



AN OVERVIEW OF THE CRIMINAL JUSTICE SYSTEM IN BRUNEI DARUSSALAM

Public Officers' Law Seminar :
Understanding the Law
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CONTENTS

- **Main features of Brunei Darussalam's Criminal Justice System**
- **The Court Process**
- **Legal Terminology**
- **Criminal Offences – “The Old and The New”**

**MAIN FEATURES OF BRUNEI
DARUSSALAM'S CRIMINAL
JUSTICE SYSTEM**

OVERVIEW OF THE LAW IN BRUNEI DARUSSALAM

- In 1888 Brunei became a British Protectorate until our independence in 1984 and as such, part of our legal system derive from the British Legal system.
- As Singapore and Malaysia were also part of the British Colonies up until their independence, the laws in those countries are also similar to that of Brunei Darussalam.
- The Brunei's Constitution was created in 1959 and provide for the post of an Attorney General.
- The two main statutes (Law) governing the Criminal Justice Systems are:
 - **The Criminal Procedure Code, Chapter 7**
[http://www.agc.gov.bn/AGC/Images/LOB/PDF\(EN\)/Cap7.pdf](http://www.agc.gov.bn/AGC/Images/LOB/PDF(EN)/Cap7.pdf)
 - **The Penal Code, Chapter 22**
http://www.agc.gov.bn/AGC/Images/LAWS/ACT_PDF/Cap.22a.pdf

WHO'S THE PUBLIC PROSECUTOR



**Yang Berhormat Datin Seri
Paduka Hajah Hayati bte
Pehin Orang Kaya
Shahbandar Dato Seri
Paduka Haji Mohd Salleh**

- YB Datin is the Attorney General and the Public Prosecutor.
- As the Attorney General, under section 81 (2) of the **Constitution**, she provides advice on all legal matters connected with the affairs of Brunei Darussalam referred to her by His Majesty the Sultan and Yang Di Pertuan or the Government.
- Section 374(1) of the **Criminal Procedure Code** state that the Attorney General shall be the Public Prosecutor and shall have the general direction and control of criminal prosecutions and proceedings under the Criminal Procedure Code or any other written laws.

DEPUTY PUBLIC PROSECUTORS

Who is the Deputy Public Prosecutor?

- Section 374 (2) of the Criminal Procedure Code provides that: His Majesty may from time to time appoint fit and proper persons to be Deputy Public Prosecutor and may exercise any or all of the powers under the Criminal Procedure Code as may be delegated to him by the Public Prosecutor.

What do we do?

- Conduct Criminal Prosecution;
- Provide advice and/or supervision to Law enforcement Agencies regarding Criminal Law issues and/or investigation of cases;
- Conduct seminars, talks and dialogues with relevant stakeholders;
- Assist in the formulation of policies; drafts, reviews and amends criminal law related legislations and its implementation (including treaties obligations).

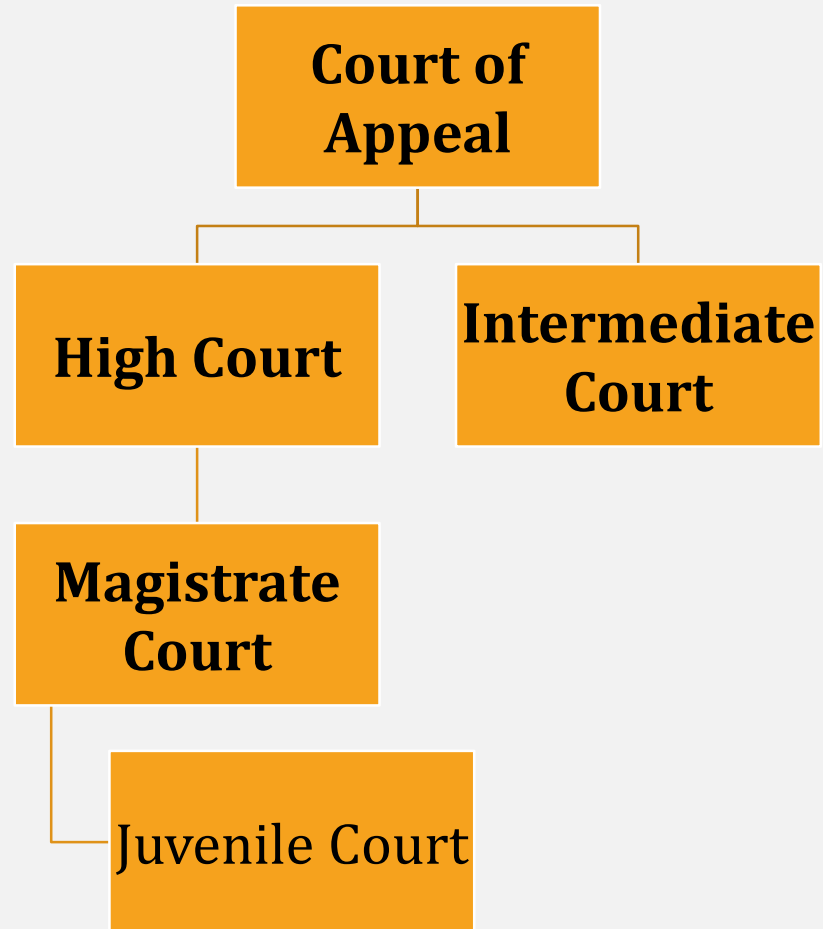
KE MAHKAMAH?

THE DIFFERENCE BETWEEN AGC AND JUDICIARY

- Pejabat Peguam Negara or Attorney General's Chambers, (AGC)
- There are 5 divisions, i.e.
 - the Criminal Justice Division,
 - the Civil Division,
 - the International Affairs Division,
 - Legislative and Research Division and
 - Administrative and Finance Division.
- Jabatan Kehakiman Negara or State Judiciary houses the Courts ("Mahkamah") together with the Magistrate and Judges is a department under Prime Minister's office and is a separate entity from the Attorney General's Chambers.
- The current Chief Justice is Dato Seri Paduka Hj Kifrawi bin Dato Paduka Hj Kifli. He is the first Bruneian Chief Justice and he heads the Judiciary.

COURT PROCESS

CRIMINAL COURT HIERARCHY



WHICH COURT? A QUESTION OF JURISDICTION

HIGH COURT

- Death penalty cases – 2 judges (counsel appointed by legal aid)
- Serious cases – Court may pass any sentence authorised by law

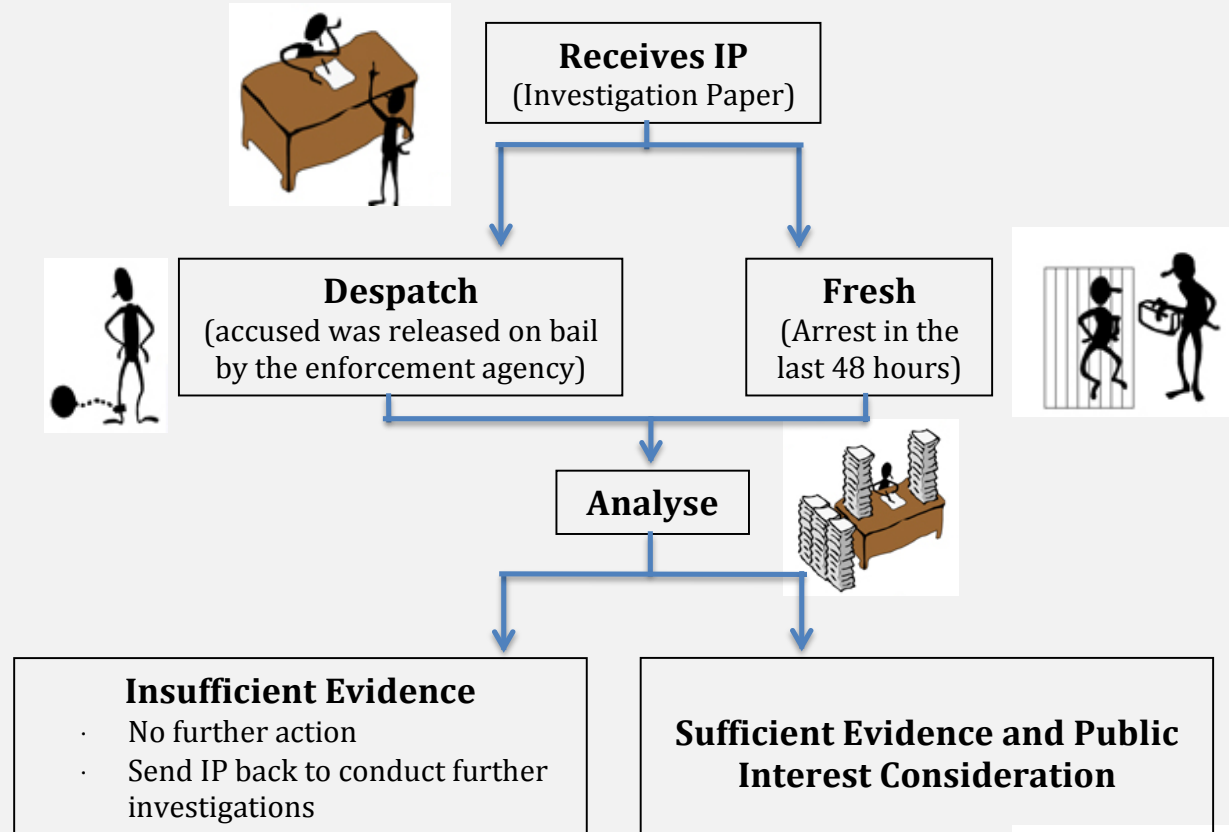
INTERMEDIATE COURT

- Same powers as the High Court
- Cannot impose sentence of more than 20 years, life imprisonment or death sentence.

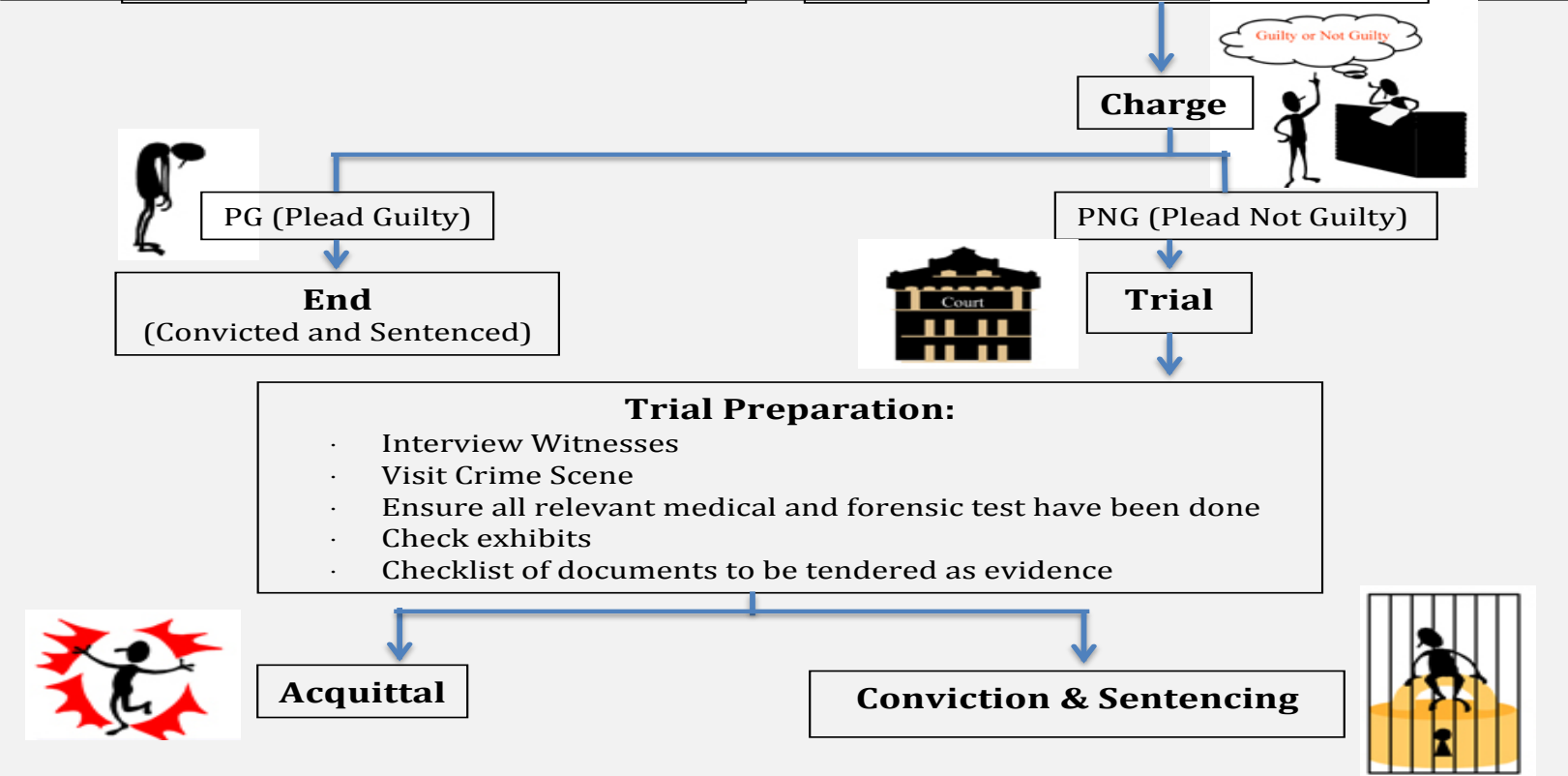
MAGISTRATE'S COURT

Limited to sentence of:
Imprisonment not more than 7 years
Fine not more than B\$10,000 (unless otherwise specified)

THE PROCESS – PRE COURT



BRIEF OVERVIEW OF CRIMINAL COURT PROCESS



COURT LAYOUT

Judge /Magistrate

Defendant's
dock

Court Interpreter(s)

Witness
box

Defence Counsel and Deputy
Public Prosecutor

Gallery

Gallery

SENTENCES A COURT MAY IMPOSE

- ◆ Death Sentence
- ◆ Life Imprisonment
- ◆ Custodial sentence in Prison
- ◆ Whipping
- ◆ Fine
- ◆ Forfeiture
- ◆ Probation and Community Service

LEGAL TERMINOLOGY



AROUND THE COURTS

| FADLEY FAISAL |

Panaga vandalism case adjourned

A YOUNG man suspected of vandalising several shops at the Supa Save supermarket in Panaga was brought before the Bandar Magistrate's Court again yesterday.

Magistrate Pengiran Shahyzul bin Pengiran Abdul Rahman ordered for the further remand of 21-year-old permanent resident Mek Keng Horng at Jerudong Prisons under strict watch, and adjourned the case to July 29, 2017.

The court also gave time for both the prosecution and defence to peruse the case.

The defendant is facing charges of trespassing into the Supa Save building and throwing knives at several glass doors and windows on the premises - causing damage to them - at 1.50am on July 12.

The charges carry the penalties of imprisonment, a fine and whippings.

The defendant is represented by defence counsel Syarifah Safina binti Malai Haji Abdul Hamid.

Sentencing deferred for local charged with stealing tent

THE Bandar Magistrate's Court yesterday deferred the case of a local man who pleaded guilty to stealing an army tent for sentencing on July 26.

Muhammad Sahrul bin Tudin, 37, stole a lightweight tent from the RHQ Bangar Camp of the Royal Brunei Armed Forces in Temburong between 6.30am and 12 noon on July 17, this year.

The prosecution stated that the defendant and his colleagues - who were employed as grass cutters - had gone to the army camp to cut grass at 6.30am that day as assigned.

The defendant had stayed behind

at the camp after his grass cutter ran out of gas, while his colleagues moved on to other locations.

The defendant then parked the car near a store beside the camp's control post.

The defendant and his colleagues rested near the store after finishing their work.

Before leaving the area, the defendant noticed a lightweight tent left on shelves outside the store and took it, thinking that it would come in handy for his hut that he had set up in the jungles of Kampong Sibulu.

The defendant and his colleagues left the army camp without being inspected or caught. The following night, army personnel from the camp discovered that the tent was missing, and went to locate it at the defendant's house.

The defendant then brought the military personnel to the exact location in Kampong Sibulu where he had set up the stolen tent.

The military personnel then handed the defendant over to the police. Subsequent investigations have revealed that the tent is worth \$5,000.

Vietnamese fined \$3,000 for undeclared alcohol

A 48-YEAR-OLD Vietnamese man was ordered to settle a \$3,000 fine, or serve six weeks' jail in default of payment, after he pleaded guilty to possessing undeclared alcoholic drinks.

Magistrate Pengiran Shahyzul bin Pengiran Abdul Rahman heard that Dong Van Hoan possessed 21 bottles of liquor in a car he was driving at Ujong Jalan near the Kampong

Bebuloh police post at 12.50pm on July 3, 2017.

The Magistrate ordered the liquor to be forfeited to the state and the vehicle returned to the defendant.

100 hours of community work for assaulting ex-wife

THE Magistrate's Court recently ordered a 40-year-old Bruneian man to undergo probation for one year and 100 hours of community work for assaulting and threatening his ex-wife and damaging her car.

Senior Magistrate Lailatul Zubaidah binti Haji Mohd Hussain gave the order after hearing a social welfare report on the case.

DPP Siti Nurjauinah binti Haji Kula's statement of facts revealed that Rudy Haizan bin Haji Kostas met up with the victim at the parking lot of the Lambak Kanan Mosque at 7.30pm on May 20, 2015.

After a short conversation, the defendant grew angry and became aggressive, causing the victim to run inside her car.

Before the victim could start the car and leave, the defendant reached for her and tugged her headscarf vigorously.

The victim took off her headscarf to prevent herself from getting suffocated.

The defendant then went to his car, at which point the victim tried searching for her keys after dropping it in the altercation with the defendant a short while ago.

Before the victim could find her keys, the defendant suddenly returned and entered her car. He then strangled and shook her vigorously.

After the defendant released the victim and alighted the car, she locked herself in. At this point, the defendant punched the bonnet and side mirror of the victim's car - causing damage to it - and also made angry, threatening gestures towards the victim.

The defendant was also warned by the court not to commit crimes in the future or risk facing immediate serious punishments.

Local woman fined for smuggling

A 23-YEAR-OLD Bruneian woman was ordered to settle a fine of \$3,000 after she pleaded guilty in the Magistrate's Court yesterday to possession of smuggled cigarettes.

Nurul Nunez Maslinahyaneh binti Abdullah Chak was caught in possession of four cartons of

cigarettes during a routine Customs inspection at the Kuala Lurah Control Post at 8.30am on February 23, 2017.

Senior Magistrate Lailatul Zubaidah binti Haji Mohd Hussain ordered the defendant to pay the fine in instalments, or risk serving three months in jail.

Jail term reduced for 2 months

A 52-YEAR-OLD Indonesian man had his jail term reduced by two months by the Court of Appeal.

The appellant, whose name is kept anonymous to protect the victim's identity, pleaded guilty last December 2016 to outraging the modesty of an under-aged girl who was his pupil.

He was sentenced to three years in jail, with an additional two months in lieu of whipping, due to his old age.

Justice John Barry Mortimer, sitting with Justices Seagroatt and

Burrell, however did not change the three years' imprisonment as the court did not have the power to intervene in the Intermediate Court's decision.

The appellate court found that the appellant is exempted from the corporal punishment and that imprisonment imposed in lieu of strokes does not apply as age is the reason for not imposing whipping.

DPP Hajah binti Haji Rozaimah Abdul Rahman represented the Public Prosecutor as respondent in the appeal.

Court rejects thief's appeal

THE Court of Appeal recently rejected an appeal filed by a local thief against his sentence of 40 months' imprisonment with two whippings for daytime and night break-ins.

Presiding Justice John Barry Mortimer, flanked by Justices Seagroatt and Burrell, found the Intermediate Court's sentence

on Mohd Afiqen bin Karim to be a fitting punishment after taking into account the mitigating and aggravating factors of the case including its totality principles.

DPP Muhd Aiman Adri bin Haji Ahmad Zakaria represented the Public Prosecutor as respondent in the appeal.

Man indicted on five counts of cheating

AN ALLEGED impostor who had been on the police manhunt list was charged at the Bandar Magistrate's Court over the weekend, but no plea was recorded.

Mohammad Sambari bin Haji Abu Bakar was indicted on five counts of cheating an employee of a car rental company between December 2016 and January 2017.

Magistrate Pengiran Shahyzul Khairuddin bin Pengiran Haji Abdul Rahman ordered the defendant

remanded at Jerudong Prison after hearing DPP Amiriah binti Haji Ali submit that the defendant has no known permanent address.

The defendant was previously convicted on multiple charges of cheating and impersonation in 2010 and 2012, which landed him prison sentences on both occasions.

The unrepresented defendant will appear again in court this Saturday, for a further mention of the case.



RIGHT: Mohammad Sambari bin Haji Abu Bakar

6/4/17

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Mohammad Sambari bin Haji Abu Bakar. – RBPF

COURT TERMINOLOGY

- Warrant
- Summons (Saman Saksi)
- Fine/Compound (Bayar Saman)
- Convicted (Sabit Kesalahan)
- Sentence (Jatuh Hukum)
- Acquitted
 - After trial / Appeal
 - Discharge not amounting to an acquittal
 - Discharge amounting to an acquittal
 - Nolle Prosequi
- **Bicara** – What is Bicara?
 - Mention
 - Hearing
 - Judgment (Keputusan Mahkamah)
- When is a witness (saksi) required to attend Court?
- Why are witnesses not allowed into court when their turn have not been called?

CRIMINAL OFFENCES
“THE OLD AND THE NEW”

PERSONATING A PUBLIC OFFICER & CRIMINAL BREACH OF TRUST

- **Personating a Public Servant**, an offence under section 170 of the Penal Code:
 - Penalty of imprisonment which may extend to 7 years and with fine.
- **Wearing garb or carrying token used by public servant with fraudulent intent.**, an offence under section 171 of the Penal Code:
 - Imprisonment for a term which may extend to 3 years and with fine.
- **Criminal Breach of Trust**, an offence under section 405 of the Penal Code:
 - Penalty of Imprisonment for a term which may extend to 5 years and with fine. and with fine.

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Man in uniform helped impersonator

| FADLEY FAISAL |

THE Royal Brunei Police Force (RBPF) yesterday held a press conference for the case of a police impersonator whose photos went viral on WhatsApp.

Mohammad Azwan bin Zawawi, 43, (pic right) was named as the alleged impersonator.

Meanwhile, Lance Corporal 5286 Arman anak Degat was named an alleged accomplice to Mohammad Azwan by committing criminal breach of trust.

Mohammad Azwan was arrested on October 12, 2017 at a shopping mall in Gadong at 2.42pm and Lance Corporal 5286 Arman was also apprehended the same day.

At the press conference, the RBPF stated that both suspects are friends and



that Mohammad Azwan had promised the policeman \$2,000 in cash in return for a full police uniform set. (See also 'Man faces charge of impersonating police officer' article below).

Man faces charge of impersonating police officer

| FADLEY FAISAL |

A PERMANENT resident was produced in court yesterday to face a charge of impersonating a police officer.

Meanwhile, a policeman is faced with a charge of committing criminal breach of trust.

Local man Mohammad Azwan bin Zawawi, 43, faces a charge of impersonating an Inspector of the Royal Brunei Police Force by

informing a local woman that he holds such office and sending five photographs of himself in police uniform sometime between October 8 and 10, 2017, through WhatsApp.

Meanwhile, Lance Corporal 5286 Arman anak Degat, tasked as a storekeeper at the Temburong Police District Headquarters, is accused of committing criminal

breach of trust by defrauding his office off a full police uniform and its accessories. DPP Hajah Rozaimah binti Haji Abdul Rahman informed Magistrate Dewi Norfelawati binti Haji Abdul Hamid that investigation into the case is ongoing. The court adjourned the case to October 22, 2017 while the defendants were ordered to be further remanded.

PROVIDING FALSE INFORMATION

2 bulan penjara akibat buat laporan palsu

April 26, 2017

Oleh Rafidah Jumat

BANDAR SERI BEGAWAN, 25 April – Akibat membuat laporan palsu, seorang wanita warga Indonesia dijatuhi hukuman dua bulan penjara oleh Mahkamah Majistret, hari ini.

Imas Rohah, 34, mengaku bersalah kerana membuat laporan palsu kepada polis berhubung dengan kesalahan pecah masuk rumah yang kononnya berlaku pada 1 April 2017 di Kampung Tagap, Jerudong.

Ketua Majistret Mohammad Faisal bin PDJLD DSP Haji Kefli memerintahkan hukuman tertuduh bermula 19 April 2017. Pendakwaan dijalankan Timbalan Pendakwa Raya, Sharon Yeo.

- False information, with intent to cause public servant to use his lawful power to the injury of another person, section 182 of the Penal Code,
- Imprisonment for a term which may extend to 6 months or with fine, which may extend to \$4,000 or with both.
- Furnishing False information, Section 177 of the Penal Code:
- Imprisonment for a term which may extend to 2 years, or with fine, or with both.

Maid penalised for making false report

AN INDONESIAN maid was handed a fine of \$2,000 after she pleaded guilty in the Magistrate's Court to filing a false police report.

Thirty-three-year-old Euis Parida failed to settle the fine yesterday and was jailed two months.

Senior Magistrate Azrimah binti Haji Abdul Rahman heard from DPP Nurul Fitri binti Kiprawi that the defendant had lodged a report to the police, saying that she had been 'taken' by an unknown man who covered her mouth while she was mopping the stairs outside a house at Kampong Kilanas at 5am on October 23, 2017.

The defendant went on to tell the recording officer at the Central Police Station that she was dragged into a nearby forest and was assaulted.

The maid claimed that she was dragged further into the forest by the man, who then tore her clothes and raped her. She added that the man had been stalking her for a month.

As the police recorded her statement, the maid further claimed that the man drew a knife during the rape, which terrified her. She managed to escape by kicking the man.

The defendant also gave a description of the man to the police. However, upon police investigations, including a doctor's report after examining the defendant, it was discovered that the maid had made up the whole story.

The defendant then admitted she had faked the rape story to enable her to return to Indonesia.

OFFENCE AGAINST PUBLIC SERVANT(S) IN THE COURSE OF THEIR DUTIES

Local gets two-year sentence for assault on police officer

BANDAR SERI BEGAWAN

A LOCAL man was sentenced to two years' jail and two strokes of the cane yesterday after the Magistrate's Court found him guilty of assaulting a police officer with a knuckle duster during an anti-gambling raid in Tutong three years ago.

Hj Abu Bakar Hj Md Arshad, 45, was accused of voluntarily causing hurt to Police Constable Pek Seng Huat, 37, in an effort to deter the public servant from performing his duties.

The defendant's lawyer, Sheikh Noordin Sheikh Mohammad, said his client would be appealing the

court's decision and asked that Hj Abu Bakar be released on bail until the appeal could be heard by a higher court.

According to court documents, the assault occurred on October 26, 2013, during a police raid of a makeshift gambling den in Tutong.

The police constable who was assaulted sustained injuries that required stitches.

The defendant initially managed to escape custody but was arrested two days later. A total of 23 people were arrested during the anti-vice raid, with \$15,000 in cash seized.

The Brunei Times

- **Threat of injury to public servant**, section 189 of the Penal Code
 - Imprisonment for a term which may extend to 5 years and with fine.
- **Obstructing a public servant in discharge of public function**, section 186 of the Penal Code:
 - Imprisonment which may extend to 3 months, or with fine which may extend to \$2,000 or with both.
- **Voluntarily causing hurt to deter public servant from his duty**, section 332 of the Penal Code
 - Imprisonment which may extend to 5 years and with whipping.
- **Voluntarily causing grievous hurt to deter public servant from his duty**, section 333 of the Penal Code
 - Imprisonment which may extend to 10 years and with whipping.

Teacher assault case adjourned

TWO local brothers charged last month for involvement in an altercation with a teacher of a local secondary school, had their case adjourned to make way for follow-up medical reports on the victim.

Deputy Public Prosecutor Muhd Aiman Adri bin Haji Ahmad Zakaria, who appeared on behalf of the Public Prosecutor, preferred two charges against the first defendant, Mohammad Yusirwan bin Yussof, 38, - a warrant officer at the Royal Brunei Armed Forces.

The first charge alleges that at 10am on September 16, 2017 at Sayyidina Abu Bakar Secondary School, the first defendant voluntarily caused hurt to the victim by kicking him in the lower abdominal/groin area. The act is a punishable offence under Section 323 of the Penal Code, Chapter 22.

The first defendant also faces an additional charge of assault under Section 352 of the Penal Code, Chapter 22 for gesturing in the direction of the victim while shouting.

The second defendant, Mohammad Yadiy Yusranshah bin Yussof, 26, was also charged with the same offence of assault under Section 352 of the Penal Code, Chapter 22 for similarly making pointing gestures at the victim while shouting.

The two defendants, who are represented by Sheikh Noordin bin Sheikh Mohammad, have claimed trial to the charges against them. Senior Magistrate Lailatul Zubaidah binti Haji Mohd Hussain fixed the case for further mention on November 9, 2017.

CAUSING HURT

- **Voluntarily Causing Hurt.-** Section 323 of the Penal Code:
 - Imprisonment of up to 3 years and with Fine
- **Voluntarily Causing Grievous Hurt-** Section 325 of the Penal Code:
 - Imprisonment of up to 10 years and whipping
- **Voluntarily Causing Hurt or Grievous Hurt with use of Dangerous Weapon-** section 324/326 of the Penal Code:
 - Imprisonment of up to 7 years and with whipping / 15 years and with whipping

WOMEN'S MODESTY

- Outraging the modesty of a woman by assaulting or using Criminal Force with intent to **outrage modesty** (“Mencabul Kehormatan”)- Section 354. Penalty imprisonment for a term which may extend to 5 years and with whipping.”
- If **Outraging Modesty** was done by person in **position of trust or authority**. Section 354B provide for an enhance punishment of imprisonment for a term not less than 3 years and not more than 10 years and with whipping.
- Words, gesture, or act intended to **insult the modesty of a woman**, section 509 of the Penal Code. Imprisonment for a term which may extend to 3 years and with fine.

Man pleads not guilty to outraging modesty charge

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BANDAR SERI BEGAWAN - A TRIAL date was set yesterday for a 55-year-old man who denied the charge of outraging modesty of a woman two years ago.

The defendant Dr Joseph Cheok Van Seng was first brought to Magistrates' Court on May 3 where pleaded not guilty and claimed trial over the charge using "criminal force" by squeezing the 31-year-old woman's left buttock at the office of BEDB in Ong Sum Ping some time on February 5, 2014. Magistrate Hjh Ervy Suftriana Hj Abd Rahman will be presiding over the trial which is set to commence from October 5 to October 16.

During the proceedings yesterday, Prosecuting officer Siti Nurjauinah Hj Kula indicated that she would be calling seven prosecution witnesses. On the other hand, Dr Cheok, who is represented by defence attorney Cristina Lim, would be calling five witnesses for the defence.

The court yesterday extended Dr Cheok's court bail pending the start of the trial.

-- Courtesy of The Brunei Times

Teacher pleads guilty to molesting student, sentencing on November 4

THE Intermediate Court yesterday adjourned the case of a Belait school teacher who outraged the modesty of a 16-year-old girl student to consider the request of the defendant's defence counsel for a non-custodial sentence.

Defence counsel Pengiran Khairul Nizam bin Pengiran Haji Md Yassin pleaded before Judge Lailatul Zubaidah binti Haji Mohd Hussain to consider a probation order and community service order for his 25-year-old client.

To support this, the counsel submitted to the court good character testimonials from the defendant's colleagues as well as his academic records.

DPP Dayangku Didi-Nuraza binti Pengiran Haji Abdul Latiff urged the court to impose a custodial sentence, submitting that the aggravating factors of the case far outweighs the mitigating factors in this case.

"Firstly, there is a gross breach of trust and he (the defendant) had taken advantage of a young girl aged 16," said DPP Dayangku Didi-Nuraza.

The prosecution also said that the purpose of the law is to afford protection to young girls and a deterrent sentence should be imposed in order to protect vulnerable victims whose welfare is paramount and must be protected.

The prosecution added that an equivocal and uncompromising message to all would-be offenders must be sent as a warning that abusing a relationship or position of authority in order to gratify sexual impulse will inevitably be met with the harshest penal consequences.

The Judge fixed November 4, 2017 for sentencing the defendant.

The defendant has pleaded guilty to the charges he faced on October 19, 2017.

According to the prosecution's statement of facts of the case, the defendant had been employed as a Biology teacher at a secondary school in the Belait District since August 27, 2015 and the victim is a student of the defendant.

On July 24, 2017, a report was lodged at the Kuala Belait Police Station which stated that the defendant outraged the modesty of the victim.

The Women and Children Abuse Investigation Unit of the Criminal Investigation Department immediately launched investigations which revealed that the defendant had taken advantage of the victim after she complained to the defendant of having chest pain on June 9, 2017.

The defendant chatted with the victim on WhatsApp, met

her up in the school to 'examine' her using a stethoscope, took videos of her with her uniform's top lifted and hugged her, in order to relieve the victim of anxiety which the defendant claims that the victim was suffering from.

The defendant met up with the victim a few more times at the school, even during extra classes over the Hari Raya holidays.

The defendant also subjected the victim to other sexual abuses by touching her private parts a few times.

The offences were committed on June 10, June 13, June 14, and June 19, 2017.

It was revealed during investigations that the victim eventually told a friend about the above incidents who then informed a teacher at the school about what happened to the victim. The victim herself did not want to report the incident to teachers as she feared that the defendant would find out she made a complaint against him.

As part of police investigations, the defendant's mobile phone was seized and analysed by the Royal Brunei Police Force's IT Forensics Unit. Though the videos could not be retrieved, analysts managed to retrieve a number of caches consisting of still images from the videos.

FAKE NEWS

RBPF warns against fake messages

(From Page One)

The RBPF in a statement said it had received no such reports by the public, nor come across any

In light of this, the RBPF wants to remind the public that spreading such messages is a criminal offence under Section 34, Public Order Act, Chapter 148, with sentence of up to three years imprisonment and a fine of up to BND3,000, if found guilty.

safety are taken seriously. RBPF encourages the public to come forward with such information, even to seek verification. Such cases are treated with sensitivity and the public can request for anonymity when providing information.

Borneo Bulletin, Monday 19 June 2017

Two foreign women under probe for causing alarm over 'plastic rice' claim

| AZARAIMY HH |

TWO women aged 53 and 46 were arrested for making a video falsely claiming that the nation's rice is made out of plastic - a public order offence, the Central Police Station reported early yesterday.

Preliminary investigations revealed the two women are foreigners.

The one-minute-forty-second-video, which has gone viral on social media throughout the country, shows a woman commenting in a foreign language about the nation's rice being made from plastic.

The video was allegedly recorded by the woman's friend and then circulated via WhatsApp.

The video has caused alarm among public in the country.

The police said that they will treat spreading of rumours or false information seriously and will take action against anyone found guilty of intentionally causing public alarm.

Anyone found guilty of disseminating false information, thus causing public alarm, can be punished with a fine of up to \$3,000 and imprisonment of three years.

Investigations are ongoing.

SEDITION

Section (3) Sedition Act, Chapter 24

(1) A seditious intention is an intention —

(a) to bring into hatred or contempt or to excite disaffection against His Majesty the Sultan and Yang Di-Pertuan or the Government;

(b) to excite the inhabitants of Brunei Darussalam to attempt to procure the alteration, otherwise than by lawful means, of any other matter in Brunei Darussalam as by law established;

(c) to bring into hatred or contempt or to excite disaffection against the administration of justice in Brunei Darussalam;

(d) to raise discontent or disaffection amongst the inhabitants of Brunei Darussalam;

(e) to promote feelings of ill-will and hostility between different classes of the population of Brunei Darussalam;

(f) to directly or indirectly lower or adversely affect, or otherwise bring into derogation, the rights, status, position, discretion, powers, privileges, sovereignty or prerogatives of His Majesty the Sultan and Yang Di-Pertuan, his Successors, His Consort or other members of the Royal Family; or

(g) to directly or indirectly lower or adversely affect the standing or prominence of the National Philosophy of Melayu Islam Beraja (known in English as Malay Islamic Monarchy);

SEDITION

Government employee charged with sedition

A GOVERNMENT employee has been charged in court under Chapter 24 of the Sedition Act for posting inflammatory comments regarding the Ministry of Religious Affairs' Halal Certification policy.

Shahiransheriffuddin bin Shahrani Muhammad was charged with one count under Section 4 (I) (c) of the Sedition Act, which alleges that he had made a seditious post on his personal Facebook page on July 16.

The defendant, who was represented

by defence counsel Pengiran Khairul Nizam bin Pengiran Haji Mohd Yassin, understood the sole charge against him.

However, no plea was recorded against the defendant at this stage, as the defence counsel has asked for time to receive instructions from his client, in addition to obtaining documents from the prosecution.

Having considered the defence's application, Magistrate Hajah Ervy Sufitriana binti Haji Abdul Rahman adjourned the case to August 31.

The court further ordered for the defendant to be released on court bail of \$5,000, or one local surety, with the additional condition that he abstains from posting any adverse comments against the Brunei Government on social media.

If found guilty, the defendant faces a maximum fine of \$5,000 and two years' imprisonment.

Deputy Public Prosecutor Muhammad Qamarul Affyian bin Abdul Rahman appeared on behalf of the Public Prosecutor for the case.

CORRUPTION – RECEIVING BRIBE

Wednesday, 16 Rabiulawal 1436 / 7th January 2015.

PC4483 Amirul Izzat bin Haji Yahya dan PC 3813 Mat Zidi bin Haji Jumat, former police personnel at the Royal Brunei Police Force, were sentenced to 16 months imprisonment by the Magistrate's Court, Bandar Seri Begawan after the Court found them guilty of one charge under Section 6(a) of the Prevention of Corruption Act (Chapter 131).

The Deputy Public Prosecutor Hjh Anifa Rafiza binti Hj Abd Ghani, informed the Court, investigation conducted by the Anti Corruption Bureau revealed that on 22 July 2009 at the vicinity of Sultan Haji Hassanal Bolkiah Highway, both defendants did corruptly obtain from one local, a gratification in the sum of BND\$40 (Forty Dollars) as an inducement for forbearing to take action against the said local for contravening Road Traffic Act (Chapter 68).

Senior Magistrate Pg Masni binti Pg Bahar ordered for the sentence to take effect from the date when they were remanded on 22 December 2014.

Saturday, 25 April 2015

Magistrate's Court Bandar Seri Begawan passed a sentence against PC5225 Muhammad Asddi bin Haji Sapawi, a Police Constable attached at the Police Traffic Control and Investigation Department, Brunei Darussalam, after he pleaded guilty of one corruption charge under Section 6(a) of the Prevention of Corruption Act (Chapter 131).

Investigation by the Anti Corruption Bureau revealed that on the 18th November 2013, the defendant did corruptly receive from one man, a gratification in the form of Dell XPS Laptop, at a car park in the vicinity of Low San Hardware, Jalan Batu Bersurat. The defendant requested the said laptop from the said man as a reward for not lodging any police report against the said man for being caught of close proximity with his partner inside a car at the vicinity of car park at Berakas Indoor Stadium.

Chief Magistrate Muhammed Faisal bin Pehin Datu Juragan Laila Diraja Dato Seri Pahlawan Hj Kefli imposed a sentence of 12 months against the defendant with effect from today. In passing the sentence Chief Magistrate Muhammed Faisal stated that when a corruption offence is committed by a public servant it is considered as immoral act and greedy. Due to the fact that the offence was committed by a public servant, a custodial sentence should be imposed. The charge against PC5225 Muhammad Asddi was read by Deputy Public Prosecutor, Shamsuddin bin Haji Kamaluddin on 23 August 2014.

CORRUPTION – GIVING BRIBE

Tuesday, 11 April 2017 / 14 Rejab 1438H

Magistrate Court Bandar Seri Begawan has passed a sentence of 12 months imprisonment against one ex-prisoner of Sri Lanka citizen, Pathmanathan Jegan @ Muhammad Saifullah bin Abdullah after he pleaded guilty of giving bribe money amounting B\$295.62 to Warder 543 Norizam bin Awang Hidup, an offence under Section 6(a) of Prevention of Corruption Act (Chapter 133) and an offence under Section 109 read with Section 165 of the Penal Code (Chapter 22) for abetting with Norizam to have committed an offence under Section 165 or the Penal Code (Chapter 22).

Investigation conducted by Anti-Corruption Bureau (ACB) revealed that on or about August 2015, the defendant did instructed Norizam to corruptly take the bribe money amounting 200Euro which was equivalent to B\$295.62 (Two Hundred and Ninety Five and Sixty Two Cents) sent by the defendant's family through Western Union, Bandar Seri Begawan as a reward for allowing him to use one HTC mobile phone for the defendant to communicate with someone outside the prison without the authorized permission of the Officer-in-Charge.

The Magistrate Azrimah sentenced the defendant to 12 months imprisonment for each charge which is to be served concurrently with effect of 1st March 2017.

The prosecutor of this case was Deputy Public Prosecutor Hjh Anifa Rafiza Hj Abd Ghani of the Attorney General's Chamber.

Tuesday, 21 June, 2016 / 16 Ramadhan 1437H

A Manager of Busermite Pest Control, Robert Tan Giok Poh, a Singaporean was sentenced to twelve (12) months imprisonment by the Magistrate's Court Bandar Seri Begawan after he pleaded guilty for one corruption offence under Section 6(b) of the Prevention of Corruption Act (Chapter 131).

Investigation conducted by the Anti-Corruption Bureau revealed that on 23rd July 2014, at the vicinity of the 2nd Floor, Estate Management and Project Development Unit, Ministry of Health, Government of Brunei Darussalam, the defendant did corruptly give gratification to one Assistant Project Officer (Grade I) of the said Estate Management and Project Development Unit, a sum of BND\$300.00 (Three hundred Brunei dollars) and 5 pieces of 'Disney Aladdin on Skates' tickets. The money and Disney tickets were given by the defendant as a reward to the said Assistant Project Officer in processing the penultimate payment certificate for Busermite Pest Control amounting to \$141, 610.80 in respect of the Eradication of Termites Work at Suri Seri Begawan, Kuala Belait.

Honourable Magistrate Dewi Norlelawati binti Haji Abdul Hamid imposed a sentence of twelve (12) months for the charge against the defendant with effect from today and ordered that the amount of gratification BND\$300.00 (Three hundred Brunei dollars) to be forfeited to the state.

The charge was read to the defendant on 21st May 2016. The prosecution was represented by Deputy Public Prosecutor Christopher Ng Ming Yew of the Attorney General's Chambers.

PUBLIC SERVANT USING PUBLIC FUNDS FOR PRIVATE PURPOSES, GIVING UNDUE PREFERENTIAL TREATMENT, MISUSING INFORMATION ETC

A public officer, in the course of his public officer or official functions uses:

- 1) uses public funds or resources for private purposes or in furtherance of private interests;
- 2) fails to act impartially, or gives undue preferential treatment to any person
- 3) misuse information acquired in the course of his duties
- 4) conduct himself in a such a manner as to bring his private interest into conflicts with his public duties; or conducts himself in such a manner as he knows or can be reasonably expected to know is likely to cause a reasonable suspicion that he:
 - i) has allowed his private interest to come into conflict with his public duties or
 - ii) has used his public position for private advantage
- 5) interfere in, or seeks influence, otherwise than as part of his duty, the appointment, promotion, suspension, demotion or dismissal of a public officer or other person,

Is guilty of an offence. Penalty a fine of \$30,000 and imprisonment for 7 years.



QUESTION AND ANSWER SESSION

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