訴訟前階段與交易所

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交易所會做甚麼、不會做甚麼

新加坡持牌交易所受《支付服務法》（PSA）、新加坡金融管理局（MAS）關於打擊洗錢的《PSN02號公告》及其本身的服務條款約束。它們不會憑律師信披露客戶資料，因為這樣做會違反《2012年個人資料保護法》（PDPA）及其與客戶之間的合約。如收到有警方報案記錄支持而可信的函件，它們通常會在短期內凍結帳戶，因為該函件給予它們合理的懷疑理由，而凍結是其履行打擊洗錢責任的防禦性措施。如有法院命令，它們便會披露資料並無限期凍結帳戶。了解這個次序的律師，會在草擬保全函件時提供懷疑理由，並在自願凍結期內提出申請。

在外國註冊成立但在新加坡營運的交易所，帶來了一個司法管轄權問題，而*CLM v CLN*案已解答了這個問題：開曼群島及塞舌爾的交易所被告人獲在司法管轄區以外送達，命令亦針對它們作出。[1] 實務上，這類集團的新加坡辦事處都會遵從，因為若不遵從，便會令一個正向MAS申請牌照或已持有牌照的實體被裁定藐視法庭。

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穩定幣發行人

Tether及Circle均曾應執法機關及法院的要求凍結地址。在某些個案中，它們曾按法院命令向受害人重新發行被凍結的代幣。在涉及USDT及USDC的追討訴訟中，越來越常見的做法是取得新加坡法院命令，向發行人的新加坡實體（如有）發出，或經許可在海外向發行人送達。發行人的服務條款保留凍結的權利，但它是否願意按外國命令行事，取決於其本身的合規政策。Circle於2023年取得新加坡主要支付機構牌照，令新加坡法院就USDC有一個本地的命令對象。[2]

例子

一家設於楚格的家族辦公室透過一家新加坡託管人持有1,200枚ETH。託管人的一名僱員利用一個被盜用的管理員憑證，把ETH轉移至一個新地址，在去中心化交易所把它兌換為USDT，然後把USDT存入兩家中心化交易所，一家在新加坡持牌，另一家在杜拜營運。新加坡律師在四日內取得針對身份不明人士的專有權禁制令及全球凍結令，以及針對兩家交易所的Bankers Trust命令，並把命令送達杜拜交易所的新加坡辦事處。新加坡交易所在一星期內披露了帳戶持有人，該人是新加坡居民。杜拜交易所則在收到一封揚言對其新加坡實體提起藐視法庭程序的函件後作出披露。其後按ByBit案的模式，在五個月內取得簡易判決。託管人本身的合約及疏忽責任在另一宗訴訟中追究，並已和解。在瑞士，該家族辦公室本可扣押託管人的瑞士銀行戶口，但無法觸及有關交易所。

註釋

1. CLM v CLN [2022] SGHC 46，第[8]、[21]及[61]至[75]段。 ↩
2. Circle Internet Singapore Pte Ltd，MAS於2023年6月批出的Major Payment Institution牌照；Tether Limited公佈的Tether凍結政策。 ↩

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