

Illustrative example of current approach for prosecution of ML cases arising from criminal conduct abroad

- Police have information that Person A in Singapore had received monies in his bank account from multiple jurisdictions, and that some of the monies transferred were due to fraud committed against a victim, Person X, who was based overseas.
- Upon investigation, A revealed to Police that he had acted on instructions from unknown persons to receive these monies in his bank account and to transfer the monies to other overseas accounts.
- For purposes of prosecution, Police will need to obtain evidence from X that he was defrauded into transferring the money.
- Second, the Prosecution is also required to present evidence that the monies received in A's account in Singapore had in fact originated from X. This may be difficult if the monies from X had passed through other bank accounts, in other jurisdictions, before they were deposited into A's account. Documents from financial institutions of foreign countries to prove the trail of monies from X are dependent on the cooperation of foreign entities, which is often difficult to secure.
- If LEAs are unable to secure admissible evidence to show that the monies transferred into A's account originated from X as a result of the fraud, then the Prosecution will not be able to successfully prosecute A for ML offences. This is the case even though the LEAs are able to prove beyond a reasonable doubt that the subject had conducted money laundering.
- With the proposed amendments, the Prosecution need not show the direct link between the criminal conduct and the monies allegedly laundered in Singapore. It will be sufficient for the Prosecution to prove beyond reasonable doubt that A knew or had reasonable grounds to believe that he was dealing with criminal proceeds.