On 26<sup>th</sup> August 2017, 5 foreign nationals were convicted following their guilty pleas to various offences of money laundering as well as offences under the Penal Code and the Computer Misuse Act. They were sentenced to imprisonment ranging from 4 to 7 years.
- On 24<sup>th</sup> October 2017, another foreign national pleaded guilty to one charge of possession of unexcisable goods under Section 146(1) (d) of the Excise Order 2006 and three charges of money laundering under Section 3(1) (b) of CARO 2012. He was sentenced to a total sentence of total sentence to 3 years and 6 months imprisonment, after failing to pay the landmark fine imposed by the court of BND \$1.6 million for possession of 118 packets and 2,058 cartons of cigarettes, and three boxes of alcoholic beverages at his place of residence.
- Officers of the Criminal Justice Division are currently pursuing asset recovery actions for the monies seized in the various cases.

### **Prosecution of Social Media Related Offences**

- On 31<sup>st</sup> January 2017, the Criminal Justice Division issued Guidelines to Prosecuting Social Media Offences to prosecutors within the division. The Guidelines are aimed at ensuring a more consistent approach in the prosecution of such cases, which are indeed escalating.
- The number of social media related cases increased in 2017 indicating that that the popularity of social media has also created new concerns in relation to victimization on social media platforms and various traditional offences being committed over the platform.

*See Public Prosecutor v Vairavan Chinnakaruppan and others, Magistrate's Court of Brunei Darussalam, Criminal Case No. 220 of 2017 ("Jalikattu Case"); Public Prosecutor v Mohammad Iman Ali, Magistrate's Court of Brunei Darussalam, Criminal Case No. 362 of 2017, Public Prosecutor v Mohd Asgar, Magistrate's Court of Brunei Darussalam, Criminal Case No. 371 of 2017 ("Flag Cases"); Public Prosecutor v Julieta Algeria (D1) Glind Andres Sabado (D2), Magistrate's Court*



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*of Brunei Darussalam, Criminal Case No. 748 of 2017 ("Plastic Rice Case"); Public Prosecutor v Shahiransheriffuddin Bin Shahrani Muhammad, Magistrate's Court of Brunei Darussalam, Criminal Case No. 843 of 2017 ("Seditious Postings on Facebook Case")*

### **Drug Trafficking**

- In one of the largest drug seizure to date by the Narcotics Control Bureau (NCB), Muhammad Mustaqim Mustofa bin Abdullah, a Malaysian man was convicted and sentenced to death for the trafficking a total of over 5kg of Cannabis, the offence of which was committed in May 2014. Both conviction and sentence was upheld by the Court of Appeal in November 2017.

### **Outreach and Awareness Building**

- Officers from the Criminal Justice Division continue to contribute towards our role in awareness building with regards the law but also outreach in terms of instilling interest amongst the younger generation towards careers in the legal profession. Officers from the Criminal Justice Division have also been active in the delivery of talks pertaining to Cybercrime and the Risks and Dangers of Social Media which arose from the Division's Pilot Project in 2013 and has now been delivered to about 50 schools and educational institutions nationwide.
- The Criminal Justice Division was also involved in organizing and delivering a number of workshops to law enforcement agencies concerning legal issues. Two successful legal workshops for front line border control officers were organized in August and October 2017 in collaboration with the Immigration Department and one concerning Wildlife and Forestry Offences with the Royal Brunei Police Force. A Criminal Asset Recovery Workshop was also organized for officers of the Narcotics Control Bureau in January 2017 and an International Cooperation workshop emphasizing on the use of Mutual Legal Assistance was organized for Senior Officers of the Royal Brunei Police Force in May 2017.
- On 18 January 2018, the Criminal Justice Division successfully organized an Orientation session for Law Enforcement Officers on the Criminal Justice System, focusing on how they can be effective in giving evidence



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in Court. The one day session aimed at law enforcement officers and personnel with little or no experience in giving evidence in court is an initiative by the Criminal Justice Division to impart knowledge on to the Law Enforcement community in an effort to increase the standards of efficiency and effectiveness of prosecutions in Negara Brunei Darussalam as well as to strengthen networking amongst Deputy Public Prosecutors and their law enforcement counterparts. The session also saw the launching of a Criminal Justice Division publication entitled "Guide to Being A Witness in Court" which has been issued in both Bahasa Melayu and English versions which are available for perusal at the AGC website at [www.agc.gov.bn](http://www.agc.gov.bn)

### **As Central Authority for Mutual Legal Assistance and Extradition**

- Officers of the Criminal Justice Division who form the Mutual Legal Assistance and Extradition Secretariat and carry out the work of the Attorney General as Brunei Darussalam's Central Authority for Mutual Legal Assistance and Extradition successfully completed the first case under the Extradition Order 2006 with the transfer of a fugitive who was wanted for crimes in the Republic of Korea.
- The case is testament to the Government of Negara Brunei Darussalam's efforts in ensuring that Brunei Darussalam is no safe haven for criminals and their illicit activities. The case also illustrates the cohesive and robust interagency cooperation amongst the various stakeholders with involvement from the Attorney General's Chambers, Royal Brunei Police Force, the Department of Immigration and National Registration, the Department of Civil Aviation, the Prisons Department and the Aviation Security Section, Corporate Risk Division of Royal Brunei Airlines.
- In addition to the processing of incoming and outgoing requests, the Mutual Legal Assistance and Extradition Secretariat continued its role in educating law enforcement agencies concerning these international cooperation tools as well as providing consultative services in drafting such requests for the perusal of the Attorney General as the Central Authority.



### International Engagements

- 2017 also witnessed Officers of the Criminal Justice Division playing their part in addressing criminal law and transnational crime related challenges through opportunities in the International legal arena.
- In March 2017, an officer from the Criminal Justice Division represented Brunei Darussalam together with an officer from the Anti-Corruption Bureau to form part of a high level delegation led by the United Nations Office of Drugs and Crime to conduct the Country Review of the Democratic Socialist Republic of Sri Lanka's implementation of the United Nations Convention against Corruption of Chapters II (Prevention) and Chapters V (Asset Recovery).
- In the field of Trafficking in Persons (TIP), Officers of the Criminal Justice Division were involved in the contribution of ideas and formulation of guidelines and procedures to combat the heinous nature of this transnational crime from various fronts. In May 2017, an officer from the Criminal Justice Division was involved in the review of new updated ASEAN publications pertaining to guidelines on international legal cooperation in trafficking in persons cases whereas in September 2017, another officer was involved in the drafting of Regional Multi-Sectoral Procedures to address the needs of TIP Victims in accordance with the ASEAN Convention against Trafficking in Persons.
- Officers from the Criminal Justice Division were also involved in the delivery of various position papers and presentations, reflecting Brunei Darussalam's law and positions on criminal law related areas at the following international meetings and workshops:
  - *ASEAN Practitioners Workshop on International Legal Cooperation in Trafficking in Persons Cases, convened by the ASEAN Senior Officials Meeting on Transnational Crime (SOMTC) and hosted by the Officer of the Attorney General of the Kingdom of Thailand, Bangkok, Thailand (16-18 May 2017)*
  - *South East Asia Seminar for Cooperation to Combat Transnational Crime, Chiang Mai, Thailand , organized by the Thailand Institute of Justice(21-23 June 2017)*



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- *Regional Seminar on Combatting Terrorist Financing and Other Financial Crimes, Medan, Indonesia, organized by the Attorney Generals Offices of Indonesia and Australia (2-4 August 2017)*
  - *2<sup>nd</sup> ASEAN Cybercrime Prosecutors Roundtable Meeting (ACPRM) and Singapore International Cyber Week, Singapore (18-21 September 2017)*
  - *5<sup>th</sup> Asset Recovery Interagency Network Asia-Pacific Annual General Meeting, Tokyo, Japan (26-28 September 2017)*
  - *ASEAN Regional Workshop for Promoting Comprehensive and Harmonized National Legislation aimed at Preventing Online Child Sexual Exploitation in ASEAN Member States, Bangkok, Thailand, Hosted by Thailand's Representative to ACWC on Children's Rights in Partnership with ECPAT International (2-3 November 2017)*
  - *Resumed 8th Session of the Implementation Review Group of the United Nations Convention against Corruption (UNCAC) and the 6th Session of the Open-Ended Intergovernmental Expert Meeting on International Cooperation under the UNCAC, Vienna, Austria (6-10 November 2017)*
  - *8<sup>th</sup> Event of the Attorney General's Chambers of Brunei Darussalam, Malaysia and Singapore (TR-AGC), Putrajaya, Kuala Lumpur, Malaysia (28 November – 1<sup>st</sup> December 2017)*
- Officers from the Criminal Justice Division continue to participate fully as focal points for the following international bodies and mechanisms

No.	Name of Officer	International Body /Mechanism
1	Dyg Aldila Hj Mohd Salleh, Hjh Anifa Rafiza Hj Abdul Ghani, Christopher Ng	Governmental Experts of Brunei Darussalam for the UNCAC Review Mechanism
2	Dyg Aldila Hj Mohd Salleh, Dk Hazirah Pg Yusof, Dyg Kamaliah Fadhilah Binti Haji Ibrahim	Focal Points of Brunei Darussalam for the Asset Recovery Interagency Network Asia-Pacific (ARIN-AP)
3	Dyg Aldila Hj Mohd Salleh	Focal Point of Brunei Darussalam for the International



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		Association of Prosecutors (IAP)
4	Christopher Ng, Dk Hazirah Pg Yusof	Focal Points of Brunei Darussalam for the Treaty on Mutual Legal Assistance in Criminal Matters among like-minded ASEAN Member Countries
5	Christopher Ng, Dk Hazirah Pg Yusof	Legal Focal Points of Brunei Darussalam for the Asia-Pacific Group on Money Laundering
6	Christopher Ng, Sharon Yeo, Dk Didi-Nuraza Pg Hj Abd Latiff	Contact Points for the ASEAN Cybercrime Prosecutors Informal Network.
7	Christopher Ng, Mohammad Hussin Ali Bin Idris	Contact Points for ASEAN Prosecutor Community Newsletter

### CJD WORK STATISTICS

Type of Work	2015	2016	2017	% (2016-2017)
No. of IPs Received	1726	1872	2699	44% ↑
No. of Prosecutions	N/A*	N/A*	491	
No. of Convictions	173	228	343	50% ↑
No. of Appeals dealt with	106	110	86	22% ↓
	High Court – 66 CoA-39	High Court - 80 CoA - 30	High Court – 53 CoA - 33	



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No. of Muzakarah Sessions (Awareness, Outreach, Talks, Briefings)	31	29	43	48 ↑
No. of Attachment Students Received	38	50	63	26 ↑

\*N/A: Not Available

### The Criminal Justice Division List of Committees

Officers from the Criminal Justice Division, in addition to prosecuting cases in Court were also involved in rendering advice to various law enforcement agencies, government departments and statutory bodies. Officers from the CJD were not only involved in advising the various agencies what the law is but also to call to attention various pitfalls and generate suggestions to overcome envisaged difficulties. In addition to this Officers from the Criminal Justice Division continue to advise in their role as members of the various National Interagency Committees that they have been appointed to. In 2017, CJD Officers were involved as members or AGC representatives in the following Committees:

BIL	Nama Pegawai	Jawatankuasa
1.	Hj Md Yusree bin Hj Junaidi & Dyg. Aldila Hj Mohd Salleh	Penilaian Ad-Hoc Pejabat Peguam Negara & Bahagian Pendakwaan Syarie
2.	Awg. Hj. Abdullah Soefri bin POKSM DSP Hj Abidin	Suruhanjaya Persaingan Negara Brunei Darussalam (Competition Commission of Brunei Darussalam)
3.	Awg. Hj. Abdullah Soefri bin POKSM DSP Hj Abidin Dyg. Hjh Anifa Hj Abdul Ghani &	Standard Operating Procedures (SOP) Pelaksanaan Perintah Hukuman Jenayah Syariah 2013



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	Hjh Rozaimah Hj Abdul Rahman	
4.	Awg. Hj. Abdullah Soefri bin POKSM DSP Hj Abidin Dyg. Hjh Anifa Hj Abdul Ghani &	Jawatankuasa Mensesuaikan Undang-Undang Brunei Menurut Kehendak Ugama Islam
5.	Awg. Hj. Abdullah Soefri bin POKSM DSP Hj Abidin Dyg. Aldila Hj Mohd Salleh Dyg. Hjh Anifa Hj Abdul Ghani &	Jawatankuasa Khusus Bagi Menangani Hal Ehwal Kesejahteraan Pekerja-Pekerja di Pulau Muara Besar
6.	Dyg. Aldila Hj Mohd Salleh	Jawatankuasa Kerja Penguatkuasaan Undang-Undang (JKPU)
7.	Dyg. Aldila Hj Mohd Salleh	Jawatankuasa Kebangsaan Bagi Membanteras Pembersihan Wang Haram dan Pembiayaan Pengganasan (National Anti-Money Laundering Committee -NAMLC)
8.	Dyg. Aldila Hj Mohd Salleh	Jawatankuasa Kebangsaan Kawalan Tembakau
9.	Dyg. Aldila Hj Mohd Salleh Awg. Christopher Ng & Dyg Siti Aisyah Hj Lakim	Ad-Hoc Human Trafficking Unit (Heads of Specialist Units)
10.	Dyg. Hjh Anifa Rafiza Hj Abd Ghani & Awg Shamshuddin Hj Kamaluddin	Jawatankuasa Kerja Keselamatan Maritim (JKKM)
11.	Hjh Suriana Binti Hj. Radin	Board of Inquiry - BKN (Insiden Penghuni Lari dari Pusat Al-Islah)
12.	Hjh Suriana Binti Hj. Radin & Awg Christopher Ng	Skim Cepat Kaya
13.	Pg Norsuzanawati Binti Pg Hj Abas	Jawatankuasa Khas Strategi Pengurusan Krisis Kebangsaan
14.	Pg Norsuzanawati Binti Pg Hj Abas & Awg Ratno Eddy Sophian bin Hj Zaidi	Technical Working Group bagi "Cross-Functional Team for Reducing Smoking"



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15.	Awg. Christopher Ng	Task Force Penyelarasan Dan Pengemaskinian Tempat-Tempat Terkawal Negara (National Key Points)
16.	Awg. Christopher Ng & Dk Didi-Nuraza Pg Hj Abd Latiff	Brunei National Cyber Security Framework
17.	Awg. Christopher Ng Awg. Ratno Eddy Sophian bin Hj Zaidi & Awg. Soffriana Hj Masri	Task Force Inisiatif Pelan Integriti Perkhidmatan Awam "Development Of Public Service Integriti Plan" (PSIP)
18.	Awg. Christopher Ng & Dk Hazirah Pg Hj Mohd Yusof	National Security Coordination Centre (NSCC)
19.	Awg. Ratno Eddy Sophian bin Hj Zaidi	Majlis Keselamatan Jalan Raya Peringkat Kebangsaan (National Road Safety Council)
20.	Pg Norsuzanawati Binti Pg Hj Abas & Awg. Christopher Ng	National Risk Assessment On Money Laundering & Terrorism Financing (NRA)
21.	Dyg. Aldila Hj Mohd Salleh Dyg. Hjh Anifa Rafiza Hj Abd Ghani Awg. Christopher Ng & Dyg Kamaliah Fadhilah binti Hj Ibrahim	Jawatankuasa Kebangsaan Membentaras Jenayah Merentas Sempadan National Committee Against Transnational Crime (NCTC)
22.	Dk Hazirah Pg Hj Mohd Yusof	Fokal Group bagi Sekretariat Majlis Bencana Kebangsaan
23.	Awg. Christopher Ng Dk Hazirah Pg Hj Mohd Yusof	Jawatankuasa Kerja FATF 40 Recommendations
24.	Awg. Christopher Ng	Board of Inquiry - PPDB (Insiden tangkapan lari dari Hospital RIPAS)
25.	Awg. Aminuddin Zaki bin DP Hj Abd Rahman	National CBRN team
26.	Pg Norsuzanawati Binti Pg Hj Abas & Awg. Ratno Eddy Sophian bin Hj Zaidi	Jawatankuasa Pengawalan Kemasukan Minuman Keras
27.	Awg. Ratno Eddy Sophian bin Hj Zaidi	Jawatankuasa Ad-Hoc bagi Menangani Kes-Kes Kerbau berkeliaran



## INTERNATIONAL AFFAIRS DIVISION

- Intellectual Property is an important component to the social economic development of the country. Chambers continues to work with the relevant government and enforcement agencies in ensuring that the intellectual property rights (IPR) in the country are consistent with IP-related international conventions which Brunei Darussalam is party to as well as providing legal advice on all matters pertaining to copyright and layout design.
- For 2017, Brunei Darussalam became State Parties to 3 important Intellectual Property Treaties. In January of the same year Brunei Darussalam became parties to the Madrid Protocol for International Registration of Marks. The effect being that by, local brand owners in Brunei Darussalam can begin using the Madrid System to protect their marks in the 114 territories of its 98 state parties to Protocol, by filing a single international agreement in one language and paying one set of fees in a single currency. With the Madrid System's straightforward designation process, foreign companies and trademark owners can now easily seek protection for their marks when introducing their products and services in Brunei Darussalam.
- In May of 2017 Brunei Darussalam became parties to the WIPO Copyright Treaty (WCT) which is a special agreement that deals with the protection of works and the rights of their authors in the digital environment; and the WIPO Performances and Phonograms Treaty (WPPT), which deals with the rights of performers (actors, singers, musicians, etc.) and producers of phonograms (persons or legal entities that take the initiative and have the responsibility for the fixation of sounds) in the digital environment.
- Access to law and awareness of the law is a very important to ensure everyone is aware of the law. This can be done through various awareness programs as well as through various AGC publications. In 2017 officers from IAD have presented papers



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- on “*Copyright Law in Brunei Darussalam*” at the Ministry of Communication at their Weekly Forum Session on 21<sup>st</sup> September 2016.
  - *Country Report on Copyright in Brunei* at the Sub-Regional Workshop on Copyright Awareness and Capacity Building for ASEAN Countries, Kuala Lumpur, 6<sup>th</sup> – 8<sup>th</sup> September 2016.
  - *Brunei Copyright Law* at the Journalism Workshop, KB Sentral, 21<sup>st</sup> May 2016.
  - *Country Presentation: Brunei Darussalam* at the Singapore Cooperation Programme Promotion of Effective Intellectual Property Protection, Singapore, 17<sup>th</sup> November 2015.
- AGC has now published its first volume on Brunei Darussalam Treaty Series. This is a compilation of multilateral international instruments that Brunei Darussalam is party to. Volume 1 covers, Law of the Sea, Intellectual Property, and Counter-terrorism. This is made available on the AGC website. It is hoped that it can be relied upon as a useful resource for members of the public including students and researchers. IAD is currently looking into publishing further volumes to cover such topics as trade, civil aviation, and international transportation.
  - In September 2015, the United Nations General Assembly adopted the 2030 Agenda for Sustainable Development. This included Sustainable Development Goal (SDG) 16, which commits states to: *‘Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels’*. Target 16.3 of Goal 16 provides that States aim to *‘Promote the rule of law at the national and international levels and ensure equal access to justice for all.’*
  - The SDG target of **‘promoting’** the rule of law and **‘ensuring’** access to justice are important components of the three rule of law. With regards to the access justice, access to legal representation is very important element in order to uphold the rule of law. Unfortunately as we all know access to the courts is a costly for all parties in particular those with limited financial resources.



## LEGISLATION AND RESEARCH DIVISION

- The number of laws that have since been drafted since the 2016 Legal Year and as of February 2017 which have accordingly been gazetted were 62. As of today, a further 22 have since been drafted and gazetted, which brings the total number of laws drafted to 84 and likely to increase further in due course.
- From the last prevalent figures in respect of the revised laws, 26 Laws of Brunei including 8 Subsidiary Legislation were completed by the Law Revision Unit, inclusive of BruLaw Unit. As of date, a further 7 Laws of Brunei and 3 Subsidiary Legislation were completed, which thereby bringing the total figures to 33 Laws of Brunei and 11 Subsidiary Legislation. It is noteworthy that there are further 7 Law Revision projects currently in the process of completion.
- The restructuring of Divisions within AGC as of April 2016 which brought about the merging of Legislative Drafting Division (LDD) and Research and Law Review Division (RLRD) as to what is presently known as Legislation and Research Division (LRD) was essentially done to further reinforce efficiency and enhance the quality of legislative projects, in line with AGC's 'Vision and Mission' in providing the highest quality of legal services to His Majesty's Government. Core areas would inevitably involve drafting of legislation and further supplementing the Constitutional aspects in preparing relevant constitutional documents such as instrument of appointments, documentation for Legislative Council and providing support throughout the sessions, amongst others. LRD shall also continue to provide presentation regarding Constitution of Brunei Darussalam upon request.
- Furthermore, LRD will continue to partake in giving lectures for the Public Officers Law Seminar (POLs) in November 2017, focusing primarily on the Constitution of Brunei Darussalam and Legislation, which includes the law-making process to truly supplement a better understanding of the constitutional aspects of legislation. AGC have held the inaugural Seminar in October 2016, organised in collaboration with the Civil Service Institute



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and November 2017 will be the second of its kind held here in Brunei. The objective of which is to lay down an introduction of the general legal principles relevant to public officers in order to promote an effective performance of their duties in the public service and within the bounds of the law.

- LRD shall also be conducting its first Law Drafting Workshop (LDW) scheduled to subsequently be held after POLS on the 16<sup>th</sup> – 18<sup>th</sup> November 2017 also at the Civil Service Institute, with the objective of providing basic drafting principles to instructing clients, whilst giving an in-sight to the understanding of why and how provisions in the law have been included and operates, respectively. Moreover, aims of the said workshop is two-fold; Firstly to educate public officers on how to read, understand and apply the provisions of the law and to give clear and effective drafting instructions; Secondly to familiarise the officers with powers under their respective laws and the limits thereof.
- Moreover, the workshop will also include a mini survey of sorts to be conducted amongst the listed participants in respect of preferred legislative style and language, including the facilitation towards accessibility of laws to the general public.
- Frequencies of laws being updated have increased over the last decade in light of the numerous reforms conducted by His Majesty's Government as man-made laws are indeed not meant to be static. The data collection of such survey will likely be beneficial in the mid to long term in as far as substantiating potential improvements in providing accessibility of laws.
- The Legislation and Research Division (LRD) has also initiated the BruLaw Updated Version (BLUV) project in phases since September 2017. It is believed that BLUV project (which is a smaller scale version of the BruLaw Project) will provide a single platform for the general public with direct and easy online access to the most recent updated legislation. It should however be noted that materials provided on the said platform are 'not authoritative' but rather as a quick guide for practitioners and the public at large.



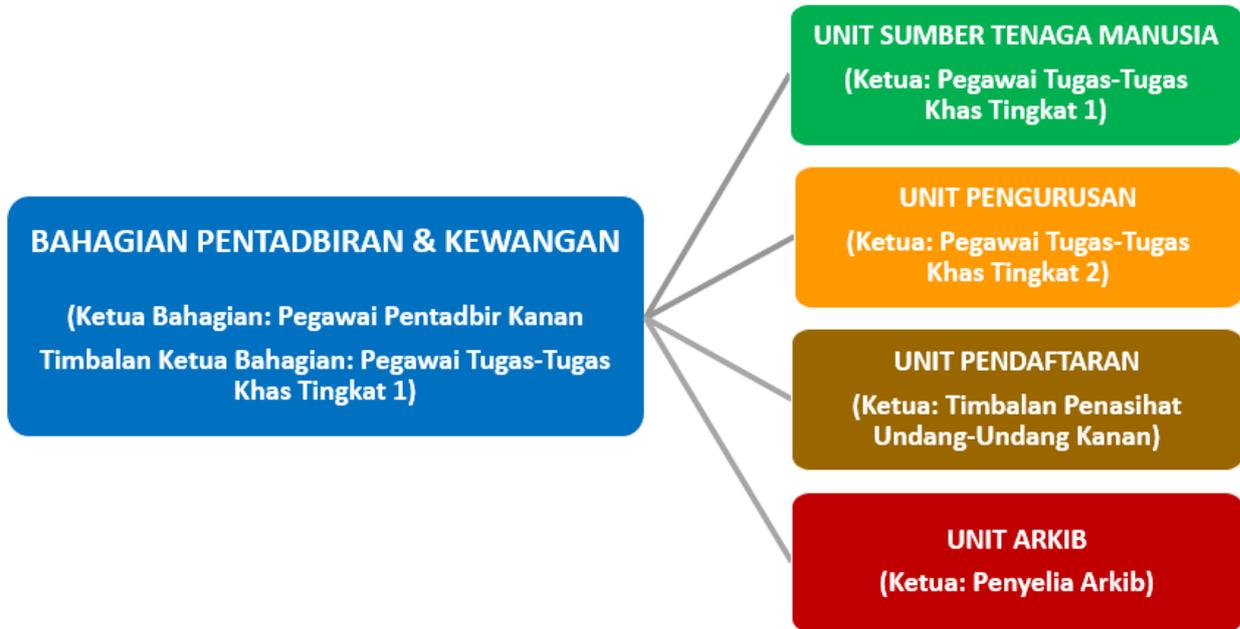
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- As it has been these past few years, LRD will continue to provide support and professional legal services to the PENGGERAK Unit within the Prime Minister's Office, particularly aspects of legislative drafting in facilitating the necessary reforms envisioned by His Majesty's government.
- Another significant point from LRD's perspective would be the most recent appointment of YM Dyg. Norismizan binti Haji Ismail, Senior Counsel and Deputy Head 1 of LRD, to the Board of Directors within the Maritime and Ports Authority of Brunei Darussalam, established on the 28<sup>th</sup> September 2017, in performance of their functions and responsibilities as stipulated by the Maritime and Ports Authority of Brunei Darussalam Order, 2017.



**ADMINISTRATION AND FINANCE DIVISION**

• **ORGANIZATIONAL STRUCTURE**



• **ACHIEVEMENTS FOR 2016**

**MANPOWER RESOURCE DEVELOPMENT**

► **SHORT TERM COURSES UNDER MANPOWER DEVELOPMENT BUDGET PROVISION**

YEAR	PROVISION	UTILISED	NO. OF PROGRAMME	TOTAL
2014/2015	\$210,000.00	\$231,603.40	37 (including 3 In-house training)	135
2015/2016	\$110,000.00	\$93,233.77	25 (including 6 In-house training)	202



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2016/2017	\$60,760.00	\$61,223.36	22 (including 3 In-house training)	112
2017/2018	\$20,000.00	\$19,083.84	23	35

### ► OVERSEAS FULLTIME IN-SERVICE TRAINING SCHEME

TAHUN	MENGIKUTI PROGRAM IJAZAH SARJANA (MASTERS DEGREE)
2014/2015	2
2015/2016	4
2016/2017	2
2017/2018	0
2018/2019	2 (nominated)

Executive Development Program)TAHUN	EDPMMO (JPA)	EDPSGO (JPA)	EDPSGO (MINDEF)
2014	2	2	1
2015	2	1	1
2016	2	2	-

### ► SYSTEMATIC ROTATIONAL DEVELOPMENT PROGRAM

TAHUN	EDPMMO (JPA)	EDPSGO (JPA)	EDPSGO (MINDEF)
<b>2014</b>	<ol style="list-style-type: none"> <li><b>Hjh Zuraidah</b> (April – Jun)</li> <li><b>Hjh Hassanah</b> (September - November)</li> <li><b>Riana Dewi</b> (September – November)</li> </ol>	<ol style="list-style-type: none"> <li><b>Alice Khan</b> (April – Jun)</li> <li><b>Pg Hjh Siti Rahmah</b> (November 2013 – Mac 2014)</li> </ol>	<ol style="list-style-type: none"> <li><b>Aldila</b> (September – Disember)</li> </ol>
<b>2015</b>	<ol style="list-style-type: none"> <li><b>Nur Al-Ain</b> (Mac – Mei)</li> <li><b>Hj Ahmad Nizam</b> (April - Mei)</li> <li><b>Norazizah</b> (April – Mei)</li> <li><b>Hjh Badariah</b> (Ogos – September)</li> <li><b>YAM Pg Anak Hj Mohammad Al-Mokhtar</b> (Oktober – November)</li> </ol>	<ol style="list-style-type: none"> <li><b>Norismizan</b> (Mac – Mei)</li> <li><b>Pg Khairul Hisham</b> (Ogos – Oktober)</li> </ol>	<ol style="list-style-type: none"> <li><b>Hjh Suhana</b> (September – Disember)</li> </ol>



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<b>2016</b>	9. <b>Hjh Nadia Davinia</b> (April – Jun) 10. <b>Seri Atikah</b> (April – Jun)	5. <b>Hjh Pauziah</b> (Ogos – Oktober) 6. <b>Elma Darlini</b> (Ogos – Oktober)	
<b>2017</b>	(Hjh Suriana, Hjh Norhijradini & Ak Hj Liyan telah dicalonkan, tetapi belum terpilih untuk mengikutinya pada tahun 2017)	(Hjh Noor Sukhairiyani & Hjh Anifa Rafiza tercalon pada tahun 2017, tetapi terpaksa menangguhkannya)	(Datin Hjh Hasnah berhasrat untuk mengikutinya pada tahun 2017, tetapi pencalonan belum ditawarkan)
<b>JUMLAH</b>	<b>10</b>	<b>06</b>	<b>02</b>

- **IMPLEMENTATION OF MAIN INITIATIVES FOR 2017**

- Rotational Programme

- Continuing with Phase I for officers who have been in service for less than 5 years
    - Starting programme for Phase 2 for officers who have been in service for more than 10 years

- **PRIORITIES FOR 2018**

- Continue with the proposed working paper on Legal Executive Service Scheme

- New Service Scheme for legal officers and support staff

- Initiative Scheme for Clerks

- Continue with clerical rotation programme for Divisions

- I-Ready intakes.

- To begin in-takes from I-Ready for suitable positions in Division 2
    - 3 new positions are proposed: 2 Special Duties Officers Grade 2 (for the formation of the new Statistics Unit) and 1 Chief Translator post