

SINGAPORE

Criminal Prohibitions

The Penal Code does not contain an offense of “committing a terrorist act,” but covers the planning, preparation, and perpetration of terrorist acts that involve murder, causing injury, hijacking, kidnapping and other offenses covered by the criminal law. Murder and kidnapping entail the death penalty, and other serious offenses are punishable by severe penalties such as caning. There are no further plans to draft a specific offense of “terrorism.”

The Internal Security Act prohibits the organizing, training and equipping of any kind of group with the goal of using or displaying physical force to promote a political or other goal, and even if the reasonable suspicion of such a purpose exists, all members of such a groups are guilty of an offense and punishable of a fine of up to \$2,000 and/or up to one year imprisonment. Promoting or conspiring with someone to promote and organize, train or manage such a group is punishable with a fine of up to \$10,000 and/or up to five years in prison. The High Court can confiscate any property involved. The Internal Security Act also allows for detention without trial for up to 30 days in order to protect intelligence sources; when the regular procedures are insufficient and upon Presidential approval in the interest of Singapore’s security, for up to two years preventive detention if a suspect is found to be “deeply involved” in terrorism.

The Internal Security Act applies to citizens and non-citizens. If a foreigner is charged with committing a terrorist crime, specific action is based on various factors such as what the offence was, where it was committed and the strength and nature of evidence against terrorists.

Prevention Measures

Singapore established the Inter-Ministerial Task Force on Anti-Terrorism under the authority of the Attorney General and the Minister for Foreign Affairs and Law. The task force brings together senior officials from various ministries, the Attorney-General’s Office, the Monetary Authority of Singapore (MAS), and the Commercial Affairs Department of the Police Force to update existing law so that it implements international legal instruments and to improve coordination between the various national government authorities in the fight against terrorism. The Ministry of Home Affairs is in charge of law enforcement, covering internal security, criminal investigation, crime prevention and enforcement, commercial crime investigation and enforcement, custody and rehabilitation, narcotics control, border control and immigration.

The United Nations Act grants the Minister for Law the power to enact regulations to implement UN Security Council decisions; the United Nations (Anti-Terrorism Measures) Regulations implement specifically UN Security Council resolution 1373 which prohibits all kinds of support for terrorist acts, be it financial or in the form of causing, assisting or promoting such activities. It also defines “terrorist act”, and a “terrorist” is “any person who commits, attempts to commit, participates in or facilitates the commission of any terrorist act.” Any violation of the United Nations (Anti-Terrorism Measures) Regulations in Singapore will be prosecuted, as will the act of abetting the commission of an offense outside the country.

Weapons Control and Weapons of Mass Destruction

Singapore’s strict laws that regulate arms trafficking are enforced to prevent terrorists from acquiring weapons. Under the Arms and Explosives Act, the Minister of Home Affairs can prohibit the export of firearms, air pistols, guns, explosives and any war material. The Arms Offences Act provides that arms trafficking is an offense punishable with death or life imprisonment and with at least six strokes of caning. Additionally, “any person proved to be in unlawful possession of more than 2 arms shall, until the contrary is proved, be presumed to be

trafficking in arms.” Trafficking in arms refers to importing, manufacturing, or dealing in arms in violation of the law, or lending, giving, selling, hiring or offering to somebody who has no license to possess such a weapon.

A recent amendment of the United Nations (Anti-Terrorism Measures) Regulations added a prohibition for all residents and citizens of Singapore to directly or indirectly export, sell, supply or ship any arms and related materials to terrorists. Furthermore, no owner or master or a Singapore ship or aircraft is allowed to carry or cause or permit to be carried any arms and related materials for terrorists. Last, no one may provide terrorists with technical advice, assistance or training for military activities.

To prevent the proliferation of weapons of mass destruction, the country is creating an “enhanced export control regime” to control strategic goods passing through the nation’s terminals. Singapore has agreed to be a pilot port under the United States Contained Security Initiative (CSI), aimed at preventing the use of ports to illegally transfer weapons of mass destruction.

Suppressing the Terrorism Financing and Money-Laundering

Singapore is working to implement and satisfy the FATF Special Recommendations to combat terrorism, and has applied for admission to the Egmont Group of Financial Intelligence Units to increase information sharing with other countries.

The collecting for and financing of terrorist acts or persons that might carry out terrorist acts is prohibited in the United Nations (Anti-Terrorism Measures) Regulations and punishable under the UN Act, which makes such conduct a serious criminal offense. Furthermore, no resident or citizen of Singapore shall deal with terrorists or terrorist funds or transactions. The Regulations do not apply to financial institutions, which are subject to the MAS and its binding regulations. The United Nations Act and the United Nations Regulations do apply to all persons living in Singapore.

Societies have to register under the Societies Act that provides for accounting measures, recording of transactions and fund-raising appeals. Societies have to make annual statements of accounts. The Act also empowers the Registrar to request information whenever he needs it. Charities have to register with the Commissioner of Charities, who can inquire into misconduct or mismanagement in a charity’s administration. All other organizations that want to do fund-raising activities have to apply for a permit under the Charities (Fund-Raising Appeals for Foreign Charitable Purpose) Regulations. They provide for reporting and accounting requirements and auditing and control.

The MAS Act permits the MAS to direct financial institutions to freeze funds regardless of location of persons or groups designated by the United Nations Security Council as terrorist, whether located in or outside of Singapore, by issuing binding circulars related to particular Security Council documents. One particular circular reinforces the MAS’ sole authority to make decisions regarding suspicious transactions or funds and dealings with potential terrorists, and it also lays out a reporting requirement.

The Monetary Authority of Singapore (MAS) regulates banks and financial institutions, and the Commercial Affairs Department of the Police Force is the main enforcement agency in the financial sector. They have called for more stricter monitoring measures and increased inspections, especially in view of controlling money-laundering activities and dealing with customers that may be connected to terrorism. The Commercial Affairs Department (CAD) receives Suspicious Transactions Reports (STRs) through the Suspicious Transactions Reporting Office (STRO). “Operation of a remittance business without a licence is an offence.” The Money-changing and Remittance Businesses Act regulates money transfer agencies.

The Terrorism (Suppression of Financing) Bill is intended to implement the Suppression of Financing of Terrorism Convention. In the absence of a treaty, memorandum of understanding

or other agreement on mutual legal assistance regarding terrorist financing offenses between Singapore and another state party to the Convention, it is possible to issue an order under the Mutual Assistance in Criminal Matters Act to declare the other country as a “prescribed foreign country” and to apply the Act as if there were a treaty or agreement. Once this law enters into force, Singapore can provide legal assistance in financial matters without a treaty.

Information Exchange

The Mutual Assistance in Criminal Matters Act allows the government to provide other countries with mutual legal assistance with criminal investigations or proceedings for offenses contained in the Act. The Act requires that there be a bilateral mutual legal assistance agreement so that assistance can be granted with respect to special activities, such as production orders for bank records, arranging for a witness in Singapore to give evidence abroad, enforcing foreign confiscation orders and requests for search or seizure. Other types of assistance do not require a legal assistance agreement. Singapore and the United States of America have a mutual legal assistance treaty with respect to drug trafficking.

Singapore uses early warning mechanisms and exchange of intelligence to prevent terrorists from attacking foreign countries. Information is being shared, for example, among intelligence agencies, and law enforcement agencies cooperate through ASEAN. Otherwise, there are no formal mechanisms for the exchange of intelligence, except any connections through Interpol and ASEANAPOL. Cooperation may also be for bomb or explosive detection, post-blast investigation, airport security and passport or document security and inspection.

The Extradition Act “provides for the extradition of fugitives for extraditable offences to Commonwealth countries” and non-Commonwealth countries when extradition treaties exist. The Act does allow for the political offense exception, under which perpetrators of political offenses cannot be extradited, but terrorist offenses are not regarded as political offenses. Also, the crimes covered in the international Conventions are also extraditable under the Extradition Act. The Banishment Act allows for the banning of non-citizens in the interest of the country.

Reviews of other international legal instruments are also being carried out. To fulfill its international obligations, Singapore has enacted the Tokyo Convention Act, and the Hijacking of Aircraft and Protection of Aircraft and International Airports Act. It is also working to satisfy the FATF requirements, has applied to the Egmont Group, and is regionally active within the framework of ASEAN in the areas of transnational organized crime and terrorism. Singapore has proposed that ASEAN states set up special units to coordinate counter-terrorism activities between countries and their respective authorities. This led to the formation of the Joint Counter-Terrorism Center, which cooperates with its counterparts in other ASEAN member states.

As a member also of APEC, Singapore will participate in activities of enhance airport security, tighten financial regulations and to develop an integrated customs communications network in the region. Another avenue of cooperation is the Asia-Europe cooperation, to which Singapore has proposed to establish connections between Europol and Aseanapol and the law enforcement agencies of China, Japan and Korea. Moreover, Singapore “proposed enhancing intelligence and information exchange between the anti-terrorism coordination units in the member states of the Asia-Europe Meeting.

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2. Arms Offences Act, Sections 2, 6
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2. Banishment Act, Section 5
3. Mutual Assistance in Criminal Matters Act, Section 17
4. Tokyo Convention Act
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