加密貨幣調查的實際運作

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首三十日

商業事務局（CAD）對倒閉平台的典型調查，始於一份報案（往往來自債權人），其後向公司及其高級人員索取文件。高級人員根據《2010年刑事訴訟法》第22條接受問話，該條規定他們須如實回答，只有可能令其面對刑事控罪的陳述才享有拒答特權。電子裝置會被檢取並製作映像。交易所會收到要求交出帳戶紀錄的交出令。警方會委託其慣用的供應商撰寫區塊鏈分析報告。如疑犯是外國人，其護照可根據該法第112條被扣留；就大多數新加坡平台的創辦人而言，情況正是如此。[1]

與民事訴訟的互動

刑事調查與民事追討往往同時進行。民事法院不會僅因刑事調查尚未完結而擱置民事申索，警方亦不會與民事申索人分享其檔案。民事申索人的凍結令與警方的限制令可能針對同一批資產；在此情況下，刑事程序期間以警方的命令為準，民事債權人須等到處置聆訊時才可主張其申索。因此，代表受害人的律師應在民事訴訟中提出專有權申索，因為在第370條的處置聆訊中，專有權申索人的地位比單純的判定債權人更為有利。

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跨境視角

在一宗涉及新加坡平台及楚格基金會的欺詐案中，瑞士檢察官根據《瑞士刑事訴訟法》第263條作出的扣押，以及新加坡根據CDSA第16條發出的限制令，都會針對同一批代幣。兩國均不會自動承認對方的刑事命令。實際的解決方法，是透過中央機關協定由哪一國主導沒收、哪一國提供協助，並按兩國各自採納的資產分享條文分配所得。受害人如等待這項談判完成，可能要等上數年。兩國的民事專有權途徑（本部分第III章及第H部分第V章）通常能更早取得可強制執行的判決。

註釋

1. Criminal Procedure Code 2010，第22條及第112條，Singapore Statutes Online。 ↩

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