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1999 Country Reports on Human Rights Practices

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BRUNEI

Brunei Darussalam, a small, wealthy monarchy located on the north coast of Borneo, is a sultanate ruled by the same family for 600 years.

The 1959 Constitution provided for the first delegation of political power by the late Sultan Omar Ali Saifuddin to an appointed council of state, but in 1962 the then Sultan invoked an article of the Constitution that allowed him to assume emergency powers for 2 years. These powers have been regularly renewed, most recently in July 1998. In August the Foreign Minister confirmed that a review of the Constitution had been submitted to the Sultan for approval, and that "an element of an election" was in this report. Although not all the articles of the Constitution are suspended, the state of emergency places few limits on the Sultan's power. The Sultan also serves as Prime Minister, Minister of Defense, Minister of Finance, chancellor of the national university, superintendent general of the Royal Brunei Police Force, and leader of the Islamic faith.

The police force, which has responsibility for internal security, reports to the Prime Minister's office, which includes an Internal Security Department, and is firmly under the control of civil authorities.

Brunei's large oil and natural gas reserves, coupled with its small population, give it a very high per capita gross national product. A midyear recovery in oil prices helped the country's cash flow; however, the economy still was feeling the effects of the Amedeo Corporation's collapse. The corporation, which was owned by the Sultan's brother Jefri, is being liquidated to pay debts amounting to more than \$6 billion.

Human rights remain broadly circumscribed. In practice citizens do not have the right to change their government, and they generally avoid political activity of any kind. Nor, constitutional provisions notwithstanding, do they genuinely exercise the freedoms of speech, press, assembly, and association. Other human rights problems continued, including discrimination against women and restriction of religious freedom.

RESPECT FOR HUMAN RIGHTS

Section 1: Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing

There were no reports of political killings.

In June 1998, an assistant superintendent of police was arrested and charged with the manslaughter of a Bangladeshi national. The police official allegedly used police premises to interrogate the Bangladeshi national over a personal business matter. During the interrogation, the police official allegedly beat and kicked the victim, who subsequently died of internal injuries. The police superintendent was convicted of a reduced charge of causing hurt, since pathologists could not conclude that the beating directly caused the victim's death. He was sentenced to 12 months in jail and ordered to pay \$12,050 (B\$20,000) to the deceased's family in compensation. The superintendent was dismissed from the police service.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

There were no reports of police mistreatment of prisoners. Any report of police mistreatment of prisoners would be investigated as a violation of the law. In 1988 caning became mandatory punishment for 42 drug-related and other criminal offenses and for vandalism. Since then, sentences of caning have been handed down and carried out in the presence of a doctor who monitors implementation and has the authority to interrupt and postpone the punishment for medical reasons. Caning generally is included as part of the sentencing in 80 percent of criminal convictions. Many convicted persons reportedly prefer caning to lengthy incarceration.

Prison conditions meet minimum international standards. There is no overcrowding; however, there is a growing prison population, and a new facility to supplement the 60-year-old prison was completed in 1998. Prisoners receive regular medical checkups. Remand cells at police stations are Spartan.

Human rights monitors are not known to have requested prison visits; foreign diplomats have visited prisoners. Family members also can visit prisoners and bring food.

d. Arbitrary Arrest, Detention, or Exile

The law provides for a prompt judicial determination of the validity of an arrest. However, those provisions, like the Constitution itself, may be superseded, either partially or wholly, through invocation of the emergency powers. The Internal Security Act (ISA) permits the Government to detain suspects without trial for renewable 2-year periods. The Government occasionally has used the ISA to detain persons suspected of antigovernment activity; however, information on the detainees is published only after they are released. In 1997 two former rebel leaders were pardoned and released, after undergoing "religious

indoctrination" and swearing loyalty to the Sultan (see Section 1.e.). Muhamad Yasin Abdul Rahman, age 76, who played a pivotal role in the abortive 1962 rebellion, was detained without trial for 12 years from 1962 to 1973, when he escaped from prison to live in exile in Malaysia. He returned to the country in 1997 and immediately was arrested and detained once more without trial. In July 1999, he was released from detention after swearing an oath of loyalty to the Sultan and admitting his political "crimes."

In August 1998, authorities arrested several citizens under the ISA for distributing defamatory letters containing allegations about the royal family and senior government officials connected with the collapse of the Amedeo Group, a large holding company headed by the former Finance Minister and Sultan's brother, Prince Jefri. The Government warned citizens that it would take action against anyone involved in such activities. There were no known arrests for publishing or distributing antigovernment literature during the year.

Under normal circumstances, a magistrate must endorse a warrant for arrest. Warrants are issued without this endorsement on rare occasions, such as when police are unable to obtain the endorsement in time to prevent the flight of a suspect. Police officers have broad powers to make arrests, without warrants, of persons caught in the physical act of committing a crime.

Under the colonial-era Banishment Act of 1918, any person deemed to be a threat to the safety, peace, or welfare of Brunei, may be forcibly exiled either permanently or temporarily by the Sultan. Since independence, there have been no cases of banishment of citizens.

e. Denial of Fair Public Trial

The Constitution does not specifically provide for an independent judiciary. However, in 1996 in a landmark legal decision, the appellate-level High Court ruled that the court has powers independent of the prosecution and ordered a discharge in a car theft case under review, which amounted to an acquittal under the Criminal Procedure Code. So far the Government has not challenged the court's finding that magistrates have the legal power to discharge and acquit a defendant, even when the prosecution does not request the discharge.

The judicial system consists of five levels of courts, with final recourse in civil cases available through the Privy Council in London. In 1995 Brunei terminated appeal to the Privy Council in criminal cases. Procedural safeguards include the right to defense counsel, the right to an interpreter, the right to a speedy trial, and the right to confront accusers. There were no known instances of government interference with the judiciary and no trials of political opponents.

The civil law, based on English common law, provides citizens with a fair and efficient judicial process. Shari'a (Islamic law) supersedes civil law in some areas, including divorce, inheritance, and some sexual crimes. Shari'a law is not applied to non-Muslims.

At present there are no known political prisoners (see Section 1.d.).

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Although the law permits government intrusion into the privacy of individual persons, families, or homes, this rarely happens. There were no reports of mail having been tampered with during the year. The Government at times prevents the importation of foreign newspapers and magazines (see Section 2.a.).

Section 2: Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

While there are no laws restricting freedom of speech and freedom of the press, the Government used its authority to protect public safety, morals, health, and domestic security to restrict these freedoms. Editions of foreign newspapers or magazines with articles that are found objectionable, embarrassing, or critical of the Sultan, royal family, or government are not allowed into the country. Magazine articles with a Christian theme reportedly invariably are censored. However, the growing use of fax machines, the Internet, and access to satellite transmissions make it increasingly difficult to keep such material from entering. The independently owned local newspaper, the Borneo Bulletin, appears to practice self-censorship in its choice of topics to avoid angering the Government, but it has instituted a new feature of letters to the editor, by which citizens--some by name and some anonymously--criticize the Government's handling of certain social, economic, and environmental issues. In 1997 the newspaper expanded its letters column to reflect the increase in letters. In July a second English-language newspaper, the News Express, began publication. The daily, which is owned by a former government minister, features a letters page where citizens and residents express their views and complaints, often about government services and, increasingly, about government policy. The newspapers' willingness to publish these expressions of opinion represents a modest extension of press freedom.

The Government's reactions to the letters have been mixed. On the one hand, it clearly has been responsive to public opinion on some issues concerning social or environmental problems. On the other hand, the Internal Security Department allegedly has tried--and without success--to obtain the names of people who have complained to the newspaper about government services.

Although the only television station is government-owned, three Malaysian television channels are also received locally. A 14-channel cable network of television stations is widely available. This network includes the Cable News Network, the British Broadcasting Corporation World News, and several entertainment channels.

The Government's tolerance of political criticism has not been tested recently because there is no organized opposition. Moreover, citizens generally make almost no criticism of the Government. In the past, the Government has not hesitated to arrest those who attempted to propagate unwelcome political views.

The Government respects academic freedom.

b. Freedom of Peaceful Assembly and Association

Freedom to assemble for political purposes has not been tested seriously in recent years.

Following a 1967 ban on political parties, the Government allowed two parties to form in 1985 and 1986. It disbanded one of the parties in 1988. Political parties are allowed but they are not to engage in "activities that endanger people." Membership is open to all citizens, except civil servants and security force personnel, who together make up 60 percent of all employed citizens.

The remaining party, the Brunei Solidarity National Party (BNSP), which was inactive for several years, held an assembly in February 1995, reportedly with the consent of the Government. About 50 people attended. In April 1998, fewer than 50 persons attended a BNSP General Assembly. Following the General Assembly, party leaders expressed support for the Government's determination to investigate the Amedeo crisis, but the party appeared to be largely inactive. In October 1998, the Prime Minister's Office rebuked BNSP President Haji Mohamed Hatta over an interview he gave to a regional newsmagazine. The Prime Minister's Office described Hatta's portrayal of Brunei as "irresponsible, untrue, inaccurate, misleading, and embarrassing."

The activities of international service organizations such as Rotary, Kiwanis, and the Lions continued to be constrained by the Government, which in 1995 reminded local leaders of these organizations that Muslims may not be members.

c. Freedom of Religion

The Constitution states that, "The religion of Brunei Darussalam shall be the Muslim religion according to the Shafeite sect of that religion: Provided that all other religions may be practiced in peace and harmony by the person professing them in any part of Brunei Darussalam." However, the Government only partially respects these rights, as it routinely restricts the practice of non-Islamic religions. The Government sporadically voiced alarm about "outsiders" preaching radical Islamic fundamentalist or unorthodox beliefs. Citizens deemed to have been influenced by such preaching (usually students returning from overseas study) have been "shown the error of their ways" in study seminars organized by mainstream Islamic religious leaders. The Government seems more concerned about these so-called Islamic "opportunists" than unwelcome political views. Moreover, the Government does not hesitate to investigate and to use its internal security apparatus against persons whom it considers purveyors of radical Islam.

In 1991 the Government began to reinforce the legitimacy of the hereditary monarchy and the observance of traditional and Muslim values by reasserting a national ideology known as the Malayhu Islam Beraja (MIB) or "Malay Muslim monarchy," the genesis of which reportedly dates to the 15th century. The Government in 1993 participated in issuing the Kuala Lumpur Declaration, which affirms the right of all persons to a wide range of human rights, including freedom of religion. Despite this and constitutional provisions providing for the full and unconstrained exercise of religious freedom, the Government routinely restricts the practice of non-Muslim religions by: Prohibiting proselytizing; occasionally denying entry to foreign clergy or particular priests, bishops, or ministers; banning the importation of religious teaching materials or scriptures such as the Bible; and ignoring requests to expand, repair, or build new churches, temples, and shrines. However, in February 1998, the Government allowed the Catholic Church to establish the first apostolic prefecture in the country and to install a Bruneian of Chinese origin as the country's first apostolic prefect. This development constituted a modest step in the direction of improved religious freedom, but as yet there is no broad trend toward

increased religious freedom.

In September 1998, officials of the Islamic Propagation Center confiscated gold and other precious Buddhist and Christian icons from a number of goldsmiths in the capital, stating that the open display of these items "offended local se