

**WHILE THE CLTPA HAS ITS MERITS, IT CANNOT BE A LEGAL CRUTCH**

# Criminal Law Act is useful — but handle with care

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In a significant decision last week, Singapore's highest court ruled that alleged global football matchfixer Dan Tan Seet Eng's preventive detention was unlawful. His detention went beyond the scope of discretionary power vested in the Minister for Home Affairs under the Criminal Law (Temporary Provisions) Act (CLTPA). The court's ruling drew criticisms from a former Interpol chief and, ironically, FIFA, football's graft-ridden governing body.

Based on the grounds for the detention put up by the Minister, the Court of Appeal determined that Tan's ac-

tivities were not of a sufficiently serious criminal nature to threaten or undermine "public safety, peace or good order in Singapore", the *raison d'être* of the CLTPA.

The court noted that Tan's alleged match-fixing syndicate activities took place outside Singapore. Furthermore, Tan's criminal acts had ceased almost two-and-a-half years before he was served with a detention order. Neither was there any suggestion that witnesses were intimidated and unwilling to testify against Tan.

It is important not to misinterpret the court's decision. In reviewing the grounds of detention, the court took issue with the way Tan's detention order was drafted and how it did not meet the strict requirements justifying the use of the CLTPA. Home Af-



Over the years, use of the CLTPA has expanded, such as against SMRT bus drivers who staged a strike in 2012. TODAY FILE PHOTO

fairs and Law Minister K Shanmugam noted that the court's objection was "not a question of policy or principle". On Tuesday, Tan was arrested again and Mr Shanmugam yesterday said that, should a new detention order be issued under CLTPA, the grounds for detention will be "set out in full" to comply with its requirement.

With these turn of events in the past week, it is timely to look at how the CLTPA has been used, and its place in Singapore's criminal justice system. This year marks 60 years since the colonial authorities first introduced the CLTPA in 1955 to impose law and order during a tumultuous period in Singapore's history.

Designed as a temporary law, the executive has to go before Parliament

● CONTINUED ON PAGE 17