Recognition and enforcement of judgments

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Swiss judgments in Singapore

Singapore has two statutory regimes for foreign judgments. The Reciprocal Enforcement of Foreign Judgments Act 1959, extended by the 2019 amendments to cover non-money judgments and interlocutory orders, applies to judgments from countries gazetted under it. Switzerland has not been gazetted.[1] A Swiss judgment is therefore enforced at common law by an action on the judgment. The judgment must be final and conclusive. The Swiss court must have had jurisdiction in the international sense, which means that the defendant was present in Switzerland or submitted to the Swiss court. There must be no defence of fraud, breach of natural justice or public policy.[2] At common law only money judgments for a fixed sum can be enforced. A Swiss order requiring a defendant to transfer tokens is not enforceable in Singapore at common law, though a Singapore court may treat the Swiss findings as creating an issue estoppel in fresh Singapore proceedings for the same relief.

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Singapore judgments in Switzerland

A Singapore judgment is recognised and enforced in Switzerland under Art. 25 to 27 PILA. The Singapore court must have had jurisdiction under Swiss conflict rules. For a contractual claim that means the defendant's domicile, a valid choice of court or the place of performance. For a tort claim it means the place of the act or of the result. The judgment must be final and must not violate Swiss public policy or have been rendered in breach of due process.[3] Non-money judgments are recognisable in Switzerland, so a Singapore order declaring a constructive trust over tokens or requiring their transfer can in principle be enforced against a defendant in Switzerland. Interim orders are a different matter. Swiss courts do not recognise a worldwide freezing injunction, because it is not a final decision and because the Swiss attachment under Art. 271 DEBA is the exclusive Swiss mechanism for provisional security.[4] A Singapore claimant who has obtained a Mareva injunction and needs to secure assets in Switzerland must apply for a Swiss attachment, for which the Singapore judgment on the merits, once obtained, is a recognised ground under Art. 271 para. 1 no. 6 DEBA.

Enforcement direction	Regime	Money judgments	Non-money judgments	Interim orders
Swiss judgment in Singapore	Common law action on the judgment	Yes, if final and Swiss court had international jurisdiction	No at common law (issue estoppel possible)	No
Singapore judgment in Switzerland	Art. 25–27 PILA	Yes, if Singapore court had indirect jurisdiction under Art. 26	Yes	No; Swiss attachment required
Either direction, arbitral award	New York Convention 1958	Yes	Yes	Emergency arbitrator orders enforceable in Singapore under IAA; in Switzerland only as contractual

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Notes

1. Reciprocal Enforcement of Foreign Judgments Act 1959, as amended by the Reciprocal Enforcement of Foreign Judgments (Amendment) Act 2019 with effect from 3 October 2019. The Reciprocal Enforcement of Commonwealth Judgments Act 1921 was repealed with effect from 1 March 2023. ↩
2. The common-law requirements are set out in *Hong Pian Tee v Les Placements Germain Gauthier Inc* [2002] SGCA 18 at [12]–[14]. ↩
3. Art. 25–27 PILA (SR 291). The grounds of indirect jurisdiction are in Art. 26 and the public policy and due process defences in Art. 27. ↩
4. The Swiss Federal Supreme Court has consistently refused to recognise English-style freezing injunctions as decisions within Art. 25 PILA. Part H, Chapter V describes the Swiss attachment as the substitute. ↩

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