Investigating agencies: Comparative observations

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Three differences between the Swiss and Singapore investigative systems have practical consequences for structuring. First, Singapore investigations are centralised and police-led, while Swiss investigations are prosecutor-led and cantonal, so a Singapore case will proceed faster to charge but with less judicial supervision of the investigative phase. Second, Singapore's compelled-disclosure powers over keys and passwords are explicit and backed by criminal sanction, whereas Swiss law relies on seizure of devices and expert decryption, with the accused entitled to refuse cooperation. Third, the Singapore victim has no procedural standing in the criminal case beyond the compensation order, while the Swiss victim can join the proceedings as a private claimant (Privatkläger) under Art. 118 ff. CrimPC and pursue civil claims within the criminal process.[1] A founder who holds keys to customer assets in Singapore should assume that the police can and will compel their disclosure. A victim choosing where to pursue the criminal complaint should know that Switzerland offers more participation and Singapore more speed.

Notes

1. Swiss Criminal Procedure Code of 5 October 2007 (CrimPC; StPO), SR 312.0, Arts 118–126.

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