Interplay with Swiss attachment

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Running the two systems together

A cross-border recovery between the hubs typically needs both legal systems. The Singapore court supplies the disclosure and the proprietary freeze at the exchanges. The Swiss system supplies the seizure of what reached Switzerland: a bank account, a Swiss custodian, real estate in Zug. The Swiss instruments are the civil attachment under Art. 271 ff. DEBA, which requires a Swiss asset and a prima facie claim, and the provisional measure under Art. 261 ff. CPC. To these comes the criminal seizure under Art. 263 CrimPC, which a Swiss prosecutor will order on a complaint if the facts show a Swiss predicate or a laundering offence (see Part H, Chapters III and V).

The Singapore worldwide freezing order has no direct effect in Switzerland. Swiss courts do not recognise interim orders of foreign courts as such, while the Lugano Convention does not apply to Singapore. The order is nonetheless useful in Switzerland in two ways. It is evidence supporting the Swiss attachment application that the claim exists and that the debtor is dissipating. It also binds the Swiss subsidiary of a Singapore-served exchange as a matter of the group's own compliance. Conversely a Swiss attachment order has no effect in Singapore, where the claimant must apply afresh for Mareva relief, using the Swiss order as evidence.

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Recognition of the final judgment

A Singapore money judgment is recognised and enforced in Switzerland under Arts 25–27 PILA if the Singapore court had jurisdiction in the Swiss sense, the judgment is final and the defendant was properly served and not denied a hearing. Switzerland treats the defendant's domicile, a choice-of-court clause and the place of the harmful act as sufficient indirect grounds. A Singapore judgment on a proprietary claim declaring a constructive trust presents a conceptual difficulty, because Swiss law has no constructive trust. The Swiss court will nonetheless enforce the monetary orders and may recognise the declaration as a determination of a foreign-law property relationship under the Hague Trusts Convention (see Part D, Chapter IX).[1]

A Swiss judgment is enforced in Singapore at common law by an action on the judgment, because Switzerland is not among the countries to which the Reciprocal Enforcement of Foreign Judgments Act 1959 has been extended.[2] The common-law action requires a final judgment for a fixed sum by a court of competent jurisdiction in the international sense, meaning that the defendant was present in Switzerland or submitted to the Swiss court. Chapter V returns to the subject.

Instrument	Singapore	Switzerland
Freeze of specific tokens pre-trial	Proprietary injunction (days, ex parte)	Attachment Art. 271 DEBA if token "located" in CH; criminal seizure Art. 263 CrimPC
General freeze of defendant's assets	Worldwide Mareva injunction	Attachment limited to Swiss assets
Identify account holder at exchange	Bankers Trust / Norwich Pharmacal / s 4(10) CLA	No civil equivalent; via prosecutor or MROS
Defendant unknown	Claim against persons unknown	Criminal complaint against unknown; civil claim requires defendant
Service	E-mail, social media, wallet message with leave	Formal service, Hague Service Convention

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Instrument	Singapore	Switzerland
Final proprietary remedy	Constructive trust, tracing, delivery up	Unjust enrichment / tort, monetary only
Priority in recipient's insolvency	Yes (beneficiary)	No (unsecured creditor)
Recognition of other hub's judgment	Common-law action (Swiss judgment)	Arts 25–27 PILA (Singapore judgment)

Notes

1. Swiss Private International Law Act of 18 December 1987 (PILA; IPRG), SR 291, Arts 25–27 and 149a ff. ↩
2. Reciprocal Enforcement of Foreign Judgments Act 1959, ss 3–4, Singapore Statutes Online (consulted June 2026): extension by ministerial order to countries assuring substantial reciprocity; no order in respect of Switzerland. ↩

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