Quem são os atores: as Attorney-General's Chambers

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O Attorney-General é nomeado nos termos do artigo 35 da Constituição e é, ao mesmo tempo, o principal consultor jurídico do Governo e o Public Prosecutor (chefe do Ministério Público), com controle de todas as ações penais. As Attorney-General's Chambers estão organizadas em divisões, das quais quatro interessam aqui. A Crime Division promove a acusação nos casos investigados pelo CAD e conta, desde 2014, com uma unidade especializada em crimes financeiros e tecnológicos. A International Affairs Division trata dos pedidos de cooperação jurídica mútua nos termos do Mutual Assistance in Criminal Matters Act 2000, o canal pelo qual um promotor suíço obtém provas ou uma ordem de bloqueio em Singapura. A Legislation Division redige projetos de lei e legislação subordinada e mantém o Singapore Statutes Online, descrito no Capítulo I. A Civil Division representa o Governo em matéria cível, inclusive no controle judicial (judicial review) de decisões da MAS.[1]

Daí decorrem duas consequências práticas. Os processos penais por atividade com ativos digitais sem licença ou por lavagem de dinheiro são movidos pelo Public Prosecutor a partir de um encaminhamento da MAS ou do CAD. Um cliente investigado pela MAS deve, portanto, contar com a remessa do caso às Chambers se

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a matéria for grave. Um cliente suíço ou alemão que queira usar o processo penal de Singapura contra um fraudador, por exemplo para bloquear tokens mantidos por uma exchange de Singapura, o faz por meio de um pedido do promotor do seu país à International Affairs Division. A Parte H, Capítulo VI, e a Parte N, Capítulo II comparam essa via com os remédios cíveis.

Notas

1. Constitution of the Republic of Singapore, art. 35 (Attorney-General) e art. 35(8) (poder de instaurar, conduzir ou encerrar processos); Mutual Assistance in Criminal Matters Act 2000 (2020 Rev Ed); estrutura de divisões das Attorney-General's Chambers conforme descrita em seu site. ↩

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