

Update by Supreme Court of Brunei Darussalam on COVID-19 Effects and Solutions  
since the 8<sup>th</sup> CACJ Meeting

1. Thank for you giving us this opportunity to share the effects of COVID-19 on the Brunei Judiciary and the solutions undertaken since the 8<sup>th</sup> CACJ Meeting. We wish to briefly reflect on our experiences in dealing with the emergence of the second COVID-19 wave in Brunei and what steps we have taken to continue our work and keep up with cases while reducing the risk of infection.
2. Since the CACJ last convened, we saw amendments being made to our legislation in May 2021 to allow for the conduct of hearings online in the Supreme Court, Intermediate Courts and Subordinate Courts. In June 2021, the Court of Appeal conducted their first criminal appeal via Zoom where they heard submissions from counsel attending remotely from England and Singapore. In March 2021, we had also remodeled our court rooms and registry counters in our High Court and Subordinate Court buildings in Bandar Seri Begawan by installing plexi-glass shields in order to ensure the health and safety of all those attending court.
3. However, after 457 days without any local cases of COVID-19, new cases had emerged again in Brunei on 7 August 2021. Our government swiftly instituted a partial lockdown and on 9 August 2021 our Judiciary re-implemented its business continuity measures in response to the restrictions posed, namely:

- All civil and criminal cases were adjourned in all courts and in all districts, including matters involving Road Traffic offences, claims in the Small Claims Tribunals, bankruptcy and probate hearings;
  - For criminal matters, arraignments and urgent applications such as those relating to bail proceeded with remotely and for civil cases relating to applications for injunctions also proceeded remotely, with the necessary measures to be followed as per Ministry of Health directives;
  - Criminal or civil cases that are deemed suitable for video-conferencing are to be heard remotely as per the previous practice;
  - All court registries and service counters were closed temporarily however urgent applications were accepted on an appointment basis via video-conferencing; and
  - Drop-Boxes were also prepared for the convenience of the public to submit applications and retrieve documents that have been processed.
4. The significant increase in the incidence of COVID-19 coupled with the increase in rates of transmission when compared to Brunei's first wave, has made it all the more important that the number of people entering our courts are kept to a minimum. As such, all judges, judicial officers and staff were directed to work primarily from home and segregated into teams with schedules to work from the office on rotation. Measures were also mandated in our courts, such as mask wearing, safe distancing and regular temperature taking, for those working from the office or entering the courthouse. Members of our Judiciary have also benefited from the national vaccination programme and as of 30 September 2021, 50% of our total personnel have

completed their COVID-19 vaccinations whilst 32.6% have received their first dose and the remaining 17.3% have yet to be vaccinated and are awaiting their scheduled vaccination appointments.

5. It is essential that justice proceeds in spite of the pandemic and our courts have continued to function and we continue to conduct as many court proceedings as possible remotely in order to facilitate the efficient and expeditious processing of cases. Technology has aided us greatly in keeping our courts running and we have for the most part conducted matters online via Zoom.
6. In the Supreme Court, cases which have been heard online include case management conferences, pre-trial conferences, chamber hearings and High Court non-trial cases and appeals where the parties are represented by lawyers.
7. In the Intermediate Courts and Subordinate Courts, criminal matters which are deemed essential and urgent have also been conducted via remote hearing. In determining if matters are essential and urgent, the courts will consider if they are time-sensitive or whether there is a legal requirement for them to be heard within a certain period. These have included arraignment proceedings, bail proceedings, proceedings to record plea and convicting accused persons who have pleaded guilty and sentencing proceedings. Judges and judicial officers have conducted these matters via Zoom with Deputy Public Prosecutors and Defence Counsel logging in from their respective

remote locations and Defendants either being present in the Technology Court or from their remand location.

8. Justice cannot wait out a crisis and we, like everyone, have had to adapt. This is the working reality in Brunei for the time being and it is important that the courts do what we can to help reduce the spread of COVID-19. We will continue to operate in a way that carries on the judiciary's vital functions and minimizes potential disruption to court users whilst being guided by the public health advice given by our Ministry of Health. While we look forward to returning to normal sittings in our courtrooms, we will continue to work hard to stay current in our work and will continue to conduct critical court functions remotely. These are unpredictable times and I am deeply grateful to all those who work in, with and around the courts for their adaptability and resilience and together, we must remain committed to upholding a fair and efficient justice system for all. Thank you.

**Chief Justice Dato Seri Paduka Steven Chong**

**Supreme Court of Brunei Darussalam**