



The Practitioner's Guide for
**Asset Recovery in
Singapore**

AGC
SINGAPORE

ATTORNEY-
GENERAL'S
CHAMBERS

Dennis Tan Chuin Wei

www.agc.gov.sg

Foreword

This is a publication on asset recovery and is written as a step-by-step guide specifically for States requesting assistance from Singapore in recovering assets that are the proceeds of crimes, complete with tools such as template request forms and checklists.

The primary objective of this guide is not simply to describe the asset recovery process in Singapore, but to provide practitioners with the relevant tools to draft asset recovery requests quickly and effectively. It provides quick access to the basic principles of the asset recovery process in Singapore, and also points practitioners to the relevant laws and contact points for the various stages of asset recovery process.

This concise yet comprehensive guide serves as a useful compendium for practitioners making asset recovery requests to Singapore. It is a useful addition to the growing toolkit for practitioners, and I recommend it to all practitioners seeking a guide on the asset recovery process in Singapore.

Ivan Chua Boon Chwee

Head

Central Authority

International Affairs Division

Attorney-General's Chambers

August 2016

Contents page

Chapter I : Introduction	5
Overview of asset recovery in Singapore	5
Structure of this guide	6
How to use this guide	6
Chapter II : Legal framework in Singapore	7
Stages of asset recovery	7
Tracing the assets	7
Gathering the evidence	8
Restraint and confiscation	9
Asset disposal and return	10
Asset recovery legal framework in Singapore	10
Investigation stage	10
Pre- or during the prosecution stage	10
Post-prosecution stage	11
Chapter III : How to make a request	12
Key contact points	12
Central authority	12
Law enforcement agencies	13
Forms of request	14
Medium of request	14
Mode of transmission	14
Contents of request	15
Formal requirements	15
Substantive requirements	15
General pointers	17
Chapter IV : How an incoming request is processed	18
Execution of requests	18
Consultation with relevant agencies	18
Consultation with requesting State	19
Notice to Minister for Law	19
Application to courts	19
Chapter V : Other matters	20
Template request forms	20
Checklists	33
Reference materials	42

List of common acronyms

AGC	- Attorney-General's Chambers
CAD	- Commercial Affairs Department
FIU	- Financial Intelligence Unit
IAD	- International Affairs Division
ICD	- International Cooperation Department
MACMA	- Mutual Assistance in Criminal Matters Act
MLA	- Mutual legal assistance
NCB	- INTERPOL National Central Bureau
SPF	- Singapore Police Force
STR	- Suspicious Transaction Report
STRO	- Suspicious Transaction Reporting Office



Chapter I – Introduction



Overview of asset recovery process in Singapore

The asset recovery process in Singapore can be largely categorised into two phases: investigation and recovery. The investigation phase generally comprises efforts to trace and gather evidence in relation to the movements of assets. The recovery phase includes the restraint, confiscation, and eventual disposal and return of assets.

During the investigation phase, the most frequently used forms of mutual legal assistance (“**MLA**”) sought from Singapore are the taking of evidence and obtaining bank records

from financial institutions, under Division 2 (Assistance in Obtaining Evidence) of Part III of the Singapore *Mutual Assistance in Criminal Matters Act* (“**MACMA**”).

Thereafter, during the recovery phase, Singapore authorities may assist foreign authorities to enforce foreign confiscation orders, carry out searches and seizures, or serve processes under Division 5 (Enforcement of Foreign Confiscation Order, etc.) and Division 6 (Assistance in Search and Seizure) of Part III of the MACMA.

During both the investigation and recovery phases, Singapore authorities will work closely

with foreign authorities so as to ensure that MLA requests are presented in accordance with the legal requirements under Singapore law.

Foreign authorities may also undertake private civil proceedings in Singapore courts to recover assets located in Singapore. This does not require the involvement of the Singapore authorities. However, such civil proceedings may interfere with domestic investigations and prosecutions in Singapore, and the foreign authorities should keep the Singapore authorities informed of any such civil proceedings undertaken in Singapore courts. The costs of any civil proceedings will have to be borne by the parties to the civil proceedings and the Singapore authorities will not contribute to those legal costs.

Structure of this guide

This guide is divided into five chapters as follows:

Chapter I sets out how foreign authorities can effectively use this guide as a tool for drafting MLA requests to Singapore.

Chapter II explains the asset recovery process in Singapore and the types of assistance that may be rendered to foreign authorities under the MACMA. It also discusses alternatives to formal MLA requests which foreign authorities may explore in appropriate cases.

Chapter III sets out technical information pertaining to the drafting of MLA requests to Singapore, and includes details of the relevant authorities, the different modes of transmission, information to be included in MLA requests and tips to facilitate the asset recovery process.

Chapter IV briefly sets out how the Singapore authorities process MLA

requests. This chapter clarifies the roles of different agencies and explains the different milestones in the process.

Chapter V includes template request forms and checklists. It also points foreign authorities to different reference materials which will be of assistance when drafting MLA requests to Singapore.

How to use this guide

It is not necessary to read this guide from cover to cover. Instead, users can peruse the relevant chapters that are relevant to their asset recovery process.

For a general understanding of this guide and the asset recovery process in Singapore, foreign authorities are encouraged to refer to Chapters I and II. These chapters provide general information which will assist in formulating approaches and strategies during the early stages of asset recovery.

For technical information and guidance during the drafting of MLA requests, foreign authorities are encouraged to refer to Chapters III and V. Chapter III provides guidance on how to draft MLA requests to Singapore. Chapter V supplements by providing various reference materials, including template request forms and checklists.

For an understanding of how MLA requests are processed in Singapore, foreign authorities may refer to Chapter IV.

Foreign authorities are strongly encouraged to refer to the materials in Chapter V before and during the drafting of MLA requests to Singapore, as it contains template request forms which foreign authorities can use. Further, it contains checklists that will assist foreign authorities in ensuring that all requisite elements have been included in the MLA requests.

Chapter II – Legal framework in Singapore



Stages of asset recovery

Tracing the assets

The tracing of assets is the crucial first step to the asset recovery process, and Singapore authorities routinely assist foreign authorities in obtaining information in relation to assets that are situated in Singapore.

As a first step, foreign authorities may contact the Suspicious Transaction Reporting Office (“**STRO**”), which is Singapore’s Financial Intelligence Unit (“**FIU**”). It is the central agency in Singapore for receiving, analysing

and disseminating suspicious transaction reports (“**STRs**”). As a member of the Egmont Group of Financial Intelligence Units, the STRO renders assistance and spontaneously provides information to STRO’s counterparts in the global fight against money-laundering and terrorism financing. Between 2011 and 2014, STR information has directly or indirectly led to approximately S\$200 million seized in money-laundering investigations, including those arising from foreign predicate offences.

Foreign authorities may also establish direct law enforcement-to-law enforcement communications with Singapore authorities

through the Singapore Police Force's ("SPF") International Cooperation Department ("ICD"), which is the designated INTERPOL National Central Bureau ("NCB") in Singapore. NCB Singapore serves as a gateway for exchange of information, as well as facilitation of cooperation, between Singapore's law enforcement agencies and their foreign counterparts.

Such law enforcement-to-law enforcement communications should be considered during the early stages of investigation by the foreign authorities, so as to enable the relevant law enforcement agencies to collaborate effectively.

Beyond the spontaneous STRs and law enforcement-to-law enforcement engagements, tracing of assets may also take the form of mutual legal assistance ("MLA") requests to Singapore, specifically the obtaining of bank records from financial institutions to show the existence and movements of assets. In this regard, the International Affairs Division ("IAD") of the Attorney-General's Chambers of the Republic of Singapore ("AGC") is Singapore's designated Central Authority for MLA in criminal matters, and the Singapore *Mutual Legal Assistance in Criminal Matters Act* ("MACMA") is the governing legislation for MLA matters. To this end, subject to the satisfaction of legal requirements, AGC may assist foreign authorities to obtain bank records from financial institutions pursuant to Section 22 of the MACMA.

Best Practice Tips:

- (a) Consider FIU collaboration for spontaneous STRs which greatly enhances the prospect of successful asset recovery.
- (b) Consider law enforcement-to-law enforcement communications.
- (c) Such law enforcement-to-law enforcement communications should be established at an early stage to facilitate asset recovery efforts.

Gathering the evidence

Singapore authorities may assist foreign authorities to gather evidence for the purposes of investigation and prosecution. The forms of assistance available to foreign authorities generally fall into two categories: (i) requests under the MACMA framework and (ii) informal assistance outside of the MACMA framework.

Requests under the MACMA framework

Generally, the MACMA framework governs MLA requests which involve obtaining materials that are admissible in foreign courts or those that require compelling persons or entities to produce relevant materials. The governing legislation is the MACMA and it provides, amongst others, the following types of assistance most relevant to the asset recovery process:

- (a) taking of evidence of witnesses in Singapore for the purpose of criminal proceedings (Section 21 of the MACMA);
- (b) application for production orders in relation to materials such as bank records (Section 22 of the MACMA);
- (c) enforcement of foreign confiscation orders and the restraining of dealing in properties pending the making of foreign confiscation orders (Section 29 of the MACMA);
- (d) search and seizure of physical items in specific premises in Singapore (Section 33 of the MACMA); and
- (e) service of process on witnesses in Singapore (Section 38 of the MACMA).

When drafting MLA requests, foreign authorities are strongly encouraged to refer to Chapter III of this guide. Further, Chapter V contains template request forms and checklists.

Foreign authorities are encouraged to use the template request forms which are formulated in accordance with the legal requirements under Singapore law.

Informal assistance outside the MACMA framework

Singapore authorities may also render informal assistance outside the MACMA framework. These types of assistance usually involve non-coercive measures and may take the following forms:

- (a) Obtaining publicly available government records: The usual assistance sought in asset recovery matters includes obtaining business profile records of Singapore-registered companies, which contain information on shareholders and directors. These business profile records are publicly available and Singapore authorities may assist foreign authorities to obtain such records.
- (b) Witness statements: If witnesses give consent, Singapore authorities may assist foreign authorities to record statements or obtain affidavits from these witnesses in Singapore. Singapore authorities may render this assistance even before criminal proceedings have been initiated by foreign authorities.

Best Practice Tips:

- (a) Consider if the type of assistance sought falls within or outside the scope of the MACMA.
- (b) If the assistance sought falls within the scope of the MACMA, refer to Chapter III on how to draft MLA requests.
- (c) For requests under the provisions of the MACMA, consider using the template request forms and checklists provided in Chapter V.

Restraint and confiscation

When assets in Singapore have been identified and their correlation to the alleged criminal offences clearly established, the Singapore authorities may assist foreign authorities to restrain or confiscate those assets.

Under Singapore law, the restraint of assets refers to the temporary restraint of assets pending confiscation or forfeiture. An application to the Singapore High Court for a restraint order is made when foreign authorities have not yet obtained foreign confiscation orders. A restraint order can also be used to prohibit any person from dealing with any realisable property after a foreign confiscation order has been registered in the Singapore High Court.

In contrast, the confiscation of assets refers to the confiscation of assets for the enforcement or satisfaction of foreign confiscation orders obtained by foreign authorities from their respective courts. To this end, the foreign confiscation orders obtained by the foreign authorities should not be subject to further appeals.

Best Practice Tips:

- (a) If a foreign confiscation order may be made in judicial proceedings, which have been or are to be instituted within the next three months, consider sending a request to restrain assets located in Singapore and against which the confiscation order may be enforced.
- (b) If a foreign confiscation order has been made against assets located in Singapore, consider sending a request as soon as possible for the enforcement and satisfaction of that order against assets located in Singapore.
- (c) Ensure that proper documentation supports the request for restraint or confiscation (please see checklists in Chapter V).

I

II

III

IV

V

Asset disposal and return

Upon successful confiscation of assets, Singapore authorities will work together with foreign authorities on issues of asset sharing and the return of assets on a case-by-case basis. In this regard, AGC will liaise with the relevant foreign authorities to address any logistical issues.

Asset recovery legal framework in Singapore

The primary governing legislation in relation to asset recovery is the MACMA, in particular Sections 29 to 32 in Part III of Division 5 and the Third Schedule to the MACMA.

In brief, Singapore authorities may assist foreign authorities to:

- (a) restrain assets before foreign authorities obtain foreign confiscation orders, if judicial proceedings have already been instituted or will be instituted within three months of the restraint order being granted in Singapore; and
- (b) confiscate assets that are the subject of final foreign confiscation orders (i.e., not subject to further appeals),

in relation to assets in Singapore that have been identified as related to criminal offences prosecuted by the foreign authorities.

In addition, if foreign authorities believe that the suspects may have also committed money-laundering offences in Singapore, for example by moving criminal proceeds into Singapore, the foreign authorities may wish to establish direct law enforcement-to-law enforcement communications for the purposes of joint or parallel investigations. This may enable

Singapore authorities to conduct domestic investigations and invoke their domestic powers to restrain the assets expeditiously. This does not preclude the foreign authorities from following up with MLA requests for the restraint or confiscation of those assets at a later stage.

The following sets out the options available to foreign authorities during the different stages of the asset recovery process:

Investigation stage: Law enforcement-to-law enforcement communications

During the early stages of investigation into alleged criminal offences that will result in asset recovery, foreign authorities are encouraged to engage Singapore's law enforcement authorities through the various law enforcement-to-law enforcement channels to explore possibilities for joint or parallel investigations. If the information shared with the Singapore authorities reveals possible criminal offences in Singapore, the Singapore authorities may commence investigations in Singapore. This would enable the Singapore authorities to act promptly, including, in appropriate cases, exercising domestic powers to restrain any alleged criminal proceeds. This does not preclude foreign authorities from making MLA requests for the confiscation of the assets at a later stage.

Pre- or during the prosecution stage: MLA requests for restraint of assets

In the event foreign authorities institute criminal proceedings against suspects whose alleged criminal proceeds are located in Singapore, foreign authorities may send MLA requests to Singapore for the purpose of restraining specific assets linked to those offences and which form the basis of the criminal

proceedings. Under the MACMA, Singapore authorities may assist foreign authorities to restrain such assets even though criminal proceedings are on-going.

Notwithstanding that criminal proceedings may not have been initiated, Singapore authorities may still assist foreign authorities to obtain orders from the Singapore High Court to restrain alleged criminal proceeds in Singapore. However, if the foreign authorities fail to initiate criminal proceedings within three months from the dates of those orders, those orders will be lifted under Singapore law, unless extensions are granted by the court.

Post-prosecution stage: MLA requests for confiscation of assets

If foreign authorities obtain foreign confiscation orders in relation to criminal proceeds located in Singapore, they may seek

the Singapore authorities' assistance to enforce such foreign confiscation orders in Singapore. This can be done by way of MLA requests and the Singapore authorities will make the necessary applications before the Singapore High Court if all the requisite legal requirements under the MACMA are met.

Best Practice Tips:

- (a) Consider early law enforcement-to-law enforcement contact, and joint or parallel investigations if the matter is at the early stages of investigation.
- (b) Consider MLA requests for restraint orders if criminal proceedings have been initiated, or will be initiated within three months from the respective restraint orders granted in Singapore.
- (c) Consider MLA requests for enforcement of foreign confiscation orders if those orders are no longer subject to further appeals.

I

II

III

IV

V



Chapter III – How to make a request



Key contact points

Central Authority

The Attorney-General's Chambers (“AGC”) is Singapore’s designated Central Authority for mutual legal assistance (“MLA”) matters. The Central Authority receives and processes all MLA requests in accordance with Singapore law and any applicable MLA treaties through the International Affairs Division (“IAD”) of the AGC. In addition to processing MLA requests, the Central Authority also provides assistance to other Central Authorities, such as addressing

general queries on the MLA process in Singapore and consultations on draft MLA requests.

MLA requests to Singapore should be addressed in writing to:

Director-General
International Affairs Division
Attorney-General's Chambers
1 Upper Pickering Street
Singapore 058288
Republic of Singapore

Foreign authorities may also direct queries to the Central Authority via fax

at (+65) 6702 0513 or email at AGC_CentralAuthority@agc.gov.sg. For more information on MLA in Singapore and the Central Authority, please visit the Central Authority's webpage on MLA at https://www.agc.gov.sg/What_We_Do/International_Affairs_Division/Mutual_Legal_Assistance.aspx.

Best Practice Tips:

- (a) Foreign authorities may contact the Central Authority for pre-request consultations.
- (b) Such consultations may include advice to foreign authorities on how to draft MLA requests.
- (c) These consultations may be conducted through different modes, such as email, teleconferences or video-conferences.

Law enforcement agencies

a. Commercial Affairs Department/ Suspicious Transaction Reporting Office

The Commercial Affairs Department (“CAD”) is the principal white-collar crime investigation agency in Singapore. It safeguards Singapore’s integrity as a world-class financial and commercial centre through vigilant and professional enforcement of the laws. It investigates into a wide spectrum of commercial and financial crimes, and is an outfit with its own investigative and intelligence resources in the Singapore Police Force (“SPF”).

The Suspicious Transaction Reporting Office (“STRO”) of the CAD is Singapore’s Financial Intelligence Unit (“FIU”) and a member of the Egmont Group of Financial Intelligence Units. It is the central agency in Singapore for receiving, analysing and disseminating Suspicious Transaction Reports (“STRs”). STRO analyses raw

data contained in STRs and turns it into financial intelligence that can be used to detect money-laundering, terrorism financing and other criminal offences. It also disseminates financial intelligence to relevant law enforcement and regulatory agencies.

For law enforcement-to-law enforcement communications in relation to white-collar criminal offences and asset recovery matters, foreign authorities may contact CAD through the secured channel via the INTERPOL National Central Bureau (“NCB”) or in writing at the following address:

Head
International Cooperation Branch
Commercial Affairs Department
391 New Bridge Road #06-701
Police Cantonment Complex Block D
Singapore 088762
Republic of Singapore

Alternatively, foreign authorities may contact the STRO for STR- and FIU-related matters via email at STRO@spf.gov.sg or in writing at the following address:

Head
Suspicious Transaction Reporting Office
Commercial Affairs Department
391 New Bridge Road #06-701
Police Cantonment Complex Block D
Singapore 088762
Republic of Singapore

Foreign authorities may refer to CAD’s webpage at <http://www.police.gov.sg/about-us/organisational-structure/specialist-staff-departments/commercial-affairs-department> and STRO’s webpage at <http://www.police.gov.sg/about-us/organisational-structure/specialist-staff-departments/commercial-affairs-department/aml-cft/suspicious-transaction-reporting-office/>

I

II

III

IV

V

[suspicious-transaction-reporting#content](#) for additional information about these respective agencies.

b. Singapore Police Force/National Central Bureau

NCB Singapore is housed in the International Cooperation Department (“ICD”) of the SPF. NCB Singapore is the designated contact point with the INTERPOL General Secretariat, regional offices and all the other 189 member countries on transnational police cooperation, including investigations and operations. It also serves as a gateway for exchange of information, as well as facilitation of cooperation, between Singapore’s law enforcement agencies and their foreign counterparts.

Foreign authorities are encouraged to establish direct law enforcement-to-law enforcement communications via the NCB channel during early stages of investigations. NCB Singapore may be contacted via the I-24/7 secured communications platform via ncb.singapore@sg.igcs.int or in writing at the following:

Head
International Operations Division
International Cooperation Department
Singapore Police Force
Police Headquarters
New Phoenix Park
28 Irrawaddy Road
Singapore 329560
Republic of Singapore

For more information on ICD, foreign authorities may refer to SPF’s webpage at <http://www.police.gov.sg/about-us/organisational-structure/staff-departments/international-cooperation-department#content> or INTERPOL’s webpage at <http://www.interpol.int/>

Member-countries/Asia-South-Pacific/Singapore.

Forms of request

Medium of request

MLA requests to Singapore have to be submitted in the English language. Foreign authorities may refer to the template request forms in Chapter V for guidance in drafting MLA requests.

Best Practice Tips:

- (a) Foreign authorities are encouraged to use the template request forms which are designed to meet the legal requirements under Singapore law.

Mode of transmission

The Central Authority is able to accept MLA requests via ordinary or registered mail, or through diplomatic channels.

Further, foreign authorities can send advanced copies of MLA requests to the Central Authority via email for urgent matters. This way, the Singapore authorities can start processing the MLA requests even as the formal documentation is being despatched.

Best Practice Tips:

- (a) Foreign authorities may send MLA requests directly to the Central Authority.
- (b) MLA requests may be directed to the Ministry of Foreign Affairs if the foreign authorities’ law requires communications via diplomatic channels.
- (c) Advanced soft copies of MLA requests sent via email to the Central Authority may expedite the process for urgent cases.

Contents of request

The requirements under Singapore law for MLA requests generally fall within two categories: formal and substantive.

Foreign authorities are strongly encouraged to use the template request forms and refer to the checklists in Chapter V. The template request forms and checklists are designed such that the satisfactory completion of these documents will ensure that the legal requirements under Singapore law for acceding to such requests are met. These reference materials may also be found, in Word format for ease of usage, at the Central Authority's webpage at: https://www.agc.gov.sg/What_We_Do/International_Affairs_Division/Mutual_Legal_Assistance.aspx.

Formal requirements

Foreign authorities may wish to note that, under Singapore law, MLA requests have to meet certain formal requirements. In brief, an MLA request to Singapore should:

- (a) be made to the Attorney-General of the Republic of Singapore;
- (b) include the underlying purpose for the request for any material, such as whether it is for investigations, trials or enforcements of court orders;
- (c) be initiated by the respective Central Authority or any other authority authorised to make such requests;
- (d) include descriptions of the foreign offences, the maximum penalties that may be imposed for said offences and English copies of the relevant legislation;
- (e) if applicable, include details of the procedure to be followed by the Singapore authorities in the execution the MLA request;

- (f) if applicable, include a confidentiality clause requesting the Singapore authorities to maintain confidentiality of the MLA request;
- (g) if applicable, any upcoming events which clarify the urgency of the MLA request;
- (h) include mandatory assurances that the request does not involve any political offence, persecution and double jeopardy; and
- (i) include mandatory undertakings in relation to specialty, return of items and reciprocity.

Best Practice Tips:

- (a) Refer to the template request forms in Chapter V which include standard text for the formal requirements.

Substantive requirements

The substantive requirements for MLA requests vary according to the types of assistance sought. In relation to asset recovery matters, the most frequently sought MLA relates to the retrieval of bank records, and the restraint and confiscation of assets.

Best Practice Tips:

- (a) Refer to the template request forms and checklists pertaining to specific types of assistance sought in Chapter V.

Requests for bank records

Records of bank accounts in Singapore are frequently sought by foreign authorities as part of their efforts to trace alleged criminal proceeds that may have entered Singapore. Foreign authorities may wish to note that such MLA requests should include:

I

II

III

IV

V

(a) a Statement of Facts which sets out the following information:

- (i) background information identifying the suspects;
- (ii) facts in support of the assertion that the suspects committed the alleged offences; and
- (iii) facts establishing a correlation between the identified bank accounts and the alleged offences, such as information pertaining to the movement of criminal proceedings arising out of the alleged offences into said bank accounts;

(b) a Foreign Law Immunity Certificate which declares that the foreign authorities may, under its law, compel the production of similar banking information if the same scenario occurs within the foreign authorities' jurisdiction; and

(c) any other information or documentation which may assist the Singapore authorities in establishing a correlation between the suspects, the alleged offences and the identified bank accounts in Singapore.

Foreign authorities may wish to note that Chapter V contains draft templates in relation to these substantive requirements.

Requests for restraint of assets

MLA requests for restraint of assets play an important role in preserving assets during investigations and prior to the conclusion of criminal proceedings. Foreign authorities may wish to note that MLA requests for the restraint of assets in Singapore should contain:

(a) a Statement of Facts which sets out the following information:

- (i) background information identifying the suspects;
- (ii) facts in support of the assertion that the suspects committed the alleged offences;
- (iii) full particulars of the assets in respect of which the assistance is sought, including the identities of persons holding those assets in Singapore;
- (iv) facts establishing a correlation between the identified assets and the alleged offences, such as information showing that alleged criminal proceeds have been converted into the identified assets;
- (v) information on criminal proceedings initiated, or soon to be initiated, by the foreign authorities against the suspects; and
- (vi) the value of the assets in Singapore which pertains to the criminal proceedings initiated, or soon to be initiated, by the foreign authorities; and

(b) any other information or documentation which may assist the Singapore authorities in relation to the suspects, alleged offences and assets.

Foreign authorities may also wish to note that Chapter V contains draft templates in relation to such MLA requests.

Requests for confiscations of assets

MLA requests for confiscation of assets often signal the final stage of asset recovery. Singapore authorities may assist foreign authorities to confiscate assets in Singapore for the purposes of enforcement or satisfaction of foreign

confiscation orders. To this end, MLA requests for such assistance should include:

- (a) a Statement of Facts which sets out the following information:
 - (i) background information identifying the convicted persons or suspects;
 - (ii) facts in support of the assertion that the suspects committed the alleged offences;
 - (iii) full particulars of the assets in respect of which the assistance is sought, including the identities of persons holding those assets in Singapore;
 - (iv) facts establishing a correlation between the identified assets and the alleged offences, such as information showing that alleged criminal proceeds have been converted into the identified assets;
 - (v) information on criminal proceedings against the suspects;
 - (vii) if the suspects did not appear in the criminal proceedings, information on whether the suspects received notice of the criminal proceedings with sufficient time given to enable them to defend themselves in the criminal proceedings; and
 - (viii) the value of the assets in Singapore identified in the criminal proceedings and subsequently in the foreign confiscation order;

- (b) a foreign confiscation order, in force and not subject to further appeals, made in criminal proceedings against said assets in Singapore; and
- (c) any other information or documentation which may assist the Singapore authorities in relation to the suspects, alleged offences and assets.

Further, foreign authorities may wish to note that foreign confiscation orders and other documents should be duly sealed, or authenticated by the courts, or be signed by persons in their capacities as judges, magistrates or officers of the court.

General pointers

Foreign authorities may wish to note the following general pointers when drafting MLA requests to Singapore:

- i. Foreign authorities are permitted to refer in their MLA requests to information from financial intelligence which they received from Singapore authorities. However, the sources of such financial intelligence should not be mentioned in the MLA requests.
- ii. Under Singapore law, production, restraint or confiscation orders have to be made against specifically identified assets. To this end, foreign authorities should, as far as possible, identify specific assets that are related to the alleged criminal offences in their MLA requests.

I

II

III

IV

V

$$V_n = n \frac{V}{2L} = n \frac{1}{2} \sqrt{\frac{V}{L}}$$

Chapter IV – How an incoming request is processed



Execution of requests

Upon receipt of mutual legal assistance (“MLA”) requests, the Central Authority will assign at least one legal officer to each matter. The legal officer will make preliminary assessments of the MLA requests and determine the appropriate next steps.

If the MLA requests fail to meet most of the legal requirements, the Central Authority will assist the foreign authorities to revise or complete the relevant template request forms. Alternatively, if the MLA requests meet the

legal requirements, the legal officer will process the MLA requests by liaising with the relevant Singapore agencies.

Consultation with relevant agencies

When processing MLA requests, the legal officer assigned will seek inputs from the relevant law enforcement agencies. The law enforcement agencies will be selected based on their subject-matter expertise in the types of offences raised in the MLA requests.

Consultation with requesting State

The Singapore authorities will engage in consultations with foreign authorities when processing MLA requests. This may occur at different stages for different MLA requests, and may include clarifications in relation to:

- (a) formal requirements, such as mandatory undertakings and assurances as well as the authorities designated to provide such undertakings and assurances;
- (b) substantive requirements, such as additional facts which establish a correlation between the alleged criminal offences and the identified assets in Singapore;
- (c) identifying information, such as additional information to assist the Singapore authorities to determinatively specify the relevant suspects or assets; and
- (d) special requests by foreign authorities in relation to logistics or procedures relevant to the execution of the MLA requests.
- (e) Singapore authorities will also endeavour to provide periodic updates to foreign authorities during various milestones when processing MLA requests. For instance, Singapore authorities may inform foreign authorities when court orders are granted or that financial institutions request additional time to comply with court orders.

Notice to Minister for Law

After seeking inputs and clarifications from law enforcement agencies and foreign authorities, and the MLA request is assessed to meet all the requisite legal requirements under Singapore law, the Central Authority will issue a notice, together with its recommendations, to the Minister for Law pursuant to the provisions of the Singapore *Mutual Assistance in Criminal Matters Act* (“**MACMA**”). The Minister decides whether to accede to the MLA request. If the Minister decides that acceding to the request is in the interest of sovereignty, security or public order of Singapore, the Minister shall instruct the Central Authority to accede to the request.

Application to courts

Most types of assistance in relation to asset recovery matters require applications to the Singapore courts. For instance, production orders are required to compel financial institutions to turn over banking records, while foreign confiscation orders have to be registered with Singapore courts before the confiscation of assets can commence in Singapore.

Foreign authorities may wish to note that much of the clarifications sought by the Singapore authorities when processing MLA requests are to assist the Singapore authorities to prepare the relevant court documents for such applications. This is to ensure that the legal requirements are satisfied prior to making the applications to the courts.

I

II

III

IV

V



Chapter V – Other matters



Template request forms

The template request forms for obtaining bank records, and restraint or confiscation of assets, pursuant to Sections 22 and 29 of the Singapore *Mutual Assistance in Criminal Matters Act* (“**MACMA**”) respectively, are found in the following pages. Foreign authorities are encouraged to use the relevant templates when drafting MLA requests, as they are

designed to meet the legal requirements under Singapore law.

Further, foreign authorities may wish to note that a complete set of template request forms, in Word format, for the different types of assistance is available on the Central Authority's webpage at https://www.agc.gov.sg/What_We_Do/International_Affairs_Division/Mutual_Legal_Assistance.aspx.

*Form for request from foreign country to Singapore for assistance
(Section 22 MACMA – Production orders for criminal matters)*

TO: The Central Authority of the Republic of Singapore

FROM: The Central Authority of the [Requesting Party]

REQUEST FOR MUTUAL LEGAL ASSISTANCE IN A CRIMINAL MATTER

CERTIFICATE ON BEHALF OF THE [REQUESTING PARTY]

I, [name, appointment/ position of person certifying], on behalf of [name of Central Authority], who is responsible for [state area of responsibility e.g. criminal prosecutions, investigations] in the [Requesting Party] and who is also authorised to make requests for mutual legal assistance in criminal matters, certify that the Government of the [Requesting Party] respectfully requests the assistance of the Government of the Republic of Singapore in a [criminal matter].¹

REQUEST

This request is made by the Government of the [Requesting Party] for assistance to be extended under the Mutual Assistance in Criminal Matters Act (Chapter 190A, Statutes of the Republic of Singapore).

NATURE OF REQUEST

This request relates to [describe subject of criminal matter]. The authority having the conduct of the criminal matter is [describe authority concerned with the criminal matter].

CRIMINAL OFFENCES / APPLICABLE LEGISLATION / PENALTIES

[Set out the offences alleged to have been contravened in relation to the criminal proceedings as well as the maximum penalties for these offences and attach copies of applicable legislative provisions. State identity of suspect / accused person, if known]

¹ State whether it is an investigation, prosecution or an ancillary criminal matter. An “ancillary criminal matter” as defined in section 2 of Singapore’s Mutual Assistance in Criminal Matters Act (Cap 190A), means the restraining of or dealing with or the seizure, forfeiture or confiscation of, property in connection with a foreign offence. An electronic version of this Act is available at <http://statutes.agc.gov.sg/>.

STATEMENT OF FACTS

[Describe the material facts of the criminal matter including, in particular, those necessary to establish circumstances in the Requesting Party connected to the evidence sought, and the relevance of the Singapore evidence to the criminal matter in the Requesting Party. Indicate whether and how any person has carried on or benefited from the offence(s) committed in the Requesting Party. State how the thing sought to be produced by this Request (whether by itself or with another thing) will be of substantial value to the criminal matter. Any other information specific to the request should also be stated (e.g. the identity / location / address of the party from whom production of the thing is sought)]

PURPOSE OF THE REQUEST

By this request it is intended to *[state purpose which is intended to be achieved by the assistance sought, e.g. to secure admissible evidence to be used in the trial of]*.

ASSISTANCE REQUESTED

The Government of the Republic of Singapore is requested to take such steps as are necessary to produce the following:

[List the documents / things / information / evidence required].

MANDATORY ASSURANCES & UNDERTAKINGS

It is confirmed that this request:

- (a) does not relate to the investigation, prosecution or punishment of a person for a criminal offence that is, or is by reason of the circumstances in which it is alleged to have been committed or was committed, an offence of a political character;
- (b) is not made for the purposes of investigating, prosecuting, punishing or otherwise causing prejudice to a person on account of that person's race, religion, sex, ethnic origin, nationality or political opinions;
- (c) does not relate to the investigation, prosecution or punishment of a person for an offence in a case where the person has been convicted, acquitted or pardoned by a competent court or other authority of the *[Requesting Party]* or has undergone the punishment provided by the laws of the

[*Requesting Party*], in respect of that offence or of another offence constituted by the same act or omission as that offence.

The Central Authority of [*Requesting Party*] further undertakes that:

- (a) any thing obtained pursuant to this request will not be used for a matter other than the criminal matter in respect of which the request was made, except with the consent of the Attorney-General of the Republic of Singapore; and
- (b) should the Attorney-General of the Republic of Singapore require the return of any thing obtained pursuant to this request at the conclusion of [*state particulars of criminal matter*] and of all consequential appeals, the thing will be returned to the Attorney-General of the Republic of Singapore.

FOREIGN LAW IMMUNITY CERTIFICATE

A certificate² declaring that, under the law of the [*Requesting Party*], namely [*state legal provision(s) and enclose copies*], a person can be required to produce the equivalent of the [*documents / things / information / evidence*] sought by this Request, is enclosed with this Request.

EXECUTION OF REQUEST

Confidentiality

[*State confidentiality requirements of the Requesting Party, if any, and also specify whether the Requesting Party has any objections to disclosure of the Request to the Court and / or other parties to any legal proceedings that may be instituted under the Mutual Assistance in Criminal Matters Act pursuant to the Request.*]

Procedure to be followed

It is requested that the following procedures be observed in the execution of the request:

² A sample of the certificate is provided as an Annex.

[State details of manner and form³ in which the documents / things / information / evidence produced pursuant to this Request is to be set out and transmitted to the Requesting Party, if relevant]

[State any special requirements as to certification / authentication of documents]

Period of Execution

It is requested that the request be executed within *[state period giving reasons, e.g. specify likely trial or hearing dates or any other dates / reasons relevant to execution of the Request]*.

RECIPROCITY UNDERTAKING

The Government of *[Requesting Party]* undertakes that it will comply with a future request by the Government of the Republic of Singapore for similar assistance in a criminal matter involving an offence that corresponds to the foreign offence for which assistance is sought.

TRANSMISSION OF EVIDENCE

Any thing obtained in response to this Request should be sent to *[provide details of addressee and address to which the evidence should be sent]*.

LIAISON OFFICER

The case officer in *[the enforcement agency or authority in the Requesting Party]* who has knowledge of this matter is *[name of officer]*.

The officer in *[the Central Authority of the Requesting Party]* who is in charge of this matter is *[name of officer]*, and he / she can be contacted at *[provide details of address, telephone number, email etc.]*.⁴

³ E.g. if the documents/things/information is to be produced under the cover of an affidavit, please provide a sample affidavit or form of words as appropriate.

⁴ Upon receipt of this request, an acknowledgment will be sent to this officer by the Attorney-General's Chambers of the Republic of Singapore.

PRIOR CONTACT / USE OF OTHER CHANNELS⁵

There has been previous contact between [*state the relevant authority of the Requesting Party, e.g., Interpol*] and [*state the relevant authority of the Requested Party*] on this matter.

This Request is also being sent to [*the Requested Party*] by [*state the other channel through which the Request is being sent, e.g., diplomatic channel*].

[Signature]

Name:

Office:

Date:

⁵ This paragraph may be omitted if inapplicable.

[Letterhead here]

FOREIGN LAW IMMUNITY CERTIFICATE⁶

I, [name & designation], on behalf of the Government of the [Requesting Party] certify that under the law of the [Requesting Party], persons generally or a specified person could, either generally or in specified proceedings and either generally or in specified circumstances, be required to produce the equivalent of the [documents / things / information / evidence] sought by this Request.

[Signature and / or seal]

[Name]

[Designation]

[Office]

[Date]

⁶ This certificate may be tendered in evidence in legal proceedings that may be instituted under the Mutual Assistance in Criminal Matters Act pursuant to the Request.

*Form for request from foreign country to Singapore for assistance
(Section 29 MACMA – Request for enforcement of foreign confiscation order etc)*

TO: The Central Authority of the Republic of Singapore

FROM: The Central Authority of the [Requesting Party]

REQUEST FOR MUTUAL LEGAL ASSISTANCE IN A CRIMINAL MATTER

CERTIFICATE ON BEHALF OF THE [REQUESTING PARTY]

I, [name, appointment/ position of person certifying], on behalf of [name of Central Authority], who is responsible for [state area of responsibility e.g. criminal prosecutions, investigations] in the [Requesting Party] and who is also authorised to make requests for mutual legal assistance in criminal matters, certify that the Government of the [Requesting Party] respectfully requests the assistance of the Government of the Republic of Singapore in an ancillary criminal matter.¹

REQUEST

This request is made by the Government of the [Requesting Party] for assistance to be extended under the Mutual Assistance in Criminal Matters Act (Chapter 190A, Statutes of the Republic of Singapore).

NATURE OF REQUEST

This request relates to [describe subject of ancillary criminal matter]. The authority having the conduct of the criminal matter is [describe authority concerned with the ancillary criminal matter].

CRIMINAL OFFENCES / APPLICABLE LEGISLATION / PENALTIES

[Set out the offences alleged to have been contravened in relation to the criminal proceedings as well as the maximum penalties for these offences and attach copies of applicable legislative provisions. State identity of suspect / accused person, if known. State also the legal provisions pursuant to which the foreign confiscation order was / is intended to be made, as the case may be.]

¹ An "ancillary criminal matter" as defined in section 2 of Singapore's Mutual Assistance in Criminal Matters Act (Cap 190A), means the restraining of or dealing with or the seizure, forfeiture or confiscation of, property in connection with a foreign offence. An electronic version of this Act is available at <http://statutes.agc.gov.sg/>.

STATEMENT OF FACTS

[Describe the material facts of the ancillary criminal matter including, in particular, those necessary to establish circumstances in the Requesting Party connected to the foreign confiscation order that has been / is to be made. Indicate whether judicial proceedings have been, or are to be, instituted or concluded, as the case may be, and provide details of such proceedings (e.g. the level of the Court). State also whether a foreign confiscation order has been, or may be, made in such proceedings and whether any person(s) affected or who will be affected by such an order have been notified of the proceedings in accordance with the law of the Requesting Party. If enforcement of a foreign confiscation order is sought, provide confirmation that such order is in force and not subject to further appeal in the Requesting Party. Provide details of the property in Singapore against which restraint / enforcement is sought and how such property is linked to the foreign offence (e.g. being payments or other rewards received in connection with the offence or whether the property was derived or realised from payments or other rewards received in connection with the offence).]

PURPOSE OF THE REQUEST

By this request it is intended to *[state purpose which is intended to be achieved by the assistance sought, e.g. to recover proceeds of crime for restitution to victims, etc.]*.

ASSISTANCE REQUESTED

The Government of the Republic of Singapore is requested to take such steps as are necessary for the enforcement of a *[describe the order]* issued by *[relevant Court of the Requesting Party]* against *[specify the property]* which is reasonably believed to be in Singapore. *[Any requests for asset sharing may also be included here.]*

[The original order, or a duly authenticated copy thereof², should be enclosed. If the order is not in English, an English translation should be enclosed.]

OR

The Government of the Republic of Singapore is requested to take such steps as are necessary to restrain any dealing in *[specify the property]* which is reasonably

² The copy will be duly authenticated if it purports to be certified by a judge, magistrate or the Central Authority of the Requesting Party.

believed to be located in Singapore as a [*describe the order*] [has been / may be^{*}] made in judicial proceedings which have been instituted in the [*Requesting Party*].

[*To be included in all cases*]

A certificate³ in relation to proceedings and orders in the [*Requesting Party*] is enclosed with this Request.

MANDATORY ASSURANCES & UNDERTAKINGS

It is confirmed that this request:

- (a) does not relate to the investigation, prosecution or punishment of a person for a criminal offence that is, or is by reason of the circumstances in which it is alleged to have been committed or was committed, an offence of a political character;
- (b) is not made for the purposes of investigating, prosecuting, punishing or otherwise causing prejudice to a person on account of that person's race, religion, sex, ethnic origin, nationality or political opinions;
- (c) does not relate to the investigation, prosecution or punishment of a person for an offence in a case where the person has been convicted, acquitted or pardoned by a competent court or other authority of the [*Requesting Party*] or has undergone the punishment provided by the laws of the [*Requesting Party*], in respect of that offence or of another offence constituted by the same act or omission as that offence.

EXECUTION OF REQUEST

Confidentiality

[*State details confidentiality requirements of the Requesting Party, if any, and also specify whether the Requesting Party has any objections to disclosure of the Request to the Court and / or other parties to any legal proceedings that may be instituted under the Mutual Assistance in Criminal Matters Act pursuant to the Request.*]

^{*} Delete as appropriate.

³ A sample of the certificate is provided as an Annex.

Procedure to be followed

It is requested that the following procedures be observed in the execution of the request:

[State details of manner in which restraint or enforcement should be carried out, if relevant.]

Period of Execution

It is requested that the request be executed within *[state period giving reasons, e.g. specify any dates / reasons relevant to execution of the Request]*.

RECIPROCITY UNDERTAKING

The Government of *[Requesting Party]* undertakes that it will comply with a future request by the Government of the Republic of Singapore for similar assistance in a criminal matter involving an offence that corresponds to the foreign offence for which assistance is sought.

LIAISON OFFICER

The case officer in *[the enforcement agency or authority in the Requesting Party]* who has knowledge of this matter is *[name of officer]*.

The officer in *[the Central Authority of the Requesting Party]* who is in charge of this matter is *[name of officer]*, and he / she can be contacted at *[provide details of address, telephone number, email etc.]*.⁴

PRIOR CONTACT / USE OF OTHER CHANNELS⁵

There has been previous contact between *[state the relevant authority of the Requesting Party, e.g., Interpol]* and *[state the relevant authority of the Requested Party]* on this matter.

⁴ Upon receipt of this request, an acknowledgment will be sent to this officer by the Attorney-General's Chambers of the Republic of Singapore.

⁵ This paragraph may be omitted if inapplicable.

This Request is also being sent to [*the Requested Party*] by [*state the other channel through which the Request is being sent, e.g., diplomatic channel*].

[Signature]

Name:

Office:

Date:

I

II

III

IV

V

[Letterhead here]

**CERTIFICATE IN RELATION TO PROCEEDINGS AND ORDERS
IN THE [REQUESTING PARTY]⁶**

I, [name & designation], on behalf of the [name of Central Authority] confirm that:

- (a) judicial proceedings have been instituted / are to be instituted* in the [Requesting Party] for the purpose of [state purpose of the judicial proceedings, e.g. to confiscate assets derived from the commission of an offence etc.];
- (b) a [describe the order] has been issued by [indicate the Court] on [date] in the said judicial proceedings for the purpose of [indicate purpose of the order];
- (c) the aforesaid [describe the order] is in force and is not subject to appeal;
- (d) any and all persons affected by the [describe the order] were notified of the said judicial proceedings in accordance with the law of the [Requesting Party]; and
- (e) the amount of [state amount] under the [describe the order] remains unpaid in the [Requesting Party] as at [date of the Request] / property recoverable under the [describe the order], namely [provide details of property], remains unrecovered in the [Requesting Party].*

⁶ This certificate may be tendered in evidence in legal proceedings that may be instituted under the Mutual Assistance in Criminal Matters Act pursuant to the Request.

* Delete as appropriate. If proceedings have not already been instituted, omit sub-paragraphs (b) – (e).

[Signature and / or seal]

[Name]

[Designation]

[Office]

[Date]

I

II

III

IV

V

Checklists

Checklists have been designed to assist foreign authorities in making MLA requests. The checklists for obtaining bank records, and restraint or confiscation of assets, pursuant to Sections 22 and 29 of the MACMA respectively, are found in the following pages. Foreign authorities are encouraged to use the checklists to ensure that all requisite information is included in the MLA requests, so as to minimise

the need to seek clarifications by the Singapore authorities.

Foreign authorities may also wish to note that a complete set of checklists, in Word format, for the different types of assistance are available on the Central Authority's webpage at https://www.agc.gov.sg/What_We_Do/International_Affairs_Division/Mutual_Legal_Assistance.aspx.

Checklist for request from foreign country to Singapore for assistance
under Section 22 MACMA for production order in Singapore

CHECKLIST FOR MUTUAL LEGAL ASSISTANCE PRODUCTION ORDERS IN SINGAPORE SECTION 22 OF THE MACMA

Formal requirements [* <i>Italicised</i> items are optional]	Whether included in the request?	Whether supporting documents attached? [*Supporting documents not applicable for greyed items]
Is the request made to the Attorney-General of the Republic of Singapore? <i>Note:</i> Please refer to Chapter III at pages 12 and 13 of the Guide for contact information.		
Is the purpose of request (<i>e.g.</i> investigation, prosecution, <i>etc.</i>) stated in the request?		
Is the request initiated by an authorised authority under the law of the Requesting Party?		
Does the request contain a description of the criminal offence(s)?		
Is an English copy of the relevant laws or regulations in relation to the criminal offence(s) attached?		
Does the request state the maximum penalty for the criminal offence(s)?		
<i>Does the request provide details of procedure to be followed by Singapore?</i>		
<i>Does the request contain a confidentiality clause?</i>		

Checklist for request from foreign country to Singapore for assistance under Section 22 MACMA for production order in Singapore

Formal requirements [* <i>Italicised</i> items are optional]	Whether included in the request?	Whether supporting documents attached? [*Supporting documents not applicable for greyed items]
<i>Does the request specify the period within which the request should be met and the supporting reason(s)?</i>		
Does the request contain the requisite assurances against political offence, persecution and double jeopardy? <u>Note</u> : Please refer to the template request form at Chapter V at pages 22 and 23 of the Guide for the recommended language.		

Checklist for request from foreign country to Singapore for assistance under Section 22 MACMA for production order in Singapore

Substantive requirements [* <i>Italicised</i> items are optional]	Whether included in the request?	Whether supporting documents attached? [*Supporting documents not applicable for greyed items]
<p>Does the request contain a Statement of Facts which sets out:</p> <ol style="list-style-type: none"> 1. identity of the person(s) involved; 2. the person(s) role in the criminal offence(s); 3. particulars identifying the asset(s) for which the information is sought; 4. the relation between the person(s) / criminal offence(s) and the asset(s); 5. the scope of the information sought (<i>e.g.</i> the start and end dates of the bank record(s) sought); and 6. reasons in support of the scope of the information sought? <p><u>Note</u>: Please refer to Chapter III at pages 15 and 16 of the Guide for a list on the information to be included in requests on obtaining bank records.</p>		
<p>Does the request state whether person(s) in the Requesting Party may be compelled, under the laws of the Requesting Party, to produce in the jurisdiction of the Requesting Party the same information sought in the request?</p>		
<p>If the answer above is yes, then is an English copy of the relevant laws of the Requesting Party, under which the person(s) may be so compelled, attached?</p>		

Checklist for request from foreign country to Singapore for assistance under Section 22 MACMA for production order in Singapore

Substantive requirements [* <i>Italicised</i> items are optional]	Whether included in the request?	Whether supporting documents attached? [*Supporting documents not applicable for greyed items]
<p>Is a certified foreign law immunity certificate, containing the following words:</p> <p>“I, [<i>name & designation</i>], on behalf of the Government of the [<i>Requesting Party</i>] certify that under the law of the [<i>Requesting Party</i>], persons generally or a specified person could, either generally or in specified proceedings and either generally or in specified circumstances, be required to produce the equivalent of the [<i>documents / things / information / evidence</i>] sought by this Request.”</p> <p>attached to the request?</p> <p>This certificate should be in a separate letterhead that is detachable from the letter of request in order to maintain confidentiality of the request, as this certificate may be tendered in Singapore courts as evidence.</p> <p><u>Note:</u> Please refer to Chapter III on foreign law immunity certificates.</p> <p><u>Note:</u> Please download a copy of the template foreign law immunity certificate at https://www.agc.gov.sg/DATA/0/docs/IAD/FLIC%20-%20Section%2022%20-%205%20Sep%202016.docx.</p>		

I

II

III

IV

V

Checklist for request from foreign country to Singapore for assistance
under Section 29 MACMA for confiscation of assets in Singapore

CHECKLIST FOR MUTUAL LEGAL ASSISTANCE CONFISCATION OF ASSETS IN SINGAPORE SECTION 29 OF THE MACMA

Formal requirements [* <i>Italicised</i> items are optional]	Whether included in the request?	Whether supporting documents attached? [*Supporting documents not applicable for greyed items]
Is the request made to the Attorney-General of the Republic of Singapore? <i>Note:</i> Please refer to Chapter III at pages 12 and 13 of the Guide for contact information.		
Is the purpose of request (<i>e.g.</i> investigation, prosecution, <i>etc.</i>) stated in the request?		
Is the request initiated by an authorised authority under the law of the Requesting Party?		
Does the request contain a description of the criminal offence(s)?		
Is an English copy of the relevant laws or regulations in relation to the criminal offence(s) attached?		
Does the request state the maximum penalty for the criminal offence(s)?		
<i>Does the request provide details of procedure to be followed by Singapore?</i>		
<i>Does the request contain a confidentiality clause?</i>		

Checklist for request from foreign country to Singapore for assistance under Section 29 MACMA for confiscation of assets in Singapore

Formal requirements [* <i>Italicised</i> items are optional]	Whether included in the request?	Whether supporting documents attached? [*Supporting documents not applicable for greyed items]
<i>Does the request specify the period within which the request should be met and the supporting reason(s)?</i>		
Does the request contain the requisite assurances against political offence, persecution and double jeopardy? <u>Note</u> : Please refer to the template request form at Chapter V at page 29 of the Guide for the recommended language.		

Checklist for request from foreign country to Singapore for assistance under Section 29 MACMA for confiscation of assets in Singapore

Substantive requirements [* <i>Italicised</i> items are optional]	Whether included in the request?	Whether supporting documents attached? [*Supporting documents not applicable for greyed items]
<p>Does the request contain a Statement of Facts which sets out:</p> <ol style="list-style-type: none"> 1. identity of the person(s) involved; 2. the person(s) role in the criminal offence(s); 3. the relation between the criminal offence(s) and the asset(s) sought; 4. full particulars of the asset(s); 5. identity of the person(s) in possession of the asset(s) in Singapore; and 6. value of the confiscation order yet to be satisfied? <p><u>Note:</u> Please refer to Chapter III at pages 16 and 17 of the Guide for lists on the information to be included in requests on restraining assets.</p>		X
<p>Is there a confiscation order from the courts of the Requesting Party?</p> <p><u>Note:</u> Please attach a copy of the confiscation order together with the mutual legal assistance request. The statement of facts should also elaborate on the domestic proceedings leading up to the confiscation order.</p>		
<p>Is the confiscation order in force and not subject to further appeal?</p>		X
<p>Did the person(s) affected by the order appear in the proceedings?</p> <p><u>Note:</u> Please refer to the item below if the person(s) did not appear in the proceedings.</p>		X

Checklist for request from foreign country to Singapore for assistance under Section 29 MACMA for confiscation of assets in Singapore

Substantive requirements [* <i>Italicised</i> items are optional]	Whether included in the request?	Whether supporting documents attached? [*Supporting documents not applicable for greyed items]
<p><i>If the answer above is no, then did the person(s) receive notice of the proceedings in sufficient time to enable the person(s) to defend said person(s) in the proceedings?</i></p> <p><u>Note:</u> Please provide (i) information in the statement of facts to show the steps taken to secure the person(s)' attendance and that notice is received with sufficient time and (ii) any relevant documentation in support of (i).</p>		
Is the confiscation order duly sealed or authenticated by a judge, magistrate or officer of the court?		
<p>Does the request contain a certificate by or on behalf of the authorised authority that states:</p> <ol style="list-style-type: none"> 1. the confiscation order is in force and not subject to further appeal; 2. sums remain payable / assets remain recoverable under the confiscation order; 3. the person(s) has been notified of the proceedings leading to the confiscation order; and 4. the confiscation order has the purpose of recovering, forfeiting or confiscating the asset(s) referred therein? <p><u>Note:</u> Please provide the corresponding cross-references between the statement of facts and relevant portions of the certificate.</p> <p><u>Note:</u> Please download a copy of the template foreign law immunity certificate at https://www.agc.gov.sg/DATA/0/docs/IAD/FLIC%20-%20Section%2029%20-%205%20Sep%202016.doc.</p>		

I

II

III

IV

V

Reference materials

Please refer to the following references for more information on the specific items listed below:

• Contact information

Singapore Central Authority:

Contact:

AGC_CentralAuthority@agc.gov.sg

Website:

https://www.agc.gov.sg/What_We_Do/International_Affairs_Division/Mutual_Legal_Assistance.aspx

Commercial Affairs Department:

Contact:

ncb.singapore@sg.igcs.int via INTERPOL NCB secured channel

Website:

<http://www.police.gov.sg/about-us/organisational-structure/specialist-staff-departments/commercial-affairs-department>

National Central Bureau:

Contact:

ncb.singapore@sg.igcs.int via INTERPOL NCB secured channel

Website:

<http://www.police.gov.sg/about-us/organisational-structure/staff-departments/international-cooperation-department#content>

• General information on mutual legal assistance in Singapore

https://www.agc.gov.sg/What_We_Do/International_Affairs_Division/Mutual_Legal_Assistance.aspx

• Template request forms and checklists for drafting requests

General information:

https://www.agc.gov.sg/What_We_Do/International_Affairs_Division/Mutual_Legal_Assistance.aspx

Template request form for obtaining information or documents:

[https://www.agc.gov.sg/DATA/o/docs/IAD/\(1\)%20Template%2orequest%2ofor%20Section%2022%20MACMA%20-%206%20Sep%202016.doc](https://www.agc.gov.sg/DATA/o/docs/IAD/(1)%20Template%2orequest%2ofor%20Section%2022%20MACMA%20-%206%20Sep%202016.doc)

Template request form for enforcement of foreign confiscation order:

[https://www.agc.gov.sg/DATA/o/docs/IAD/\(2\)%20Template%2orequest%2ofor%20Section%2029%20MACMA%20-%206%20Sep%202016.doc](https://www.agc.gov.sg/DATA/o/docs/IAD/(2)%20Template%2orequest%2ofor%20Section%2029%20MACMA%20-%206%20Sep%202016.doc)

- **Singapore Mutual Assistance in Criminal Matters Act**

Website:

<http://statutes.agc.gov.sg/aol/search/display/view.w3p?page=0;query=CompId%3Abb5d8cae-7141-49b1-9945-594263ebdd73%20ValidTime%3A20160906000000%20TransactionTime%3A20160906000000;rec=0;resUrl=http%3A%2F%2Fstatutes.agc.gov.sg%2Faol%2Fbrowse%2FtitleResults.w3p%3Bletter%3DM%3Btype>

I

II

III

IV

V

Attorney-General's Chambers
1 Upper Pickering Street S058288
T (65) 6908 9216 F (65) 6702 0513
www.agc.gov.sg