



**UNODC**

United Nations Office on Drugs and Crime

# **Country Review Report of the Kingdom of Saudi Arabia**

Review by the Kingdom of Cambodia and the Republic of Mozambique of the implementation by the Kingdom of Saudi Arabia of articles 15 – 42 of Chapter III. “Criminalization and law enforcement” and articles 44 – 50 of Chapter IV. “International cooperation” of the United Nations Convention against Corruption for the review cycle 2010 - 2015

## **I. Introduction**

- 1- The Conference of the States Parties to the United Nations Convention against Corruption (hereinafter, UNCAC or the Convention) was established pursuant to article 63 of the Convention to, inter alia, promote and review the implementation of the Convention.
- 2- In accordance with article 63, paragraph 7, of the Convention, the Conference established at its third session, held in Doha from 9 to 13 November 2009, the Mechanism for the Review of Implementation of the Convention. The Mechanism was established also pursuant to article 4, paragraph 1, of the Convention, which states that States parties shall carry out their obligations under the Convention in a manner consistent with the principles of sovereign equality and territorial integrity of States and of non-intervention in the domestic affairs of other States.
- 3- The Review Mechanism is an intergovernmental process whose overall goal is to assist States parties in implementing the Convention.
- 4- The review process is based on the terms of reference of the Review Mechanism.

## **II. The Process**

5- The following review of the implementation by the Kingdom of Saudi Arabia of the Convention is based on the completed response to the comprehensive self-assessment checklist received from Saudi Arabia, and supplementary information provided in accordance with paragraph 27 of the terms of reference of the Review Mechanism and the outcome of the constructive dialogue between Saudi Arabia and the governmental experts from Cambodia and Mozambique, by means of telephone conferences and e-mail exchanges and involving: from Cambodia: Mr. Seng Kheang (Deputy President - Anti Corruption Unit) and Mr. Sinat Yonn (Assistant to Senior Minister - Anti Corruption Unit); from Mozambique: Mr. Eduardo Sumana (Prosecutor – Attorney General Office); and from the Secretariat: Ms. Lindy Muzila and Mr. Badr El Banna.

6- A country visit, agreed to by Saudi Arabia, was conducted from 4 to 8 May 2015, with the participation of the experts from Cambodia and Mozambique and the representatives of the Secretariat.

### **III. Executive summary**

#### ***1. Introduction: Overview of the legal and institutional framework of the Kingdom of Saudi Arabia in the context of implementation of the United Nations Convention against Corruption***

*The Kingdom of Saudi Arabia (Saudi Arabia) signed the Convention on 9 January 2004 and ratified it on 23 January 2013 by Royal Decree No. (M/5). It deposited the instrument of ratification of the Convention with the Secretary-General of the United Nations on 29 April 2013.*

*Article 70 of the Basic Law of Governance states “Laws, international treaties and agreements, and concessions shall be issued and amended, by Royal decrees”. Accordingly, international conventions to which Saudi Arabia has acceded are an integral part of the domestic law and have the same ranking as domestic laws. In the case of contradictory provisions, the latest text prevails.*

*The judicial system is comprised of the Supreme Court, courts of appeal, courts of first instance and the Office of the Ombudsman (Administrative Court). The courts of first instance include: general courts, criminal courts, civil status courts, commercial courts and labour courts. The Supreme Judicial Council may establish other specialized courts following the King's approval. Criminal proceedings follow the accusatory system and consist of an investigation phase and an oral trial.*

*The national anti-corruption legal framework includes provisions from several laws, particularly the Anti-Bribery Law (ABL), the Personnel Disciplinary Law, the Anti-Money Laundering Law (AML Law), the Law on the Handling of Public Funds and the Criminal Procedure Law (CPL).*

*The Kingdom applies the Sharia (Islamic law) and rules according to what is enacted as specific penalties for some offences. Regarding the offences which the penalty has not been specified in the Quran and the Sunnah, the Kingdom enacts a legal text which is not inconsistent with the provisions of Islamic Sharia. The discretionary penalty (ta'zir) is part of the legal policy in Islam and with regard to offences that are punishable with discretionary penalties, it is not necessary to have a specific legislation that defines the offence and the penalty associated with it. The discretionary penalty (ta'zir) in Islamic law is the penalty due to the discretion of the judge on the offence committed in where there is no text.*

*Saudi Arabia has several anti-corruption authorities and agencies, most notably the National Anti-Corruption Commission (Nazaha), the Bureau of Investigation and Public Prosecution, the Bureau of Control and Investigation, the General Auditing Bureau, the Financial Intelligence Unit (FIU), and the Administrative Investigation Department of the Ministry of the Interior. Moreover, the Standing Committee of Requests for Legal Assistance (MLA Committee) plays a key role in the field of international cooperation.*

#### ***2. Chapter III: Criminalization and law enforcement***

##### ***2.1. Observations on the implementation of the articles under review***

##### ***Bribery and trading in influence (arts. 15, 16, 18 and 21)***

*Articles 1 to 3 of the ABL criminalize the act of soliciting or accepting a bribe by a public official.*

*Article 9 of the ABL criminalizes the act of offering a bribe - which is not accepted - to a public official. If the offer or promise is accepted, the articles that criminalize the official's acceptance of the promise or gift, as the case may be, are applied. The briber and the intermediary are punishable with the same penalty pursuant to Article 10. Although promises of bribery that are not accepted are not specifically criminalized, judicial precedents indicate that the concept of offering a bribe also covers the promise.*

*Saudi Arabia's legislation does not criminalize the bribing of foreign public officials and officials of public international organizations, nor does it criminalize the solicitation or acceptance of a bribe by such officials.*

*Article 5 of the ABL criminalizes the soliciting or accepting of a bribe by a public official to exercise his or her influence over a public authority, and does not cover "any other person" when doing so. The briber in this case is criminalized under Article 10 if the offer or promise is accepted or under Article 9 if the offer is refused. Although promises of bribery to exercise influence that are not accepted are not explicitly criminalized, judicial precedents indicate that the concept of offering a bribe also covers the promise.*

*Positive law in Saudi Arabia has criminalized active and passive bribery in part of the private sector. Provisions in the ABL cover persons who work in joint-stock companies and sole proprietorships or institutions that engage in banking business, as well as the chairpersons and members of boards of directors of these companies.*

#### ***Money-laundering, concealment (arts. 23 and 24)***

*Saudi Arabia criminalizes the laundering of proceeds of crime under Article 2 of the AML Law. The same article criminalizes the attempt and all forms of criminal participation in this act.*

*Predicate offences cover all acts that breach the laws and regulations of Saudi Arabia, including bribery crimes covered by the ABL, and embezzlement of public property belonging to government agencies or property in which the State holds a stake, as well as private property belonging to companies, businesses and similar entities (art. 1 of the AML Law and art. 2, para. 2 of its implementing regulations).*

*Predicate offences include crimes that occur inside or outside the Kingdom subject to a dual criminality requirement. Self-laundering is not an exception.*

*Saudi Arabia has not provided the UN Secretary-General with copies of its laws against money laundering.*

*The Kingdom of Saudi Arabia criminalizes concealment, considering it a money laundering crime (Article 2 of the Anti-Money Laundering Law). The Sharia (Islamic law) also criminalizes this act as a crime of "possession of stolen objects."*

#### ***Embezzlement, abuse of functions and illicit enrichment (arts. 17, 19, 20 and 22)***

*Article 9 of the Law on the Handling of Public Funds and Article 2, paragraph 7 of the Royal Decree relating to crimes of abuse of power criminalize the embezzlement, misappropriation or other diversion by a public official of public funds, property, stamps, or valuable papers entrusted to him. However, this criminalization does not cover private property or funds entrusted to a public official by virtue of his or her position.*

*Article 2, paragraph 1, of the Royal Decree relating to crimes of abuse of power criminalizes the abuse of power by a public official for personal interest. The offence does not cover the abuse of authority for the benefit of another person or entity.*

*Saudi Arabia does not criminalize illicit enrichment, but Article 2 of the Royal Decree on Illicit Enrichment provides that if a public official is unable to demonstrate a legitimate source of his property, the Council of Ministers may confiscate half of the funds of doubtful origin and dismiss him from public office.*

*Saudi Arabia has a draft law to criminalize illicit enrichment.*

*Positive law in Saudi Arabia does not criminalize embezzlement of property in the private sector, but this act is punishable under the principles of Sharia as a breach of trust crime. This is backed by judicial precedents.*

### ***Obstruction of justice (art. 25)***

*Article 21 of the CPL grants the court the competence to review acts that may influence any member of such court or any of the parties or witnesses in connection with a case pending before it, and to render its judgement in accordance with Sharia principles. The said article may be invoked to criminalize inducing false testimony or interfering in the giving of testimony.*

*However, Saudi legislation does not criminalize interfering in the production of evidence in proceedings relating to the commission of offences covered by the Convention.*

*Article 7 of the ABL criminalizes the use of force, violence, or threat against a public official to force him to perform an illegal act or cause him not to perform his official duties.*

### ***Liability of legal persons (art. 26)***

*Saudi Arabia's legislation provides for criminal liability of legal persons in Article 3 of the AML Law and Article 8, paragraph 5, of the ABL. Legal persons may incur civil liability under Articles 69 and 147 of the CPL if they take part in offences covered by the Convention. Such liability does not preclude the criminal liability of the natural persons who committed the offence.*

*Legal persons who take part in a money laundering offence may be punished with a fine of not less than one hundred thousand (100,000) riyals and not more than the equivalent of the value of the funds that were the subject of the money laundering offence. The punishment imposed on legal persons for participation in bribery crimes is a fine not exceeding ten times the value of the bribe and / or debarment from any contracts with ministries, government departments, or public entities.*

### ***Participation and attempt (art. 27)***

*Article 2 of the AML Law criminalizes the attempt and all forms of criminal participation in money laundering. Article 10 of the ABL provides that whoever agrees, incites or assists in the commission of an offence covered by this law shall be punished. Article 2 of Royal Decree No. 43 relating to the abuse of power criminalizes participation and complicity in the offences of abuse of power and embezzlement. Attempt is punishable in all offences in accordance with the provisions of the Islamic Sharia.*

*Saudi law does not criminalize the preparatory acts of the commission of an offence.*

***Prosecution, adjudication and sanctions; cooperation with law enforcement authorities (arts. 30 and 37)***

*Saudi Arabia has adopted penalties for corruption-related offences that range from a fine to up to ten years' imprisonment, taking into account the gravity of the offence.*

*Immunities do not seem to constitute an impediment to the effective prosecution of such offences.*

*Immunity of members of the Council of Ministers may be lifted by the King and such persons may be interrogated by the Public Prosecution in accordance with the CPL. Except in cases of flagrante delicto, a member of the judiciary may only be arrested, subjected to investigation proceedings, or criminally prosecuted with the authorization of the Supreme Judicial Council. The same procedures apply to members of the Bureau of Investigation and Public Prosecution, for whom the authorization of the Bureau Management Committee must be obtained.*

*Prosecution follows the principle of legality.*

*Preventive detention can be applied for corruption offences. Release pending trial is possible if the investigation is not impaired by the release of the accused and there is no fear of his flight or disappearance.*

*Early release is possible if three quarters of the prison sentence have been completed and all financial obligations adjudicated by the Court have been settled.*

*An official may be suspended from work if this is in the best interest of the department for which he works. Also, any official held in preventive detention shall be considered suspended from his work throughout the period of his detention.*

*The ABL contains the penalty for convicted persons of dismissal from service and deprivation of the right to hold a public post or to undertake the work of public officials, including posts in companies in which the government holds stakes.*

*Disciplinary sanctions can be issued under the Law on Civil Service and may be imposed in addition to criminal sanctions in corruption cases.*

*Saudi Arabia has put in place measures and programmes for the rehabilitation of prisoners and follow-up of convicted persons after their release with a view to reintegrating them into their communities. Rehabilitation may be granted to any convicted person after the lapse of a period of time from the date of the end of his sentence.*

*Saudi Arabia has not adopted measures to grant immunity from prosecution to cooperating offenders, though such cooperation may be taken into account in bribery and money-laundering cases, where persons collaborating with justice can benefit from an exemption from punishment if they report the offence before it comes to the knowledge of the authorities (art. 16 of the ABL, art. 18 of the AML Law).*

*Saudi legislation does not provide for the possibility of mitigating punishment of an accused person who provides substantial cooperation in investigations or prosecutions.*

*Saudi Arabia has not taken appropriate measures to provide effective protection for persons collaborating with justice as well as for their relatives and persons close to them, where appropriate, against any potential retaliation or intimidation.*

*Saudi Arabia can enter into agreements to provide for the possibility of mitigating punishment or exempting from punishment persons collaborating with justice located abroad.*

***Protection of witnesses and reporting persons (arts. 32 and 33)***

*Saudi Arabia has a draft law on the Protection of witnesses and reporting persons. Saudi Arabia has also taken some measures to protect witnesses and experts who give testimony in relation to offences covered by the Convention, from any potential retaliation or intimidation. In this respect, the Implementing Regulations of the CPL allow hiding the identity of witnesses. Moreover, the Supreme Judicial Council issued a decision to allow giving testimony using video-links, and most courtrooms have been equipped with this technology. However, Saudi Arabia has not taken appropriate measures to protect victims when they are witnesses.*

*Saudi Arabia can enter into agreements for the relocation of persons.*

*The views and concerns of victims can be presented through the use of video-links.*

*Saudi Arabia has not established the legal protection of reporting persons. However, a draft regulation relating to reporting cases of corruption and providing for such protection has been prepared.*

***Freezing, seizing and confiscation; bank secrecy (arts. 31 and 40)***

*Saudi legislation provides for the possibility of confiscating items derived from, used in, or intended to be used in connection with crime (art. 15 of the ABL; arts. 17 and 18 of the AML Law; art. 3 of the Royal Decree relating to the abuse of power; art. 9 of the Law on the Handling of Public Funds; and art. 27 of the CPL).*

*As a rule, confiscation is based on conviction, but the lapse of the public criminal action shall not impede the continuation of confiscation procedures (Article 10 of the Implementing Regulations of the CPL). In case of “illicit enrichment”, the Council of Ministers may confiscate half of the funds of doubtful origin. The principle of value-based confiscation is applied. This principle is explicitly established in the AML Law and the Law on the Handling of Public Funds, but not in the ABL.*

*Saudi Arabia does not explicitly provide for the possibility of seizure and confiscation of property into which proceeds of crime have been transformed or converted or property with which proceeds of crime have been intermingled, except for in the case of money-laundering offences (Article 18 read together with Article 1 of the AML Law), nor does it explicitly provide for the possibility of seizure and confiscation of income or other benefits derived from proceeds of crime.*

*The CPL (Chapter III) and the AML Law (art. 10) provide a wide range of investigative measures available for the identification, tracing, freezing or seizure of criminal proceeds and instrumentalities for purpose of confiscation.*

*The CPL provides for some measures relating to the management of seized objects such as selling items that are perishable with the passage of time, or when the cost of their safekeeping is too high (Article 94). Saudi legislation does not regulate the management of confiscated property.*

*Bank secrecy does not appear to be an obstacle to criminal investigations.*

*Assets and funds placed in banks may be seized, sequestered, and inquired about by the public prosecution or courts upon a request addressed to the Saudi Arabian Monetary Agency (SAMA)*

*(Article 58 of the Implementing Regulations of the CPL). In addition, the Financial Intelligence Unit (FIU) and the competent investigating authority may request banking information through SAMA (Article 10 of the AML Law). There is a direct e-line between SAMA and the courts and between SAMA and banks to speed up the response to requests. The courts or other competent authorities may order that financial or commercial records be made available or seized pursuant to the general provisions of the CPL as such records are not subject to any confidentiality laws.*

*Article 2 of the Royal Decree on Illicit Enrichment provides for the reversal of the burden of proof with respect to “illicit enrichment”, so that the Council of Ministers may confiscate half of the funds of doubtful origin and terminate the service of an official if this official is unable to demonstrate a legitimate source of property in his possession.*

*The CPL and the AML Law provide for the protection of the rights of bona fide third parties.*

***Statute of limitations; criminal record (arts. 29 and 41)***

*The CPL does not establish a statute of limitations for criminal cases.*

*Foreign criminal convictions can be considered by the court to apply the provisions of recidivism as an aggravating circumstance.*

***Jurisdiction (art. 42)***

*Saudi Arabia has established its jurisdiction with regard to the circumstances referred to in article 42, with the exception of corruption offences committed against a Saudi citizen or against the Kingdom of Saudi Arabia.*

***Consequences of acts of corruption; compensation for damage (arts. 34 and 35)***

*Saudi Arabia has taken measures to address the consequences of corruption, including the possibility of withdrawing a job from a contractor and rescinding the contract or have it executed it at the contractor's expense it is proved that he was awarded the contract through bribery (Article 53 of Government Tenders and Procurement Law).*

*Articles 69 and 147 of the CPL provide for the possibility that whoever suffers harm in consequence of a crime may file a claim in respect of his private right of action during the investigation of that action and before the trial court.*

***Specialized authorities and inter-agency coordination (arts. 36, 38 and 39)***

*Saudi Arabia has several agencies and authorities responsible for combating corruption, most notably the National Anti-Corruption Commission (Nazaha), which is in charge of investigating aspects of financial and administrative corruption, referring irregularities and violations to regulatory or investigative bodies, and following up with the competent authorities as regards the recovery of funds and proceeds resulting from the crimes of corruption.*

*The Bureau of Investigation and Public Prosecution also plays an important role in the fight against corruption, particularly through the Department of Investigation of Public Office Crimes, which deals with all financial and administrative corruption crimes; the Department of Economic Crimes, which deals with money laundering cases; and the Department of Investigation of Property Abuse Crimes. Moreover, the Ministry of the Interior has an Administrative Investigation Department, which deals with all public administration crimes, as well as a Directorate of Criminal Investigations and Research in the Police Department.*



*There are also the Bureau of Control and Investigation and the FIU. Saudi Arabia also has several entities that play a role in combating corruption, though not all of them operate within the framework of law enforcement, such as the General Auditing Bureau and the MLA Committee.*

*These entities appear to have adequate training, resources, and independence.*

*With regard to cooperation among national authorities, Article 5 of the Regulations of the National Anti-Corruption Commission provides that relevant control bodies shall provide the Commission with any financial or administrative observation within the competence of the Commission. It also stipulates that all bodies within the competence of the Commission shall respond to enquiries and observations of the Commission and inform it of relevant actions taken by them. Article 15 of the CPL provides that all public officers shall implement the orders of judicial authorities.*

*The National Strategy for Protecting Integrity and Combating Corruption provides for the engagement of civil society and private sector institutions in the efforts for protecting integrity and combating corruption. Paragraph 5 of Article 3 of the Regulations of the National Anti-Corruption Commission provides that the Commission is also responsible for encouraging public and private sector efforts to adopt plans and programmes to protect integrity and combat corruption, follow up their implementation and evaluate their results.*

*Article (9) of the AML Law establishes the obligation of a number of private sector entities, including banks, dealers in precious metals, audit firms and lawyers, to report to the FIU any suspicious transactions. Article 28 relieves a reporting person from criminal, civil or administrative liability that can result from the implementation of this obligation.*

*Article 17 of the ABL provides for granting financial rewards to reporting persons on corruption crimes. Also, the National Anti-Corruption Commission has a dedicated hotline for contacting it and inquiring about how to report corrupt practices. The Commission may be informed via e-mail or fax or in person, while ensuring the confidentiality of information and identity of reporting persons. Moreover, the Commission has a department for rewards.*

## **2.2. Successes and good practices**

*Overall, the following points are regarded as successes and good practices in the framework of implementing Chapter III of the Convention:*

- There is a direct e-line between SAMA and the courts and between SAMA and banks, which allows access to information and more timely seizure of bank accounts (art. 31, para. 7);*
- The existence of good cooperation between the agencies concerned with combating corruption (art. 38); and*
- The granting of financial rewards for persons who report corruption offences (art. 39, para. 2).*

## **2.3. Challenges in implementation**

*The following steps could further strengthen existing anti-corruption measures:*

- *For greater legal certainty, explicitly criminalize the promise of a bribe to a public official if such a promise is not accepted (paragraph (a) of Article 15);*
- *Criminalize the active bribery of a foreign public official or an official of a public international organization (paragraph 1 of Article 16) and consider the criminalization of passive bribery by these persons (paragraph 2 of Article 16);*
- *Criminalize embezzlement, misappropriation or other diversion of private property or funds entrusted to a public official by virtue of his or her position (Article 17);*
- *For greater legal certainty, consider explicitly criminalizing the promise of an undue advantage to a public official to abuse his or her real or supposed influence with a public administration or authority where the promise is not accepted (sub-paragraph (a) of Article 18);*
- *Consider the criminalization of bribery (active and passive) of persons who are not public officials to abuse their real or supposed influence with a public administration or authority (subparagraphs (a) and (b) of Article 18);*
- *Consider the criminalization of abuse of functions by a public official for the benefit of another person or entity (Article 19);*
- *Saudi Arabia is encouraged to continue its efforts to criminalize illicit enrichment in line with the Convention (Article 20);*
- *Saudi Arabia is encouraged to consider expanding the application of the ABL to cover all persons in the private sector (Article 21);*
- *For greater legal certainty, Saudi Arabia should consider including in its positive law a provision on the criminalization of embezzlement of property in the private sector in accordance with the provisions of the Convention (Article 22);*
- *Provide copies of the Saudi anti-money laundering laws to the Secretary-General of the United Nations (subparagraph (2) (d) of Article 23);*
- *Criminalize the use of physical force, threats or intimidation or the promise, offering or giving of an undue advantage to interfere in the production of evidence in a proceeding in relation to the commission of offences covered by the Convention (subparagraph (a) of Article 25);*
- *For greater legal certainty, explicitly provide for the possibility of value-based confiscation in the ABL (sub-paragraph 1 (a) of Article 31);*
- *Adopt measures to regulate the administration of confiscated property and to improve the administration of frozen or seized property (paragraph 3 of Article 31);*
- *For greater legal certainty, explicitly provide for the possibility, in cases other than money laundering, of seizure and confiscation of property into which proceeds of crime have been transformed or converted and property with which proceeds of crime have been intermingled up to the assessed value of the intermingled proceeds (paragraphs 4 and 5 of Article 31);*

- *For greater legal certainty, explicitly provide for the possibility of seizure and confiscation of income and other benefits derived from proceeds of crime (paragraph 6 of Article 31);*
- *Take appropriate measures to provide effective protection for victims insofar as they are witnesses and to improve the protection of witnesses and experts who give testimony concerning offences covered by the Convention, as well as for their relatives and persons close to them, where appropriate, from potential retaliation or intimidation (paragraphs 1 and 4 of Article 32);*
- *Saudi Arabia is encouraged to continue its efforts to approve the draft regulation for reporting cases of corruption that allows it to provide protection against any unjustified treatment for reporting persons (Article 33);*
- *Consider providing for the possibility of mitigating punishment of and the possibility of granting immunity from prosecution to a person who provides substantial cooperation in the investigation or prosecution of an offence covered by the Convention (paragraphs 2 and 3 of Article 37);*
- *Take appropriate measures to provide effective protection for persons who cooperate with justice as well as for their relatives and other persons close to them, where appropriate, against any potential retaliation or intimidation (paragraph 4 of Article 37).*

### **3. Chapter IV: International cooperation**

*Saudi Arabia has a comprehensive system in place to combat corruption through international cooperation. However, it was difficult to assess in detail Saudi Arabia's practice regarding international cooperation in corruption cases, due to the absence of relevant data.*

#### **3.1. Observations on the implementation of the articles under review**

##### ***Extradition; transfer of sentenced persons; transfer of criminal proceedings (arts. 44, 45 and 47)***

*Saudi Arabia does not have a separate law or special provisions on extradition. Extradition is essentially governed by bilateral and multilateral agreements in force, including the requirement of dual criminality. According to article 42 of the Basic Law of Governance, the International agreements and laws shall define the rules and procedure for the extradition of common criminals. Saudi Arabia has concluded a series of bilateral agreements in the field of extradition (i.e. with Algeria and Pakistan) and it is party to a number of related multilateral agreements (i.e. the Arab League Extradition Agreement and the GCC Security Agreement).*

*The extradition procedure involves both a judicial and an administrative procedure. Requests for extradition should be submitted through diplomatic channels for transmission to the Public Prosecutor's Office, which is the competent authority for the review of such requests. If the Public Prosecutor's Office considers that the request is acceptable, it sends its recommendation to the King for a final decision.*

*According to the authorities, consultations before refusing extradition are conducted as a matter of practice.*

*Saudi Arabia does not make extradition conditional upon the existence of a treaty and can grant extradition on the basis of the principles of reciprocity and international comity. Saudi Arabia does not consider the Convention a legal basis for extradition and has made a reservation on paragraph (5) of Article (44) of the Convention.*

*Extradition requests submitted to Saudi Arabia are subject to the conditions established in the extradition treaties in force, including the grounds for refusal and the minimum penalty requirement in some treaties (such as arts. 40 and 41 of the Riyadh Convention on Judicial Cooperation).*

*As a general rule, dual criminality is only required for extradition of citizens of Saudi Arabia, while a request to extradite a foreigner can be accepted even in the absence of dual criminality.*

*Guarantees of fair treatment are provided for in the Basic Law and are applicable in extradition proceedings. Although the King's decision is final and cannot be appealed, the person sought for extradition, when confronted with the charge, has all the guarantees provided for in the Criminal Procedure Law, including the right of defence and the right for a lawyer. Also, he or she has the right to object to the same authority, which is the Public Prosecutor's Office, before referral to the King.*

*Fiscal offences are not included among the grounds for refusal.*

*Saudi Arabia does not consider corruption offences to be political offences.*

*Saudi Arabia has not taken sufficient measures to expedite extradition procedures and to simplify evidentiary requirements relating thereto.*

*Saudi Arabia only extradites its citizens to countries of the Gulf Cooperation Council, pursuant to the terms of bilateral agreements as well as in accordance with the security agreement between countries of the Gulf Cooperation Council (GCC).*

*The principle aut dedere aut judicare is applied in Saudi Arabia.*

*Saudi Arabia is able to take a person whose extradition is sought and who is present in its territory into custody or take other appropriate measures to ensure his or her presence at extradition proceedings, based on the provisions of some extradition treaties, which deal with the subject (such as: articles 43 and 44 of the Riyadh Convention on Judicial Cooperation).*

*Article (9) of the Law on Enforcement allows for the implementation of foreign penal judgements, after giving them the exequatur. Some international agreements also address this issue (such as Article 17 of the Extradition treaty among the Arab League States). Under the Agreement on the Execution of Sentences and Rogatory Commissions and Judicial Declarations of the Gulf Cooperation Council, adopted in 1995, a court ruling made in any of the GCC countries is considered as if it was issued in the requested State and becomes a judgement enforceable in all the GCC countries in accordance with the procedures set forth in the agreement.*

*Saudi Arabia has signed a number of bilateral and multilateral agreements on the transfer of sentenced persons, including: the Convention on the Transfer of Persons Sentenced to Custodial Sentences among the Gulf Cooperation Council (GCC) Countries and the Riyadh Arab Agreement for Judicial Cooperation.*

*Saudi Arabia can transfer criminal proceedings in accordance with the provisions of international treaties.*

### ***Mutual legal assistance (art. 46)***

*Mutual legal assistance (MLA) is regulated by the provisions of the “Mechanism of action of the Standing Committee of requests for legal assistance” (MLA Mechanism), issued by the Council of Ministers, in addition to the provisions of bilateral and multilateral agreements in force. Saudi Arabia has concluded a series of bilateral (i.e. with Kazakhstan, Morocco and Yemen) and multilateral agreements (i.e. the GCC Agreement on the execution of sentences, rogatory commissions and judicial declarations) on MLA. Moreover, Saudi Arabia applies UNCAC provisions directly in the absence of relevant MLA agreement.*

*The MLA Committee is the authority responsible for executing MLA requests.*

*MLA requests are submitted through diplomatic channels and, in urgent cases, through the INTERPOL Directorate at the Ministry of Interior. The MLA Committee may receive MLA requests in any way which enables request to be sent in writing, including by fax or e-mail. In urgent cases, an oral request may be accepted, provided that it will be confirmed in writing. Saudi Arabia accepts requests in Arabic and, in exceptional circumstances, in English. The Secretary-General of the United Nations has not been notified in this regard.*

*Saudi Arabia does not make MLA conditional upon the existence of a treaty and may provide such assistance in accordance with the principle of reciprocity (Article 17 of the MLA Mechanism).*

*According to Article 15 of the MLA Mechanism, the absence of dual criminality is a discretionary ground for refusal of the MLA request.*

*The same range of measures and procedures that are available in domestic criminal proceedings are also available for MLA. MLA requests regarding physical and legal persons are treated equally.*

*While there is no legislation in place to this effect, Saudi Arabia has spontaneously transmitted information to other States and nothing in the domestic legal framework precludes it from doing so.*

*Article 12 of the MLA Mechanism regulates the transfer and receiving of persons who are being detained or serving a sentence, for purposes of identification, testimony or providing other assistance. The same article provides for the possibility to hear by videoconference a person who is present in Saudi Arabia, as a witness or expert, by the judicial authorities of another country,*

*Bank secrecy and the fact that an offence also involves fiscal matters are not recognized as grounds for refusal of requests under article 15 of the MLA Mechanism. Article 10 of the MLA Mechanism lists as a kind of MLA the provision of original or certified copies of documents and related records, including government, banking, financial or commercial documents.*

*Saudi Arabia would comply with a request to maintain the confidentiality of the request and its content and adhere to a limitation on the use of the information provided (art. 13 of the MLA Mechanism).*

*Article 15 of the MLA Mechanism provides for the possibility of consultation with the requesting State, before refusing a request or postponing its execution. The same article mandates to notify the requesting State if it has been decided to reject the request or to postpone its execution, providing the reasons which have led to such decision.*

***Law enforcement cooperation; joint investigations; special investigative techniques (arts. 48, 49 and 50)***

*Saudi law enforcement authorities cooperate through a number of mechanisms and networks, including INTERPOL and the Egmont Group.*

*Saudi Arabia has a range of tools for communication and analysis at the international level. Standard communication channels are used, in addition to secure covert channels like Interpol's I24/7 database and the Egmont system.*

*Saudi Arabia considers the Convention as the basis for mutual law enforcement cooperation. Saudi Arabia has also signed several agreements on such cooperation (agreement among the Gulf Cooperation Council (GCC) States and agreements with Bahrain, Oman and Yemen). The FIU has also signed several memorandums of understanding with its counterparts.*

*Saudi Arabia has been involved in exchanges of personnel with GCC countries.*

*Saudi Arabia can respond to corruption offences committed through the use of modern technology through the Directorate of cybercrime in the Public Security Department. Saudi Arabia also has a special law on cybercrimes.*

*Saudi Arabia can establish joint investigative bodies on an ad hoc basis and there are previous cases where it has done so, including in one corruption case and in cases of financial fraud and terrorism.*

*For corruption offences, special investigative techniques under the CPL may be used, including communication control and wire-tapping, subject to the prior approval of the Public Prosecutor.*

*Saudi Arabia has had previous experience in the use of controlled delivery in corruption cases, based on bilateral agreements or on the principle of reciprocity. Saudi Arabia can also use undercover operations in corruption cases.*

**3.2. *Successes and good practices***

- *The reviewers commend Saudi Arabia for the detailed and comprehensive mechanism it uses to deal with MLA requests (Article 46).*

**3.3. *Challenges in implementation***

*With regard to international cooperation, it is recommended that Saudi Arabia:*

- *Adapt its information and case management system to allow it to collect data and provide more detailed statistics on international cooperation requests, including the timeframe for responding to such requests;*
- *Saudi Arabia is encouraged to consider adopting legislation or special provisions governing the subject of extradition and its procedures in detail and in line with the provisions of Article 44 of the Convention;*
- *Endeavour to expedite extradition procedures and simplify evidentiary requirements (i.e. with specific requirements form and/or internal guidelines) relating thereto (art. 44, para. 9);*

- *Notify the Secretary-General of the United Nations of the central authority and acceptable languages for MLA requests (art. 46, paras. 13 and 14).*

## **IV. Implementation of the Convention**

### **A. Ratification of the Convention**

7- Saudi Arabia signed the Convention on 9 January 2004 and ratified it on 23 January 2013 by Royal Decree No. (M / 5). It deposited the instrument of ratification of the Convention with the Secretary-General of the United Nations on 29 April 2013.

### **B. The Legal System in Saudi Arabia**

#### **General Information about Saudi Arabia**

8- The Kingdom of Saudi Arabia has an area of 2.14969 million square kilometers and shares 4431km-long land borders with: Kuwait, Iraq, Jordan, Yemen, Oman, the United Arab Emirates, and Qatar. It also shares 2640km-long maritime boundaries with: Iran and Bahrain (Arabian Gulf), and the Arab Republic of Egypt, Sudan, and Eritrea (Red Sea).

9- Saudi Arabia is divided into 13 provinces. Its largest cities are Mecca and Medina (two sacred cities), Riyadh (the capital), Damman, and Jeddah (economic poles). Saudi Arabia has a population of 29,994,272 (2013 estimate), with an average annual increase of about 2.7%. The number of Saudi nationals is estimated to be 20,271,058.

10- The modern Arabian Kingdom was established on 23 September 1932 (National Day) when King Abdul Aziz bin Abdul Rahman Al-Saud, unified the State under his authority.

11- Saudi Arabia is as a State committed to religion and imposes the values of the Islamic religion to all aspects of Saudi society. Saudi Arabia is the birthplace of Prophet Muhammad (God bless him and grant him salvation). Travel to Mecca to perform the *Hajj* (pilgrimage) is a holy journey that every Muslim must perform once in his lifetime. During the Hajj season, the number of pilgrims coming to the country exceeds two million.

#### **Economy**

12- Saudi Arabia has become one of the richest countries in the Middle East, after it was one of the poorest before unification, thanks to its massive petroleum resources. Saudi Arabia has an oil-based economy. It relies on free market principles, with strong government control over major economic activities. However, tax levels and interest rates are low.

13- Petroleum activities dominate Saudi economy. The Kingdom possesses some 20% of total global proven petroleum reserves and ranks as the largest petroleum exporter in the world.

14- Petroleum sector revenues account for about 75% of budget revenues, 45% of GDP, and 90% of export output. The private sector (partly owned by the government) generates only about 40% of GDP.

## **Government System, Legal System, and Legislative Process**

### **Executive, Legislative, and Judicial Authorities**

15- The Kingdom of Saudi Arabia has an absolute monarchy system. The King is the Head of State. He heads the Council of Minister (Prime Minister), and is called the Custodian of the Two Holy Mosques. He is currently King Salman bin Abdul Aziz Al Saud.

16- The King appoints the Members of the Council of Ministers. Legislation is established by decisions of the King (Royal Decrees).

17- Basic Law of Governance: It was set out by Royal Decree No. (A / 90) of 2 February 1992, which provides that the Kingdom of Saudi Arabia is an Islamic State, fully sovereign; its religion is Islam and its Constitution is the Book of God Almighty (the Quran) and the Sunnah (Tradition) of His Messenger (may God bless him and grant him salvation); its language is Arabic; and its capital is Riyadh. The Kingdom has a monarchical system of government ruled by a son of the Founder King Abdul Aziz bin Abdul Rahman Al-Faisal Al-Saud or the sons of his sons. Allegiance is pledged to the fittest of them who shall rule in accordance with the Book of God Almighty (Allah) and the Tradition (*Sunnah*) of His Messenger. The authority to rule is derived from the Book of Allah and the *Sunnah* of His Messenger, which govern this system and all the regulations of the Kingdom. Governance in this Kingdom is based on justice, consultation, and equality in accordance with Islamic Shariah.

### **Regulatory Authorities (Legislative)**

18- The legislative institution is called the Shura Council (Consultative Council). The regulation ruling the Shura Council was issued by Royal Decree No. (A / 91) of 2 February 1992. The King appoints the Speaker and Members of the Shura Council, which is composed of 150 Members, including no less than 20% of women. The Shura Council delivers opinions on the State's public policies referred to it by the Prime Minister. In particular, it may discuss general economic and social development plans and express opinions thereon; consider regulations, rules, international treaties, conventions, and privileges and make recommendations thereon; interpret regulations; discuss annual reports submitted by ministries and other government agencies and make appropriate proposals thereon.

19- Regulations, international treaties, conventions, and privileges are issued and amended by Royal Decrees, following their consideration by the Shura Council.

### **Judicial Authorities**

20- Justice is dispensed in accordance with Islamic law and regulations in force through the judicial courts system. The King appoints judges upon the recommendation of the Supreme Judicial Council.

21- The Judiciary is an independent authority. No authority other than Islamic Law governs judges in the exercise of their duties. Judges are independent. No authority other than Islamic Law and the regulations in force governs them in the exercise of their duties. No person shall interfere in the judiciary. The King or the person he delegates are concerned by the implementation of judicial decisions.



22- The Judiciary Regulation was established by Royal Decree No. (M / 64) of 23 July 1975. It was amended by the Royal Decree No. (M / 78) of 1 January 2007.

23- The System of Courts is made up of: The Supreme Court, Appellate Courts, and Courts of First Instance. The Courts of First Instance include: general courts, criminal courts, civil status courts, commercial courts, and labor courts. Each court is competent to deal with matters submitted to it in accordance with this regulation and with the regulations on legal proceedings and criminal procedure. The Supreme Judicial Council may establish other specialized courts following the King's approval.

24- The Ministry of Justice exercises administrative and financial supervision on courts.

25- Ministry of Justice: Is responsible for all administrative matters related to the judiciary, the legislation, and the courts in the Kingdom. Its missions include: Supervision of courts, preparation of draft rules and regulation that govern the operation of the ministry and auxiliary organs.

26- The Board of Grievances (Administrative Court): The Board of Grievances is an independent administrative justice body that reports directly to the King. It strives with all ways and means to establish justice, equity, and effective judicial oversight on administrative activities by: addressing the cases submitted to it to ensure proper implementation of rules and regulations; developing mechanisms of communication with administrations to enable [citizens] to lodge appeals against administrative decisions and actions that lack jurisdiction or include defects in form or reason, or breach rules and regulations, or include errors in the application or interpretation of rules and regulations, or abuse of power, in order to ensure the achievement of justice, the restoration of rights, and the restitution of property to its rightful owners. This institution is the foundation on which any person may rely to appeal against any administrative decision, including violation of rules and regulations and abuse of power.

27- Regulation on the Board of Grievances: The Regulation on the Board of Grievances was issued by Royal Decree No. (M / 51) of 11 May 1982 and amended by Royal Decree No. (M / 78) of 1 July 2007. The courts of the Board of Grievances consist of the High Administrative Court, the Administrative Appeals Courts, and the Administrative Tribunals.

## **Islamic Law (Shariah)**

28- It is the Basic Law of Governance. It was adopted in 1992 as the framework from which the government derives the sequence of legislation in the Kingdom. The law states that the Holy Quran and the Sunnah represent the Constitution of the Kingdom, and that the country is governed by Islamic Law.

29- Sharia is the mainstay of Islamic law. It is a form of law, such as civil law and customary law, but it is not just a legal framework that governs all aspects of life, it also represents a religious commitment.

30- Shariah is not a static law or a legal text, but a set of laws including the Quran (the revealed Book of God) and the hadiths (the sayings and deeds of Prophet Muhammad, God bless him and grant him salvation), consensus (agreement among scholars), and analogy (argumentation based on inference from comparison of similar cases).

31- If there is no Islamic Sharia specific rule on an issue, Muslim judges may resort to independent legal reasoning (*ijtihad*) and infer judgments in accordance with Shariah legislation. This means in practice that Islamic Shariah has implementation precedence over the legislation

issued by the King. Indeed, royal legislation is based on Islamic Shariah and cannot be inconsistent with it in any case.

32- Saudi courts implement Shariah rules and laws issued by the King. The Kingdom abides by the principle of no crime or punishment except by law, under both religious texts or legislation (regulations).

## **Shariah and Criminal Law**

33- The general purpose of Shariah is to protect and preserve the five core values, namely: religion, life, property, honor, and mind. Under Islamic Shariah, a crime is the commission of an act forbidden by God, or refusal to perform an act imposed by God.

34- In dealing with cases submitted to them, the courts enforce the decrees of Islamic Shariah in accordance with the prescriptions of the Quran, the Sunnah, and the regulations issued by the Ruler that do not oppose the Quran and Sunnah, and adhere to the procedures laid down in the Criminal Procedure Law issued by Royal Decree No. (M / 2) of 22 Muharram 1435 H.

35- No person may be arrested, searched, detained, or imprisoned except in the cases provided for by law. Detention or imprisonment shall only take place in places designated for both situations and for the period specified by the competent authority. It is prohibited to harm a detainee or prisoner physically or morally or to subject him to torture or degrading treatment. A criminal penalty shall only be enforced against a person after he is found guilty of an act prohibited by religious law or regulations after a trial conducted in accordance with judicial requirements. Every defendant has the right to seek the assistance of an attorney or lawyer to defend him in the investigation and trial stages.

36- Any criminal act is related to the penalty incurred for its commission. All crimes are classified in law according to the type of penalty imposed on them. Accordingly, penalties are classified in three categories:

- First: [A penalty] provided for in Islamic legislation, such as: fixed punishments (*hudud*);
- Second: [A penalty] not provided for in the Quran and Sunnah, but determined on the basis of domestic laws, such as the penalties incurred for the crimes of bribery, money laundering, embezzlement, and others;
- Third: [A penalty] not provided for in the Quran and Sunnah and not dealt with in domestic regulations and laws: it is discretionary punishment (*ta'zir*).

37- Fixed Punishments (*hudud*): It is a penalty determined by Shariah for a specific act, such as theft, illicit sexual intercourse, drinking alcoholic beverages, making unproven accusations of illicit sex, highway robbery (assault). The punishments imposed for each of these offenses are set out in the Holy Quran or in the Prophet's Hadiths. Therefore, judges cannot use their independent legal reasoning (*ijtihad*) to determine the penalty in cases for which a legal punishment is provided for and no one can abolish or mitigate the prescribed punishment.

38- Penalties prescribed in domestic legislation: Legislative bodies are competent to define acts considered as crimes other than the ones determined in the Quran and Hadiths. They are also competent to impose the appropriate type of penalty incurred for the commission of such acts after the approval of the King.

39- Discretionary Penalty: The discretionary penalty (*ta'zir*) is part of the legal policy in Islam. The crimes for which *ta'zir* is imposed are disciplinary offenses that fall under a category known in Islamic jurisprudence as "legal policy", which is the equivalent of "the philosophy of law" in positive law. This policy is flexible. There is no limitation by the Islamic State on any addition to the list of acts that are considered as crimes. It is important to note that with regard to crimes that fall under the category of discretionary penalties, it is not necessary to have a specific legislation that defines the crime and the penalty associated with it.

40- The judiciary in the Kingdom of Saudi Arabia criminalizes and punishes all offenses provided for in the Convention, under the legislation that corresponds to the provisions imposed by the Convention, as set out in the UNCAC Self-Assessment Checklist, in addition to Islamic Shariah legislation that gives legal authority to prosecute the perpetrators of all the crimes stipulated in the Convention not provided for in a specific individual regulation.

41- Penalties incurred for *ta'zir* crimes are different from those imposed on *hudud* crimes and crimes stipulated in domestic regulations. Penalties imposed for discretionary crimes can vary depending on the type of crime. The penalties for such crimes range from mild punishments to severe ones depending on the type of act perpetrated and the circumstances in which it was committed.

### **Transparency, Integrity, and Anti-Corruption Measures**

42- The Kingdom of Saudi Arabia signed the United Nations Convention against Corruption on 9 January 2004, ratified it on 23 January 2013 by Royal Decree No. (M / 5), and deposited the instrument of ratification with the Secretary-General of the United Nations on 29 April 2013. It signed the Arab Convention against Corruption on 21 December 2010 and ratified it by Royal Decree No. (M / 36) of 25 April 2012. It signed the United Nations Convention against Transnational Organized Crime on 12 December 2000 and ratified it on 18 January 2005. It acceded to the Agreement for the establishment of the International Anti-Corruption Academy by Royal Decree No. (M / 21) of 11 March 2013.

43- The Kingdom of Saudi Arabia considers that the fight against corruption is an important goal and has endeavored to achieve it since its reunification. For this purpose, it issued the regulations that criminalize acts of corruption and established the bodies responsible for implementing and monitoring such regulations.

44- Royal regulations and decrees that criminalize acts of corruption stipulated in the United Nations Convention against Corruption:

- Anti-Corruption Regulation: Issued by Royal Decree No. (M / 36) of 30 June 1992;
- Personnel Disciplinary Regulation: Issued by Royal Decree No. (M / 7) of 29 March 1971, under which the Control and Investigation Body was established;
- Anti-Money Laundering Law: Issued by Royal Decree No. (M / 39) of 24 August 2003 and amended by the Royal Decree No. (M / 31) of 3 April 2012;
- Regulation on the Handling of Public Funds: Issued by Royal Decree No. (M / 77) of 29 October 1975. The Shura Council approved its amendment on 20 May 2014. It determines the rights and obligations of the officials who hold positions involving the handling of public funds and their commitments with regard to the public money in their custody;

- Regulation on Criminal Procedures: Issued by Royal Decree No. (M / 39) of 16 October 2001, amended by Royal Decree No. (M / 2) of 26 November 2013. It is a set of rules that govern the conduct of criminal proceedings set in motion as a result of a criminal act from the moment the act is committed to the issuance of a verdict on such act;
- Regulation on Competition and Government Procurement: Issued by Royal Decree No. (M / 58) of 27 September 2006. The Shura Council approved a study on the amendment of this regulation. Amendment proceedings are being undertaken by competent authorities. In short, this regulation aims to: regulate procedures relating to competition and procurement carried out by government agencies to protect them from the influence of personal interests; protect public money; promote integrity and competition; ensure fair dealing with contractors in accordance with the principle of equal opportunities; and achieve transparency in all stages of competition and government procurement procedures;
- Royal Decree No. 43 of 17 June 1958 on the crimes of abuse of power;
- Royal Decree No. 16 of 8 August 1962 on the fight against illicit enrichment;
- The National Integrity and Anti-Corruption Strategy: Issued by Council of Ministers Resolution No. 43 of 19 February 2007. It aims to: promote integrity and combat corruption in all its forms and manifestations; achieve justice among members of society; contribute to efforts to promote and develop closer regional, Arab, and international cooperation to promote integrity and combat corruption.

45-Agencies involved in combating corruption (law enforcement agencies and monitoring agencies), namely:

- The Control and Investigation Board: Established on 29 March 1971, under the above mentioned Personnel Disciplinary Regulation. It is responsible for exercising inspection to detect administrative irregularities and conduct investigations about them, and reviewing complaints referred to it by the ministers concerned, or by any of a competent government authority.
- The Bureau of Investigation and Public Prosecution: The Regulation on the Bureau of Investigation and Public Prosecution was issued by Royal Decree No. (M / 56) of 30 April 1989. In conformity with Article 3 of its regulation, this Bureau is responsible for: investigating crimes, taking appropriate measures regarding the investigation by filing lawsuits or dismissing charges according to regulations; prosecuting before the judicial authorities in accordance with its Regulation; lodging appeals on judgments; overseeing the implementation of penal provisions; and controlling and inspecting prisons, detention centers, and any places where penal judgments are implemented. Royal Decree No. (M / 4) was issued on 1 December 2011. It transferred the jurisdiction of the Control and Investigation Board relating to investigation and public prosecution in criminal offenses carried out by the Control and Investigation Board, such as corruption, fraud, and crimes stipulated in Royal Decree No. (M / 43) on abuse of power, to the Bureau of Investigation and Public Prosecution.
- The General Auditing Bureau: The regulation on the General Auditing Bureau was issued by Royal Decree No. (M / 9) of 8 April 1971. The Bureau is responsible for:

subsequent control of all State revenues and expenditures; control of all movable and immovable State assets; control of proper use, exploitation, and preservation of such assets; and supervision of companies in which the State has a holding of 25% or more.

- The National Anti-Corruption Commission: It was established by Royal Decree No. (A / 65) of 19 March 2011 whose Items 4 and 6 stipulated its jurisdictions. Item 4 of this Decree reads: *"The jurisdiction of the Commission encompasses all government sectors, without any exception, it is responsible for monitoring the execution of orders and instructions relating to public affairs, and it is competent to monitor all aspects of administrative and financial corruption,"* Its Item 6 reads: *"Without prejudice to the jurisdictions of other regulatory bodies, the Commission is responsible for coordination with the said bodies with respect to public affairs and the interests of citizens. The said bodies shall provide the Commission with any financial or administrative information of concern to the Commission. The Commission is an independent body with legal personality and full financial and administrative autonomy and reports directly to the King."*

The Regulation on the National Anti-Corruption Commission was issued by Council of Ministers Resolution No. 165 of 2 May 2011. Article 3 of this Regulation stipulates the objectives and terms of reference of the Commission, which include the following:

- Follow-up of the execution of orders and instructions related to public affairs and the interests of citizens to ensure compliance therewith;
- Investigate aspects of financial and administrative corruption in public works contracts, contracts for operation and maintenance, and other contracts relating to public affairs and the interests of citizens in the bodies covered by the jurisdiction of the Commission - contained in the fourth paragraph of Article I of this Regulation - and take the necessary legal procedures regarding any contract which involves corruption, or which is concluded or is being implemented in violation of the laws and regulations in force;
- Refer cases of irregularities and abuses related to financial and administrative corruption when detected to regulatory or investigative bodies, as the case may be - the Commission may examine the conduct of the investigation and follow up procedures in this regard;
- Encourage public and private sector efforts to adopt plans and programs to promote integrity and combat corruption, follow-up their implementation and assess their results;
- Follow up with the competent authorities the recovery of assets and proceeds resulting from crimes of corruption;
- Review working methods and procedures in the bodies that fall within the jurisdiction of the Commission, in order to identify weaknesses that could lead to corruption, and correct them to ensure the achievement of the objectives of the Commission and the implementation of its terms of reference;
- Propose regulations and policies to prevent and combat corruption, periodically review relevant rules and regulations to determine their adequacy, develop them, and issue reports thereon according to legal procedures;

- Develop formats for declaration of assets and professional oath for some categories of civil servants who hold public office, and submit them to the King for consideration and adoption;
  - Follow-up the extent to which the bodies that fall within the jurisdiction of the Commission fulfill their missions with regard to the implementation of regulations that criminalize financial and administrative corruption, and promote the principle of accountability of every person whatever his position;
  - Establish direct channels of communication with the public to receive their statements relating to actions involving corruption, verify their truthfulness, and take necessary measures towards them;
  - Work with stakeholders and civil society organizations to develop a sense of citizenship and awareness about the protection of public funds and public facilities and property to ensure their proper management and preservation;
  - Represent the Kingdom in international conferences and fora on transparency, the promotion of integrity, the fight against corruption, and cooperate with regional and international bodies and organizations that work in these areas;
  - Organize conferences, symposia, and training courses on transparency, integrity and the fight against corruption;
- The Saudi Arabian Monetary Agency: It is the monetary authority / central bank in Saudi Arabia and the authority that supervises and controls all financial institutions in the Kingdom with the exception of securities. It was established on 4 October 1952 and currently chairs the Anti-Money Laundering Committee.
  - The Financial Intelligence Unit (FIU): It is an administrative unit of the Interior Ministry and reports directly to the Assistant Interior Minister for Security Affairs. The basic mission of the FIU is to receive statements on suspicious financial transactions, analyze them, prepare reports on them, refer them to the competent authorities, and store them in the database. It also exchanges information with relevant authorities within the Kingdom and abroad, in order to combat money laundering and terrorist financing. Its headquarters is in Riyadh. The Financial Intelligence Unit was established under Article 11 of the Anti-Money Laundering Law issued by Royal Decree No. M/39. It started to operate on 10 September 2005.
  - The Administrative Investigations Department: It reports administratively to the General Directorate of Investigations of the Ministry of Interior. The fight against corruption is one of its responsibilities.

## **International Cooperation**

46- The Kingdom established a committee to deal with requests for mutual legal assistance called the Permanent Committee for Mutual Legal Assistance under Council of Ministers Resolution No. 78 of 14 February 2012. The operating mechanism of this committee was issued by Interior Minister Decision No. 5446 of 25 August 2013. The Secretary-General of the United Nations was informed that the Ministry of the Interior was the party responsible for receiving applications and correspondence relating to legal assistance through diplomatic channels. This information was given when the Kingdom deposited its instrument of ratification of the United Nations Convention against Corruption, in accordance with paragraph 13 of Article 46 of the

Convention, pursuant to paragraph 1 of Council of Ministers Resolution No. 62 of 14 January 2013 that ratified the Convention.

47- The Permanent Committee for Mutual Legal Assistance is tasked with receiving applications for legal assistance made by other States, and responding to them by completing regulatory procedures. Such legal assistance also deals with the contents of Article 10 of its operating mechanism that provides for the recovery of assets, in accordance with the provisions of bilateral or multilateral agreements to which the Kingdom is a party. Legal assistance also involves the provision of relevant original documents and records, including government, banking, financial, and business records, or certified copies thereof; information on the movements of proceeds of crime, or other property, instruments or equipment, or their tracking, for the purpose of obtaining evidence, or seizing them for confiscation; and procedures for search, seizure, and freezing; the facilitation of voluntary appearance of persons in the requesting State; and any other legal assistance not provided for in bilateral or multilateral agreements to which the Kingdom is a party and that are consistent with domestic rules and regulations.

48- The National Integrity and Anti-Corruption Strategy provides for the promotion of Arab, regional, and international cooperation, more effective cooperation, mutual legal assistance, the exchange of information, opinion, and expertise for the protection of integrity and the fight against corruption with the countries of the Gulf Cooperation Council (GCC), Arab, Islamic, and friendly countries. The National Anti-Corruption Commission is in charge of following up with competent authorities the recovery of assets and proceeds of corruption crimes with competent authorities.

## C. Implementation of Selected Articles

### **Chapter III: Criminalization and Law Enforcement**

#### **Article 15 - Bribery of National Public Officials**

##### **Paragraph (a)**

*Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:*

*(a) The promise, offering or giving, to a public official, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties;*

#### **(a) Summary of relevant information on the review of the implementation of paragraph (a) of Article 15**

49- Saudi Arabia indicated that it is compliant with the paragraph under review and referred to the following legislation:

##### **Anti-Bribery Law**

Article (8): For the implementation of this regulation, the following are deemed to be public officials:

1. Persons employed by the State or any of the public administrative authorities, regardless of whether the employment is permanent or temporary.
2. Expert assigned from the government or any judicial entity.
3. Any person assigned from a government entity or any other administrative authority in doing a certain mission.
4. Persons employed by a company or an individual firm that manages, operates, or maintains (services) a public facility, or that offers a public service; the same applies to persons employed by joint-stock companies and companies in which the State has a holding, as well as companies and individual firms that carry out banking operations.
5. The chairs and members of boards of directors of companies set forth in the previous paragraph 4 of this article.

Article (9): Any person who offers a bribe that is not accepted from him shall be punished with imprisonment not exceeding ten (10) years and a fine not exceeding one million (1,000,000) riyals, or either penalty.

Article (10): The briber, the intermediary, and any person who participates in one of the crimes provided for in this regulation, shall incur the penalty provided for in the article that criminalizes it, and any person who knowingly agrees to, instigates, or assists in the commission of a crime shall be considered an accomplice in that crime when such crime is committed on the basis of such agreement, instigation, or assistance.

Article (12): Any benefit or advantage that a briber can obtain, whatever the type of such benefit or advantage and whatever its name, whether tangible or intangible, shall be considered as a promise or a gift for the purposes of enforcement of this regulation.

50- Saudi Arabia also indicated that Article 9 covers the offering of a bribe to a public official or equivalent, provided for in Article 8 of the Anti-Bribery Law. Paragraph 1 of Article 8 defines a public official as "*any person who holds a public position or works for a public agency that has legal personality, whether he is employed temporarily or permanently.*" This also includes the elected persons.

51- It also noted that if the bribe is accepted, Article 10 applies, while in the cases of promise, giving, or advantage to another person or entity, Article 12 applies. The case of an official who



acts or refrains from acting is covered by Articles 1 and 2 of the Anti-Bribery Law [whose provisions are] dealt with in paragraph (b) of this Article.

**(b) Observations on the implementation of the article**

52- Article 9 of the Anti-Bribery Law (ABL) criminalizes the act of offering a bribe - which is not accepted - to a public official. If the offer or promise is accepted, the articles that criminalize the official's acceptance of the promise or gift, as the case may be, are applied. The briber and the intermediary are punishable with the same penalty pursuant to Article 10.

53- Although promises of bribery that are not accepted are not specifically criminalized, judicial precedents indicate that the concept of offering a bribe also covers the promise.

54- For greater legal certainty, Saudi Arabia should explicitly criminalize the promise of a bribe to a public official if such a promise is not accepted.

**Article 15 - Bribery of National Public Officials**  
**Paragraph (b)**

*Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:*

*(b) The solicitation or acceptance by a public official, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties.*

**(a) Summary of relevant information on the review of the implementation of paragraph (b) of Article 15**

55- Saudi Arabia indicated that it is compliant with the paragraph under review and referred to the following legislation:

**Anti-Bribery Law**

Article 1: Any public official who requests for himself, or for another person, or accepts or takes a promise or a gift in order that he performs an act that is part of his duties, or claims that it is part of his duties, even if such act is lawful, shall be considered as a briber, and shall be punishable by imprisonment for a period not exceeding ten (10) years and a fine of not more than one million (1,000,000) riyals, or either penalty; the establishment of the crime shall not be affected by the fact that the official did not intend to perform the act he promised to perform.

Article 2: Any public official who solicits for himself or for another person, or accepts or takes a promise or gift, in order that he refrains to perform an act that is part of his duties, or claims that it is part of his duties, even if such refraining is lawful, shall be considered a briber, and shall incur the penalty set forth in Article 1 of this regulation; the establishment of the crime shall not be affected by the fact that the official did not intend to fulfill his promise.

Article 3: Any public official who solicits for himself or for another person, or accepts or takes a promise or gift, in order that he breaches the duties of his position, or a reward for what he did, even without previous agreement, shall be considered as a briber, and shall incur the penalty set forth in Article 1 of this regulation.

Article 5: Any public official who solicits for himself or for another person, or accepts or takes a promise or gift, in order that he uses a real or alleged influence to obtain or attempt to obtain from any public authority an act or order or decision or commitment or license or agreement of supply or a job or a service or an advantage of any type, shall be considered as a briber, and shall incur the penalty set forth in Article 1 of this regulation.

**(b) Observations on the implementation of the article**

56- Saudi Arabia is in compliance with this provision. Articles 1 to 3 of the ABL criminalize the act of soliciting or accepting a bribe by a public official.

**Article 16 - Bribery of Foreign Public Officials and Officials of Public International Organizations**  
**Paragraph 1**

*1. Each State Party shall adopt such legislative and other measures as may be necessary to establish as a criminal offence, when committed intentionally, the promise, offering or giving to a foreign public official or an official of a public international organization, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties, in order to obtain or retain business or other undue advantage in relation to the conduct of international business.*

**(a) Summary of relevant information on the review of the implementation of paragraph 1 of Article 16**

57- Saudi Arabia indicated it is compliant with the paragraph under review and referred to Articles 9 and 10 of the Anti-Bribery Law [whose provisions are] dealt with in paragraph (a) of Article 15 of the Convention. It also pointed out that paragraph 1 of Article 8 defines a public official as, "*any person who holds a public position or works for a public agency that has legal personality, whether he is employed temporarily or permanently*" and does not distinguish between a foreign public official and the public official of an international organization.

58- Saudi Arabia indicated that a committee was set up in the Ministry of Interior to consider an amendment to the Anti-Bribery Law to include: criminalization of bribery in the private sector, foreign public officials, and officials of public international organizations.

59- Saudi Arabia also noted that the National Anti-Corruption Commission sent a correspondence to His Royal Majesty requesting the Kingdom's accession to the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions issued by the Organization for Economic Cooperation and Development (OECD).

**(b) Observations on the implementation of the article**

60- The concept of public official according to paragraph 1 of article 8 of the ABL does not seem to cover the foreign public official since the mentioned paragraph refers to "Persons employed by the State" and not "Persons employed by a State".

- 61- Saudi Arabia's legislation does not criminalize the active bribery of foreign public officials and officials of public international organizations.
- 62- In order to comply with the provision under review, Saudi Arabia should criminalize the active bribery of a foreign public official or an official of a public international organization.

**Article 16 - Bribery of Foreign Public Officials and Officials of Public International Organizations**  
**Paragraph 2**

*2. Each State Party shall consider adopting such legislative and other measures as may be necessary to establish as a criminal offence, when committed intentionally, the solicitation or acceptance by a foreign public official or an official of a public international organization, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties.*

**(a) Summary of relevant information on the review of the implementation of paragraph 2 of Article 16**

- 63- Saudi Arabia referred to its previous answer, and indicated that it is compliant with the paragraph under review and referred to paragraph 1 of Article 8 of the Anti-Bribery Law.

**Anti-Bribery Law**

Paragraph 1 of Article 8: For the purposes of implementation of this regulation, the persons defined below are considered as public officials: 1- Any person who holds a public position or works for a public agency that has legal personality, whether he is employed temporarily or permanently;

**(b) Observations on the implementation of the article**

- 64- It seems that the mentioned article 8 of Anti-Bribery Law covers only national public officials, but not the foreign public officials or public officials of international organizations established in Saudi Arabia.
- 65- Saudi Arabia's legislation does not criminalize the passive bribery of foreign public officials and officials of public international organizations.
- 66- In order to comply with the provision under review, Saudi Arabia should consider the criminalization of passive bribery by foreign public officials and officials of public international organizations.

**Article 17 - Embezzlement, Misappropriation, or other Diversion of Property**

*Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally, the embezzlement, misappropriation or other diversion by a public official for his or her benefit or for the benefit of another person or entity, of any property, public or private*

*funds or securities or any other thing of value entrusted to the public official by virtue of his or her position.*

**(a) Summary of relevant information on the review of implementation of Article 17**

67- Saudi Arabia indicated that it is compliant with the article under review and referred to the following legislation:

**Regulation on the Handling of Public Funds**

Article 9: Notwithstanding Decree No. 43 of 29/11/1377 (H.), any official covered by this regulation who is found guilty of the offences of embezzling, misappropriating, or illegally disposing of public funds, property, stamps, or securities entrusted to him, shall be punished with imprisonment not exceeding ten (10) years or a fine not exceeding one hundred thousand (100,000) riyals, or both penalties, and any person who participates in such offences or colludes with the perpetrator in the commission of such offences, whether he is an official or not, shall incur the same penalty; in addition, they shall be required to return the funds, property, stamps, and securities embezzled, misappropriated or lost, or their equivalent value.

**Royal Decree No. 43 of 29/11/1377 (H.) on the Offenses of Abuse of Power**

Paragraph 7 of Article 2: Any official who is found guilty of one of the following offences, and any person who participates or colludes with such official in the commission of such offence, whether he is an official or not, shall be punished with imprisonment for a period not exceeding ten (10) years, or a fine not exceeding twenty thousand (20,000) riyals: 7-Embezzlement, misappropriation, or neglect of public funds while spending or keeping them.

68- Saudi Arabia also made it clear that "illegal disposal" mentioned in Article 9 includes embezzlement for the benefit of another person or entity.

**(b) Observations on the implementation of the article**

69- Article 9 of the Law on the Handling of Public Funds and Article 2, paragraph 7 of the Royal Decree relating to crimes of abuse of power criminalize the embezzlement, misappropriation or other diversion by a public official of public funds, property, stamps, or valuable papers entrusted to him. However, this criminalization does not cover private property or funds entrusted to a public official by virtue of his or her position.

70- In order to comply with the provision under review, Saudi Arabia should criminalize embezzlement, misappropriation or other diversion of private property or funds entrusted to a public official by virtue of his or her position.

**Article 18. Trading in Influence**  
**Subparagraph (a)**

*Each State Party shall consider adopting such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:*

*(a) The promise, offering or giving to a public official or any other person, directly or indirectly, of an undue advantage in order that the public official or the person abuse his or her real or supposed*

*influence with a view to obtaining from an administration or public authority of the State Party an undue advantage for the original instigator of the act or for any other person;*

**(a) Summary of relevant information on the review of implementation of sub-paragraph (a) of Article 18**

71- Saudi Arabia indicated that it is compliant with the paragraph under review and referred to Articles 5, 10, and 12 of the Anti-Bribery Law [whose provisions are] dealt with in paragraphs (a) and (b) of Article 15 of the Convention.

**Anti-Bribery Law**

Article 5: Any public official who solicits for himself or for another person, or accepts or takes a promise or gift, in order that he uses a real or alleged influence to obtain or attempt to obtain from any public authority an act or order or decision or commitment or license or agreement of supply or a job or a service or an advantage of any type, shall be considered as a briber, and shall incur the penalty set forth in Article 1 of this regulation.

Article (9): Any person who offers a bribe that is not accepted from him shall be punished with imprisonment not exceeding ten (10) years and a fine not exceeding one million (1,000,000) riyals, or either penalty.

Article (10): The briber, the intermediary, and any person who participates in one of the crimes provided for in this regulation, shall incur the penalty provided for in the article that criminalizes it, and any person who knowingly agrees to, instigates, or assists in the commission of a crime shall be considered an accomplice in that crime when such crime is committed on the basis of such agreement, instigation, or assistance.

**(b) Observations on the implementation of the article**

72- Article 5 of the ABL criminalizes the soliciting or accepting of a bribe by a public official to exercise his or her influence over a public authority, and does not cover "any other person" when doing so. The briber in this case is criminalized under Article 10 if the offer or promise is accepted or under Article 9 if the offer is refused. Although promises of bribery to exercise influence that are not accepted are not explicitly criminalized, judicial precedents indicate that the concept of offering a bribe also covers the promise.

73- In order to comply with the provision under review, Saudi Arabia should consider the criminalization of active bribery of persons who are not public officials to abuse their real or supposed influence with a public administration or authority.

74- For greater legal certainty, Saudi Arabia should consider explicitly criminalizing the promise of an undue advantage to a public official to abuse his or her real or supposed influence with a public administration or authority where the promise is not accepted.

**Article 18 - Trading in Influence  
Sub-paragraph (b)**

*Each State Party shall consider adopting such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:*

*(b) The solicitation or acceptance by a public official or any other person, directly or indirectly, of an undue advantage for himself or herself or for another person in order that the public official or the person abuse his or her real or supposed influence with a view to obtaining from an administration or public authority of the State Party an undue advantage.*

**(a) Summary of relevant information on the review of implementation of sub-paragraph (b) of Article 18**

75- Saudi Arabia indicated that it is compliant with the paragraph under review and referred to Article 5 of the above mentioned Anti-Bribery Law in addition to the following legislation:

**Royal Decree No. 43 of 29/11/1377 (H.) on the Offenses of Abuse of Power**

Paragraph 1 of Article 2: Any official who is found guilty of one of the following offences, and any person who participates or colludes with such official in the commission of such offences, whether he is an official or not, shall be punished with imprisonment not exceeding ten (10) years, or a fine not exceeding twenty thousand (20,000) riyals: 1 - Taking advantage of one's position for personal interest within or outside the administration;

**(b) Observations on the implementation of the article**

76- Article 5 of the ABL criminalizes the soliciting or accepting of a bribe by a public official to exercise his or her influence over a public authority, and does not cover "any other person" when doing so.

77- In order to comply with the provision under review, Saudi Arabia should consider the criminalization of passive bribery by persons who are not public officials to abuse their real or supposed influence with a public administration or authority.

**Rule 19 - Abuse of Functions**

*Each State Party shall consider adopting such legislative and other measures as may be necessary to establish as a criminal offence, when committed intentionally, the abuse of functions or position, that is, the performance of or failure to perform an act, in violation of laws, by a public official in the discharge of his or her functions, for the purpose of obtaining an undue advantage for himself or herself or for another person or entity.*

**(a) Summary of relevant information on the review of implementation of Article 19**

78- Saudi Arabia indicated that it is compliant with the article under review and referred to the following legislation:

**Anti-Bribery Law**

Article 3: Any public official who solicits for himself or for another person, or accepts or takes a promise or gift, in order that he breaches the duties of his position, or a reward for what he did, even without previous agreement, shall be considered as a briber, and shall incur the penalty set forth in Article 1 of this regulation.

**Royal Decree No. 43 of 29/11/1377 (H.) on the Offenses of Abuse of Power**

Paragraphs 1, 5, and 6 of Article 2: Any official who is found guilty of one of the following offences, and any person who participates or colludes with such official in the commission of such offences, whether he is an official or not, shall be punished with imprisonment not exceeding ten (10) years, or a fine not exceeding twenty thousand (20,000) riyals:

1 - Taking advantage of one's position for personal interest within or outside the administration;

5- Administrative abuse, such as breach of regulations, orders, and instructions, and their implementation, whether by refraining or delaying, leading to public or private harm. This includes: intentionally interpreting regulations, orders, and instructions in a wrong way, or in an irrelevant way, with the purpose of harming government interests for a personal interest; exploiting influence of any kind in the interpretation and implementation of orders for personal interest whether directly or indirectly;

6-Taking advantage of contracts, including auctions and tenders, whether directly or indirectly, for personal interest, tampering with disbursing orders and delaying them, retaining all or part of workers' wages and remunerations and delaying them for personal interest, exploiting individuals' and officials' efforts through fictitious wages and remunerations for personal interest, whether partly or totally, using insider knowledge to take advantage of currency exchange transactions.

**(b) Observations on the implementation of the article**

- 79- Article 2, paragraph 1, of the Royal Decree relating to crimes of abuse of power criminalizes the abuse of power by a public official for personal interest. The offence does not cover the abuse of authority for the benefit of another person or entity.
- 80- In order to comply with the provision under review, Saudi Arabia should consider the criminalization of abuse of functions by a public official for the benefit of another person or entity.

**Article 20 - Illicit Enrichment**

*Subject to its constitution and the fundamental principles of its legal system, each State Party shall consider adopting such legislative and other measures as may be necessary to establish as a criminal offence, when committed intentionally, illicit enrichment, that is, a significant increase in the assets of a public official that he or she cannot reasonably explain in relation to his or her lawful income.*

**(a) Summary of relevant information on the review of implementation of Article 20**

- 81- Saudi Arabia indicated that it is compliant with the article under review and referred to the following legislation:

**Royal Decree No. 16 of 07/03/1382 (H.) On Illicit Enrichment**

First: The Council of Ministers shall, for public interest, hold officials accountable for the sources of their wealth and that of their minor children or adult children who are not known to earn a living, and the wealth of their spouses. For the purpose of holding officials to account, the Council of Ministers shall set up a body composed of three persons: the President of the General Auditing Bureau, as president, and two investigators

from the Board of Grievances, as members. This body, when exercising its tasks, may seek the assistance of chartered accountants, government or other experts.

Second: If an official is unable to demonstrate a legitimate source of what he, or the other persons mentioned in the previous article, owns, thus raising doubts about the acquisition of such assets, whether by way of bribes, gifts, or trading in influence, the Council of Ministers may, upon the recommendation of the Body referred to in the preceding Article, confiscate half of those assets of questionable origin and dismiss him from public position.

82- [The above procedures] shall be consistent with Article 19 of the Basic Law of Governance, which reads: "*General confiscation of assets is prohibited. No confiscation of an individual's assets shall be enforced without a judicial ruling.*" In other words, before such assets are confiscated, it is necessary to refer to the judiciary, which is the arbitrator that decides on confiscation.

83- Saudi Arabia indicated that the said decree covers all public officials and that the body stipulated in this decree has already been set up and is operational and is considered as a quasi-judicial body. Criminal punishment is a separate matter. It is determined by the judiciary, which issues rulings according to the law and depending on the source of wealth at issue.

84- Concerning preventive measures, Saudi Arabia indicated that a draft format for financial disclosure is being prepared. It concerns some categories of government officials in keeping with paragraph 9 of Article 3 of the Regulation on the National Anti-Corruption Commission.

85- Saudi Arabia also pointed to the following examples:

**(b) Observations on the implementation of the article**

86- Saudi Arabia does not criminalize illicit enrichment, but Article 2 of the Royal Decree on Illicit Enrichment provides that if a public official is unable to demonstrate a legitimate source of his property, the Council of Ministers may confiscate half of the funds of doubtful origin and dismiss him from public office. Saudi Arabia has a draft law to criminalize illicit enrichment.

87- The reviewers encourage Saudi Arabia to continue its efforts to criminalize of illicit enrichment in line with the Convention.

**Article 21 - Bribery in the Private Sector**

**Subparagraph (a)**

*Each State Party shall consider adopting such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally in the course of economic, financial or commercial activities:*

*(a) The promise, offering or giving, directly or indirectly, of an undue advantage to any person who directs or works, in any capacity, for a private sector entity, for the person himself or herself or for another person, in order that he or she, in breach of his or her duties, act or refrain from acting;*

**(a) Summary of relevant information on the review of implementation of sub-paragraph (a) of Article 21**



88- Saudi Arabia indicated that it is compliant with the paragraph under review and referred to Articles 9 and 10 of the Anti-Bribery Law, [whose provisions are] dealt with in paragraphs (a) of Article 15 of the Convention in addition to the following legislation:

**Anti-Bribery Law**

Paragraphs 4 and 5 of Article 8: For the purposes of implementation of this regulation, the persons defined below are considered as public official:

4- Any person who works in companies or sole proprietorships that manage, operate, or maintain public utilities or provide a public service, and any person who works for joint stock companies, companies in which the State has a holding, and companies or sole proprietorships that engage in banking activities;

5- The chairs and members of boards of directors of companies set forth in the previous paragraph 4 of this article.

89- Saudi Arabia also indicated that there is a committee at the Ministry of Interior made up of several relevant government agencies in charge of considering the amendment of the Anti-Bribery Law to include criminalization of corruption in the private sector.

**(b) Observations on the implementation of the article**

90- Positive law in Saudi Arabia has criminalized active bribery in part of the private sector. Provisions in the ABL cover persons who work in joint-stock companies and sole proprietorships or institutions that engage in banking business, as well as the chairpersons and members of boards of directors of these companies.

91- The reviewers encourage Saudi Arabia to consider expanding the application of the ABL to cover all persons in the private sector.

**Article 21 - Bribery in the Private Sector**

**Sub-paragraph (b)**

*Each State Party shall consider adopting such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally in the course of economic, financial or commercial activities:*

*(b) The solicitation or acceptance, directly or indirectly, of an undue advantage by any person who directs or works, in any capacity, for a private sector entity, for the person himself or herself or for another person, in order that he or she, in breach of his or her duties, act or refrain from acting.*

**(a) Summary of relevant information on the review of implementation of sub-paragraph (b) of Article 21**

92- Saudi Arabia referred to its previous answer.

**(b) Observations on the implementation of the article**

93- Positive law in Saudi Arabia has criminalized passive bribery in part of the private sector. Provisions in the ABL cover persons who work in joint-stock companies and sole

proprietorships or institutions that engage in banking business, as well as the chairpersons and members of boards of directors of these companies.

- 94- The reviewers encourage Saudi Arabia to consider expanding the application of the ABL to cover all persons in the private sector.

## **Article 22 - Embezzlement of Property in the Private Sector**

*Each State Party shall consider adopting such legislative and other measures as may be necessary to establish as a criminal offence, when committed intentionally in the course of economic, financial or commercial activities, embezzlement by a person who directs or works, in any capacity, in a private sector entity of any property, private funds or securities or any other thing of value entrusted to him or her by virtue of his or her position*

### **(a) Summary of relevant information on the review of implementation of Article 22**

- 95- Saudi Arabia indicated that it is compliant with the paragraph under review as a committee has been set up at the Ministry of Interior made up of several relevant government agencies to examine the amendment of the Anti-Bribery Law and include the criminalization of corruption in the private sector. It added that the punishment for embezzlement of property in the private sector is currently subject to the discretion of the judge according to *ta'zir* (discretionary) provisions in Islamic law, which are explained in detail in the introduction. In addition, paragraph 2 of Article 2 of the Implementing Regulations of the Anti-Money Laundering Law provides that, "*embezzlement of private funds of companies and businesses, and the like*", is a criminal activity or a source contrary to laws and regulations, and dealing in assets deriving from them is considered as money laundering.
- 96- Saudi Arabia also explained that provisions on theft cannot be applied to embezzlement of property in the private sector because embezzlement does not meet the conditions to be considered as theft. Besides, theft is punishable by a fixed punishment (*hadd*). Therefore, the Saudi legislator cannot determine a punishment or refer a matter to the discretion of a judge when it is provided for in religious texts, as explained in the introduction in detail. Also, paragraphs 4 and 5 of Article 8 of the Anti-Bribery Law cannot be implemented even though embezzlement is criminalized in the Regulation on the Handling of Public Funds whose Article 1 identifies the public functions that are subject to the provisions of this regulation, which reads as follows: "*Any person who hold public functions directly linked with the keeping of funds, movable property, stamps, securities - such functions include: treasurer, paymaster, collector of public monies, depositary of movable assets intended for direct use or consumption, and any person who performs similar functions - is subject to the provisions of this regulation.*"
- 97- Saudi Arabia did not express a need for technical assistance related to the article under review.

### **(b) Observations on the implementation of the article**

- 98- Positive law in Saudi Arabia does not criminalize embezzlement of property in the private sector, but this act is punishable under the principles of Sharia as a breach of trust crime. This is backed by judicial precedents.
- 99- For greater legal certainty, Saudi Arabia should consider including in its positive law a provision on the criminalization of embezzlement of property in the private sector in accordance with the provisions of the Convention.

## **Article 23 - Laundering of Proceeds of Crime**

### **Sub-paragraph 1 (a) (i)**

*1. Each State Party shall adopt, in accordance with fundamental principles of its domestic law, such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:*

- (a) (i) The conversion or transfer of property, knowing that such property is the proceeds of crime, for the purpose of concealing or disguising the illicit origin of the property or of helping any person who is involved in the commission of the predicate offence to evade the legal consequences of his or her action;*

### **(a) Summary of relevant information on the review of implementation of sub-paragraph 1 (a) (i) of Article 23**

- 100- Saudi Arabia indicated that it is compliant with the paragraph under review and referred to paragraph 1 of Article 1 and paragraphs 1, 2, and 3 of Article 2 of the Anti-Money Laundering Law (AML Law).

#### **Anti-Money Laundering Law**

Article 1: Unless the context otherwise requires, the following terms and phrases, wherever they appear in this Regulation, shall have the meanings set forth in front of each of them: 1-Money Laundering: The commission or attempt to commit any act intended to conceal or disguise the true origin of funds acquired in contravention to laws and regulations and make them look as if they originated from a legitimate source.

Article 2: Any person who commits any of the following acts shall be guilty of the crime of money laundering:

- 1-Performing any transaction involving assets or proceeds, knowing that they derive from criminal activity or from a source that is unlawful or contrary to regulations.
- 2-Transfer of assets or proceeds, or their acquisition, use, keeping, receiving, or conversion, knowing that they derive from criminal activity or from a source that is unlawful or contrary to regulations
- 3-Concealing or disguising the true nature of assets or proceeds, or their source, movement, ownership, location, or method of disposal thereof, knowing that they derive from criminal activity or from a source that is unlawful or contrary to regulations.
4. Participation by way of agreeing, aiding, inciting, consulting, advising, facilitating, colluding, covering up, or attempting to commit any of the acts set forth in this Article.

Article 18: Without prejudice to the rights of bona fide third parties, a person who commits the offence of money laundering, provided for in Article 2 hereof, shall be punished with imprisonment not exceeding ten (10) years and a fine not exceeding five million (5,000,000) riyals, or either penalty, in addition to the confiscation of funds, proceeds, and means subject of the offence. In case the funds and proceeds are

commingled with funds acquired from legitimate sources, the said funds shall be subject to confiscation within the limits equivalent to the estimated value of the illegitimate proceeds.

The competent court may invalidate or prohibit certain acts, whether contractual or otherwise, if one or more of the parties know or ought to know that such acts could influence the ability of the competent authorities to recover the property subject to confiscation.

The competent court may exempt from such penalties the owner, possessor, or user of funds or proceeds subject of the criminal violation if he notifies the authorities prior to his knowledge of the sources of said funds or proceeds and the identity of the parties involved, without him benefiting from their proceeds.

**(b) Observations on the implementation of the article**

101- Saudi Arabia is in compliance with the provision under review.

**Article 23 - Laundering of Proceeds of Crime**

**Sub-paragraph 1 (a) (ii)**

*1. Each State Party shall adopt, in accordance with fundamental principles of its domestic law, such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:*

*(a) (ii) The concealment or disguise of the true nature, source, location, disposition, movement or ownership of or rights with respect to property, knowing that such property is the proceeds of crime;*

**(a) Summary of relevant information on the review of implementation of sub-paragraph 1 (a) (ii) of Article 23**

102- Saudi Arabia indicated that it is compliant with the paragraph under review and referred to its previous answer.

**(b) Observations on the implementation of the article**

103- Saudi Arabia is in compliance with the provision under review.

**Article 23 - Laundering of Proceeds of Crime**

**Sub-paragraph 1 (b) (i)**

*1. Each State Party shall adopt, in accordance with fundamental principles of its domestic law, such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:*

*(b) Subject to the basic concepts of its legal system:*

*(i) The acquisition, possession or use of property, knowing, at the time of receipt, that such property is the proceeds of crime;*

**(a) Summary of relevant information on the review of implementation of sub-paragraph 1 (b) (i) of Article 23**

104- Saudi Arabia indicated that the Anti-Money Laundering Law criminalizes the types of material behavior mentioned in this paragraph in paragraph (a) of Article 2 above-cited, which provides for "*performing any transaction*."

**(b) Observations on the implementation of the article**

105- Saudi Arabia is in compliance with the provision under review.

**Article 23 - Laundering of Proceeds of Crime  
Sub-paragraph 1 (b) (ii)**

*1. Each State Party shall adopt, in accordance with fundamental principles of its domestic law, such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:*

*(b) Subject to the basic concepts of its legal system:*

*(ii) Participation in, association with or conspiracy to commit, attempts to commit and aiding, abetting, facilitating and counselling the commission of any of the offences established in accordance with this article.*

**(a) Summary of relevant information on the review of implementation of sub-paragraph 1 (b) (ii) of Article 23**

106- Saudi Arabia indicated that it is compliant with the paragraph under review and referred to paragraph 4 of Article 2 the Anti-Money Laundering Law.

**Anti-Money Laundering Law**

Article 2: Any person who commits any of the following acts is guilty of the crime of money laundering:

4. Participation by way of agreeing, aiding, inciting, consulting, advising, facilitating, colluding, covering up, or attempting to commit any of the acts set forth in this Article.

**(b) Observations on the implementation of the article**

107- Saudi Arabia is in compliance with the provision under review.

**Article 23 - Laundering of Proceeds of Crime:  
Sub-paragraph 2 (a)**

*2. For purposes of implementing or applying paragraph 1 of this article:*

*(a) Each State Party shall seek to apply paragraph 1 of this article to the widest range of predicate offences;*

**(a) Summary of relevant information on the review of implementation of paragraph 2 (a) of Article 23**

108- Saudi Arabia indicated that it is compliant with the paragraph under review, as the Anti-Money Laundering Law defines money laundering in paragraph 1 of Article 1 thereof and includes assets acquired in contravention to law or regulations, which means that it is comprehensive.

109- It also referred to paragraph 2 of Article 2 of the Implementing Regulations of the Anti-Money Laundering Law.

**Implementing Regulations of the Anti-Money Laundering Law**

Paragraph 2 of Article 2: Dealing in assets deriving from criminal activities or sources contrary to laws and regulations is considered as money laundering; such activities and sources include the following:

- a. Crimes stipulated in the Implementing Regulations relating to the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988.
- b. Organized crime mentioned in the United Nations Convention against Transnational Organized Crime (Palermo Convention) adopted in December 2000.
- c. Crimes stipulated in the International Convention for the Suppression of the Financing of Terrorism of 1999, which include the financing of acts of terrorism, terrorists, and terrorist organizations, directly or indirectly, from legal or illegal sources.
- d. Smuggling, manufacturing, trading, or promoting intoxicants.
- e. Crimes of counterfeiting and imitating currency stipulated in the penal regulation on fraud and counterfeiting of money.
- f. Crimes of fraud set forth in the Anti-Counterfeiting Regulation.
- g. Crimes of bribery stipulated in the Anti-Bribery Law.**
- h. Smuggling, manufacturing of, or trafficking in weapons, ammunition, or explosives.
- i. Procuring, providing premises for prostitution, debauchery, sexual exploitation, including sexual exploitation of children.
- j. Crimes stipulated in the U.N. Protocol to Prevent, Suppress and Punish Trafficking in Persons, [Especially Women and Children.]
- k. Piracy.
- l. Blackmail.
- m. Abduction and illegal acts of restraint and hostage-taking.
- n. Murder and causing serious bodily injury.
- o. Environmental crimes.
- p. Robbery or armed robbery.
- q. Theft and illegal trafficking in stolen goods.
- r. Fraud.
- s- Embezzlement of public funds belonging to government agencies or undertakings in which the State has a holding, as well as private funds belonging to companies, businesses, and the like.**
- t. Carrying out banking activities contrary to the provisions set forth in Article 2 of the Banking Control Regulation.
- u. Engaging in unlicensed securities brokerage and insider trading, as set forth in the Financial Market Regulation.
- v. Engaging in unlicensed insurance brokerage, as set forth in the Regulation on the Supervision of Cooperative Insurance Companies.
- w. Crimes related to commercial activities such as fraud on varieties, weights, prices, and counterfeiting, commercial concealment - provided for in the Anti-Commercial Concealment Regulation - product counterfeiting and piracy.
- x. Smuggling through customs set forth in the Unified Customs Law of the Gulf Cooperation Council (GCC).
- y. Tax evasion crimes.

**(b) Observations on the implementation of the article**

110- Saudi Arabia is in compliance with the provision under review. Predicate offences cover all acts that breach the laws and regulations of Saudi Arabia, including bribery crimes covered by the ABL, and embezzlement of public property belonging to government agencies or property in which the State holds a stake, as well as private property belonging to companies, businesses and similar entities (art. 1 of the AML Law and art. 2, para. 2 of its implementing regulations).

**Article 23 - Laundering of Proceeds of Crime  
Sub-paragraph 2 (b)**

*2. For purposes of implementing or applying paragraph 1 of this article:*

*(b) Each State Party shall include as predicate offences at a minimum a comprehensive range of criminal offences established in accordance with this Convention;*

**(a) Summary of relevant information on the review of implementation of paragraph 2 (b) of Article 23**

111- Saudi Arabia referred to its previous answer.

**(b) Observations on the implementation of the article**

112- Saudi Arabia is in compliance with the provision under review.

**Article 23 - Laundering of Proceeds of Crime  
Sub-paragraph 2 (c)**

*2. For purposes of implementing or applying paragraph 1 of this article:*

*(c) For the purposes of subparagraph (b) above, predicate offences shall include offences committed both within and outside the jurisdiction of the State Party in question. However, offences committed outside the jurisdiction of a State Party shall constitute predicate offences only when the relevant conduct is a criminal offence under the domestic law of the State where it is committed and would be a criminal offence under the domestic law of the State Party implementing or applying this article had it been committed there;*

**(a) Summary of relevant information on the review of implementation of paragraph 2 (c) of Article 23**

113- Saudi Arabia indicated that it is compliant with the paragraph under review, as the Anti-Money Laundering Law defines money laundering in paragraph 1 of Article 1 thereof and includes assets acquired in contravention to law or regulations without providing that the predicate offence occur within Saudi legislative jurisdiction.

114- Saudi Arabia also referred to Article 4 of the Anti-Money Laundering Law.

**Anti-Money Laundering Law**

Article 4: The crime of money laundering is independent of the predicate offence. Punishment of the perpetrator of the predicate offence does not preclude his punishment for the crime of money laundering committed within or outside Saudi Arabia if it is considered a crime under the legislation of the State in which it was committed and under the legislation of Saudi Arabia.

**(b) Observations on the implementation of the article**

115- Saudi Arabia is in compliance with the provision under review. Predicate offences include crimes that occur inside or outside the Kingdom subject to a dual criminality requirement.

**Article 23 - Laundering of Proceeds of Crime  
Sub-paragraph 2 (d)**

*2. For purposes of implementing or applying paragraph 1 of this article:*

*(d) Each State Party shall furnish copies of its laws that give effect to this article and of any subsequent changes to such laws or a description thereof to the Secretary-General of the United Nations;*

**(a) Summary of relevant information on the review of implementation of paragraph 2 (d) of Article 23**

116- Saudi Arabia reported that it provided copies of its laws in keeping with the article under review. It mentioned the Anti-Money Laundering Law, issued by Royal Decree No. M / 31 of 11/05/1433 (H.), and its implementing regulations. As stipulated in Council of Ministers Resolution No. 62 of 02/03/1434 (H.), ratifying the United Nations Convention against Corruption, in paragraph 3 of "Second".

**(b) Observations on the implementation of the article**

117- Saudi Arabia has not provided the UN Secretary-General with copies of its laws against money laundering.

118- In order to comply with the provision under review, Saudi Arabia should provide copies of its anti-money laundering laws to the Secretary-General of the United Nations.

**Article 23 - Laundering of Proceeds of Crime  
Sub-paragraph 2 (e)**

*2. For purposes of implementing or applying paragraph 1 of this article:*

*(e) If required by fundamental principles of the domestic law of a State Party, it may be provided that the offences set forth in paragraph 1 of this article do not apply to the persons who committed the predicate offence.*



**(a) Summary of relevant information on the review of implementation of paragraph 2 (e) of Article 23**

- 119- Saudi Arabia indicated that it is compliant with the paragraph under review as the Saudi legislator criminalizes money laundering, even if it is committed by the person who committed the predicate offence, in Article 4 of the Anti-Money Laundering Law, dealt with in paragraph 2 (c) of Article 23 of the Convention.

**(b) Observations on the implementation of the article**

- 120- Saudi Arabia is in compliance with the provision under review. Self-laundering is not an exception.

**Article 24 - Concealment**

*Without prejudice to the provisions of article 23 of this Convention, each State Party shall consider adopting such legislative and other measures as may be necessary to establish as a criminal offence, when committed intentionally after the commission of any of the offences established in accordance with this Convention without having participated in such offences, the concealment or continued retention of property when the person involved knows that such property is the result of any of the offences established in accordance with this Convention.*

**(a) Summary of relevant information on the review of implementation of Article 24**

- 121- Saudi Arabia indicated that it is compliant with the paragraph under review as the Saudi legislator criminalizes this act as a money laundering offence in the Article 2 of the Anti-Money Laundering Law.

**(b) Observations on the implementation of the article**

- 122- Saudi Arabia is in compliance with the provision under review. Saudi Arabia criminalizes concealment, considering it a money laundering crime (Article 2 of the Anti-Money Laundering Law). The Sharia (Islamic law) also criminalizes this act as a crime of "possession of stolen objects."

**Article 25 - Obstruction of Justice**  
**Subparagraph (a)**

*Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:*

*(a) The use of physical force, threats or intimidation or the promise, offering or giving of an undue advantage to induce false testimony or to interfere in the giving of testimony or the production of*

*evidence in a proceeding in relation to the commission of offences established in accordance with this Convention;*

**(a) Summary of relevant information on the review of implementation of sub-paragraph (a) of Article 25**

- 123- Saudi Arabia indicated that it is compliant with the paragraph under review and referred to the following legislation:

**Criminal Procedure Law**

Article 21: If acts are committed which may contravene court orders or constitute contempt of court, or influence any member of such court or any of the parties or witnesses in connection with a case pending before it, the court shall review these acts and render its judgment in accordance with Shariah principles.

Article 168: Testimony shall be given at the court session, and each witness shall be heard separately. Where necessary, witnesses may be kept apart and confronted with each other. The court shall refuse any question that is intended to influence the witness or that is a leading question. The court shall not allow directing any indecent question, unless it relates to facts on the basis of which the ruling on a case is issued. The court shall protect witnesses against any attempt to intimidate or disturb them during testimony.

**Anti-Bribery Law**

Article 9: Already mentioned under paragraph (a) of Article 15.

**Ta'zir (discretionary) provisions in Shariah (Islamic) Law:** *"Punishment is subject to the judge's discretionary power."*

- 124- Saudi Arabia also explained that Article 21 of the Criminal Procedure Law applies to acts committed outside the court. It indicated that a draft regulation on the protection of witnesses has been issued.

**(b) Observations on the implementation of the article**

- 125- Article 21 of the Criminal Procedure Law (CPL) grants the court the competence to review acts that may influence any member of such court or any of the parties or witnesses in connection with a case pending before it, and to render its judgement in accordance with Sharia principles. The said article may be invoked to criminalize inducing false testimony or interfering in the giving of testimony.
- 126- However, Saudi legislation does not criminalize interfering in the production of evidence in proceedings relating to the commission of offences covered by the Convention.
- 127- In order to comply with the provision under review, Saudi Arabia should criminalize the use of physical force, threats or intimidation or the promise, offering or giving of an undue advantage to interfere in the production of evidence in a proceeding in relation to the commission of offences covered by the Convention.

**Article 25 - Obstruction of Justice  
Sub-paragraph (b)**

*Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:*

*(b) The use of physical force, threats or intimidation to interfere with the exercise of official duties by a justice or law enforcement official in relation to the commission of offences established in accordance with this Convention. Nothing in this subparagraph shall prejudice the right of States Parties to have legislation that protects other categories of public official.*

**(a) Summary of relevant information on the review of implementation of sub-paragraph (b) of Article 25**

128- Saudi Arabia indicated that it is compliant with the paragraph under review and referred to the following legislation:

**Criminal Procedure Law**

Article 20: If acts are committed which may contravene court orders or constitute contempt of court, or influence any member of such court or any of the parties or witnesses in connection with a case pending before it, the court shall review these acts and render its judgment in accordance with Shariah principles.

**Anti-Bribery Law**

Article 7: Any person who uses force, violence, or threats against a public official in order to force him to act illegally, or to instigate him to refrain from doing any of the acts of which he has legal charge, shall be punished with the penalty provided for in Article 1 hereof.

129- Saudi Arabia also explained that the concept of threat and intimidation is one and the concept of threat covers the explicit and implicit threat. Moreover, whatever affects the will is a threat.

**(b) Observations on the implementation of the article**

130- Saudi Arabia is in compliance with the provision under review. Article 7 of the ABL criminalizes the use of force, violence, or threat against a public official to force him to perform an illegal act or cause him not to perform his official duties.

**Article 26 - Liability of Legal Persons  
Paragraph 1**

*1. Each State Party shall adopt such measures as may be necessary, consistent with its legal principles, to establish the liability of legal persons for participation in the offences established in accordance with this Convention.*

**(a) Summary of relevant information on the review of the implementation of paragraph 1 of Article 26**

131- Saudi Arabia indicated that several regulations provide for it, including:

**Criminal Procedure Law**

Article 147: A person harmed by a crime and his heirs shall, at any time during the proceedings of the case in issue, be entitled to submit a request to the trial court regarding his private right of action regardless of the amount thereof, even though his action has been rejected during the investigation.

#### **Regulation on Competition and Government Procurement**

Paragraph (a) of Article 53: A Government Authority may withdraw a job from a contractor and rescind the contract or have it executed at the contractor's expense without prejudice to the right of the Government Authority to claim compensation for damage sustained as a result, in any of the following cases:

(a) If it is proved that a contractor attempted, himself or through others, directly or indirectly, to bribe a civil servant of an Authority subject to the provisions of this Regulation, or obtained the contract by way of bribery.

#### **Anti-Money Laundering Law**

Article 3: A person or entity shall be deemed as having committed a money laundering offence if such person or entity carries out, or participates in, any of the acts listed in Article 2, including financial institutions, specific non-financial businesses and professions, non-profit organizations, their chairmen and directors, owners, officers, authorized representatives, auditors, or civil servants who act in these capacities, without prejudice to the criminal liability of such parties if the crime is committed in their name or on their behalf.

#### **Anti-Bribery Law**

Paragraph 5 of Article 8: For the implementation of this regulation, the following are deemed to be public officials:

5- Chairmen and directors of companies provided for in (the preceding) paragraph 4 of this Article.

Article 19: The authority having power to adjudge the offences of bribery must impose a fine not exceeding tenfold the value of the bribe, or ban from concluding contracts with ministries, Government services, or public juristic persons, for providing purchases or execution of their projects and works, or impose both penalties on any company or private firm - national or foreign- whose manager or any personnel thereof has been found guilty of committing any offences provided for herein, if the said offence has been committed to serve the interest of such company or firm; the Council of Ministers may reconsider the banning penalty aforementioned after the lapse of at least five (5) years from the date of passing judgement.

### **(b) Observations on the implementation of the article**

132- Saudi Arabia is in compliance with the provision under review. Saudi Arabia's legislation provides for criminal liability of legal persons in Article 3 of the AML Law and Article 8, paragraph 5, of the ABL. Legal persons may incur civil liability under Articles 69 and 147 of the CPL if they take part in offences covered by the Convention.

### **Article 26 - Liability of Legal Persons** **Paragraph 2**

*2. Subject to the legal principles of the State Party, the liability of legal persons may be criminal, civil or administrative.*

### **(a) Summary of relevant information on the review of the implementation of paragraph 2 of Article 26**

133- Saudi Arabia referred to its previous answer.

**(b) Observations on the implementation of the article**

134- Saudi Arabia is in compliance with the provision under review. Saudi Arabia's legislation provides for criminal liability of legal persons in Article 3 of the AML Law and Article 8, paragraph 5, of the ABL. Legal persons may incur civil liability under Articles 69 and 147 of the CPL if they take part in offences covered by the Convention.

**Article 26 - Liability of Legal Persons  
Paragraph 3**

*3. Such liability shall be without prejudice to the criminal liability of the natural persons who have committed the offences.*

**(a) Summary of relevant information on the review of the implementation of paragraph 3 of Article 26**

135- Saudi Arabia indicated that it is compliant with the paragraph under review and referred to its previous answer.

**(b) Observations on the implementation of the article**

136- Saudi Arabia is in compliance with the provision under review.

**Article 26 - Liability of Legal Persons  
Paragraph 4**

*4. Each State Party shall, in particular, ensure that legal persons held liable in accordance with this article are subject to effective, proportionate and dissuasive criminal or non-criminal sanctions, including monetary sanctions.*

**(a) Summary of relevant information on the review of the implementation of paragraph 4 of Article 26**

137- Saudi Arabia indicated that it is compliant with the paragraph under review and referred to the following legislation:

**Anti-Bribery Law**

Paragraph 5 of Article 8 and Article 19: Already mentioned under paragraph 1 of this Article.

**Anti-Money Laundering Law**

Paragraph 5 of Article 19: A person who commits a money laundering offence shall be punished with imprisonment not exceeding fifteen (15) years and a fine not exceeding seven million (7,000,000) riyals, if he:

5-Commits the offence through a correctional, charitable or educational institution or in a social service facility

Article 20: Without prejudice to other regulations, any person, including the chairmen of the boards of financial institutions, specific non-financial businesses and professions, non-profit organizations, or their members, owners, directors, officers, authorized representatives, or civil servants, who act in these capacities, who breaches any of the obligations set forth in Articles 5, 6, 7, 8, 9, 10, 11, and 12 hereof, shall be punished with imprisonment not exceeding two (2) years and a fine not exceeding five hundred thousand (500,000) riyals, or either penalties; the application of punishment shall apply to any person who engages in such activity without the required licenses.

Article 21: By judgment and upon referral by the competent authority, financial institutions, specific non-financial businesses and professions, and non-profit organizations, if their liability is established under Article 3 hereof, may be subject to a fine not less than one hundred thousand (100,000) riyals and not exceeding the value of the assets subject of the offence.

**(b) Observations on the implementation of the article**

138- Saudi Arabia is in compliance with the provision under review. Legal persons who take part in a money laundering offence may be punished with a fine of not less than one hundred thousand (100,000) riyals and not more than the equivalent of the value of the funds that were the subject of the money laundering offence. The punishment imposed on legal persons for participation in bribery crimes is a fine not exceeding ten times the value of the bribe and / or debarment from any contracts with ministries, government departments, or public entities.

**Article 27 - Participation and Attempt  
Paragraph 1**

*1. Each State Party shall adopt such legislative and other measures as may be necessary to establish as a criminal offence, in accordance with its domestic law, participation in any capacity such as an accomplice, assistant or instigator in an offence established in accordance with this Convention.*

**(a) Summary of relevant information on the review of the implementation of paragraph 1 of Article 27**

139- Saudi Arabia indicated that it is compliant with the paragraph under review and referred to the following legislation:

**Anti-Money Laundering Law**

Article 2, paragraph 4: Already mentioned under paragraph 1 (b) (i) of Article 23

Article 3: Already mentioned under paragraphs 1 and 2 of Article 26

**Anti-Bribery Law**

Article 10: Already mentioned under paragraph (a) of Article 15

**Royal Decree No. 43 of 29/11/1377 (H.)**

Article 2, paragraphs 1 and 7: Any civil servant found guilty of any of the following offenses, and any person who participates in the commission of such offenses or colludes with such civil servant, whether they be civil servants or non-civil servants, shall be punished with imprisonment for a term not exceeding ten (10) years, or a fine not exceeding twenty thousand (20,000) riyals:

1 - Taking advantage of one's position for personal interest within or outside the administration;

7- Embezzlement, misappropriation, or neglect of public funds while spending or keeping them."

**(b) Observations on the implementation of the article**

140- Article 2 of the AML Law criminalizes the attempt and all forms of criminal participation in money laundering. Article 10 of the ABL provides that whoever agrees, incites or assists in the commission of an offence covered by this law shall be punished. Article 2 of Royal Decree No. 43 relating to the abuse of power criminalizes participation and complicity in the offences of abuse of power and embezzlement.

**Article 27 - Participation and Attempt  
Paragraph 2**

*2. Each State Party may adopt such legislative and other measures as may be necessary to establish as a criminal offence, in accordance with its domestic law, any attempt to commit an offence established in accordance with this Convention.*

**(a) Summary of relevant information on the review of the implementation of paragraph 2 of Article 27**

141- Saudi Arabia indicated that it is compliant with the paragraph under review and referred to the following legislation:

**Anti-Money Laundering Law**

Article 2, paragraph 4: Already mentioned under paragraph 1 (b) (i) of Article 23

**Regulation on Competition and Government Procurement**

Paragraph (a) of Article 53: Already mentioned under paragraphs 1 and 2 of Article 26.

**(b) Observations on the implementation of the article**

142- Saudi Arabia indicated during the country visit that attempt is punishable in all offences in accordance with the provisions of the Islamic Sharia.

**Article 27 - Participation and Attempt**

### **Paragraph 3**

*3. Each State Party may adopt such legislative and other measures as may be necessary to establish as a criminal offence, in accordance with its domestic law, the preparation for an offence established in accordance with this Convention.*

#### **(a) Summary of relevant information on the review of the implementation of paragraph 3 of Article 27**

143- Saudi Arabia indicated that preparing a crime is not criminalized in the Kingdom.

#### **(b) Observations on the implementation of the article**

144- Saudi law does not criminalize the preparatory acts of the commission of an offence.

### **Article 28 - Knowledge, Intent, and Purpose as Elements of an Offense**

*Knowledge, intent or purpose required as an element of an offence established in accordance with this Convention may be inferred from objective factual circumstances.*

#### **(a) Summary of relevant information on the review of implementation of Article 28**

145- Saudi Arabia indicated that it is compliant with the paragraph under review and referred to the following legislation:

##### **Implementing Regulations of the Anti-Money Laundering Law**

Paragraph 1 of Article 2 (2-1): The existence of knowledge is inferred from objective and actual conditions so that it can be included as one of the elements of *mens rea* that constitute one of the offenses set forth in this Article.

146- Concerning all offences, Saudi Arabia indicated that the existence of the element of knowledge, intent, or purpose as a basic element of an offense may be inferred from objective and factual circumstances by relying on rules established in Islamic law (Shariah) applied in the Kingdom of Saudi Arabia. The substance of this Article also applies to other offences.

#### **(b) Observations on the implementation of the article**

147- Saudi Arabia is in compliance with the provision under review.

### **Article 29 - Statute of Limitations**

*Each State Party shall, where appropriate, establish under its domestic law a long statute of limitations period in which to commence proceedings for any offence established in accordance with this*



*Convention and establish a longer statute of limitations period or provide for the suspension of the statute of limitations where the alleged offender has evaded the administration of justice.*

**(a) Summary of relevant information on the review of implementation of Article 29**

148- Saudi Arabia indicated that it is compliant with the article under review as its Criminal Procedure Law does not define the statute of limitations as a reason for the expiration of a criminal action case.

149- Saudi Arabia also referred to the following legislation:

**Criminal Procedure Law**

Article 22: Public criminal action shall lapse in the following events:

1. Issuance of a final judgment.
2. Grant of pardon by the King on pardonable matters.
3. Repentance, according to Shariah requirements.
4. Death of the defendant.

The expiration of a public criminal action shall not impede the continuation of a private right of action.

Article 23: A private criminal action lapses in the following two cases:

1. Issuance of a final judgment.
2. Grant of pardon by the victim or his heirs.

The grant of pardon by the victim or his heirs shall not preclude proceedings of a public criminal action.

**(b) Observations on the implementation of the article**

150- The CPL does not establish a statute of limitations for criminal cases.

**Article 30 - Prosecution, Adjudication, and Sanctions**

**Paragraph 1**

*1. Each State Party shall make the commission of an offence established in accordance with this Convention liable to sanctions that take into account the gravity of that offence.*

**(a) Summary of relevant information on the review of the implementation of paragraph 1 of Article 30**

151- Saudi Arabia indicated that it is compliant with the paragraph under review and referred to the following legislation:

**Anti-Money Laundering Law**

Article 18: Without prejudice to the rights of bona fide third parties, a person who commits the offence of money laundering, provided for in Article 2 hereof, shall be punished with imprisonment not exceeding ten (10) years and a fine not exceeding five million (5,000,000) riyals, or either penalty, in addition to the confiscation of funds, proceeds, and means subject of the offence. In case the funds and proceeds are commingled with funds acquired from legitimate sources, the said funds shall be subject to confiscation within the limits equivalent to the estimated value of the illegitimate proceeds. The competent court may invalidate or

prohibit certain acts, whether contractual or otherwise, if one or more of the parties know or ought to know that such acts could influence the ability of the competent authorities to recover the property subject to confiscation.

The competent court may exempt from such penalties the owner, possessor, or user of funds or proceeds subject of the criminal violation if he notifies the authorities prior to his knowledge of the sources of said funds or proceeds and the identity of the parties involved, without him benefiting from their proceeds.

Paragraphs 3 and 5 of Article 19: A person who commits a money laundering offence shall be punished with imprisonment not exceeding fifteen (15) years and a fine not exceeding seven million (7,000,000) riyals, if he:

3. Holds a public office and the offence is connected thereto or if he takes advantage of his powers in the commission of the crime;

5. Commits the offence through a correctional, charitable, or educational institution or in a social service facility.

Article 20: Already mentioned under paragraph 4 of Article 26.

### **Anti-Bribery Law**

Article 1: Already mentioned under paragraph (b) of Article 15.

Article 11: Every person who has been appointed by the briber or the bribed to receive the bribe and accepts (to act) knowing the reason therefor shall be punished with imprisonment for not more than two (2) years or a fine not exceeding fifty thousand (50,000) riyals, or both penalties.

Article 19: Already mentioned under paragraphs 1 and 2 of Article 26.

## **(b) Observations on the implementation of the article**

152- Saudi Arabia has adopted penalties for corruption-related offences that range from a fine to up to ten years' imprisonment, taking into account the gravity of the offence.

## **Article 30 - Prosecution, Adjudication, and Sanctions**

### **Paragraph 2**

*2. Each State Party shall take such measures as may be necessary to establish or maintain, in accordance with its legal system and constitutional principles, an appropriate balance between any immunities or jurisdictional privileges accorded to its public officials for the performance of their functions and the possibility, when necessary, of effectively investigating, prosecuting and adjudicating offences established in accordance with this Convention.*

## **(a) Summary of relevant information on the review of the implementation of paragraph 2 of Article 30**

153- Saudi Arabia indicated that immunity in the Kingdom does not include cases of flagrante delicto. It also referred to the following legislation:

### **1. Ministers.**

Article 17 of the Regulation on Ministers: Members of the Council of Ministers shall be tried for the violations they commit while in office under a special regulation stating the violations, the indictment and trial proceedings, and the composition of the court.

## **2. Judges.**

### **Regulation on Judges**

Article 63: A disciplinary action shall become invalid upon the resignation of a judge. A disciplinary action shall not affect a criminal or civil suit arising from the same event.

Article 68: If a member of the judiciary is arrested and detained, after being caught in the act of committing an offence, his case shall be submitted to the Supreme Judicial Council within twenty-four (24) hours of his arrest. The Supreme Judicial Council may decide either to maintain his detention or release him on bail or without bail. Such member of the judiciary may request to be heard by the Supreme Judicial Council when the matter is presented to it. The Supreme Judicial Council determines the period of detention in the decision of detention or continuation of detention. The above-mentioned procedures shall be observed every time the continuation of detention is decided after the expiry of the period prescribed by the Supreme Judicial Council.

Except for the foregoing, a member of the judiciary can only be arrested or subjected to any investigation procedure or criminal proceedings with the permission of the Supreme Judicial Council. Members of the judiciary are detained and imprisoned in separate facilities.

## **3. Members of the Bureau of Investigation and Public Prosecution**

### **Regulation on the Bureau of Investigation and Public Prosecution**

Article 19: If a member of the Bureau of Investigation and Public Prosecution is arrested or detained after being caught in the criminal act, the case shall be referred to the Bureau Administration Committee within the following twenty-four (24) hours. The Committee may decide the continuation of detention or the release of the defendant with or without bail, and the member of the Bureau may request the hearing of his statements before the Committee when the matter is presented to it. The Bureau Administration Committee shall determine the period of detention in the decision of detention or continuation of detention. The above-mentioned procedures shall be observed every time the continuation of preventive detention is decided after the expiry of the period prescribed by the Council. Except for the foregoing, a member of the Bureau of Investigations and Public Prosecution may only be arrested or subjected to investigation procedures or criminal proceedings with the permission of the said Committee. Members of the Bureau of Investigations and Public Prosecution are detained and imprisoned in separate facilities.

Article 20: The Disciplinary Board may conduct the necessary investigations, and may designate one of its members for this task. If the Disciplinary Board finds it appropriate to proceed with the trial procedures on all or part of the alleged charges, the defendant shall be summoned to appear with sufficient notice. The summons shall include an adequate statement of the subject matter of the lawsuit and the prosecution evidence.

Article 22: The disciplinary action shall lapse upon the resignation of the member of the Bureau, and the disciplinary action shall have no effect on the criminal or civil suit resulting therefrom.

## **Implementing Regulations of the Criminal Procedure Law**

Article 179:

- 1- It is not allowed to arrest a minister or anyone in the position of a minister or who was appointed previously as a minister or held the position of a minister without the permission of the king nor make any investigation procedure or file any lawsuit against him, unless he has committed a crime, in this case he

can be held in custody and the minister of interior will send the king a letter about the situation in twenty four hour time from the time of detention.

- 2- The request will be filed for the public criminal case against any of the forementioned in part 1 of this article and in the personal criminal case of the plaintiff's personal right.

**(b) Observations on the implementation of the article**

- 154- Immunities do not seem to constitute an impediment to the effective prosecution of such offences. Immunity of members of the Council of Ministers may be lifted by the King and such persons may be interrogated by the Public Prosecution in accordance with the CPL. Except in cases of flagrante delicto, a member of the judiciary may only be arrested, subjected to investigation proceedings, or criminally prosecuted with the authorization of the Supreme Judicial Council. The same procedures apply to members of the Bureau of Investigation and Public Prosecution, for whom the authorization of the Bureau Management Committee must be obtained.

**Article 30 - Prosecution, Adjudication and Sanctions**  
**Paragraph 3**

*3. Each State Party shall endeavour to ensure that any discretionary legal powers under its domestic law relating to the prosecution of persons for offences established in accordance with this Convention are exercised to maximize the effectiveness of law enforcement measures in respect of those offences and with due regard to the need to deter the commission of such offences.*

**(a) Summary of relevant information on the review of the implementation of paragraph 3 of Article 30**

- 155- Saudi Arabia indicated that it is compliant with the paragraph under review and referred to the following legislation:

**Criminal Procedure Law**

Article 19: If it appears to the court that there is a conflict between the interest of the victim or his heirs and the interest of the victim's representative, such representative shall be excluded from continuing in the proceedings and another representative shall be appointed.

Article 28: During the process of collection of evidence, the criminal investigation officer shall hear statements of those who may possess information with respect to facts and perpetrators of crimes, question any suspect, and enter the same in the relevant records. They may seek the assistance of experts, including physicians, and seek their advice in writing.

Article 44: If it appears from circumstantial evidence during the search of a dwelling of a defendant that he, or any other person who has been present therein, is concealing any relevant evidence, the criminal investigation officer shall be entitled to search that person.

Article 45: If during the search of the dwelling of a defendant, evidence is found against the defendant or against any person in such dwelling, that the defendant hides an item that may help determine the truth, the criminal investigation officer may search him.

Article 55: It is not permitted to search a person other than the defendant or the dwelling of a person other than the defendant unless there are strong signs that such search can be useful in the investigation.

Article 124: If the Investigator is of the opinion, following completion of the investigation, that there is insufficient evidence to proceed with the case, he shall recommend to the Chairman of the relevant department to stay the case and the accused detainee be released– unless he is detained for another reason. An order by the Chairman of the relevant department in support thereof shall be effective – except in major crimes where the

order shall not be effective unless confirmed by the Director of the Bureau of Investigation and Prosecution or his deputy.

The said order shall explain the reasons therefor and be communicated to the claimant in respect of the private right of action, and to his heirs collectively at his place of residence, in case of his death.

#### **Regulation on Procedural Rules before the Board of Grievances**

Article 24: If the court examining a disciplinary action deems that the incident reported in the statement of claim, or other incidents reported in the investigation, constitutes an offence, it shall refer it to the competent authority to take appropriate legal action, and decide on the disciplinary action, unless the decision on disciplinary action depends on the outcome of the decision on the criminal case, in which case, the consideration of the first case shall be deferred until a decision on the second case is issued.

- 156- Saudi Arabia also made it clear that if the prosecution determines that an offence was committed, the prosecution shall initiate action according to the Criminal Procedure Law and its regulations.

#### **(b) Observations on the implementation of the article**

- 157- Saudi Arabia is in compliance with the provision under review. It seems from the reading of the Saudi legislation that Prosecution in Saudi Arabia follows the principle of legality.

### **Article 30 - Prosecution, Adjudication and Sanctions**

#### **Paragraph 4**

*4. In the case of offences established in accordance with this Convention, each State Party shall take appropriate measures, in accordance with its domestic law and with due regard to the rights of the defence, to seek to ensure that conditions imposed in connection with decisions on release pending trial or appeal take into consideration the need to ensure the presence of the defendant at subsequent criminal proceedings.*

#### **(a) Summary of relevant information on the review of the implementation of paragraph 4 of Article 30**

- 158- Saudi Arabia indicated that it is compliant with the paragraph under review and referred to the following legislation:

#### **Criminal Procedure Law**

Article 103: In all cases, the Investigator may, as the case may be, summon any person to be investigated, or issue a warrant for his arrest whenever investigation circumstances warrant it.

Article 107: If the defendant fails to appear without an acceptable justification after having been duly summoned, or if it is feared that he may flee, or if he was caught in the act, the Investigator may issue a warrant for his arrest and appearance even if the incident is of the type that does not warrant the arrest of the defendant.

Article 112: The Minister of Interior, upon the recommendation of the Head of the Bureau of Investigation and Public Prosecution, shall determine the acts that are considered as major offences requiring detention and publish the same in the Official Gazette.

Article 113: If it appears, following the interrogation of the defendant, or in the event of his flight, that there is sufficient evidence of a major offence against him, or if the interest of the investigation requires his detention to prevent his fleeing or affecting the proceedings of the investigation, the Investigator shall issue a warrant for his detention for a period not exceeding five (5) days from the date of his arrest.

Article 114: Detention shall end after five (5) days, unless the Investigator sees fit to extend the detention period. In that case, he shall, prior to the expiry of that period, refer the file to the Chairman of the branch of Bureau of Investigation and Public Prosecution in the relevant province so that he may issue an order for extending the period of the detention for a period or successive periods provided that they do not exceed in their aggregate forty (40) days from the date of arrest, or otherwise release the defendant. In cases that require detention for a longer period, the matter shall be referred to the Director of the Bureau of Investigation and Public Prosecution to issue an order that the arrest be extended for a period or successive periods none of which shall exceed thirty (30) days and their aggregate shall not exceed six (6) months from the date of arrest of the defendant. Thereafter, the defendant shall be directly transferred to the competent court, or released.

Article 120: An Investigator in charge of the case may, at any time, whether of his own accord or upon the request of the defendant, issue an order for the release of such defendant, if he considers that there is no sufficient justification for his detention, that his release would not impair the investigation, and that there is no fear of his flight or disappearance, provided that the defendant undertakes to appear when summoned.

Article 121: In cases other than those where the release is mandatory, the defendant shall not be released until he has designated a residence acceptable to the Investigator.

Article 122: An order for the release shall not stop the Investigator from issuing a new warrant for the arrest or detention of the defendant if evidence against him becomes stronger, or where the defendant violates his undertakings, or where the circumstances of the case require such action.

Article 123: If the accused is referred to a court, his release if detained or detention if not under arrest shall be within the jurisdiction of the court to which he has been referred. If lack of jurisdiction is determined, the court rendering the judgment of lack of jurisdiction shall have jurisdiction to consider the release or detention request, pending the filing of the case with the competent court.

Article 139: In major crimes, the defendant shall personally appear before the court, without prejudice to his right to seek legal assistance. If he does not have the financial capacity to seek legal assistance, he may request the court to assign him a lawyer to defend him at the expense of the State, according to the illustrated list, while in other offences, he may be represented by an agent or a lawyer to present his defense, and the court may in all cases order his presence in person before it.

Article 140: If the defendant who has been duly summoned fails to appear on the day specified in the summons document and does not send a representative where such representation is permissible, the judge shall proceed to hear the plaintiff's pleadings and evidence and enter them in the case record. The Judge shall not render a judgment except in the presence of the defendant.

**(b) Observations on the implementation of the article**

- 159- Saudi Arabia is in compliance with the provision under review. Preventive detention can be applied for corruption offences. Release pending trial is possible if the investigation

is not impaired by the release of the accused and there is no fear of his flight or disappearance.

## **Article 30 - Prosecution, Adjudication and Sanctions**

### **Paragraph 5**

*5. Each State Party shall take into account the gravity of the offences concerned when considering the eventuality of early release or parole of persons convicted of such offences.*

#### **(a) Summary of relevant information on the review of the implementation of paragraph 5 of Article 30**

160- Saudi Arabia indicated that it is compliant with the paragraph under review and referred to the following legislation:

##### **Regulation on Procedural Rules before the Board of Grievances**

Article 32: The court may - if it deems on the basis of the morals of the convict or his past, age, personal condition, or the circumstances in which the offence was committed, or other considerations that support the suspension of execution - specify in its ruling the suspension of execution of the sentence; such suspension shall not have an impact on disciplinary sanctions imposed on the convict.

The suspension of execution shall be canceled if the convict is sentenced by one of the courts of the Board of Grievances to a corporal punishment in another criminal case for an offence committed within three (3) years of the issuance of the suspended sentence and the execution shall be immediate.

##### **Regulation on Prisons and Detention**

Article 25: The Minister of Interior may issue a decision of conditional release regarding any convict if the convict has served three-quarters of his sentence and his behavior while in prison indicates that he straightened himself out, provided that his releases does not pose any danger for public security.

To benefit from a conditional release, the convict must have spent in prison at least nine (9) months. The conditional release shall not be granted unless the convict fulfills all his financial obligations resulting from the offence for which he was convicted.

The decision of release shall specify the duties imposed on the released convict in terms of residence, livelihood, good conduct, and behavior.

If there is any indication of misconduct, the Minister of Interior may issue a decision to return the convict to prison to complete his sentence.

#### **(b) Observations on the implementation of the article**

161- Saudi Arabia is in compliance with the provision under review. Early release is possible if three quarters of the prison sentence have been completed and all financial obligations adjudicated by the Court have been settled.

## **Article 30 - Prosecution, Adjudication and Sanctions**

### **Paragraph 6**

*6. Each State Party, to the extent consistent with the fundamental principles of its legal system, shall consider establishing procedures through which a public official accused of an offence established in accordance with this Convention may, where appropriate, be removed, suspended or reassigned by the appropriate authority, bearing in mind respect for the principle of the presumption of innocence.*

**(a) Summary of relevant information on the review of the implementation of paragraph 6 of Article 30**

162- Saudi Arabia indicated that it is compliant with the paragraph under review and referred to the following legislation:

**Personnel Disciplinary Regulation**

Article 31: Any civil servant found guilty of a financial or administrative offence shall receive a disciplinary sanction without prejudice to the initiation of a civil lawsuit or a compensation lawsuit.

Article 32, Paragraph 5 of "First": The disciplinary sanctions that may be imposed on a civil servant are the following:

First: Concerning civil servants of Grade 10 or under, or equivalent: 5. Dismissal.

Article 32, Paragraph 3 of "Second": The disciplinary sanctions that may be imposed on a civil servant are the following:

Second: For civil servants of Grade 11 and above, or equivalent: 3. Dismissal.

Article 43: The decision of suspension of the civil servant is issued by the relevant minister if the minister or the Control and Investigation Board deems that the institution's interest so requires. The civil servant held for trial is considered as suspended until he is released. The Council of Ministers shall issue a statement that determines when the civil servant held for trial is suspended.

**(b) Observations on the implementation of the article**

163- An official may be suspended from work if this is in the best interest of the department for which he works. Also, any official held in preventive detention shall be considered suspended from his work throughout the period of his detention.

**Article 30 - Prosecution, Adjudication and Sanctions  
Sub-paragraph 7 (a)**

*7. Where warranted by the gravity of the offence, each State Party, to the extent consistent with the fundamental principles of its legal system, shall consider establishing procedures for the disqualification, by court order or any other appropriate means, for a period of time determined by its domestic law, of persons convicted of offences established in accordance with this Convention from:*

*(a) Holding public office; and*

**(a) Summary of relevant information on the review of implementation of paragraph 7 (a) of Article 30**

164- Saudi Arabia indicated that it is compliant with the paragraph under review and referred to the following legislation:

**Anti-Bribery Law**

Article 13: A judgment finding a public official, or equivalent, guilty of having committed any of the offences provided for herein will result in dismissal from public office and banning from appointment to any public office or carrying on activities that are deemed tantamount to public office, in accordance with the provisions of Article 8 hereof.

**Regulation on the Trial of Ministers**



Article 6: A conviction of a minister, or equivalent, shall necessarily result in his dismissal from public office and banning from appointment to any public office and membership in boards of administration of bodies, companies, and institutions, and any office therein.

**Civil Service Regulation**

Article 4: Subject to the provisions of other regulations, any person who is appointed to any position, shall meet the following conditions:

(f) not having been sentenced to a fixed punishment (*hadd*) or imprisonment for an offence involving moral turpitude or dishonesty, or until a period of at least three (3) years elapses from the date of the sentencing to such fixed punishment or imprisonment.

(g) not having been dismissed from public office for disciplinary reasons, or until a period of at least three (3) years elapses from the date of dismissal from public office.

**(b) Observations on the implementation of the article**

165- Saudi Arabia is in compliance with the provision under review. The ABL contains the penalty for convicted persons of dismissal from service and deprivation of the right to hold a public post or to undertake the work of public officials.

**Article 30 - Prosecution, Adjudication and Sanctions**

**Sub-paragraph 7 (b)**

*7. Where warranted by the gravity of the offence, each State Party, to the extent consistent with the fundamental principles of its legal system, shall consider establishing procedures for the disqualification, by court order or any other appropriate means, for a period of time determined by its domestic law, of persons convicted of offences established in accordance with this Convention from:*

*(b) Holding office in an enterprise owned in whole or in part by the State.*

**(a) Summary of relevant information on the review of implementation of paragraph 7 (b) of Article 30**

166- Saudi Arabia referred to its previous answer on paragraph 7 (a) of Article 30 in addition to the following legislation:

**Anti-Bribery Law**

Article 8: For the implementation of this regulation, the following are deemed to be public officials:

1. Persons employed by the State or any of the public administrative authorities, regardless of whether the employment is permanent or temporary.

4. Persons employed by a company or an individual firm that manages, operates, or maintains (services) a public facility, or that offers a public service; the same applies to persons employed by joint-stock companies and companies in which the State has a holding, as well as companies and individual firms that carry out banking operations.

**(b) Observations on the implementation of the article**

167- Saudi Arabia is in compliance with the provision under review. The ABL contains the penalty for convicted persons of dismissal from service and deprivation of the right to

hold a public post or to undertake the work of public officials, including posts in companies in which the government holds stakes.

## **Article 30 - Prosecution, Adjudication and Sanctions**

### **Paragraph 8**

*8. Paragraph 1 of this article shall be without prejudice to the exercise of disciplinary powers by the competent authorities against civil servants.*

#### **(a) Summary of relevant information on the review of the implementation of paragraph 8 of Article 30**

168- Saudi Arabia indicated that it is compliant with the paragraph under review and referred to the following legislation:

##### **Personnel Disciplinary Regulations**

Article 31: Any civil servant found guilty of a financial or administrative offence shall receive a disciplinary sanction without prejudice to the initiation of a civil lawsuit or a compensation lawsuit.

#### **(b) Observations on the implementation of the article**

169- Saudi Arabia is in compliance with the provision under review. Disciplinary sanctions can be issued under the Law on Civil Service and may be imposed in addition to criminal sanctions in corruption cases.

## **Article 30 - Prosecution, Adjudication and Sanctions**

### **Paragraph 10**

*10. States Parties shall endeavour to promote the reintegration into society of persons convicted of offences established in accordance with this Convention.*

#### **(a) Summary of relevant information on the review of the implementation of paragraph 10 of Article 30**

170- Saudi Arabia indicated that it is compliant with the paragraph under review and referred to the following legislation:

##### **Prison and Detention Regulation**

Article 11: If a convict is sentenced to imprisonment for more than four (4) years, before his release he must undergo a transition period aiming to facilitate his integration into society after his release. Such transition period shall be calculated as a part of the prison sentence. The implementing regulations shall determine the duration of such period and how the inmate is treated during it. Gradual easing of restrictions or the granting of benefits shall be taken into consideration.

Council of Ministers Resolution No. 1251 dated 12/11/1392 AH concerning the registration of precedents and rehabilitation, amended by the council of Ministers Resolution No.59 dated 18/3/1416 AH

First:

1)

A. Subject to the requirements of the regulations, the convicted person in an indictable offence will be exonerated by the force of law after 10 years of the expiration of the execution of the penalty or by amnesty

decree, and the convicted in a summary offences will be exonerated by the force of law after 4 years of the expiration of the execution of the penalty or by an amnesty decree.

B. It is a requirement that the convicted would spend the period specified in the preceding paragraph without recording a precedent.

C. Form a committee in the Ministry of Interior consists of head of inspection in the Ministry of Justice, a member from the Board of Grievances, a legal adviser from the Ministry of Interior and the Director of Criminal Evidence in the Directorate of Public Security to decide on the rehabilitation requests without prejudice to the requirements of the rules and regulations. This committee will issue its decision if it has proven to it that the petitioner has an integrity and is integrating into the community, and five years have passed by in the indictable offences such as state security and drug trafficking crimes or similar crimes to be determined by a decision of the minister of interior, and two years in summary offences after the execution of the penalty or the issuance of a pardon decree. The committee may rehabilitate in summary offences, committed for the first time, after the end of the execution of the penalty or after the issuance of a pardon decree, without requiring a certain period if it has an evidence that the petitioner has an integrity and is integrating into the community.

2) Form a committee consisting of the Ministry of Interior, Ministry of Justice, Ministry of Labour, Board of Grievances, Ministry of Social Affairs and Ministry of Civil Services to study and survey all regulations which restrict or prevent the convict from some jobs or work after the execution of the penalty or the issuance of a pardon decree. It also Suggests what needs to be deleted or amended from these texts in order to facilitate the livelihood of the convict and without posing greata threats to the state or society, as well as considering the impact resulted from the Council of Ministers Resolution No.134 dated 16/9/1411 AH. Which stated the rehabilitation of all previously convicted before the date of the resolution, and consider the possibility of disseminating this rule so there will be no rule of appeal against it and it will be replaced by banning or restricting texts to certain activities or jobs which require in its nature such a ban or restriction.

Second:

Penal provisions which are registered in the page of precedents are judgments of legal courts or statutory bodies or any legally competent entity.

Third:

Minister of interior determines the crimes that are considered as grievous assault and which are registered in the page of precedents such as state security crimes, premeditated assault on the person, honour or property, and crimes against honour, integrity, bribery and fraud etc. It does not include felons such as murder, injured in a car accident etc.

Fourth:

The decision of rehabilitating the convict gets the convict out from the previously convicted persons and the verdict will be deleted from the record and s/he will have all the rights that the righteous citizen has.

Fifth:

Minister of interior shall issue a list of regulations to define the hearing of the rehabilitation in front of the entity referred to in the first article.

171- Saudi Arabia also pointed to the role of the National Committee for Prisoners, their Families, and Ex-Convicts, which is a national charity with an independent legal personality, established by Council of Ministers Resolution No. 2 of 01/01/1422 (H.) and chaired by the Minister of Social Affairs. It includes representatives from a number of government agencies and the private sector. It aims include:

1. Develop reform programs in prisons to help prisoners redeem themselves and straighten out the course of their lives.
2. Help social reintegration of ex-convicts.

**(b) Observations on the implementation of the article**

172- Saudi Arabia has put in place measures and programmes for the rehabilitation of prisoners and follow-up of convicted persons after their release with a view to reintegrating them into their communities. Rehabilitation may be granted to any convicted person after the lapse of a period of time from the date of the end of his sentence.

**Article 31 - Freezing, Seizure, and Confiscation**  
**Sub-paragraph 1 (a)**

*1. Each State Party shall take, to the greatest extent possible within its domestic legal system, such measures as may be necessary to enable confiscation of:*

*(a) Proceeds of crime derived from offences established in accordance with this Convention or property the value of which corresponds to that of such proceeds;*

**(a) Summary of relevant information on the review of implementation of paragraph 1 (a) of Article 31**

173- Saudi Arabia indicated that it is compliant with the paragraph under review and referred to the following legislation:

**Anti-Money Laundering Law**

Article 1:

3. Proceeds: Any funds directly or indirectly obtained or acquired by committing a crime punishable pursuant to the provisions of *Sharia* or this Law, if such funds are transferred or converted wholly or partially into assets, properties or investment returns.

Article 18: Without prejudice to the rights of bona fide third parties, a person who commits the offence of money laundering, provided for in Article 2 hereof, shall be punished with imprisonment not exceeding ten (10) years and a fine not exceeding five million (5,000,000) riyals, or either penalty, in addition to the confiscation of funds, proceeds, and means subject of the offence. In case the funds and proceeds are commingled with funds acquired from legitimate sources, the said funds shall be subject to confiscation within the limits equivalent to the estimated value of the illegitimate proceeds. The competent court may invalidate or prohibit certain acts, whether contractual or otherwise, if one or more of the parties know or ought to know that such acts could influence the ability of the competent authorities to recover the property subject to confiscation.

Article 27: A final judgment providing for the confiscation of funds, proceeds, or means relating to money laundering offences, issued by a competent court in another country that is a signatory to a valid agreement or treaty with the Kingdom of Saudi Arabia or on the basis of reciprocity, may be acknowledged and enforced if the funds, proceeds, or means subject of the judgment can be confiscated, according to laws applicable in the Kingdom of Saudi Arabia.

**Anti-Bribery Law**

Article 15: In all cases, the judgment shall order confiscation of property, privilege, or benefit that are the subject matter of the offence, where this is possible in practice.

**Criminal Procedure Law**

Article 80: Search of dwellings is an investigative act and shall not be conducted except pursuant to a statement of a person residing in the relevant dwelling, that he either committed a crime or participated therein or there was circumstantial evidence indicating that he was in possession of items relevant to that crime. The

Investigator may search any place and seize any item which is likely to have been used in the commission of that crime or resulting therefrom and any other thing that may be useful in determining the truth including any document or weapon. In all cases, the Investigator shall prepare a record of that search, specifying the reasons therefor and the results thereof. However, dwellings shall not be entered or searched except as provided by law and pursuant to a search warrant issued by the Bureau of Investigation and Prosecution.

Article 86: May be ordered to refund the things seized during the investigation, even if it is by the referee, unless they are necessary for the conduct of the proceedings, or subject to confiscation.

**Royal Decree No. 43 dated 29/11/1377 AH. Crimes of the abuse of power**

Article 3: In addition to the penalties mentioned in the previous article, the convict will be ruled to compensate those who have been harmed and all this money which have been took illegally will be refunded.

**Royal Decree No.16 dated 8/3/1382 AH. Related to illicit enrichment**

**First:** Council of Ministers, on the requirements of the public interest, has to hold employees accountable for the sources of their wealth, the wealth of their minor or adults children which were not known for earning a living and the wealth of their spouses. And the council establishes a tripartite committee consisting of the president of General Auditing Bureau as chair, and investigators from the Board of Grievances as members. This committee can have the assistance of any accounting experts.

**Second:** If an employee is unable, or who were mentioned in the previous article, to prove a legitimate source of what is s/he owns to the acquisition of these funds, whether be it bribery, gifts or exploitation of a work position. The council of Ministers on the recommendation of the committee referred to in the previous article should confiscate half of this money which are from suspicious sources and sentence him/her to be dismissed from his job.

**Law on the Handling of Public Funds**

Article 9: excluding the provisions of Decree No. 43 dated 29/1/1377 AH. every employee included in this system and proved guilty of the embezzlement or dissipation of public funds or act unlawfully with objects or stamps Shall be punished by imprisonment for not more than ten years or a fine not exceeding 100 thousand Riyal or by both punishments. Anyone who assisted in these crimes will be punished with the same punishment, in addition, to returning the money or any related embezzled, squandered or lost objects or the equivalent of their value.

**Implementing Regulations of the Criminal Procedure Law**

Article 10:

...

3. the end of a public criminal lawsuit does not prevent the confiscation procedures to what is acquired to be confiscated.

Article (60): if the objects that were seized in the process of investigations are liable to confiscation then the investigator will issue an order to confiscate them.

**(b) Observations on the implementation of the article**

174- Saudi legislation provides for the possibility of confiscating items derived from a crime (art. 15 of the ABL; art. 18 of the AML Law; art. 3 of the Royal Decree relating to the abuse of power; and art. 9 of the Law on the Handling of Public Funds). Authorities also noted that the principle of value-based confiscation is applied. This principle is explicitly established in the AML Law and the Law on the Handling of Public Funds, but not in the ABL.

175- As a rule, confiscation is based on conviction, but the lapse of the public criminal action shall not impede the continuation of confiscation procedures (Article 10 of the

Implementing Regulations of the CPL). In case of “illicit enrichment”, the Council of Ministers may confiscate half of the funds of doubtful origin.

- 176- For greater legal certainty, Saudi Arabia should explicitly provide for the possibility of value-based confiscation in the ABL.

## **Article 31 - Freezing, Seizure, and Confiscation**

### **Sub-paragraph 1 (b)**

*1. Each State Party shall take, to the greatest extent possible within its domestic legal system, such measures as may be necessary to enable confiscation of:*

*(b) Property, equipment or other instrumentalities used in or destined for use in offences established in accordance with this Convention.*

## **(a) Summary of relevant information on the review of implementation of paragraph 1 (b) of Article 31**

- 177- Saudi Arabia indicated that it is compliant with the paragraph under review and referred to its previous answer and to the following legislation:

### **Anti-Money Laundering Law**

Article 17: If a judgment is issued to confiscate funds, proceeds, or means used or intended to be used, pursuant to the provisions of this Regulation, and they are not required to be destroyed, the competent authority may dispose of the same according to the regulation or share them with countries that are parties to valid treaties with the Kingdom of Saudi Arabia.

### **Criminal Procedure Law**

Article 27: Criminal investigation officers shall, each within his jurisdiction, accept notifications and complaints communicated to them with respect to all crimes, conduct the investigation, collect relevant information in the form of records that shall be signed by them, summarize and date the same in a special register, and promptly notify the Bureau of Investigation and Prosecution. The criminal investigation officers shall move to the crime scene to maintain its integrity and **seize all that may be relevant to the crime**, reserve evidence, and take whatever action required under the circumstances. He shall enter these matters in the special register.

Article 80: Search of dwellings is an investigative act and shall not be conducted except pursuant to a statement of a person residing in the relevant dwelling, that he either committed a crime or participated therein or there was circumstantial evidence indicating that he was in possession of items relevant to that crime. The Investigator may search any place and seize any item which is likely to have been used in the commission of that crime or resulting therefrom and any other thing that may be useful in determining the truth including any document or weapon. In all cases, the Investigator shall prepare a record of that search, specifying the reasons therefor and the results thereof. However, dwellings shall not be entered or searched except as provided by law and pursuant to a search warrant issued by the Bureau of Investigation and Prosecution.

Article 184: The court rendering judgment on the subject matter shall dispose of the litigants' claims in relation to the seized items. Where necessary, it may refer the dispute with respect to these items to a competent court. During the hearing, the court may also render a judgment with respect to the disposal of these seized items.

Article 185: A judgment disposing of the seized items – as provided for under Article 184 hereof – shall not be executed if the judgment rendered in the action is not final, unless these items are perishable, or if the

safekeeping thereof is very costly. If the court decides that the seized items be delivered to a particular person, such delivery may be prompt, with an undertaking, with or without guarantee, that the items received by him will be returned if the judgment pursuant to which he received those items is not upheld.

**(b) Observations on the implementation of the article**

178- Saudi legislation provides for the possibility of confiscating items used in, or intended to be used in connection with crime (art. 17 of the AML Law; and art. 27 of the CPL).

**Article 31 - Freezing, Seizure, and Confiscation  
Paragraph 2**

*2. Each State Party shall take such measures as may be necessary to enable the identification, tracing, freezing or seizure of any item referred to in paragraph 1 of this article for the purpose of eventual confiscation.*

**(a) Summary of relevant information on the review of the implementation of paragraph 2 of Article 31**

179- Saudi Arabia indicated that it is compliant with the paragraph under review and referred to the following legislation:

**Anti-Money Laundering Law**

Article 7: Competent monitoring agencies shall issue directives, rules, guidelines or any other instruments to entities under their supervision in implementation of the provisions of this Regulation. Said agencies shall ensure the compliance of said entities with anti-money-laundering requirements. Financial institutions, specific non-financial business and professions, and non-profit organizations shall set precautionary measures and internal monitoring to detect and abort any of the offences specified in this Regulation and shall comply with the directives issued by the monitoring agencies in this regard.

Article 10: Notwithstanding the provisions relating to confidentiality, financial institutions, specific non-financial businesses and professions, and non-profit organizations shall submit documents, records and information to the Financial Intelligence Unit, the competent authority or the judicial authorities upon request by the monitoring agency.

Article 14: If reasonable suspicion of a money-laundering offence is established, the competent investigation authority may, of its own accord or upon request by the Financial Intelligence Unit, order provisional seizure of the funds, properties, and means associated with the offence of money-laundering for a period or periods not exceeding thirty (30) days. Should there be a need for the seizure to be extended for a longer period, this shall be pursuant to a judicial order by the competent court, without prejudice to the rights of bona fide third parties.

Article 26: Upon the request of a competent court or authority in another country that is a signatory with the Kingdom of Saudi Arabia to a valid agreement or treaty or on the basis of reciprocity, the judicial authority may order the seizure of funds, proceeds, or means associated with the money laundering offence, in accordance with the legislation in force in the Kingdom of Saudi Arabia. Upon the request of a competent authority in another country that is a signatory with the Kingdom of Saudi Arabia to a valid agreement or treaty or on the basis of reciprocity, the competent authority may order the tracking of funds, proceeds, or means associated with a money laundering offence, in accordance with the legislation applicable in the Kingdom of Saudi Arabia.

**Criminal Procedure Law**

Article 85: If the investigator obtains evidence that a certain person is in possession of items relevant to a crime that he is investigating, the investigator shall ask the head of the relevant department to issue an order for the delivery of such items to the investigator to enable him to inspect these items as circumstances may warrant.

**(b) Observations on the implementation of the article**

180- The CPL (mainly chapter III) and the AML Law (art. 10) provide a wide range of investigative measures available for the identification, tracing, freezing or seizure of criminal proceeds and instrumentalities for purpose of confiscation.

**Article 31 - Freezing, Seizure, and Confiscation**  
**Paragraph 3**

*3. Each State Party shall adopt, in accordance with its domestic law, such legislative and other measures as may be necessary to regulate the administration by the competent authorities of frozen, seized or confiscated property covered in paragraphs 1 and 2 of this article.*

**(a) Summary of relevant information on the review of the implementation of paragraph 3 of Article 31**

181- Saudi Arabia indicated that it is compliant with the paragraph under review and referred to the following legislation:

**Anti-Money Laundering Law**

Article 17: If a judgment is rendered to confiscate funds, proceeds, or means used or intended to be used, pursuant to the provisions of this Regulation, and they are not required to be destroyed, the competent authority may dispose of the same according to the law or share them with countries that are parties to valid treaties with the Kingdom of Saudi Arabia.

**Criminal Procedure Law**

Article 86: Already mentioned under paragraph 1 (a) of this Article.

Article 87: The seized items shall be returned to the person in whose possession they were found. If these items were subject of the offence or resulted therefrom, they shall be returned to the person who lost possession thereof by reason of that offence, unless the person in whose possession they were found is entitled to retain them.

Article 88: The order for the return of the seized items shall be issued by the investigator or the competent court within whose jurisdiction the investigation was conducted. The competent court may order the return of these seized items during the examination of the lawsuit.

Article 89: An order authorizing the return of seized items shall not preclude interested parties from claiming their rights before the competent court, except the defendant or the claimant in respect of the private right of action where such an order had been issued by the court pursuant to a claim by either of them against the other.

Article 90: The investigator shall not order the return of the seized items should there be any dispute or doubts as to who is entitled to receive them. In such a case, the matter shall be referred to the competent court upon the request of the interested party, which shall decide as it sees fit.

**Article 91: When an order for suspending a case is issued, such order shall specify the manner in which seized items may be disposed of. This also applies when the relevant judgment on the case is rendered if the claim for their return is made before the court.**

**Article 92: Seized items that are not claimed by their owners – after they were duly notified of their right to recover them – shall be deposited with the Public Treasury.**



Article 93: The court within whose jurisdiction an investigation has been conducted may, on sufficient cause, refer the litigants to a competent court. In that case, the seized items may be kept under guard, or any other security action may be taken with respect thereto.

**Article 94: If a seized item is perishable over time, or if the cost of its safekeeping is so excessive that it could equal its value, the court may order that it be delivered to its owner or be deposited with the Public Treasury for the purpose of selling it by auction if the investigation requirements so allow. In that case, the rightful claimant of such items may claim the value for which they were sold.**

**Article 184: The court rendering judgment on the subject matter shall dispose of the litigants' claims in relation to the seized items. Where necessary, it may refer the dispute with respect to these items to a competent court. During the hearing, the court may also render a judgment with respect to the disposal of these seized items.**

**Article 185: A judgment disposing of the seized items – as provided for under Article 184 hereof – shall not be executed if the judgment rendered in the action is not final, unless these items are perishable, or if the safekeeping thereof is very costly. If the court decides that the seized items be delivered to a particular person, such delivery may be prompt, with an undertaking, with or without guarantee, that the items received by him will be returned if the judgment pursuant to which he received those items is not upheld.**

**(b) Observations on the implementation of the article**

182- The CPL provides for some measures relating to the management of seized objects such as selling items that are perishable with the passage of time, or when the cost of their safekeeping is too high (Article 94). Saudi legislation does not regulate the management of confiscated property.

183- In order to comply with the provision under review, Saudi Arabia should adopt measures to regulate the administration of confiscated property and to improve the administration of frozen or seized property.

**Article 31 - Freezing, Seizure, and Confiscation  
Paragraph 4**

*4. If such proceeds of crime have been transformed or converted, in part or in full, into other property, such property shall be liable to the measures referred to in this article instead of the proceeds.*

**(a) Summary of relevant information on the review of the implementation of paragraph 4 of Article 31**

184- Saudi Arabia indicated that it is compliant with the paragraph under review and referred to Article 18 of the Anti-Money Laundering Law above-mentioned.

**(b) Observations on the implementation of the article**

185- Saudi Arabia does not explicitly provide for the possibility of seizure and confiscation of property into which proceeds of crime have been transformed or converted, except for in the case of money-laundering offences (Article 18 read together with Article 1 of the AML Law).

- 186- For greater legal certainty, Saudi Arabia should explicitly provide for the possibility, in cases other than money laundering, of seizure and confiscation of property into which proceeds of crime have been transformed or converted.

**Article 31 - Freezing, Seizure, and Confiscation**  
**Paragraph 5**

*5. If such proceeds of crime have been intermingled with property acquired from legitimate sources, such property shall, without prejudice to any powers relating to freezing or seizure, be liable to confiscation up to the assessed value of the intermingled proceeds.*

**(a) Summary of relevant information on the review of the implementation of paragraph 5 of Article 31**

- 187- Saudi Arabia indicated that it is compliant with the paragraph under review and referred to Article 18 of the Anti-Money Laundering Law above-mentioned.

**(b) Observations on the implementation of the article**

- 188- Saudi Arabia does not explicitly provide for the possibility of seizure and confiscation of property with which proceeds of crime have been intermingled, except for in the case of money-laundering offences (Article 18 of the AML Law).
- 189- For greater legal certainty, Saudi Arabia should explicitly provide for the possibility, in cases other than money laundering, of seizure and confiscation of property with which proceeds of crime have been intermingled up to the assessed value of the intermingled proceeds.

**Article 31 - Freezing, Seizure, and Confiscation**  
**Paragraph 6**

*6. Income or other benefits derived from such proceeds of crime, from property into which such proceeds of crime have been transformed or converted or from property with which such proceeds of crime have been intermingled shall also be liable to the measures referred to in this article, in the same manner and to the same extent as proceeds of crime.*

**(a) Summary of relevant information on the review of the implementation of paragraph 6 of Article 31**

- 190- Saudi Arabia indicated that it is compliant with the paragraph under review and referred to Article 18 of the Anti-Money Laundering Law and Article 15 of the Anti-Bribery Law above-mentioned.

**(b) Observations on the implementation of the article**

191- Saudi Arabia does not explicitly provide for the possibility of seizure and confiscation of income or other benefits derived from proceeds of crime.

192- For greater legal certainty, Saudi Arabia should explicitly provide for the possibility of seizure and confiscation of income and other benefits derived from proceeds of crime.

## **Article 31 - Freezing, Seizure, and Confiscation**

### **Paragraph 7**

*7. For the purpose of this article and article 55 of this Convention, each State Party shall empower its courts or other competent authorities to order that bank, financial or commercial records be made available or seized. A State Party shall not decline to act under the provisions of this paragraph on the ground of bank secrecy.*

### **(a) Summary of relevant information on the review of the implementation of paragraph 7 of Article 31**

193- Saudi Arabia indicated that it is compliant with the paragraph under review and referred to the following legislation:

#### **Anti-Money Laundering Law**

Article 10: Notwithstanding the provisions relating to confidentiality, financial institutions, specific non-financial businesses and professions, and non-profit organizations shall submit documents, records and information to the Financial Intelligence Unit, the competent authority or the judicial authorities upon request by the monitoring agency.

#### **Implementing Regulations of the Criminal Procedure Law**

Article (58): Seizure of balances and money in banks and to inquire about them in the investigation process will be at a request from the head of the commission branch in the related region to the Saudi Arabian Monetary Authority or any entity that has the authority to ask for such.

### **(b) Observations on the implementation of the article**

194- Assets and funds placed in banks may be seized, sequestered, and inquired about by the public prosecution or courts upon a request addressed to the Saudi Arabian Monetary Agency (SAMA) (Article 58 of the Implementing Regulations of the CPL). In addition, the Financial Intelligence Unit (FIU) and the competent investigating authority may request banking information through SAMA (Article 10 of the AML Law). There is a direct e-line between SAMA and the courts and between SAMA and banks to speed up the response to requests. The courts or other competent authorities may order that financial or commercial records be made available or seized pursuant to the general provisions of the CPL as such records are not subject to any confidentiality laws.

### **(c) Successes and good practices**

195- The existence of a direct e-line between SAMA and the courts and between SAMA and banks, which allows access to information and more timely seizure of bank accounts.

## **Article 31 - Freezing, Seizure, and Confiscation**

### **Paragraph 8**

*8. States Parties may consider the possibility of requiring that an offender demonstrate the lawful origin of such alleged proceeds of crime or other property liable to confiscation, to the extent that such a requirement is consistent with the fundamental principles of their domestic law and with the nature of judicial and other proceedings.*

#### **(a) Summary of relevant information on the review of the implementation of paragraph 8 of Article 31**

196- Saudi Arabia indicated that it is compliant with the article under review and referred to the following legislation:

##### **Royal Decree No. 16 of 07/03/1382 (H.)**

First: The Council of Ministers shall, for public interest, hold civil servants accountable for the sources of their wealth and that of their minor children or adult children who are not known to earn a living, and the wealth of their spouses. For the purpose of holding civil servants to account, the Council of Ministers shall set up a body composed of three persons: the President of the General Auditing Bureau, as president, and two investigators from the Board of Grievances, as members. This body, when carrying out its tasks, may seek the assistance of chartered accountants, government or other experts.

Second: If a civil servant is unable to demonstrate a legitimate source of what he, or the other persons mentioned in the previous article, owns, thus raising doubts about the acquisition of such assets, whether by way of bribes, gifts, or trading in influence, the Council of Ministers may, upon the recommendation of the Body referred to in the preceding Article, confiscate half of those assets of questionable origin and dismiss him from his public position.

#### **(b) Observations on the implementation of the article**

197- Saudi Arabia is in compliance with the provision under review. Article 2 of the Royal Decree on Illicit Enrichment provides for the reversal of the burden of proof with respect to “illicit enrichment”, so that the Council of Ministers may confiscate half of the funds of doubtful origin and terminate the service of an official if this official is unable to demonstrate a legitimate source of property in his possession.

## **Article 31 - Freezing, Seizure, and Confiscation**

### **Paragraph 9**

*9. The provisions of this article shall not be so construed as to prejudice the rights of bona fide third parties.*

#### **(a) Summary of relevant information on the review of the implementation of paragraph 9 of Article 31**

198- Saudi Arabia indicated that it is compliant with the article under review and referred to the following legislation:

##### **Anti-Money Laundering Law**

Article 14: Already mentioned under paragraph 1 (a) of this Article.

Article 18: Already mentioned under paragraph 1 of Article 30.

Article 24: Sanctions specified in this Regulation shall not be applied against a person who violates them in good faith.

#### **Criminal Procedure Law**

Article 89: An order authorizing the return of seized items shall not preclude interested parties from claiming their rights before the competent court, except the defendant or the claimant in respect of the private right of action where such an order had been issued by the court pursuant to a claim by either of them against the other.

Article 92: Seized items that are not claimed by their owners – after they were duly notified of their right to recover them – shall be deposited with the Public Treasury.

### **(b) Observations on the implementation of the article**

199- The CPL and the AML Law provide for the protection of the rights of *bona fide* third parties.

### **Article 32 - Protection of Witnesses, Experts, and Victims Paragraph 1**

*1. Each State Party shall take appropriate measures in accordance with its domestic legal system and within its means to provide effective protection from potential retaliation or intimidation for witnesses and experts who give testimony concerning offences established in accordance with this Convention and, as appropriate, for their relatives and other persons close to them.*

### **(a) Summary of relevant information on the review of the implementation of paragraph 1 of Article 32**

200- Saudi Arabia indicated that it is compliant with the article under review and referred to the following legislation:

#### **Criminal Procedure Law**

Articles 20 and 168: Already mentioned in comments on paragraph (a) of Article 25.

#### **Implementing Regulations of the Criminal Procedure Law**

Article (99):

...

3. The investigator has the right to hide the identity of the witness and protect him/her from facing any offenders or other witnesses if it is for the good of the investigation or for the own good of the witness.

201- Saudi Arabia also noted that the Council of Ministers issued a Resolution transmitted by a telegram of the Presidency of the Council of Ministers No. 9571 / m b of 01/11/1428 (H.) approving the setting up of a committee at the Ministry of Interior with the participation of the Ministry of Justice and the Bureau of Investigation and Public Prosecution responsible for developing regulations on the mechanisms for the protection of witnesses and victims. A Draft Regulation on the Protection of Witnesses and Victims has been issued.

**(b) Observations on the implementation of the article**

202- Saudi Arabia has a draft law on the Protection of witnesses and reporting persons. Saudi Arabia has also taken some measures to protect witnesses and experts who give testimony in relation to offences covered by the Convention, from any potential retaliation or intimidation. In this respect, the Implementing Regulations of the CPL allow hiding the identity of witnesses. Moreover, the authorities indicated during the country visit that the Supreme Judicial Council issued a decision to allow giving testimony using video-links, and most courtrooms have been equipped with this technology.

203- In order to comply with the provision under review, Saudi Arabia should take additional measures to improve the protection of witnesses and experts who give testimony concerning offences covered by the Convention, as well as for their relatives and persons close to them, where appropriate, from potential retaliation or intimidation.

**Article 32 - Protection of Witnesses, Experts, and Victims**

**Sub-paragraph 2 (a)**

*2. The measures envisaged in paragraph 1 of this article may include, inter alia, without prejudice to the rights of the defendant, including the right to due process:*

*(a) Establishing procedures for the physical protection of such persons, such as, to the extent necessary and feasible, relocating them and permitting, where appropriate, non-disclosure or limitations on the disclosure of information concerning the identity and whereabouts of such persons;*

**(a) Summary of relevant information on the review of implementation of paragraph 2 (a) of Article 32**

204- Saudi Arabia referred to its previous answer.

**(b) Observations on the implementation of the article**

205- The Implementing Regulations of the CPL allow hiding the identity of witnesses.

**Article 32 - Protection of Witnesses, Experts, and Victims**

**Sub-paragraph 2 (b)**

*2. The measures envisaged in paragraph 1 of this article may include, inter alia, without prejudice to the rights of the defendant, including the right to due process:*

*(b) Providing evidentiary rules to permit witnesses and experts to give testimony in a manner that ensures the safety of such persons, such as permitting testimony to be given through the use of communications technology such as video or other adequate means.*

**(a) Summary of relevant information on the review of implementation of paragraph 2 (b) of Article 32**

206- Saudi Arabia referred to its previous answer. It noted that this matter lie within the discretion of the judge.

**(b) Observations on the implementation of the article**

207- The authorities indicated during the country visit that the Supreme Judicial Council issued a decision to allow giving testimony using video-links, and most courtrooms have been equipped with this technology.

**Article 32 - Protection of Witnesses, Experts, and Victims  
Paragraph 3**

*3. States Parties shall consider entering into agreements or arrangements with other States for the relocation of persons referred to in paragraph 1 of this article.*

**(a) Summary of relevant information on the review of the implementation of paragraph 3 of Article 32**

208- Saudi Arabia indicated that it did not enter into such agreements, but nothing in the Saudi legal system prevents this matter.

**(b) Observations on the implementation of the article**

209- Saudi Arabia can enter into agreements for the relocation of persons.

**Article 32 - Protection of Witnesses, Experts, and Victims  
Paragraph 4**

*4. The provisions of this article shall also apply to victims insofar as they are witnesses.*

**(a) Summary of relevant information on the review of the implementation of paragraph 4 of Article 32**

210- Saudi Arabia indicated that this matter lie within the discretion of the judge.

**(b) Observations on the implementation of the article**

211- Saudi Arabia has not taken appropriate measures to protect victims when they are witnesses.

212- In order to comply with the provision under review, Saudi Arabia should take appropriate measures to provide effective protection for victims insofar as they are

witnesses, as well as for their relatives and persons close to them, where appropriate, from potential retaliation or intimidation.

## **Article 32 - Protection of Witnesses, Experts, and Victims**

### **Paragraph 5**

*5. Each State Party shall, subject to its domestic law, enable the views and concerns of victims to be presented and considered at appropriate stages of criminal proceedings against offenders in a manner not prejudicial to the rights of the defence.*

#### **(a) Summary of relevant information on the review of the implementation of paragraph 5 of Article 32**

213- Saudi Arabia indicated that this matter lie within the discretion of the judge. It also explained that the judge may exclude the defendant from the courtroom when hearing the witness. The judge may hide the identity of the witness from the defendant, to protect the witness. He may also apply Article 12 of the Anti-Terrorism Regulation.

##### **Anti-Terrorism Regulation**

Article 12: The court may seek the assistance of experts to consult with them, and may summon any member of the arrest and investigation authorities to give testimony. In case of need, the consultation with experts and the hearing of witnesses can take place in isolation from the defendant and his lawyer in coordination with the Public Prosecutor. The defendant or his lawyer shall be informed of the content of the report of the expert without revealing the identity of the expert. The necessary protection required by the condition of the witness, the expert, the circumstances of the case, and the types of expected risks, shall be provided.

##### **Criminal Procedure Law**

Article 158: No physical restraints shall be placed on the accused during court hearings. He shall be sufficiently guarded and shall not be dismissed from any hearing during deliberation of the case unless he gives cause therefore. In that case, the preceding shall continue and the accused may be admitted to the hearing whenever such cause for his removal ceases to exist. The court shall keep him informed of any action that has been taken during his absence.

##### **Implementing Regulations of the Criminal Procedure Law**

Article (99):

...

3. The investigator has the right to hide the identity of the witness and protect him/her from facing any offenders or other witnesses if it is for the good of the investigation or for the own good of the witness.

#### **(b) Observations on the implementation of the article**

214- The views and concerns of victims can be presented through the use of video-links.

## **Article 33 - Whistleblower Protection**



*Each State Party shall consider incorporating into its domestic legal system appropriate measures to provide protection against any unjustified treatment for any person who reports in good faith and on reasonable grounds to the competent authorities any facts concerning offences established in accordance with this Convention.*

**(a) Summary of relevant information on the review of implementation of Article 33**

- 215- Saudi Arabia indicated that it is compliant with the article under review and referred to the draft regulation on whistleblowing in cases of corruption, submitted to His Royal Majesty by the National Anti-Corruption Commission. Paragraph 2 of Article 5 of this draft regulation reads: "The Commission shall protect the confidentiality of personal information of the whistleblower, at his request, or if it deems it appropriate." Also, Article 11 thereof reads: "The whistleblower shall not be harmed as a result of the information he provides if he is serious and credible. The Commission shall protect the whistleblower from prosecution insofar as it is proved that he did not intend to harm the party in respect of which he reports a case of corruption or to harm officials or employees of such party, in which case, the Commission shall consider the report as contrary to this regulation and shall require accountability. "

**(b) Observations on the implementation of the article**

- 216- Saudi Arabia has not established the legal protection of reporting persons. However, a draft regulation relating to reporting cases of corruption and providing for such protection has been prepared.
- 217- The reviewers encourage Saudi Arabia to continue its efforts to approve the draft regulation for reporting cases of corruption that allows it to provide protection against any unjustified treatment for reporting persons.

**Article 34 - Consequences of Acts of Corruption**

*With due regard to the rights of third parties acquired in good faith, each State Party shall take measures, in accordance with the fundamental principles of its domestic law, to address consequences of corruption. In this context, States Parties may consider corruption a relevant factor in legal proceedings to annul or rescind a contract, withdraw a concession or other similar instrument or take any other remedial action.*

**(a) Summary of relevant information on the review of implementation of Article 34**

- 218- Saudi Arabia indicated that it is compliant with the article under review, pursuant to the Shariah's rule according to which "what is built on falsehood is false", and referred to the following legislation:

**Regulation on Competition and Government Procurement**

Paragraph (a) of Article 53: A Government Authority may withdraw a job from a contractor and rescind the contract or have it executed it at the contractor's expense without prejudice to the right of the Government Authority to claim compensation for damage sustained as a result, in any of the following cases:

(a) If it is proved that a contractor attempted, himself or through others, directly or indirectly, to bribe a civil servant of an Authority subject to the provisions of this Regulation, or obtained the contract by way of bribery.

#### **Anti-Bribery Law**

Article 19: The authority having power to adjudge the offences of bribery must impose a fine not exceeding tenfold the value of the bribe, or banning from concluding contracts with ministries, Government services, or public juristic persons, for providing purchases or execution of their projects and works, or both penalties; this penalty is imposable on any company or private firm - national or foreign- whose manager or any personnel thereof has been found guilty of committing any offences provided for herein, if the said offence has been committed to serve the interest of such company or firm; the Council of Ministers may reconsider the banning penalty aforementioned after the lapse of at least five years from the date of passing judgement.

#### **Criminal Procedure Law**

Article 1: Courts shall apply Shari'ah principles, as derived from the Qur'an and Sunnah (the traditions of Prophet Muhammad, peace be upon him) to the cases that are brought before them. They shall also apply laws promulgated by the state that do not contradict the provisions of the Qur'an and Sunnah, and shall comply with the procedure set forth in this Law.

The provisions of this Law shall apply to criminal cases that have not been decided and to proceedings that have not been completed prior to the implementation thereof.

### **(b) Observations on the implementation of the article**

219- Saudi Arabia is in compliance with the provision under review. Saudi Arabia has taken measures to address the consequences of corruption, including the possibility of withdrawing a job from a contractor and rescinding the contract or have it executed it at the contractor's expense it is proved that he was awarded the contract through bribery (Article 53 of Government Tenders and Procurement Law).

### **Article 35 - Compensation for Damage**

*Each State Party shall take such measures as may be necessary, in accordance with principles of its domestic law, to ensure that entities or persons who have suffered damage as a result of an act of corruption have the right to initiate legal proceedings against those responsible for that damage in order to obtain compensation.*

### **(a) Summary of relevant information on the review of implementation of Article 35**

220- Saudi Arabia indicated that it is compliant with the article under review and referred to the following legislation:

#### **Regulation on Competition and Government Procurement**

Paragraph (a) of Article 53: Mentioned previously.

#### **Criminal Procedure Law**

Article 69: Whoever suffers harm in consequence of a crime may file a claim in respect of his private right of action during the investigation of that action. The Investigator shall decide on the admissibility of such claim within three days from the date of filing. If the claim is rejected, an appeal may be lodged with the head of the relevant department within one week from the date of communication of the decision to the interested party. The decision issued by the head of the relevant department shall be final during the investigation stage.

Article 147: A person harmed by a crime and his heirs shall, at any time during the proceedings of the case at issue, be entitled to submit a request to the trial court regarding his private right of action regardless of the amount thereof, even though his action has been rejected during the investigation.

The National Integrity and Anti-Corruption Strategy

Item 2 (m) of "Third": To achieve the goals of the National Integrity and Anti-Corruption Strategy, it is necessary to take the following measures:

2. The government agencies concerned shall protect integrity and combat corruption by exercising their jurisdiction and implementing the relevant regulations, by:

(m) taking diligent decisions on issues of corruption, and applying the principle of compensation of the persons whose rights and interests have been harmed as a result of corruption as determined by a final judicial ruling of a competent jurisdiction, published at the request of the plaintiff, and the approval of the judge in charge of the case.

#### **Regulation on the Board of Grievances**

Paragraph (c) of Article 13: Administrative courts shall have jurisdiction to decide on the following:

c) claims for compensation made by the persons concerned with respect to decisions or actions of administrative authorities.

### **(b) Observations on the implementation of the article**

221- Saudi Arabia is in compliance with the provision under review. Articles 69 and 147 of the CPL provide for the possibility that whoever suffers harm in consequence of a crime may file a claim in respect of his private right of action during the investigation of that action and before the trial court.

### **Article 36 - Specialized authorities**

*Each State Party shall, in accordance with the fundamental principles of its legal system, ensure the existence of a body or bodies or persons specialized in combating corruption through law enforcement. Such body or bodies or persons shall be granted the necessary independence, in accordance with the fundamental principles of the legal system of the State Party, to be able to carry out their functions effectively and without any undue influence. Such persons or staff of such body or bodies should have the appropriate training and resources to carry out their tasks.*

#### **(a) Summary of relevant information on the review of implementation of Article 36**

222- Saudi Arabia indicated that it is compliant with the article under review, as the legislator mentioned several bodies, organs, and institutions responsible for combating corruption, including:

- ❖ The National Anti-Corruption Commission: Paragraph 1 of Article 2 of the Regulation on the National Anti-Corruption Commission reads: The National Anti-Corruption Commission reports directly to the King. It has legal personality, full financial and administrative independence to carry out its work neutrally without influence from any party whatsoever, and no one shall interfere in its work.

#### **Appointment to the Commission**

#### **Regulation on the National Anti-Corruption Commission**

Article 9: Any person who exercises any of the functions related to the jurisdiction of the Commission - in addition to the conditions specified by the functional regulations referred to in paragraph 1 of Article 7 hereof - shall meet the following requirements:

1. must show wisdom, honesty, integrity, and impartiality;
2. must not have incurred a fixed punishment (*hadd*) or a discretionary punishment (*tazir*), or committed a breach of honor or honesty or be dismissed from public office as a result of a disciplinary decision, even if he has been rehabilitated.
3. must submit a declaration of assets;
4. must not exercises any functions - directly or indirectly - with or without pay in the public or private sector as long as he serves on the National Anti-Corruption Commission.

Article 10: The officials of the National Anti-Corruption Commission - before taking office - shall take the following oath before the Chairman:

[translation of the oath delivered in Arabic] *I swear by Almighty God that I shall discharge my duties honestly, faithfully, and impartially, and not divulge any information I will have access to in the performance of my duties at the Commission, even after I quit my position).*

### **Training:**

The Commission's Guide to Training and Scholarship was adopted by Decision No. 8 of the Chairman on 01/02/1433 (H.) to provide appropriate training and scholarship opportunities that meet the needs of the Commission in terms of human capacities and resources to achieve its goals.

- ❖ Bureau of Investigation and Public Prosecution: Article 5 of the Regulation on the Bureau of Investigation and Public Prosecution reads: The Members of the Bureau of Investigation and Public Prosecution are completely independent. In the performance of their duties, they are only subject to the provisions of Islamic Law and the regulations in force. No one shall interfere in their work.

### **List of Members and Staff of the Bureau of Investigation and Public Prosecution:**

#### **First: Appointment, Promotion, and Transfer**

Article 1: The members appointed to the Bureau of Investigation and Public Prosecution shall meet the following requirements:

1. To be a Saudi national;
2. To have a good behavior;
3. To enjoy the necessary capacity;
4. To have a Shariah degree from a Saudi university, or an equivalent degree, or a specialized degree in regulations from a Saudi university, or an equivalent degree; In the case of an equivalent degree, the concerned person shall pass a special exam organized for this purpose;
5. To be twenty-two (22) years of age or older;
6. To be medically fit for service;
7. Must not have incurred a fixed punishment (*hadd*), or a discretionary punishment (*tazir*), or committed a breach of honor or honesty, or be dismissed from public office as a result of a disciplinary decision, even if he has been rehabilitated.
8. Must pass the exam organized for the purpose of appointment.

Article 2: The Members of the Bureau shall take an intensive training program of not less than six (6) months. This period is considered equivalent to a one (1) year period of work in a similar position. The

rules of procedures of the Bureau of Investigation and Public Prosecution shall determine the rule of implementation of this program.

- ❖ The Control and Investigation Board: Article 1 of the Personnel Disciplinary Regulation reads: There shall be established under this Regulation an independent body called the "Control and Investigation Board" that reports directly to the Prime Minister. It is composed of a chairman, of Grade 15 or above, two deputies or more, of Grade 13 or above, a sufficient number of members who are expert professionals, and a sufficient number of administrative staff and employees.
- ❖ The General Auditing Bureau: Article 1 of the Regulation on the General Auditing Bureau reads: The General Auditing Bureau is an independent body that reports to the Prime Minister.

### **Training and Scholarship**

The General Auditing Bureau seeks to raise the scientific and professional standard of its staff through internal and external continuous training. It enrolls its staff in training institutions and specialized organizations and agencies, domestically and abroad, such as the Institute of Public Administration (IPA), the Saudi Arabia Organization for Certified Public Accountants (SOCPA), the programs of the International Organization of Supreme Audit Institutions (INTOSAI Development Initiative), and the training programs organized by the Asian, Arab, and Gulf Groups of INTOSAI, and others. In addition, it provides opportunities of scholarship for a master's degree in accounting, auditing, and information technology.

The two Strategic Plans of the General Auditing Bureau (1426-1430 and 1431-1435 H.) focused on building the Bureau's institutional capacities, improving scientific and continuous training of its staff as a basis for upgrading its performance and become a model institution that exercises its role independently with high professionalism and efficiency. The recommendations of the first conference organized by the Bureau in 1424 (H.) emphasized the need to provide the necessary funding for training and developing the human resource skills of not only its staff but of all government financial departments, to enable them to exercise their functions with high professionalism and build their capacities in protecting public funds and ensuring their proper use in an economically rational way.

In this regard, the Bureau sought to raise the scientific and professional standard of its staff through scholarship programs for enrolling in master's degrees in accounting, auditing, performance monitoring, computer science, and continuous training programs organized by training institutions, domestic and foreign organizations and agencies, such as the Institute of Public Administration (IPA), the Saudi Arabia Organization for Certified Public Accountants (SOCPA), the programs of the International Organization of Supreme Audit Institutions (INTOSAI Development Initiative), and the training opportunities provided by regional Asian, Arab, and Gulf Groups of INTOSAI and others. In addition, the Bureau intensified and developed internal training programs to contribute to the preparation and the training of technical and professional staffs capable of bearing the burden of auditing tasks and their obligations with competence and high quality.

Since 1410 (H.), the Bureau has developed appropriate scholarship and training programs on a yearly basis to meet its needs, which include training in Saudi Arabia and abroad in the following manner:

Training in Saudi Arabia includes:

- Training courses organized by the Bureau for new staff and on-the-job training.
- Miscellaneous training programs provided by the Institute of Public Administration.
- Training in academic and other professional institutions in Saudi Arabia.

***Training courses organized by the Bureau for new staff and on-the-job training***

a. Practical training courses at the Bureau (theoretical and practical training)

Since the early 1980's the Bureau began to benefit from the services provided by the US Government Accountability Office (US GAO) to set up an organized framework for training and qualification and meet the needs of its numerous auditing activities. As a result of this cooperation, which continued until 2000, a training framework was set up in the areas of planning, data collection, and the preparation of worksheets. Subsequently, the Bureau reviewed and updated training materials to keep pace with international standards and enable the delivery of their contents to all technical and professional levels at the Bureau through intensive training programs.

Since early 1410 (H.), the Bureau began to hold regular training sessions to develop the skills of its auditors. The latter were enrolled in training sessions dealing with various topics, such as planning of auditing work to give them technical skills and experience in all domains, interview techniques, the keeping of worksheets, the use of statistical sampling in auditing, supervisory skills, and the preparation of reports on the results of audit activity.

The following table shows the most important internal courses offered by the Bureau at its headquarters for its auditors:

N	Course Title	Duration in days
1	Rules of Evidence and Discovery of Audit Findings	5
2	Interview Techniques	5
3	Computer Auditing	5
4	Effective Planning	5
5	Audit Method and Approach	5
6	Audit Report Writing	5
7	Use of the IDEA Data Analysis Program	5
8	Use of TeamMate System in Audit	5
9	Worksheet Preparation	3
10	Statistical Sampling	10
11	Fraud	2

12	Revenue Audit	5
13	Audit and Review of Administrative Contracts	5
14	Preparation and Review of Final Accounts	5
15	Environmental Audit	5
16	Corporate Audit	5
17	Analysis and Evaluation of Financial Performance	5
18	Inventory of Funds and Securities	5

The Bureau has also collaborated since 1428 with the Office of the Auditor General of India that provided comprehensive training sessions at the headquarters of the Bureau delivered by the experts of the Indian agency on the implementation of international auditing standards and best practices in performance monitoring, financial audit, information technology, and quality management systems. Besides, the Bureau cooperated in 1431 (H.) with the Office of the Auditor General of Pakistan. Experts from the Pakistan agency delivered training programs for some of the Bureau staff at the headquarters of the Bureau in Riyadh.

**b. On-the-job Training:**

In addition to theoretical and practical training sessions organized by the Bureau at its headquarters, it gives a great importance to on-the-job-training for its new employees and those that come from its departments and units, since this type of training focuses on the transfer of experience among auditors continuously throughout the training period and the practical experiences and knowledge-sharing among team members. In addition, it prepares employees professionally to practice auditing work and provides professional skills and capabilities that enable employees to perform their duties efficiently. Therefore, the Bureau assigns newly appointed auditors for a year with experienced veteran auditors known for their competence and who have a good knowledge of the regulations and training manuals and procedures and the nature and method of work and who assist in the building of capacities that are necessary for the performance of the work with high professionalism and skills. The table below illustrates the Bureau's most important on-the-job training sessions for new appointees.

N	Title of Program	Duration in days
1	Budget	1
2	Auditing of Administrative Contracts	4
3	Case Study	
4	Collection and Spending	5
5	Accounting Entries	
6	Description of Financial Books and Entry Methods	
7		

N	Title of Program	Duration in days
8	Binders & Monthly Table	
9	Audit Procedures	
10	Types of Audit	
	Case Study	
11	Auditing of the First Heading of Budget Accounts	2
12	Auditing of the Second Heading of Budget Accounts	3
	Case Study	
13	Auditing of the Third Heading of Budget Accounts	5
	Case Study	
14	Auditing of the Fourth Heading of Budget Accounts	5
	Case Study	
15	Auditing of Current Accounts (Settlement Accounts)	1
16	Description of Final Account Auditing	1
17	Inspection of Accounts (Inventory of Funds)	3
	Definition of the Rules and Procedures of Government Deposits	
	Case Study	

#### ***Various Training Programs Provided by the Institute of Public Administration***

The Bureau enrolls its staff in many training courses, practical courses, and special programs organized by the Institute of Public Administration in the areas of jurisdiction of the Bureau to develop the skills and abilities of its staff in various specialties and professional levels in accounting, auditing, law, personnel affairs, computer science, management, planning, analysis of administrative problems, and other programs related to the nature of the work the employees of the Bureau's financial and administrative departments.

#### ***Training in other Academic and Professional Institutions in the Kingdom of Saudi Arabia***

The Bureau seeks to take advantage of training opportunities in the areas of auditing and computer science offered by universities, institutes, scientific centers, and specialized bodies in the Kingdom. In this perspective, some Bureau staff have been enrolled in successive sessions of language proficiency in English institutes in Riyadh, Jeddah, Dammam, and Abha to help them benefit from foreign research and periodicals and participate in meetings, courses, seminars, and conferences abroad.



The Bureau also enrolls its staff in yearly professional training courses organized by the Saudi Organization for Certified Public Accountants in view of its direct importance and relevance to its activities. There has also been coordination with the Saudi Council of Engineers to hold some special courses for the Bureau staff working in the field of performance audit such as the applications of qualitative and project cycle costs.

Training outside the Kingdom of Saudi Arabia:

The Bureau allows its staff to participate in training courses and seminars held by international and regional organizations of supreme audit and accounting institutions, as well as universities and specialized scientific centers to share experiences and practical knowledge and acquire new knowledge in the areas of control and audit to keep pace with scientific development and best professional practices and allow its auditors to learn more and acquire new technologies and modern methods adopted by developed countries in the areas of financial control, performance audit, and computer applications in audit operations. It is worth mentioning that since 1410 (H.), corresponding to 1980, some Bureau staff were granted fellowships provided by the International Auditor Fellowship Program organized by the US Government Accountability Office (US GAO). Ten of them graduated from this program. Four others graduated from this program through the Office of the Auditor General of Canada.

Scholarships for Studies:

Every year, the Bureau prepares a scholarship plan for its staff to prepare specialized degrees in the areas of accounting, auditing, computer science, public administration, and other disciplines required by the Bureau activities. The trainees are sent to universities in the Kingdom and in developed countries, such as the United States of America, Australia, Britain, and others, in accordance with scholarship conditions stipulated in the Civil Service Regulation and the internal scholarship rules of the General Auditing Bureau issued pursuant to Resolution No. 732 of 08/02/1430 (H.). Nineteen (19) employees obtained a master's degree in accounting, law, information technology, and public administration from local and foreign universities. Besides, since 1430 (H.) thirteen (13) Bureau employees have been awarded a post-graduate degree in Financial Audit from the Institute of Public Administration, which requires candidates to have a Bachelor's degree in Accounting. Since 1428 (H.), another ten (10) employees have obtained a diploma in English from the Institute of Public Administration, which is prepared for a full year.

**(b) Observations on the implementation of the article**

- 223- Saudi Arabia has several agencies and authorities responsible for combating corruption, most notably the National Anti-Corruption Commission (Nazaha), which is in charge of investigating aspects of financial and administrative corruption, referring irregularities and violations to regulatory or investigative bodies, and following up with the competent authorities as regards the recovery of funds and proceeds resulting from the crimes of corruption.

- 224- The Bureau of Investigation and Public Prosecution also plays an important role in the fight against corruption, particularly through the Department of Investigation of Public Office Crimes, which deals with all financial and administrative corruption crimes; the Department of Economic Crimes, which deals with money laundering cases; and the Department of Investigation of Property Abuse Crimes. Moreover, the Ministry of the Interior has an Administrative Investigation Department, which deals with all public administration crimes, as well as a Directorate of Criminal Investigations and Research in the Police Department.
- 225- There are also the Bureau of Control and Investigation and the FIU. Saudi Arabia also has several entities that play a role in combating corruption, though not all of them operate within the framework of law enforcement, such as the General Auditing Bureau and the MLA Committee which plays a key role in the field of international cooperation.
- 226- These entities appear to have adequate training, resources, and independence.

## **Article 37 - Cooperation with Law Enforcement Authorities**

### **Paragraph 1**

*1. Each State Party shall take appropriate measures to encourage persons who participate or who have participated in the commission of an offence established in accordance with this Convention to supply information useful to competent authorities for investigative and evidentiary purposes and to provide factual, specific help to competent authorities that may contribute to depriving offenders of the proceeds of crime and to recovering such proceeds.*

### **(a) Summary of relevant information on the review of the implementation of paragraph 1 of Article 37**

- 227- Saudi Arabia indicated that it is compliant with the article under review and referred to the following legislation:

#### **Anti-Bribery Law**

Article 16: The briber or intermediary shall be exonerated from both the main and resultant penalties if he reports the offence to the authorities prior to detection.

#### **Anti-Money Laundering Law**

Article 18: ... The competent court may exempt from such penalties the owner, possessor, or user of funds or proceeds subject of the criminal violation if he notifies the authorities prior to his knowledge of the sources of said funds or proceeds and the identity of the parties involved, without him benefiting from their proceeds.

### **(b) Observations on the implementation of the article**

- 228- Persons collaborating with justice, in bribery and money-laundering cases, can benefit from an exemption from punishment if they report the offence before it comes to the knowledge of the authorities (art. 16 of the ABL, art. 18 of the AML Law).

## **Article 37 - Cooperation with Law Enforcement Authorities**

### **Paragraph 2**

*2. Each State Party shall consider providing for the possibility, in appropriate cases, of mitigating punishment of an accused person who provides substantial cooperation in the investigation or prosecution of an offence established in accordance with this Convention.*

**(a) Summary of relevant information on the review of the implementation of paragraph 2 of Article 37**

229- Saudi Arabia referred to its previous answer on the first paragraph of Article 37.

**(b) Observations on the implementation of the article**

230- Saudi legislation does not provide for the possibility of mitigating punishment of an accused person who provides substantial cooperation in investigations or prosecutions.

231- In order to comply with the provision under review, Saudi Arabia should consider providing for the possibility of mitigating punishment of an accused who provides substantial cooperation in the investigation or prosecution of an offence covered by the Convention.

**Article 37 - Cooperation with Law Enforcement Authorities  
Paragraph 3**

*3. Each State Party shall consider providing for the possibility, in accordance with fundamental principles of its domestic law, of granting immunity from prosecution to a person who provides substantial cooperation in the investigation or prosecution of an offence established in accordance with this Convention.*

**(a) Summary of relevant information on the review of the implementation of paragraph 3 of Article 37**

232- Saudi Arabia referred to its previous answer on the first paragraph of Article 37.

**(b) Observations on the implementation of the article**

233- Saudi legislation does not provide for the possibility of granting immunity from prosecution to a person who provides substantial cooperation in the investigation or prosecution of an offence.

234- In order to comply with the provision under review, Saudi Arabia should consider providing for the possibility of granting immunity from prosecution to a person who provides substantial cooperation in the investigation or prosecution of an offence covered by the Convention.

**Article 37 - Cooperation with Law Enforcement Authorities  
Paragraph 4**

*4. Protection of such persons shall be, mutatis mutandis, as provided for in article 32 of this Convention.*

**(a) Summary of relevant information on the review of the implementation of paragraph 4 of Article 37**

235- Saudi Arabia referred to its answers on the paragraphs of Article 32.

**(b) Observations on the implementation of the article**

236- Saudi Arabia has not taken appropriate measures to provide effective protection for persons collaborating with justice as well as for their relatives and other persons close to them, where appropriate, against any potential retaliation or intimidation.

237- In order to comply with the provision under review, Saudi Arabia should take appropriate measures to provide effective protection for persons who cooperate with justice as well as for their relatives and other persons close to them, where appropriate, against any potential retaliation or intimidation.

**Article 37 - Cooperation with Law Enforcement Authorities  
Paragraph 5**

*5. Where a person referred to in paragraph 1 of this article located in one State Party can provide substantial cooperation to the competent authorities of another State Party, the States Parties concerned may consider entering into agreements or arrangements, in accordance with their domestic law, concerning the potential provision by the other State Party of the treatment set forth in paragraphs 2 and 3 of this article.*

**(a) Summary of relevant information on the review of the implementation of paragraph 5 of Article 37**

238- Saudi Arabia indicated that nothing in the Saudi legislation prevents the entering into such agreements, but currently there are no such cases. Besides, it referred to the operational rules of the Standing Committee on requests for legal assistance, which specify in paragraph 9 of Article 4 thereof that the terms of reference of the Committee include: 9. Proposals to enter into agreements or bilateral or multilateral arrangements with foreign countries that stipulate the provision of legal assistance in criminal matters, or to put them in practice, or strengthen them.

**(b) Observations on the implementation of the article**

239- Saudi Arabia can enter into agreements to provide for the possibility of mitigating punishment or exempting from punishment persons collaborating with justice located abroad.

## **Article 38 - Cooperation between National Authorities**

### **Subparagraph (a)**

*Each State Party shall take such measures as may be necessary to encourage, in accordance with its domestic law, cooperation between, on the one hand, its public authorities, as well as its public officials, and, on the other hand, its authorities responsible for investigating and prosecuting criminal offences. Such cooperation may include:*

*(a) Informing the latter authorities, on their own initiative, where there are reasonable grounds to believe that any of the offences established in accordance with articles 15, 21 and 23 of this Convention has been committed; or*

*(b) Providing, upon request, to the latter authorities all necessary information.*

### **(a) Summary of relevant information on the review of implementation of sub-paragraph (a) of Article 38**

240- Saudi Arabia indicated that it is compliant with the article under review and referred to the following legislation:

#### **The National Integrity and Anti-Corruption Strategy**

Paragraph 2 of "First": The National Integrity and Anti-Corruption Strategy focuses on the following principles:

2. The protection of integrity and the fight against corruption is better achieved by continuous strengthening of cooperation among competent bodies in the Kingdom of Saudi Arabia.

#### **Regulation on the National Anti-Corruption Commission**

Article 4: Competent supervisory authorities shall cooperate with the National Anti-Corruption Commission in its jurisdiction with regard to any inquiry or procedure, in order to achieve the integration and consistency of their roles in the implementation of their respective mandates relating to the protection of integrity and the fight against corruption.

Article 5: 1. Competent supervisory authorities shall provide the Commission with any financial or administrative observation within its terms of reference.

2. The bodies that fall within the competence of the Commission and the private parties that entered into agreements with the Commission shall provide the Commission with all required documents, data, and information relating to its work.

3. All the bodies that fall within the jurisdiction of the Commission shall:

a) Provide the Commission - under a mechanism to be determined by the Commission - with their projects, contracts, and operation, and maintenance contracts.

b) Enable the Commission staff to perform their duties and provide them with the documents or papers - or copies thereof - they require.

c) Respond to inquiries, observations, and requests of the Commission within a maximum period of thirty (30) days of its notice.

#### **Anti-Money Laundering Law**

Article 13: The Financial Intelligence Unit at the Ministry of Interior shall enjoy adequate practical independence and shall act as a national central agency to receive, analyze and publish reports, and direct and channel notifications on suspicious transactions and other information related to money laundering activities. The implementing Regulations of this Law shall specify the location, formation, powers and affiliation of said unit as well as manner of carrying out its duties.

Article 15: Information disclosed by financial institutions, specific non-financial businesses and professions, and non-profit organizations, in accordance with the provisions of Article 10 of this Regulation, may be exchanged among such institutions and the competent authorities where such information relates to a violation of the provisions of this Regulation. The competent authorities shall keep such information confidential and

not disclose it, except as necessary for use in investigations or suits relating to a violation of the provisions of this Regulation.

#### **Criminal Procedure Law**

Article 15: All public law enforcement persons shall implement the orders of judicial entities entered pursuant to this Law, and may use any appropriate means thereof.

#### **Implementing Regulations of the Criminal Procedure Law**

Article (57): if the investigator saw the need for access to documents related to a case in some government entity which cannot be moved from its place, the investigator shall go to that place to check the documents out, and he shall take pictures of it if the person in charge allows him to.

### **(b) Observations on the implementation of the article**

- 241- Article 5 of the Regulations of the National Anti-Corruption Commission provides that relevant control bodies shall provide the Commission with any financial or administrative observation within the competence of the Commission.

### **Article 38 - Cooperation between National Authorities** **Sub-paragraph (b)**

*Each State Party shall take such measures as may be necessary to encourage, in accordance with its domestic law, cooperation between, on the one hand, its public authorities, as well as its public officials, and, on the other hand, its authorities responsible for investigating and prosecuting criminal offences. Such cooperation may include:*

*(b) Providing, upon request, to the latter authorities all necessary information.*

### **(a) Summary of relevant information on the review of implementation of sub-paragraph (b) of Article 38**

- 242- Saudi Arabia referred to its previous answer.

### **(b) Observations on the implementation of the article**

- 243- Article 5 of the Regulations of the National Anti-Corruption Commission provides that all bodies within the competence of the Commission shall respond to enquiries and observations of the Commission and inform it of relevant actions taken by them. Moreover, article 15 of the CPL provides that all public officers shall implement the orders of judicial authorities.

### **(c) Successes and good practices**

- 244- The existence of good cooperation between the agencies concerned with combating corruption.

## **Article 39 - Cooperation between National Authorities and the Private Sector**

### **Paragraph 1**

*1. Each State Party shall take such measures as may be necessary to encourage, in accordance with its domestic law, cooperation between national investigating and prosecuting authorities and entities of the private sector, in particular financial institutions, relating to matters involving the commission of offences established in accordance with this Convention.*

#### **(a) Summary of relevant information on the review of the implementation of paragraph 1 of Article 39**

245- Saudi Arabia indicated that it is compliant with the article under review and referred to the following legislation:

##### **The National Integrity and Anti-Corruption Strategy**

Paragraph 4 (b, c, and d) of "Third": To achieve the objectives of the National Integrity and Anti-Corruption Strategy, the following measures shall be adopted:

4. Involving civil society institutions in the process of protection of integrity and combating corruption through the following:

b. Involving these institutions, according to their specialties, in the study of the phenomenon of corruption and studying their recommendations and views on ways of controlling it.

c. Encouraging professional and academic organizations such as medical staff, lawyers, engineers and accountants to deliver their views on supervisory, financial, and administrative regulations and receiving their recommendations on developing and updating them.

d. Encouraging chambers of commerce and industry to prepare plans and programs to educate businessmen and merchants on the dangers, causes, and effects of corruption and receiving their views on financial and commercial regulations.

##### **Regulation on the National Anti-Corruption Commission**

Paragraph 5 of Article 3: The Commission aims to maintain integrity, promote transparency, and combat financial and administrative corruption in all forms, manifestations and means. To this end, it shall have the following powers:

5- Encourage public and private sectors to adopt plans and programs for maintaining integrity and combating corruption, pursuing implementation and assessing its results.

##### **Anti-Money Laundering Law**

Article 9:

1- If financial institutions, designated non-financial businesses and professions, and non-profit organizations suspect or have reasonable grounds to suspect that funds or parts thereof are proceeds of a criminal activity or they are related to transactions of money laundering, financing of terrorism, acts of terrorism, terrorist organizations, terrorist financiers, or if such funds, regardless of their amounts, would be used in transactions of money laundering, financing of terrorism, acts of terrorism, terrorist organizations, terrorist financiers, including attempts to engage in such transactions, they shall take the following measures:

a- Report said transaction to the Financial Intelligence Unit immediately;

...

Article 10: Notwithstanding the provisions relating to confidentiality, financial institutions, specific non-financial businesses and professions, and non-profit organizations shall submit documents, records and information to the Financial Intelligence Unit, the competent authority or the judicial authorities upon request by the monitoring agency.

Article (28): Relevant authorities and their employees, financial institutions, designated non-financial businesses and professions, and non-profit organizations as well as the Chairmen and members of their boards

of directors, owners, employees, hired hands or authorized representatives shall be exempted from criminal, civil or administrative liability that may result from the implementation of the duties provided for in this Law or upon infringement of any restriction imposed to ensure confidentiality of information, unless it is established that their actions were carried out in bad faith for the purpose of harming the person subject of the transaction.

- 246- Saudi Arabia reported the lack of statistics or examples of cases relevant to the implementation of this Article.

**(b) Observations on the implementation of the article**

- 247- The National Strategy for Protecting Integrity and Combating Corruption provides for the engagement of civil society and private sector institutions in the efforts for protecting integrity and combating corruption. Paragraph 5 of Article 3 of the Regulations of the National Anti-Corruption Commission provides that the Commission is also responsible for encouraging public and private sector efforts to adopt plans and programmes to protect integrity and combat corruption, follow up their implementation and evaluate their results.
- 248- Article (9) of the AML Law establishes the obligation of a number of private sector entities, including banks, dealers in precious metals, audit firms and lawyers, to report to the FIU any suspicious transactions. Article 28 relieves a reporting person from criminal, civil or administrative liability that can result from the implementation of this obligation.

**Article 39 - Cooperation between National Authorities and the Private Sector**  
**Paragraph 2**

*2. Each State Party shall consider encouraging its nationals and other persons with a habitual residence in its territory to report to the national investigating and prosecuting authorities the commission of an offence established in accordance with this Convention.*

**(a) Summary of relevant information on the review of the implementation of paragraph 2 of Article 39**

- 249- Saudi Arabia indicated that it is compliant with the article under review and referred to the following legislation:

**The National Integrity and Anti-Corruption Strategy**

Paragraph 5 (d) of "Third" To achieve the objectives of the National Integrity and Anti-Corruption Strategy, the following measures shall be adopted:

5. Educating the public and reinforcing moral conduct through the following:

d. Encouraging citizens and residents to cooperate with the authorities concerned with combating corruption and reporting on offences of corruption and criminals.

**Anti-Bribery Law**

Article 17: Every informer who gives information regarding an offence, provided for herein, that leads to establishing the commission of the offence, shall, if he is not a briber, accessory or intermediary, be granted a reward of not less than five thousand (5,000) riyals and not exceeding one half of the confiscated property; assessment of the reward lie within the discretion of the authority adjudging the case but the Ministry of Interior may pay a sum higher than the sum which would be fixed in pursuance of this Article, subject to the approval of the Prime Minister.



250- Saudi Arabia also indicated that, among the measures taken in this regard, a draft regulation granting rewards for persons who provide information about money laundering cases is currently considered by the Bureau of Experts at the Council of Ministers.

**(b) Observations on the implementation of the article**

251- Saudi Arabia is in compliance with the provision under review. Article 17 of the ABL provides for granting financial rewards to reporting persons on corruption crimes. Also, the National Anti-Corruption Commission has a dedicated hotline for contacting it and inquiring about how to report corrupt practices. The Commission may be informed via e-mail or fax or in person, while ensuring the confidentiality of information and identity of reporting persons. Moreover, the Commission has a department for rewards.

**(c) Successes and good practices**

252- The granting of financial rewards for persons who report corruption offences.

**Article 40 – Bank Secrecy**

*Each State Party shall ensure that, in the case of domestic criminal investigations of offences established in accordance with this Convention, there are appropriate mechanisms available within its domestic legal system to overcome obstacles that may arise out of the application of bank secrecy laws.*

**(a) Summary of relevant information on the review of implementation of Article 40**

253- Saudi Arabia indicated that it is compliant with the Article under review and that bank secrecy does not prevent the disclosure of information required in criminal investigation. It referred to the following legislation:

**Anti-Money Laundering Law**

Article 10: Notwithstanding the provisions relating to confidentiality, financial institutions, specific non-financial businesses and professions, and non-profit organizations shall submit documents, records and information to the Financial Intelligence Unit, the competent authority or the judicial authorities upon request by the monitoring agency.

**The National Integrity and Anti-Corruption Strategy**

Paragraph 2 (o) of "Third" To achieve the objectives of the National Integrity and Anti-Corruption Strategy, the following measures shall be adopted:

2. The governmental agencies concerned shall undertake to protect integrity and combat corruption by exercising their responsibilities and applying related regulations through the following:
  - o. Stressing cooperation in the area of mutual assistance in combating corruption without breaching bank secrecy laws.

254- Saudi Arabia explained that the Attorney General may inspect bank accounts when conducting investigations on corruption cases, as in the case of money laundering, and he does not need permission from the judiciary to do so.

**(b) Observations on the implementation of the article**

- 255- Bank secrecy does not appear to be an obstacle to criminal investigations. Assets and funds placed in banks may be seized, sequestered, and inquired about by the public prosecution or courts upon a request addressed to the Saudi Arabian Monetary Agency (SAMA) (Article 58 of the Implementing Regulations of the CPL). In addition, the Financial Intelligence Unit (FIU) and the competent investigating authority may request banking information through SAMA (Article 10 of the AML Law). There is a direct e-line between SAMA and the courts and between SAMA and banks to speed up the response to requests.

**Article 41- Criminal Record**

*Each State Party may adopt such legislative or other measures as may be necessary to take into consideration, under such terms as and for the purpose that it deems appropriate, any previous conviction in another State of an alleged offender for the purpose of using such information in criminal proceedings relating to an offence established in accordance with this Convention.*

**(a) Summary of relevant information on the review of implementation of Article 41**

- 256- Saudi Arabia indicated that it is compliant with the Article under review as its provisions are stipulated in Islamic law and applied by the Saudi judiciary. Repeating an offence is considered as aggravating circumstances. It is not required that the repeat offence is committed within or outside the Kingdom. It aggravates the sentence whatever the location where the offence has been committed. Saudi Arabia also referred to the unrestrictive text of article 18 of the ABL which applies to foreign judgments.
- 257- Saudi Arabia also referred to the Riyadh Arab Agreement for Judicial Cooperation, approved by the Council of Arab Ministers of Justice by its Resolution No. 1 of 06/04/1983 in its 1st ordinary session, signed on 4 June 1983 and entered into force as of 30 October 1985, pursuant to the provisions of Article 67 thereof.

**Riyadh Arab Agreement for Judicial Cooperation**

Article 5: Exchange of Criminal Records

The Ministry of Justice in each contracting party shall dispatch to the Ministry of Justice in any other contracting party the latest data on final legal judgments pronounced against its citizens or persons born or residing within its territory and entered in the criminal records (legal register) in accordance with the local legislation of the sending contracting party.

In the case of a charge being made by a judiciary body or other bodies of inquiry or prosecution in any contracting party, such bodies may obtain directly from the competent authorities the criminal record of the person charged.

In the absence of a charge, the judiciary or administrative bodies of any of the contracting parties may obtain from the competent authorities the criminal record in the possession of the other contracting party, subject to the conditions and limits contained in the legislation of the said party.

**Anti-bribery law**

Article (18): The convicted to any crime set forth in this law is considered a recidivist if found guilty of any other crime according to his/her provisions before five years of the expiration of the sentence, and in this case

s/he may be sentenced to more than the maximum penalty for the offense in the condition that it will not exceed twice this limit.

**(b) Observations on the implementation of the article**

258- Saudi Arabia is in compliance with the provision under review. Foreign criminal convictions can be considered by the court to apply the provisions of recidivism as an aggravating circumstance.

**Article 42 – Jurisdiction**  
**Sub-paragraph 1 (a)**

*1. Each State Party shall adopt such measures as may be necessary to establish its jurisdiction over the offences established in accordance with this Convention when:*

*(a) The offence is committed in the territory of that State Party; or*

**(a) Summary of relevant information on the review of implementation of paragraph 1 (a) of Article 42**

259- Saudi Arabia indicated that it is compliant with the paragraph under review and referred to the following legislation:

**Civil Aviation Regulation**

Article 2: The Kingdom has complete and absolute sovereignty over the airspace within its territory.

**Criminal Procedure Law**

Article 130: Venue shall be determined by the place of commission of the crime, or the place where the accused resides. If the accused has no known place of residence, the venue shall be determined by the place where he is arrested.

Article 131: It shall be deemed as a place of a crime, any place where any of the acts constituting that crime have been committed, or any act required to be done, the omission of which caused physical harm.

Article 218: The provisions the Shariah Procedure Law shall apply when there are no provisions provided herein, and in matters that are not inconsistent with the nature of penal actions.

**Shariah Procedure Law**

Article 24: The courts of the Kingdom shall have jurisdiction over cases filed against a Saudi, even if there is no record of his general or designated place of residence in the Kingdom. Excepted are cases in rem involving real estate located outside the Kingdom.

Article 25: The courts of the Kingdom courts shall have jurisdiction over cases filed against an alien who has a general or a designated place of residence in the Kingdom. Excepted are cases in rem involving real estate outside the Kingdom.

**(b) Observations on the implementation of the article**

260- Saudi Arabia is in compliance with the provision under review.

**Article 42 – Jurisdiction**

### **Sub-paragraph 1 (b)**

*1. Each State Party shall adopt such measures as may be necessary to establish its jurisdiction over the offences established in accordance with this Convention when:*

*(b) The offence is committed on board a vessel that is flying the flag of that State Party or an aircraft that is registered under the laws of that State Party at the time that the offence is committed.*

### **(a) Summary of relevant information on the review of implementation of paragraph 1 (b) of Article 42**

261- Saudi Arabia indicated that it is compliant with the paragraph under review and referred to the following legislation:

#### **United Nations Convention on the Law of the Sea**

Article 27: Criminal jurisdiction on board a foreign ship:

1. The criminal jurisdiction of the coastal State should not be exercised on board a foreign ship passing through the territorial sea to arrest any person or to conduct any investigation in connection with any crime committed on board the ship during its passage, save only in the following cases:

- (a) if the consequences of the crime extend to the coastal State;
- (b) if the crime is of a kind to disturb the peace of the country or the good order of the territorial sea;
- (c) if the assistance of the local authorities has been requested by the master of the ship or by a diplomatic agent or consular officer of the flag State; or
- (d) if such measures are necessary for the suppression of illicit traffic in narcotic drugs or psychotropic substances.

2. The above provisions do not affect the right of the coastal State to take any steps authorized by its laws for the purpose of an arrest or investigation on board a foreign ship passing through the territorial sea after leaving internal waters.

3. In the cases provided for in paragraphs 1 and 2, the coastal State shall, if the master so requests, notify a diplomatic agent or consular officer of the flag State before taking any steps, and shall facilitate contact between such agent or officer and the ship's crew. In cases of emergency this notification may be communicated while the measures are being taken.

4. In considering whether or in what manner an arrest should be made, the local authorities shall have due regard to the interests of navigation.

5. Except as provided in Part XII or with respect to violations of laws and regulations adopted in accordance with Part V, the coastal State may not take any steps on board a foreign ship passing through the territorial sea to arrest any person or to conduct any investigation in connection with any crime committed before the ship entered the territorial sea, if the ship, proceeding from a foreign port, is only passing through the territorial sea without entering internal waters.

#### **Convention on Offences and Certain Other Acts Committed On Board Aircraft**

##### **Article 1**

1. This Convention shall apply in respect of:

- (a) offences against penal law;
- (b) acts which, whether or not they are offences, may or do jeopardize the safety of the aircraft or of persons or property therein or which jeopardize good order and discipline on board.

2. Except as provided in Chapter III, this Convention shall apply in respect of offences committed or acts done by a person on board any aircraft registered in a Contracting State, while that aircraft is in flight or on the surface of the high seas or of any other area outside the territory of any State.

3. For the purposes of this Convention, an aircraft is considered to be in flight from the moment when power is applied for the purpose of take-off until the moment when the landing run ends.

4. This Convention shall not apply to aircraft used in military, customs or police services.

##### **Article 2**

Without prejudice to the provisions of Article 4 and except when the safety of the aircraft or of persons or property on board so requires, no provision of this Convention shall be interpreted as authorizing or requiring any action in respect of offences against penal laws of a political nature or those based on racial or religious discrimination.

### **Article 3**

1. The State of registration of the aircraft is competent to exercise jurisdiction over offences and acts committed on board.
2. Each Contracting State shall take such measures as may be necessary to establish its jurisdiction as the State of registration over offences committed on board aircraft registered in such State.
3. This Convention does not exclude any criminal jurisdiction exercised in accordance with national law.

262- Saudi Arabia also indicated that a Saudi judge may directly rely on this Convention in exercising his jurisdiction.

### **(b) Observations on the implementation of the article**

263- Saudi Arabia has established its jurisdiction over the offences committed on board a vessel that is flying its flag (art. 27 of the United Nations Convention on the Law of the Sea) and over the offences committed on board an aircraft that is registered under its laws (art. 3 of the Convention On Offences And Certain Other Acts Committed On Board Aircraft).

## **Article 42 – Jurisdiction**

### **Sub-paragraph 2 (a)**

*2. Subject to article 4 of this Convention, a State Party may also establish its jurisdiction over any such offence when:*

*(a) The offence is committed against a national of that State Party; or*

### **(a) Summary of relevant information on the review of implementation of paragraph 2 (a) of Article 42**

264- Saudi Arabia indicated that it has not established its jurisdiction over the offences committed against its nationals.

### **(b) Observations on the implementation of the article**

265- Saudi Arabia does not apply the passive personal jurisdiction.

## **Article 42 – Jurisdiction**

### **Sub-paragraph 2 (b)**

*2. Subject to article 4 of this Convention, a State Party may also establish its jurisdiction over any such offence when:*

*(b) The offence is committed by a national of that State Party or a stateless person who has his or her habitual residence in its territory; or*

**(a) Summary of relevant information on the review of implementation of paragraph 2 (b) of Article 42**

266- Saudi Arabia indicated that it is compliant with the paragraph under review and referred to Article (25) of Shariah Procedure Law and Article 218 of the Criminal Procedure Law.

**(b) Observations on the implementation of the article**

267- Saudi Arabia is in compliance with the provision under review.

**Article 42 – Jurisdiction**

Sub-paragraph 2 (c)

*2. Subject to article 4 of this Convention, a State Party may also establish its jurisdiction over any such offence when:*

*(c) The offence is one of those established in accordance with article 23, paragraph 1 (b) (ii), of this Convention and is committed outside its territory with a view to the commission of an offence established in accordance with article 23, paragraph 1 (a) (i) or (ii) or (b) (i), of this Convention within its territory; or*

**(a) Summary of relevant information on the review of implementation of paragraph 2 (c) of Article 42**

268- Saudi Arabia indicated that it is compliant with the paragraph under review and referred to the following legislation:

**Shariah Procedure Law:**

Articles 24 and 25 mentioned above in paragraph 1 (a) of this Article.

**Criminal Procedure Law:**

Article 131: It shall be deemed as a place of a crime, any place where any of the acts constituting that crime have been committed, or any act required to be done, the omission of which caused physical harm.

Article 218 mentioned above in paragraph 1 (a) of this Article.

**United Nations Convention on the Law of the Sea**

Paragraph 1 (a) of Article 27: Mentioned above in paragraph 1 (b) of this Article.

**(b) Observations on the implementation of the article**

269- Saudi Arabia is in compliance with the provision under review.

## **Article 42 – Jurisdiction**

### **Sub-paragraph 2 (d)**

*2. Subject to article 4 of this Convention, a State Party may also establish its jurisdiction over any such offence when:*

*(d) The offence is committed against the State Party.*

### **(a) Summary of relevant information on the review of implementation of paragraph 2 (d) of Article 42**

270- Saudi Arabia indicated that it is compliant with the paragraph under review and referred to the following legislation:

#### **Riyadh Arab Agreement for Judicial Cooperation (Riyadh Convention)**

Article 41, paragraph c: No extradition may be carried out in the following cases: (c) If the crime for which extradition is requested was committed in the territory of the requested party, except when such crime has caused damage to the interests of the requesting party and its laws stipulate that perpetrators of such crime be prosecuted and punished.

271- The Kingdom indicated that its laws do not provide for this matter, but agreements, in the event of ratification thereof or accession thereto, shall serve as a domestic law that can be relied on.

### **(b) Observations on the implementation of the article**

272- There is no explicit provision in the Saudi legislation which establishes Saudi Arabia's jurisdiction over the offences committed against it.

## **Article 42 – Jurisdiction**

### **Paragraph 3**

*3. For the purposes of article 44 of this Convention, each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences established in accordance with this Convention when the alleged offender is present in its territory and it does not extradite such person solely on the ground that he or she is one of its nationals.*

### **(a) Summary of relevant information on the review of the implementation of paragraph 3 of Article 42**

273- Saudi Arabia indicated that it is compliant with the paragraph under review and referred to the following legislation:

#### **Riyadh Arab Agreement for Judicial Cooperation (Riyadh Convention)**

Article 39: Each of the contracting parties may refuse to extradite its nationals provided that it undertakes within the limits covered by its jurisdiction to charge whichever such national who has committed crimes punishable by law in the territories of any other contracting party, whenever the laws of the two states concerned impose a custodial sentence of at least one year, or if a more severe penalty is foreseen in the laws

of any of the two contracting parties, once the other contracting party issues a request for legal prosecution accompanied by the appropriate files, documents and information in its possession. The requesting party shall be notified of measures taken in this regard.

The nationality of the accused shall be determined as on the date on which the crime for which extradition is requested was committed.

274- The Kingdom indicated that it does not extradite its nationals.

**(b) Observations on the implementation of the article**

275- There is no explicit provision in the Saudi legislation which establishes the principle *aut dedere aut judicare*. However, Saudi Arabia can take criminal procedures and prosecute a Saudi person accused based on the provisions of the active personal jurisdiction (Article 24 of the Shariah Procedure Law).

**Article 42 – Jurisdiction  
Paragraph 4**

*4. Each State Party may also take such measures as may be necessary to establish its jurisdiction over the offences established in accordance with this Convention when the alleged offender is present in its territory and it does not extradite him or her.*

**(a) Summary of relevant information on the review of the implementation of paragraph 4 of Article 42**

276- Saudi Arabia indicated that it is compliant with the paragraph under review and referred to the following legislation:

**Riyadh Arab Agreement for Judicial Cooperation (Riyadh Convention)**

Article 38: Each contracting party hereby undertakes to extradite persons found on its territory charged with having committed a crime by the competent authority or convicted of having done so by a judicial body of any other contracting parties, subject to the rules and conditions laid down in this Part.

**(b) Observations on the implementation of the article**

277- There is no explicit provision in the Saudi legislation which establishes the principle *aut dedere aut judicare*. However, Saudi Arabia can take criminal procedures and prosecute a foreign alleged offender who is present in its territory based on the provisions of article 25 of the Shariah Procedure Law.

**Article 42 – Jurisdiction  
Paragraph 5**

*5. If a State Party exercising its jurisdiction under paragraph 1 or 2 of this article has been notified, or has otherwise learned, that any other States Parties are conducting an investigation, prosecution or judicial proceeding in respect of the same conduct, the competent authorities of those States Parties shall, as appropriate, consult one another with a view to coordinating their actions.*



**(a) Summary of relevant information on the review of the implementation of paragraph 5 of Article 42**

278- Saudi Arabia indicated that it is compliant with this paragraph and that the implementation thereof is dependent on mutual cooperation among States and the principle of reciprocity. This matter is subject to the discretion of authorities in the States concerned and is not mandatory.

**(b) Observations on the implementation of the article**

279- It does not seem that there is anything which prevents the Saudi authorities to consult, as appropriate, with foreign authorities to coordinate actions relating to investigation or prosecution.

**Article 42 – Jurisdiction  
Paragraph 6**

*6. Without prejudice to norms of general international law, this Convention shall not exclude the exercise of any criminal jurisdiction established by a State Party in accordance with its domestic law.*

**(a) Summary of relevant information on the review of the implementation of paragraph 6 of Article 42**

280- Saudi Arabia indicated that it is compliant with this paragraph and that nothing may prevent it from extending its criminal jurisdiction to cover actions beyond what is provided for in the Convention so long as it is consistent with the provisions of Public International Law.

**(b) Observations on the implementation of the article**

281- This Convention does not exclude the exercise of any criminal jurisdiction established by Saudi Arabia in accordance with its domestic law.

## **Chapter IV: International Cooperation**

- 282- Saudi Arabia has a comprehensive system in place to combat corruption through international cooperation. However, it was difficult to assess in detail Saudi Arabia's practice regarding international cooperation in corruption cases, due to the absence of relevant data.
- 283- The reviewers recommend Saudi Arabia to adapt its information and case management system to allow it to collect data and provide more detailed statistics on international cooperation requests, including the timeframe for responding to such requests.

### **Article 44 – Extradition Paragraph 1**

*1. This article shall apply to the offences established in accordance with this Convention where the person who is the subject of the request for extradition is present in the territory of the requested State Party, provided that the offence for which extradition is sought is punishable under the domestic law of both the requesting State Party and the requested State Party.*

#### **(a) Summary of relevant information on the review of the implementation of paragraph 1 of Article 44**

- 284- Saudi Arabia indicated that as a general rule, the extradition of Saudi nationals may only be approved on the basis of dual criminality. However, if the person to be extradited is a national of the requesting State, the extradition request may be approved even in the absence of dual criminality. Similarly, if the person to be extradited is a national of the State in which the punishment for the offence is imposed, the extradition request may be approved even if the charge under investigation is not criminalized under Saudi Law. In cases requiring the presence of dual criminality, the Saudi authorities focus on the predicate offence rather than the strict provision of criminalization.
- 285- The Arab Extradition Agreement approved by the Kingdom of Saudi Arabia includes a provision for dual criminality in the laws of both the requesting and requested States. However, in the absence of a punishment for the committed offence in the laws of the requested State, or the stipulated punishment exists in the laws of the requesting State, the extradition process shall not be mandatory except when the person to be extradited is a national of the requesting State or a national of another country that imposes the same punishment.
- 286- Saudi Arabia indicated that with regard to criminalization, all the offences contained in the Convention are criminalized even though there is no explicit provision related thereto, since they are contrary to Islamic law, which is considered the Constitution of the Kingdom as stated in the first article of the Basic Law of Governance (Constitution): "The Kingdom of Saudi Arabia is a sovereign Arab Islamic State. Its religion is Islam. Its constitution is the Book of God Almighty, the Holy Quran, and the *Sunna* (Tradition) of the Prophet (May God bless him and grant him salvation). Arabic is the language of the Kingdom. The City of Riyadh is its capital."

- 287- The Kingdom indicated that the legal basis underlying the extradition system in the Saudi legal system is the existence of an independent agreement governing extradition with each party, in addition to the principles of reciprocity and international comity. The Kingdom undertakes to commit to the principle of dual criminality as per each individual case and according to the agreement concluded with each party. This article is similar to Article 16 of the United Nations Convention against Transnational Organized Crime ratified by the Kingdom of Saudi Arabia.
- 288- The Kingdom also referred to the Riyadh Arab Agreement for Judicial Cooperation it ratified on 11 May 2000, as Article 40 (a) thereof stipulates: "Extradition shall be obligatory with respect to the following persons: Individuals charged with committing acts punishable by the laws of each of the two contracting parties - that requesting extradition and that requested to extradite - with a custodial sentence of one (1) year or a more severe sentence in the laws of either party - whatever the maximum or minimum limits in the gradation of the stipulated penalty. "
- 289- For examples of implementation, including cases involving dual criminality issues, Saudi Arabia pointed out that it has not received from other countries requests concerning extradition for offences provided for in the United Nations Convention against Corruption and which are not criminalized under the legislation of the two countries.

**The Basic Law of Governance**

Article 42: The State shall grant the right of political asylum provided it is in the public interest. International agreements and laws shall define rules and procedures for the extradition of common criminals.

**(b) Observations on the implementation of the article**

- 290- Saudi Arabia does not have a separate law or special provisions on extradition. Extradition is essentially governed by bilateral and multilateral agreements in force, including the requirement of dual criminality.
- 291- As a general rule, dual criminality is only required for extradition of citizens of Saudi Arabia, while a request to extradite a foreigner can be accepted even in the absence of dual criminality. When dual criminality is required, Saudi authorities focus on the basic act of the offence rather than the strict text of criminalization.
- 292- The reviewers encourage Saudi Arabia to consider adopting legislation or special provisions governing the subject of extradition and its procedures in detail and in line with the provisions of Article 44 of the Convention.

**Article 44 – Extradition**  
**Paragraph 2**

*2. Notwithstanding the provisions of paragraph 1 of this article, a State Party whose law so permits may grant the extradition of a person for any of the offences covered by this Convention that are not punishable under its own domestic law.*

**(a) Summary of relevant information on the review of the implementation of paragraph 2 of Article 44**

293- Saudi Arabia indicated that this paragraph does not apply, as in accordance with its Basic Law of Governance (Constitution) and all regulations it covers, all offences contained in the Convention are criminalized in Saudi Arabia, and even if there is no legal provision criminalizing a criminal behavior, the judge has the authority to convict the perpetrator and impose the punishment he deems consistent with the basic principles of Islamic law, realizing fairness and justice for both community and offender.

294- The Kingdom also referred to the Riyadh Arab Agreement for Judicial Cooperation it ratified on 11 May 2000, as Article 40 (b) thereof stipulates: “Extradition shall be obligatory with respect to the following persons: b. Individuals charged with acts not punishable by the laws of the requested party or where the stipulated penalty for such acts in the laws of the requesting party has no equivalent in the laws of the requested party. The same penalty shall apply if the individuals prosecuted are nationals of the requesting party of another contracting party.”

**(b) Observations on the implementation of the article**

295- Saudi Arabia only requires dual criminality for extradition of citizens of Saudi Arabia, while a request to extradite a foreigner can be accepted even in the absence of dual criminality.

**Article 44 – Extradition  
Paragraph 3**

*3. If the request for extradition includes several separate offences, at least one of which is extraditable under this article and some of which are not extraditable by reason of their period of imprisonment but are related to offences established in accordance with this Convention, the requested State Party may apply this article also in respect of those offences.*

**(a) Summary of relevant information on the review of the implementation of paragraph 3 of Article 44**

296- Saudi Arabia indicated that this paragraph does not apply, as in accordance with its Basic Law of Governance (Constitution) and all laws it covers, all the offences contained in the Convention are criminalized in Saudi Arabia.

297- It should be stressed that the Kingdom of Saudi Arabia expressed reservations about this paragraph when it deposited its instrument of ratification of the Convention.

298- For examples of implementation, Saudi Arabia pointed out that it has not received requests concerning offences criminalized under the United Nations Convention against Corruption and that do not meet the condition of the duration of the penalty from the entry into force of the Convention until now.

**(b) Observations on the implementation of the article**

299- Saudi Arabia only requires dual criminality for extradition of citizens of Saudi Arabia, while a request to extradite a foreigner can be accepted even in the absence of dual criminality.

**Article 44 – Extradition  
Paragraph 4**

*4. Each of the offences to which this article applies shall be deemed to be included as an extraditable offence in any extradition treaty existing between States Parties. States Parties undertake to include such offences as extraditable offences in every extradition treaty to be concluded between them. A State Party whose law so permits, in case it uses this Convention as the basis for extradition, shall not consider any of the offences established in accordance with this Convention to be a political offence.*

**(a) Summary of relevant information on the review of the implementation of paragraph 4 of Article 44**

300- Saudi Arabia indicated that it is compliant with this paragraph, as it has become, following its ratification of the United Nations Convention against Corruption, committed to the undertaking set forth in this paragraph to include extraditable offences to which Article 44 of the Convention applies in any extradition treaty it concludes.

**The Basic Law of Governance**

Article 70: Laws, international treaties and agreements, and concessions shall be issued and amended, by Royal decrees.

**(b) Observations on the implementation of the article**

301- Saudi Arabia applies the provision under review pursuant to the direct implementation of the provisions of the Convention (article 70 of the Basic Law) in addition to article 42 of the Basic Law which provides that the laws and international agreements shall specify the rules and procedure for the extradition of ordinary criminals. Saudi Arabia does not consider corruption offences to be political offences.

**Article 44 – Extradition  
Paragraph 5**

*5. If a State Party that makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, it may consider this Convention the legal basis for extradition in respect of any offence to which this article applies.*

**(a) Summary of relevant information on the review of the implementation of paragraph 5 of Article 44**

302- Saudi Arabia stated that it does not make extradition conditional on the existence of a treaty, but it does not consider this Convention as the legal basis for cooperation regarding extradition with other States Parties to the Convention. It expressed reservation regarding paragraph 5 of Article 44 thereof when it deposited its ratification instrument of the Convention with the United Nations.

303- The Kingdom explained that extradition may not be made in accordance with the principles of reciprocity and international comity in the absence of a treaty.

**(b) Observations on the implementation of the article**

304- Saudi Arabia does not make extradition conditional upon the existence of a treaty and can grant extradition on the basis of the principles of reciprocity and international comity. Saudi Arabia does not consider the Convention a legal basis for extradition and has made a reservation on paragraph (5) of Article (44) of the Convention.

**Article 44 – Extradition**

**Paragraph 6**

6. A State Party that makes extradition conditional on the existence of a treaty shall:

*(a) At the time of deposit of its instrument of ratification, acceptance or approval of or accession to this Convention, inform the Secretary-General of the United Nations whether it will take this Convention as the legal basis for cooperation on extradition with other States Parties to this Convention; and*

*(b) If it does not take this Convention as the legal basis for cooperation on extradition, seek, where appropriate, to conclude treaties on extradition with other States Parties to this Convention in order to implement this article.*

**(a) Summary of relevant information on the review of the implementation of paragraph 6 of Article 44**

305- Saudi Arabia referred to its previous reply and indicated that it ratified the Extradition Agreement among the States of the Arab League (1952).

**(b) Observations on the implementation of the article**

306- Saudi Arabia does not make extradition conditional upon the existence of a treaty and can grant extradition on the basis of the principles of reciprocity and international comity. Saudi Arabia does not consider the Convention a legal basis for extradition and has made a reservation on paragraph (5) of Article (44) of the Convention.

**Article 44 – Extradition**

**Paragraph 7**

*7. States Parties that do not make extradition conditional on the existence of a treaty shall recognize offences to which this article applies as extraditable offences between themselves.*

**(a) Summary of relevant information on the review of the implementation of paragraph 7 of Article 44**

307- Saudi Arabia indicated that this paragraph is applied pursuant to the direct implementation of the provisions of the Convention.

**(b) Observations on the implementation of the article**

308- Saudi Arabia applies the provision under review pursuant to the direct implementation of the provisions of the Convention (article 70 of the Basic Law).

**Article 44 – Extradition  
Paragraph 8**

*8. Extradition shall be subject to the conditions provided for by the domestic law of the requested State Party or by applicable extradition treaties, including, inter alia, conditions in relation to the minimum penalty requirement for extradition and the grounds upon which the requested State Party may refuse extradition.*

**(a) Summary of relevant information on the review of the implementation of paragraph 8 of Article 44**

309- Saudi Arabia indicated that it is compliant with this paragraph, as extradition requests submitted to it are subject to the rules established in the Saudi laws, including the conditions described in applicable extradition treaties, such as the conditions in relation to the minimum penalty requirement for extradition and the grounds for refusing extradition.

310- Saudi Arabia referred to the provisions of some agreements concluded between Saudi Arabia and other countries with regard to extradition, and which explicitly state the conditions for extradition in relation to the minimum penalty requirement or the reasons for refusing extradition. It referred to some provisions, including, but not limited to, the following:

**Riyadh Arab Agreement for Judicial Cooperation**

Article 39: Extradition of Nationals. Each of the contracting parties may refuse to extradite its nationals provided that it undertakes within the limits covered by its jurisdiction to charge whichever such national who has committed crimes punishable by law in the territories of any other contracting party, whenever the laws of the two states concerned impose a custodial sentence of at least one year, or if a more severe penalty is foreseen in the laws of any of the two contracting parties, once the other contracting party issues a request for legal prosecution accompanied by the appropriate files, documents and information in its possession. The requesting party shall be notified of measures taken in this regard. The nationality of the accused shall be determined as on the date on which the crime for which extradition is requested was committed.

Article 40: (a) Obligation to extradite.

Extradition shall be obligatory with respect to the following persons: Individuals charged with committing acts punishable by the laws of each of the two contracting parties - that requesting extradition and that

requested to extradite - with a custodial sentence of one (1) year or a more severe sentence in the laws of either party - whatever the maximum or minimum limits in the gradation of the stipulated penalty.

Article 41: Crimes not subject to extradition: No extradition may be carried out in the following cases:

- (a) If the crime for which extradition is requested is considered by the laws of the requested party as a crime of a political nature.
- (b) If the crime for which extradition is requested is limited to a breach of military duties.
- (c) If the crime for which extradition is requested was committed in the territory of the requested party, except when such crime has caused damage to the interests of the requesting party and its laws stipulate that perpetrators of such crime be prosecuted and punished.
- (d) If the crime has been the subject of a final judgement in the requesting party.
- (e) If the legal action, at the time of receipt of the request for extradition, had lapsed or had been revoked, or the penalty had lapsed by passage of time in accordance with the laws of the requesting party.
- (f) If the crime had been committed outside the territories of the requesting party by a person not carrying its nationality, and the law of the requested party does not provide for prosecution of such person when this crime is committed outside its territory.
- (g) If an amnesty has been issued by the requesting party.
- (h) If charges relating to any crime have been made in the territory of the requested party, or if a judgement had been passed in respect of such crime in the territory of a third contracting party.

In the application of the provisions of this Agreement, the following crimes, even when they have a political purpose, shall not be considered crimes of a political nature in accordance with paragraph (a) of this Article:

- (1) Assault on kings and presidents of the contracting parties or their wives or their ascendants or descendants.
- (2) Assault on heirs apparent or vice-presidents of the contracting parties.
- (3) Murder and robbery committed against individuals, authorities, or means of transport and communications.

Article 48: Deciding on extradition requests. The competent authority of each of the contracting parties shall decide on extradition requests submitted to it in accordance with the laws in force at the time of such submission.

The requested party shall inform the competent authority of the requesting party of its decision in this respect. Rejection of the extradition request as a whole or in part must be reasoned, and in case of acceptance of the request the requesting party shall be duly notified of the date and place of extradition...

311- The Kingdom also referred to Article 42 of the Basic Law of Governance, which reads: "The State shall grant the right of political asylum provided it is in the public interest. International agreements and laws shall define rules and procedures for the extradition of common criminals."

312- Saudi Arabia stated that it has not received, since the entry into force of the provisions of the United Nations Convention against Corruption, extradition requests, which have been rejected for the existence of any of the grounds entitling refusal of extradition or failure to meet the minimum penalty requirement for extradition.

## **(b) Observations on the implementation of the article**

313- Extradition requests submitted to Saudi Arabia are subject to the conditions established in the extradition treaties in force, including the grounds for refusal and the minimum penalty requirement in some treaties (such as arts. 40 and 41 of the Riyadh Convention on Judicial Cooperation).



## **Article 44 – Extradition**

### **Paragraph 9**

*9. States Parties shall, subject to their domestic law, endeavour to expedite extradition procedures and to simplify evidentiary requirements relating thereto in respect of any offence to which this article applies.*

#### **(a) Summary of relevant information on the review of the implementation of paragraph 9 of Article 44**

314- Saudi Arabia indicated that it is compliant with this provision, as it is fully committed to its bilateral agreements with various countries in the area of extradition, and fully committed to well-established rules and norms, as well as applications and practices adopted in its judicial system in this regard.

315- Saudi Arabia referred to some provisions of the Riyadh Arab Agreement for Judicial Cooperation, which explicitly state the conditions for extradition in relation to extradition measures. It referred to some provisions, including, but not limited to, the following:

##### **Riyadh Arab Agreement for Judicial Cooperation**

Article 12: Method of delivery of documents and papers.

The task of the competent body in the contracting party requested to deliver the documents and papers shall be restricted to the delivery thereof to the person to be notified.

Evidence of delivery will be the signature of the person to be notified on a copy of the document or paper, the date of receipt, or a certificate by the competent body explaining the method in which the request was carried out, the date of implementing the request, and the person to whom it was delivered and, where necessary, the reason for failure to implement the request.

A copy of the document or paper signed by the person to be notified or the certificate of delivery shall be sent directly to the party requesting such procedure.

Article 42: Method of submitting extradition requests and enclosures.

The extradition request shall be submitted in writing by the competent authority of the requesting party to the competent authority of the requested party, and shall be accompanied by the following:

(a) A detailed statement of the identity of the individual to be extradited, his description, nationality and photograph if possible.

(b) A writ of arrest for the individual to be extradited or any other document having the same force issued by the competent authorities, or the original conviction made in accordance with the modes laid down by the law of the requesting party, or an official copy thereof duly certified by the competent authority of the requesting party.

(c) A submission containing the date and place of the acts for which extradition is requested, their characterization and the (Shariah) legal provisions applicable thereto, as well as a certified copy of such provisions, and a statement from the investigating authority setting forth the actual evidence against the person whose extradition is requested.

#### **(b) Observations on the implementation of the article**

316- Saudi Arabia has not taken sufficient measures to expedite extradition procedures and to simplify evidentiary requirements relating thereto.

317- In order to comply with the provision under review, Saudi Arabia should endeavour to expedite extradition procedures and simplify evidentiary requirements (i.e. with specific requirements form and/or internal guidelines) relating thereto.

## **Article 44 – Extradition**

### **Paragraph 10**

*10. Subject to the provisions of its domestic law and its extradition treaties, the requested State Party may, upon being satisfied that the circumstances so warrant and are urgent and at the request of the requesting State Party, take a person whose extradition is sought and who is present in its territory into custody or take other appropriate measures to ensure his or her presence at extradition proceedings.*

### **(a) Summary of relevant information on the review of the implementation of paragraph 10 of Article 44**

318- Saudi Arabia indicated that it applies this paragraph as in the rules well-established in Saudi Arabia, on the basis of an extradition request of the requesting State Party, a person whose extradition is sought and who is present on its territory may be taken into custody, provided that this action is made in accordance with the rules contained in relevant bilateral or multilateral agreement.

319- Saudi Arabia referred to Articles 43 and 44 of the Riyadh Arab Agreement for Judicial Cooperation, which state the following:

#### **Riyadh Arab Agreement for Judicial Cooperation**

Article 43: Detention of the person whose extradition is requested.

In case of urgency, and on the basis of a request by the competent authority of the requesting party, a person may be arrested and temporarily detained pending the arrival of the extradition request and the documents listed in Article 42 of this Agreement. The request for arrest or detention shall be transmitted to the competent authority of the requested party, either directly by post, telegram or any other means verifiable in writing: such request must indicate the existence of one of the documents set forth in paragraph (b) of Article 42, with an express statement of intention to forward the extradition request, the record of the crime committed, the penalty prescribed or pronounced, the date and place of the crime, as precise a description of the person to be extradited as possible, pending the arrival of the request duly made out in conformity with the provisions of Article 42 of the Agreement.

The requesting party shall be notified of the measures taken in this regard without delay.

Article 44: Release of the person to be extradited.

The person whose extradition is requested shall be released if the requested party does not receive within a period of thirty (30) days following the date of arrest the documents listed in paragraph (b) of Article 42 of this Agreement or a request for the extension of detention.

In no circumstances may the period of detention exceed sixty (60) days.

The person whose extradition is requested may be released at any time provided that the contracting requested party takes all necessary measures to prevent his escape.

The release of the person to be extradited does not preclude re-arrest and extradition if the extradition request were completed later.

### **(b) Observations on the implementation of the article**

320- Saudi Arabia is able to take a person whose extradition is sought and who is present in its territory into custody or take other appropriate measures to ensure his or her presence at extradition proceedings, based on the provisions of some extradition treaties, which deal with the subject (such as: articles 43 and 44 of the Riyadh Convention on Judicial Cooperation).

## **Article 44 – Extradition**

## Paragraph 11

*11. A State Party in whose territory an alleged offender is found, if it does not extradite such person in respect of an offence to which this article applies solely on the ground that he or she is one of its nationals, shall, at the request of the State Party seeking extradition, be obliged to submit the case without undue delay to its competent authorities for the purpose of prosecution. Those authorities shall take their decision and conduct their proceedings in the same manner as in the case of any other offence of a grave nature under the domestic law of that State Party. The States Parties concerned shall cooperate with each other, in particular on procedural and evidentiary aspects, to ensure the efficiency of such prosecution.*

### **(a) Summary of relevant information on the review of the implementation of paragraph 11 of Article 44**

321- Saudi Arabia indicated that it does not extradite its nationals. As an exception to this rule, it remains possible to extradite any Saudi national in accordance with the terms of bilateral agreements concluded with Bahrain, the UAE, Qatar, and Oman, as well as the GCC Security Agreement where the person requested to be extradited is charged with one of the Hadd offences (refer to Section 1 of Shariah Law, Article 28), which is punishable by not less than 6 months of imprisonment.

322- Saudi Arabia indicated that its legal system recognizes the principle of extradition or trial if extradition is not possible owing to the fact that the person whose extradited is sought is a Saudi national, so as not to allow the offender to escape punishment. In case a request to extradite a Saudi national is rejected, Saudi Arabia shall file a suit against the accused person in accordance with international agreements (see, for example, Article 7 of the Extradition Agreement between Egypt, Jordan and Saudi Arabia and Article 39 of the Riyadh Arab Agreement for Judicial Cooperation). The Authorities pointed out that Saudi Arabia has filed lawsuits against Saudi nationals in 133 cases.

323- Saudi Arabia referred to Article 39 of the Riyadh Arab Agreement for Judicial Cooperation, which stipulates that a signatory party to the agreement may refuse to extradite its nationals:

#### **Riyadh Arab Agreement for Judicial Cooperation**

Article 39: Extradition of nationals.

Each of the contracting parties may refuse to extradite its nationals provided that it undertakes within the limits covered by its jurisdiction to charge whichever such national who has committed crimes punishable by law in the territories of any other contracting party, whenever the laws of the two states concerned impose a custodial sentence of at least one year, or if a more severe penalty is foreseen in the laws of any of the two contracting parties, once the other contracting party issues a request for legal prosecution accompanied by the appropriate files, documents and information in its possession. The requesting party shall be notified of measures taken in this regard.

The nationality of the accused shall be determined as on the date on which the crime for which extradition is requested was committed.

### **(b) Observations on the implementation of the article**

324- During the country visit, Saudi authorities have indicated that the operating principle is the non-extradition of citizens, despite the absence of a relevant express provision. As an exception to this rule, it remains possible to extradite any Saudi national in accordance with

the terms of bilateral agreements concluded with Bahrain, the UAE, Qatar, and Oman, as well as the GCC Security Agreement.

- 325- Despite the absence of an explicit provision which establishes the principle *aut dedere aut judicare*, Saudi Arabia applies this principle and can take criminal procedures and prosecute a Saudi person accused based on the provisions of the active personal jurisdiction (Article 24 of the Shariah Procedure Law).

#### **Article 44 – Extradition Paragraph 12**

*12. Whenever a State Party is permitted under its domestic law to extradite or otherwise surrender one of its nationals only upon the condition that the person will be returned to that State Party to serve the sentence imposed as a result of the trial or proceedings for which the extradition or surrender of the person was sought and that State Party and the State Party seeking the extradition of the person agree with this option and other terms that they may deem appropriate, such conditional extradition or surrender shall be sufficient to discharge the obligation set forth in paragraph 11 of this article.*

#### **(a) Summary of relevant information on the review of the implementation of paragraph 12 of Article 44**

- 326- Saudi Arabia stated that this paragraph does not apply to it because it does not extradite its nationals, but it pledges to prosecute offenders from among its nationals if it is proven that they have committed any of the offences contained in the Convention.

#### **(b) Observations on the implementation of the article**

- 327- During the country visit, Saudi authorities have indicated that the operating principle is the non-extradition of citizens, even if it was a conditional extradition.

#### **Article 44 – Extradition Paragraph 13**

*13. If extradition, sought for purposes of enforcing a sentence, is refused because the person sought is a national of the requested State Party, the requested State Party shall, if its domestic law so permits and in conformity with the requirements of such law, upon application of the requesting State Party, consider the enforcement of the sentence imposed under the domestic law of the requesting State Party or the remainder thereof.*

#### **(a) Summary of relevant information on the review of the implementation of paragraph 13 of Article 44**

- 328- The Kingdom referred to Article 9 of the Enforcement Regulation issued by Royal Decree No. 53 of 13/8/1433 (H.), which reads: “The execution of a judgment shall only be effected by an executive deed establishing a right of a specific value when it is due. Executive deeds include:
- a. Foreign judgments, decisions, and orders issued by courts.

- b. Arbitrators' decisions accompanied by execution order in accordance with the arbitration regulation.
- c. Conciliation awards ratified by courts.
- d. Commercial papers.
- e. Contracts and registered documents.
- f. Judicial decisions and orders, arbitrators' decisions and registered documents issued in a foreign country.
- g. Regular papers whose content is recognized in whole or in part.
- h. Contracts and documents, which have the power of a writ of execution in accordance with the regulation."

329- The Kingdom also referred to Article 17 of the Arab League Extradition Agreement, which reads: Verdicts imposing a custodial sentence may be enforced in the State where the sentenced person is present, at the request of the State that has rendered the verdict, provided that the consent of the requested State is obtained, according to what is stated in the Agreement.

**(b) Observations on the implementation of the article**

330- Article (9) of the Law on Enforcement allows for the implementation of foreign penal judgements, after giving them the exequatur. Some international agreements also address this issue (such as Article 17 of the Extradition treaty among the Arab League States).

331- Under the Agreement on the Execution of Sentences and Rogatory Commissions and Judicial Declarations of the Gulf Cooperation Council, adopted in 1995, a court ruling made in any of the GCC countries is considered as if it was issued in the requested State and becomes a judgement enforceable in all the GCC countries in accordance with the simplified procedures set forth in the agreement.

**Article 44 – Extradition  
Paragraph 14**

*14. Any person regarding whom proceedings are being carried out in connection with any of the offences to which this article applies shall be guaranteed fair treatment at all stages of the proceedings, including enjoyment of all the rights and guarantees provided by the domestic law of the State Party in the territory of which that person is present.*

**(a) Summary of relevant information on the review of the implementation of paragraph 14 of Article 44**

332- Saudi Arabia indicated that its legal system ensures fair treatment of all persons to whom this article applies at all stages of the proceedings, including enjoyment of all the rights and guarantees provided by Saudi law.

333- Saudi Arabia referred to the following articles of the Criminal Procedure Law issued by Royal Decree No. M/39 of 28/07/1422 (H.) based on Council of Ministers Resolution No. 200 of 14/07/1422 (H.):

- Article 2: No person shall be arrested, searched, detained, or imprisoned except in cases specified by the law. Detention or imprisonment shall be carried out only in the places designated for such purposes and shall be for the period prescribed by the competent authority. A person under arrest shall not be subjected to any bodily or moral harm. Similarly, he shall not be subjected to any torture or degrading treatment.
- Article 69: The accused, the victim, the claimant in respect of the private right of action, and their respective representatives or attorneys may attend all the investigation proceedings. The Investigator may, however, conduct the investigation in the absence of all or some of the above mentioned, whenever that is deemed necessary for determining the truth. Immediately after the necessity has ended, he shall allow them to access the investigation.
- Article 70: The Investigator shall not, during the investigation, separate the accused from his accompanying representative or attorney. The representative or attorney shall not intervene in the investigation except with the permission of the Investigator. In all cases, the representative or attorney may deliver to the Investigator a written memorandum of his comments and the Investigator shall attach that memorandum to the file of the case.

With respect to ensuring fair treatment for any person regarding whom proceedings are being carried out in connection with any of the offences to which this article applies.

Article 116: Whoever is arrested or detained shall be promptly notified of the reasons for his arrest or detention, and shall be entitled to communicate with any person of his choice, to inform him (of his arrest or detention), provided that such communication is under the supervision of the criminal investigation officer.

334- The Kingdom indicated that it acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

335- Article 42 of the Basic Law of Governance reads: “International agreements and laws shall define rules and procedures for the extradition of common criminals.” The Kingdom also ratified the United Nations Convention against Transnational Organized Crime and deposited its ratification instrument of the Arab League Extradition Agreement of 1952/53 in 1373 H. (1954 G.). In 1999, it ratified the Riyadh Arab Agreement for Judicial Cooperation. Moreover, the Kingdom concluded a number of bilateral agreements on the extradition of criminals and accused persons. These agreements (listed below) govern extradition procedures. The Bureau of Investigation and Public Prosecution shall be competent to study extradition requests and review them from all legal aspects, including verification of the non-violation of the rights of the person to be extradited and non-exposure to torture, and guarantee of a fair trial to him.

336- With regard to deportation, Article 33 of the Residence Regulation, which provides for the deportation of unwelcome persons due to violations, on the basis of a decision by the Minister of Interior. In this case, those who incurred a deportation decision may appeal before the competent court (administrative court), not to mention their right to seek the assistance of a lawyer or a representative, according to the provisions of Article 4 of the Criminal Procedure Law. It should be noted no foreigner may be deported until his liabilities and rights are settled.

337- Additionally, all acts of torture are criminalized by the regulations of the Kingdom of Saudi Arabia. Article 2 of Royal Decree No. 43 of 1377H (1958) states that an imprisonment sentence of no more than ten (10) years or a fine of not more than twenty thousand (20,000) riyals shall be imposed on any employee found guilty of any of the offences set forth in the said Royal Decree. This shall also include whoever participates or colludes with him in the commission of the offence, whether they are employees or non-

employees. Paragraph 8 of the said Article states that among the acts whose perpetrators are punishable are “maltreatment or coercion through torture, cruelty, property confiscation, or deprivation of personal freedoms, including torture, fine, imprisonment, exile, forced residence in a certain place, and entering homes without legal justification.” Also, Articles 2, 35, and 102 of the Criminal Procedure Law prohibits torture in all its forms, as pointed out in the comments on Article 2 of the Convention.

- 338- Article 28 of the Prison and Detention Regulation of 1398H (1978) reads: “All forms of aggression against prisoners or detainees are prohibited and disciplinary measures shall be taken against civilian or military officials who commit any act of aggression against prisoners or detainees, without prejudice to any criminal penalties to which they might be liable in cases in which aggression constitutes a criminal offence.”
- 339- Also, Article 28 of the Prison and Detention Regulation of 1384H (1965) states that whoever is found guilty of the offence of torture after standing a military trial shall incur a disciplinary penalty by being dismissed from military service or imprisoned for a period not exceeding six (6) months, or both penalties.
- 340- In addition, Article 121 of the Internal Security Forces Regulation allows the suspension of the accused employee if the interest of the investigation requires doing so and he may be provisionally detained in case the nature of the charge so requires.
- 341- The Kingdom undertakes to inform the relevant embassy therein upon the arrest of any of its citizens. Royal Decree No. 1402/8, issued in 1399H (1979) states that if any foreign national is arrested, the embassy of his country shall be informed through diplomatic channels of his name and full information, the detention place, the reasons for arrest and the date of his trial, on the basis of Article 1/36/b of the Vienna Convention on Consular Relations, ratified by the Kingdom in 1408 H. (1988).
- 342- The Kingdom has set up mechanisms for visits by representatives of embassies and diplomatic corps to their fellow citizens arrested and imprisoned in the Kingdom, on the basis of Interior Minister Decision No. 56559 of 1433 H. (2012). Appendix No. 5 determines the number of visits by representatives of embassies, consulates, and international delegations.
- 343- The Kingdom of Saudi Arabia shows great interest in training, as the Civil Service Regulation states: “The training of staff is part of the regular work duties, whether within or outside working hours, and all ministries and government departments shall enable their staff to receive training in their respective fields.” Training is an important matter for the members of the public authorities. It shows them how to perform their duties as required by the regulations, without prejudice to the freedoms and rights guaranteed by regulations against torture and other cruel, inhuman or degrading treatment or punishment. These efforts are manifested in programs implemented before public authority employees join their posts and assume their duties, as well as in other on-job programs in order to further their training, familiarize them with legal developments in their field, and enlighten them about the guarantees afforded by laws for individuals whatever their legal status in these proceedings. The following are examples of such themes and procedures.
- 344- For example, Article 2 of the Regulations on the members of the Bureau of Investigation and Public Prosecution reads: “Members of the Bureau shall undergo an intensive training program of not less than six (6) months...” Pursuant to the said Article,

the Bureau enrolls all the persons who have been accepted to join its staff in training programs.

**(b) Observations on the implementation of the article**

345- The extradition procedure involves both a judicial and an administrative procedure. Requests for extradition should be submitted through diplomatic channels for transmission to the Public Prosecutor's Office, which is the competent authority for the review of such requests. If the Public Prosecutor's Office considers that the request is acceptable, it sends its recommendation to the King for a final decision.

346- Although the King's decision is final and cannot be appealed, the person sought for extradition, when confronted with the charge, has all the guarantees provided for in the Criminal Procedure Law, including the right of defence and the right for a lawyer. Also, he or she has the right to object to the same authority, which is the Public Prosecutor's Office, before referral to the King.

**Article 44 – Extradition  
Paragraph 15**

*15. Nothing in this Convention shall be interpreted as imposing an obligation to extradite if the requested State Party has substantial grounds for believing that the request has been made for the purpose of prosecuting or punishing a person on account of that person's sex, race, religion, nationality, ethnic origin or political opinions or that compliance with the request would cause prejudice to that person's position for any one of these reasons.*

**(a) Summary of relevant information on the review of the implementation of paragraph 15 of Article 44**

347- Saudi Arabia indicated that it is compliant with this provision, as the prosecution or punishment of a person without proof is forbidden according to Islamic law, not to mention that punishing a person on account of his sex, race, religion, nationality, or ethnic origin is a severe [crime] prohibited by Islamic law. Moreover, Article 38 of the Basic Law of Governance (Constitution) states: "Punishments are personal. An offence or a penalty shall only be established on the basis of a Shariah legislation or a regulation. Punishment shall not be imposed ex post facto."

**(b) Observations on the implementation of the article**

348- Saudi Arabia applies the provision under review pursuant to the direct implementation of the provisions of the Convention (article 70 of the Basic Law) in addition to article 42 of the Basic Law which provides that the laws and international agreements shall specify the rules and procedure for the extradition of ordinary criminals. Guarantees of



fair treatment are also provided for in the Basic Law and are applicable in extradition proceedings.

**Article 44 – Extradition**  
**Paragraph 16**

*16. States Parties may not refuse a request for extradition on the sole ground that the offence is also considered to involve fiscal matters.*

**(a) Summary of relevant information on the review of the implementation of paragraph 16 of Article 44**

349- Saudi Arabia indicated that it is compliant with this provision, as well-established general rules do not include any rules that allow States Parties to refuse a request for extradition on the sole ground that the offence relates to financial matters. Moreover, Saudi authorities have never rejected any extradition request relating to any of the offences provided for in the United Nations Convention against Corruption on the sole ground that the offence relates to financial matters.

**(b) Observations on the implementation of the article**

350- During the country visit, Saudi authorities indicated that the Saudi legislation and the bilateral agreements on extradition between Saudi Arabia and other countries, do not provide for the possibility to refuse extradition requests on the sole ground that the offence is also considered to involve fiscal matters. Moreover, Saudi authorities have never before rejected any request for extradition submitted on any of the offences covered in the United Nations Convention against Corruption on the sole ground that the offence is also considered to involve fiscal matters.

**Article 44 – Extradition**  
**Paragraph 17**

*17. Before refusing extradition, the requested State Party shall, where appropriate, consult with the requesting State Party to provide it with ample opportunity to present its opinions and to provide information relevant to its allegation.*

**(a) Summary of relevant information on the review of the implementation of paragraph 17 of Article 44**

351- Saudi Arabia indicated that it is compliant with this provision. Paragraph 4 of Article 15 of the Mechanism of Action of the Standing Committee of Requests for Mutual Legal Assistance, issued by Council of Ministers Resolution No. 78 of 21/03/1433 H., reads: “Consultation may be conducted with the requesting State Party before refusing a request or postponing its execution to consider whether legal assistance may be granted subject to such terms and conditions it deems necessary.”

352- Saudi Arabia also referred to Article 45 of the Riyadh Arab Agreement for Judicial Cooperation, which reads:

Article 45: Supplementary explanations. If the requested party finds it necessary to obtain supplementary explanations to verify that the provisions of this Part are complied with, and it views that such deficiency can be remedied, it shall notify the requesting party before it rejects such request, and the requested party may set a new deadline for receiving such explanations.

**(b) Observations on the implementation of the article**

353- Saudi Arabia applies the provision under review pursuant to the provisions of some extradition agreements which dealt with the subject (such as article 45 of the Riyadh Arab Agreement for Judicial Cooperation) and pursuant to the direct implementation of the provisions of the Convention (articles 42 and 70 of the Basic Law). Moreover, the authorities indicated during the country visit that consultations before refusing extradition are conducted with the requesting country as a matter of practice.

**Article 44 – Extradition**

**Paragraph 18**

*18. States Parties shall seek to conclude bilateral and multilateral agreements or arrangements to carry out or to enhance the effectiveness of extradition.*

**(a) Summary of relevant information on the review of the implementation of paragraph 18 of Article 44**

354- Saudi Arabia indicated that because it considers international cooperation, judicial cooperation, and extradition as important, it has joined several agreements that help further cooperation in this aspect. Such agreements include the Riyadh Arab Agreement for Judicial Cooperation and the United Nations Convention against Transnational Organized Crime. Also, the Kingdom has established a special committee on requests for legal assistance, in keeping with its desire to enhance international cooperation.

355- The Kingdom referred to the Reference Model for the Agreements on Legal and Judicial Cooperation of the GCC Member States. The Model consists of 87 articles covering all aspects of legal and judicial cooperation that are usually covered by bilateral agreements, such as the right to litigate, judicial assistance, notification of judicial and non-judicial documents and papers, rogatory commissions, presence of witnesses and experts, recognition of court judgments and official contracts, judicial conciliation, decisions of arbitrators and execution thereof, *zakat* settlement, extradition of convicts, and transfer of persons sentenced with custodial sentences. Their Excellencies the Ministers of Justice approved this Model at their 15th meeting (Doha, 4-5 Shaban, 1424H. corresponding to 30 September-1 October 2003). Then the Supreme Council adopted it at its 24th session (Kuwait, December 2003) as a reference model for the agreements reached by Member States on legal and judicial cooperation.

356- The Kingdom referred to the Kuwait Document for Uniform Regulation (Code) on International Legal and Judicial Cooperation in Criminal Matters of the GCC Member

States. The Supreme Council decided at its 31st session (Abu Dhabi, December 2010) to approve of the Draft Common Regulation (Code) on International Legal and Judicial Cooperation in Criminal Matters of the GCC Member States as a reference regulation for four years to be automatically renewed in case there are no comments thereon from Member States. The said reference regulation shall be known as the “Kuwait Document for Common Regulation (Code) on International Legal and Judicial Cooperation in Criminal Matters of the GCC Member States.” This regulation (Code) is intended to complement the series of reference regulations (Codes) achieved within the framework of the process of justice and judicial cooperation among the GCC countries. It consists of seventy-one articles covering the procedures of international legal and judicial cooperation in criminal matters, including requests for legal and judicial assistance addressed to State authorities; requests for legal assistance addressed to a foreign judicial body; extradition of persons to foreign countries to be interrogated or criminally tried or to execute penal verdicts rendered against them; communication with the authorities of a foreign country to retrieve persons who received custodial sentences ; delivery and recovery of proceeds of an offence or items used in the commission thereof; controlled delivery; transfer of sentenced persons to a foreign country; and the transfer of sentenced persons from a foreign country.

357- The Kingdom referred to the following agreements on extradition, international cooperation and judicial cooperation:

- 1- The Agreement between the Government of the Kingdom of Saudi Arabia and the Government of the People's Democratic Republic of Algeria on Extradition and Convicts signed on 18 April 2013.
- 2- Extradition Agreement between the Kingdom of Saudi Arabia and the Islamic Republic of Pakistan, signed on 3 April 1983.
- 3- Arab League Extradition Agreement, signed in 1954.
- 4- The GCC Security Agreement ratified by Royal Decree No. M/16 of 10/06/1419 H.

#### **(b) Observations on the implementation of the article**

358- Saudi Arabia has concluded a series of bilateral agreements in the field of extradition (i.e. with Algeria and Pakistan) and it is party to a number of related multilateral agreements (i.e. the Arab League Extradition Agreement and the GCC Security Agreement).

#### **Article 45- Transfer of Sentenced Persons**

*States Parties may consider entering into bilateral or multilateral agreements or arrangements on the transfer to their territory of persons sentenced to imprisonment or other forms of deprivation of liberty for offences established in accordance with this Convention in order that they may complete their sentences there.*

#### **(a) Summary of relevant information on the review of the implementation of Article 45**

359- Saudi Arabia indicated that it is compliant with this provision as it has concluded several bilateral and multilateral arrangements and agreements in this regard, and is

conducting negotiations and consultations with other countries to conclude other agreements in this area. The Kingdom also referred to some conventions, including, but not limited to, the following:

- Agreement on the Transfer of Persons Sentenced with custodial sentences among GCC Member States, signed in Abu Dhabi, United Arab Emirates, on 25 Rabi II 1427 H. (23 May 2006).
- Agreement between the United Kingdom of Great Britain, Northern Ireland and the Kingdom of Saudi Arabia on the Transfer of Sentenced Persons, signed in Riyadh, 08/02/1433 H. (2 January 2012).
- Agreement between the Government of the Kingdom of Saudi Arabia and the Government of the Republic of Sudan on the Transfer of Convicts with Custodial Sentences, signed in Tunis on 01/04/1431 H. (17/03/2010).
- Agreement between the Kingdom of Saudi Arabia and the Republic of India on the Transfer of Convicts, signed in Riyadh on 14/03/1431 H. (28/02/2010).
- Agreement on the Transfer of Convicts with Custodial Sentences between the Kingdom of Saudi Arabia and the Kingdom of Spain, signed in Jeddah on 22/05/1429 H. (27/05/2008).
- Draft Agreement between the Government of the Kingdom of Saudi Arabia and the Government of the Republic of Azerbaijan on the Extradition and Transfer of Convicts with Custodial Sentences.

**(b) Observations on the implementation of the article**

360- Saudi Arabia has concluded a number of bilateral and regional agreements relevant to the transfer of sentenced persons and these agreements can regulate the transfer of persons who are sentenced for committing offenses established in accordance with this Convention.

**Article 46: Mutual Legal Assistance  
Paragraphs 1 and 2**

- 1. States Parties shall afford one another the widest measure of mutual legal assistance in investigations, prosecutions and judicial proceedings in relation to the offences covered by this Convention.*
- 2. Mutual legal assistance shall be afforded to the fullest extent possible under relevant laws, treaties, agreements and arrangements of the requested State Party with respect to investigations, prosecutions and judicial proceedings in relation to the offences for which a legal person may be held liable in accordance with article 26 of this Convention in the requesting State Party.*

**(a) Summary of relevant information on the review of the implementation of paragraphs 1 and 2 of Article 46**

361- With respect to Paragraph 1, Saudi Arabia indicated that it is compliant with this provision as Article 10 of the Mechanism of Action of the Standing Committee of Requests for Mutual Legal Assistance states the following:

**Article 10: Scope of Legal Assistance**

Requests for legal assistance shall be afforded for any of the following purposes:

- 1- Taking evidence or statements from persons;
- 2- Effecting service of judicial documents and papers, including subpoenas seeking the appearance of persons to give testimony;
- 3- Executing searches and seizures, and freezing;
- 4- Examining objects and sites;
- 5- Providing information, items or quantities required for the purposes of analysis or investigations, and expert evaluations;
- 6- Locating and identifying persons and objects connected to an offence;
- 7- Recovering assets, in accordance with the provisions of the bilateral or multilateral agreements to which the Kingdom of Saudi Arabia has acceded;
- 8- Providing originals or certified copies of relevant documents and records, including government, bank, financial or business records;
- 9- Identifying or tracing proceeds of an offence, property, instrumentalities or other things for evidentiary purposes or for the confiscation thereof;
- 10- Facilitating the voluntary appearance of persons in the requesting State Party; or
- 11- Any other type of legal assistance that is not provided for in bilateral or multilateral agreements to which the Kingdom of Saudi Arabia has acceded and that is not contrary to its domestic rules and regulations.

362- Saudi Arabia indicated that it is compliant with paragraph 2 of Article 46 and referred to its answer on Article 26, as the Saudi regulations pertaining to the provision of legal assistance do not make any distinction between the offences a legal person may incur and others with respect to the provision of legal assistance. In this respect, the Regulation on the Mechanism of Action of the Standing Committee of Requests for Mutual Legal Assistance does not distinguish between the offences for which a legal person may be held liable and others. Moreover, Saudi law defines the principle of criminal responsibility of a legal person. Article 19 of the Anti-Bribery Law states: “The authority having power to adjudge the offences of bribery must impose a fine not exceeding tenfold the value of the bribe, or banning from concluding contracts with ministries, government services or public juristic persons, for providing purchases or execution of their projects and works, or both penalties; this penalty is imposable on any company or private firm, national or foreign, whose manager or any personnel thereof has been found guilty of committing any offences provided for herein, if the said offence has been committed to serve the interest of such company or firm. The Council of Ministers may reconsider the banning penalty aforementioned after the lapse of at least five (5) years from the date of passing judgement.”

363- For examples of implementation, Saudi Arabia pointed out that legal assistance is provided to the requesting States in accordance with applicable rules. Examples of such cases include the following:

- The competent authorities in the Netherlands charged a group of people with money laundering therein, and requested the competent authorities in the Kingdom of Saudi Arabia (i.e., the Standing Committee of Requests for Mutual Legal Assistance) to hear witnesses on the said charge. Accordingly, legal assistance was provided to them by hearing the

testimony of witnesses on the case and sending the testimony statements to them through diplomatic channels (2014).

- The Kingdom of Saudi Arabia received a request from the competent authorities in Ghana. The request was about conducting a criminal investigation concerning a Saudi national residing in Saudi Arabia who was charged with committing money laundering in cooperation with Ghanaians. The Saudi authorities examined the request and asked the Ghanaian authorities to send them copies of the documents of the financial transfer they referred to along with information about the transferor, due to the presence of many people carrying the same name as the Saudi accused person. Cooperation is still continuing (2014).
- Legal assistance was provided to the competent authorities in Belgium which requested to identify and locate the holders of mobile phone numbers and question them about their relationship with the person named \*\*\* as well as to inspect the activities of the Commercial \*\*\* Group and obtain some information about it. The competent authorities in Belgium were afforded with the requested information in the framework of the provision of legal assistance.
- The competent authorities in the Arab Republic of Egypt requested legal assistance regarding verification of authenticity of documents, signatures and stamps issued by an official body in the Kingdom of Saudi Arabia. This is because the Egyptian authorities arrested an Egyptian national called \*\*\* on charges of forging documents and stamps and possession of those documents. Accordingly, legal assistance was provided to the Egyptian competent authorities and they were informed that all those documents, stamps and signatures were not valid.
- The competent authorities in Turkey requested legal assistance as regards the hearing of the testimony of the so-called \*\*\* in connection with an offence of fraud committed in Turkey. Legal assistance was provided to the authorities in Turkey by allowing them to hear the testimony of the said person and sending it to them.
- The Turkish authorities requested legal assistance concerning the interrogation of the so-called \*\*\*, a Palestinian, for allegedly beating a nurse and causing damage to a health center in Turkey. The mentioned person was interrogated and the interrogation minutes were sent to the Turkish authorities.

**(b) Observations on the implementation of the article**

364- Mutual legal assistance (MLA) is regulated by the provisions of the “Mechanism of action of the Standing Committee of requests for legal assistance” (MLA Mechanism), issued by the Council of Ministers, in addition to the provisions of bilateral and multilateral agreements in force.

365- MLA requests are submitted through diplomatic channels and, in urgent cases, through the INTERPOL Directorate at the Ministry of Interior. The MLA Committee may receive MLA requests in any way which enables request to be sent in writing, including by fax or e-mail. In urgent cases, an oral request may be accepted, provided that it will be confirmed in writing.

366- The same range of measures and procedures that are available in domestic criminal proceedings are also available for MLA. MLA requests regarding physical and legal persons are treated equally.

367- Saudi Arabia does not make MLA conditional upon the existence of a treaty and may provide such assistance in accordance with the principle of reciprocity (Article 17 of the MLA Mechanism).

**(c) Successes and good practices**

368- The reviewers commend Saudi Arabia for the detailed and comprehensive mechanism it uses to deal with MLA requests.

**Article 46: Mutual Legal Assistance**

**Sub-paragraphs 3 (a) to 3 (i)**

*3. Mutual legal assistance to be afforded in accordance with this article may be requested for any of the following purposes:*

- (a) Taking evidence or statements from persons;*
- (b) Effecting service of judicial documents;*
- (c) Executing searches and seizures, and freezing;*
- (d) Examining objects and sites;*
- (e) Providing information, evidentiary items and expert evaluations;*
- (f) Providing originals or certified copies of relevant documents and records, including government, bank, financial, corporate or business records;*
- (g) Identifying or tracing proceeds of crime, property, instrumentalities or other things for evidentiary purposes;*
- (h) Facilitating the voluntary appearance of persons in the requesting State Party;*
- (i) Any other type of assistance that is not contrary to the domestic law of the requested State Party;*

**(a) Summary of relevant information on the review of the implementation of Sub-paragraphs 3 (a) to 3 (i) of Article 46**

369- Saudi Arabia referred to its previous reply related to the reviewing of implementation of Paragraph 1 and indicated that its legal system allows the provision of all forms of mutual legal assistance in the said provision.

**(b) Observations on the implementation of the article**

370- Saudi Arabia is in compliance with the provision under review.

**Article 46: Mutual Legal Assistance**

**Sub-paragraphs 3 (j) and 3 (k)**

*3. Mutual legal assistance to be afforded in accordance with this article may be requested for any of the following purposes:*

*(j) Identifying, freezing and tracing proceeds of crime in accordance with the provisions of chapter V of this Convention;*

*(k) The recovery of assets, in accordance with the provisions of chapter V of this Convention.*

**(a) Summary of relevant information on the review of the implementation of Sub-paragraphs 3 (j) and 3 (k) of Article 46**

371- Saudi Arabia referred to its previous answer relating to the reviewing of implementation of Paragraph 1 and indicated that its legal system allows the provision of all forms of mutual legal assistance on the said provision.

**(b) Observations on the implementation of the article**

372- Saudi Arabia is in compliance with the provision under review.

**Article 46: Mutual Legal Assistance  
Paragraph 4**

*4. Without prejudice to domestic law, the competent authorities of a State Party may, without prior request, transmit information relating to criminal matters to a competent authority in another State Party where they believe that such information could assist the authority in undertaking or successfully concluding inquiries and criminal proceedings or could result in a request formulated by the latter State Party pursuant to this Convention.*

**(a) Summary of relevant information on the review of the implementation of Paragraph 4 of Article 46**

373- Saudi Arabia indicated that it is compliant with the said paragraph and referred to Article 10 of the Mechanism of Action of the Standing Committee of Requests for Mutual Legal Assistance, which is mentioned in paragraph 1 of this Article.

374- Saudi Arabia referred to Article 5 of the Riyadh Arab Agreement for Judicial Cooperation, which reads:

**Exchange of Criminal Records**

The Ministry of Justice in each contracting party shall dispatch to the Ministry of Justice in any other contracting party the latest data on final legal judgments pronounced against its citizens or persons born or residing within its territory and entered in the criminal records (legal register) in accordance with the local legislation of the sending contracting party.

In the case of a charge being made by a judiciary body or other bodies of inquiry or prosecution in any contracting party, such bodies may obtain directly from the competent authorities the criminal record of the person charged.

In the absence of a charge, the judiciary or administrative bodies of any of the contracting parties may obtain from the competent authorities the criminal record in the possession of the other contracting party, subject to the conditions and limits contained in the legislation of the said party.



**(b) Observations on the implementation of the article**

- 375- While there is no legislation in place to this effect, Saudi Arabia has spontaneously transmitted information to other States and nothing in the domestic legal framework precludes it from doing so. Authorities have indicated during the country visit that this is being done and there are many cases, particularly through Interpol and through the Financial Intelligence Unit.

**Article 46: Mutual Legal Assistance**

**Paragraph 5**

*5. The transmission of information pursuant to paragraph 4 of this article shall be without prejudice to inquiries and criminal proceedings in the State of the competent authorities providing the information. The competent authorities receiving the information shall comply with a request that said information remain confidential, even temporarily, or with restrictions on its use. However, this shall not prevent the receiving State Party from disclosing in its proceedings information that is exculpatory to an accused person. In such a case, the receiving State Party shall notify the transmitting State Party prior to the disclosure and, if so requested, consult with the transmitting State Party. If, in an exceptional case, advance notice is not possible, the receiving State Party shall inform the transmitting State Party of the disclosure without delay.*

**(a) Summary of relevant information on the review of the implementation of Paragraph 5 of Article 46**

- 376- Saudi Arabia indicated that it is compliant with this provision and referred to Article 13 of the Mechanism of Action of the Standing Committee of Requests for Mutual Legal Assistance, which states:

**Article 13: Confidentiality and Limitation of Use**

- 1- The Requesting State shall be required to keep the confidentiality of the information or evidence furnished or the source of such information or evidence, or be disclosed or used only subject to such terms and conditions as it may specify.
- 2- To the extent requested, a legal assistance request, its contents, supporting documents and any action taken pursuant to the request shall be kept confidential except to the extent necessary to execute it in case the Requesting State requires so, and it shall be committed to keep the request and its content confidential.
- 3- The information or evidence furnished shall not be disclosed nor used for purposes other than those stated in the request without the prior consent of the Requested State.

- 377- As examples of implementation, Saudi Arabia pointed out that the information received by the competent authorities in accordance with this Paragraph shall be kept confidential in all cases.

**(b) Observations on the implementation of the article**

- 378- Saudi Arabia would comply with a request to maintain the confidentiality of the request and its content and adhere to a limitation on the use of the information provided (art. 13 of the MLA Mechanism).

## **Article 46: Mutual Legal Assistance**

### **Paragraph 6**

*6. The provisions of this article shall not affect the obligations under any other treaty, bilateral or multilateral, that governs or will govern, in whole or in part, mutual legal assistance.*

#### **(a) Summary of relevant information on the review of the implementation of Paragraph 6 of Article 46**

379- Saudi Arabia indicated that it is compliant with this provision and referred to Article 17 of the Mechanism of Action of the Standing Committee of Requests for Mutual Legal Assistance, which states:

##### **Article 17: Agreements and Treaties**

- 1- The provisions of this Mechanism of Action shall not affect the obligations under any other bilateral or multilateral treaty or agreement that governs or will govern, in whole or in part, mutual legal assistance in criminal matters.
- 2- If the Committee receives several requests for legal assistance from different States, priority shall be given to the State that entered into a multilateral agreement with the Kingdom of Saudi Arabia, followed by other States according to the principle of reciprocity.

#### **(b) Observations on the implementation of the article**

380- Saudi Arabia is in compliance with the provision under review.

## **Article 46: Mutual Legal Assistance**

### **Paragraph 7**

*7. Paragraphs 9 to 29 of this article shall apply to requests made pursuant to this article if the States Parties in question are not bound by a treaty of mutual legal assistance. If those States Parties are bound by such a treaty, the corresponding provisions of that treaty shall apply unless the States Parties agree to apply paragraphs 9 to 29 of this article in lieu thereof. States Parties are strongly encouraged to apply those paragraphs if they facilitate cooperation.*

#### **(a) Summary of relevant information on the review of the implementation of Paragraph 7 of Article 46**

381- Saudi Arabia indicated that it is compliant with this paragraph as it ratified the Convention and is committed to implementing it. It also indicated that it welcomes the conclusion of bilateral treaties on requests for mutual legal assistance.

#### **(b) Observations on the implementation of the article**

382- Saudi Arabia is in compliance with the provision under review. The provisions of the Convention are directly applicable in the absence of relevant MLA agreement.

## **Article 46: Mutual Legal Assistance**

### **Paragraph 8**

*8. States Parties shall not decline to render mutual legal assistance pursuant to this article on the ground of bank secrecy.*

### **(a) Summary of relevant information on the review of the implementation of Paragraph 8 of Article 46**

383- Saudi Arabia stated that bank secrecy is not in itself a reason to refuse to provide mutual legal assistance and there are cases where banking information has been provided through MLA. Saudi Arabia referred to the following provisions:

#### **Anti-Money Laundering Law**

Article (10): Notwithstanding the provisions relating to banking secrecy, financial institutions, businesses, specific non-financial professions, and non-profit organizations shall provide documents, records, and information to the Financial Intelligence Unit or the competent investigation authority, or the judicial authority when requested by the regulatory body.

#### **Implementing Regulations of the Criminal Procedure Law**

Article (58): Seizure of balances and money in banks and to inquire about them in the investigation process will be at a request from the head of the commission branch in the related region to the Saudi Arabian Monetary Authority or any entity that has the authority to ask for such.

### **(b) Observations on the implementation of the article**

384- Bank secrecy is not recognized as a ground for refusal of requests under article 15 of the MLA Mechanism. Article 10 of the MLA Mechanism lists as a kind of MLA the provision of original or certified copies of documents and related records, including government, banking, financial or commercial documents.

## **Article 46: Mutual Legal Assistance**

### **Paragraph 9**

*9. (a) A requested State Party, in responding to a request for assistance pursuant to this article in the absence of dual criminality, shall take into account the purposes of this Convention, as set forth in article 1;*

*9.( b) States Parties may decline to render assistance pursuant to this article on the ground of absence of dual criminality. However, a requested State Party shall, where consistent with the basic concepts of its legal system, render assistance that does not involve coercive action. Such assistance may be refused when requests involve matters of a de minimis nature or matters for which the cooperation or assistance sought is available under other provisions of this Convention;*

*9. (c) Each State Party may consider adopting such measures as may be necessary to enable it to provide a wider scope of assistance pursuant to this article in the absence of dual criminality.*

**(a) Summary of relevant information on the review of the implementation of Paragraph 9 of Article 46**

385- Saudi Arabia indicated that it is compliant with this provision and referred to Paragraph 2 of Article 15 of the Mechanism of Action of the Standing Committee of Requests for Mutual Legal Assistance, which reads:

**Paragraph 2 of Article 15: "Refusal or Postponement of Requests for Legal Assistance"**

Legal assistance may be refused on the ground of the absence of dual criminality; however, assistance may be provided, to the extent appropriate, in some cases, regardless of whether the conduct would constitute an offence under the regulations and rules in force in the Kingdom of Saudi Arabia.

**(b) Observations on the implementation of the article**

386- According to Article 15 of the MLA Mechanism, the absence of dual criminality is a discretionary ground for refusal of the MLA request.

**Article 46: Mutual Legal Assistance  
Paragraphs 10, 11, and 12**

*10. A person who is being detained or is serving a sentence in the territory of one State Party whose presence in another State Party is requested for purposes of identification, testimony or otherwise providing assistance in obtaining evidence for investigations, prosecutions or judicial proceedings in relation to offences covered by this Convention may be transferred if the following conditions are met:*

*(a) The person freely gives his or her informed consent;*

*(b) The competent authorities of both States Parties agree, subject to such conditions as those States Parties may deem appropriate.*

*11. For the purposes of paragraph 10 of this article:*

*(a) The State Party to which the person is transferred shall have the authority and obligation to keep the person transferred in custody, unless otherwise requested or authorized by the State Party from which the person was transferred;*

*(b) The State Party to which the person is transferred shall without delay implement its obligation to return the person to the custody of the State Party from which the person was transferred as agreed beforehand, or as otherwise agreed, by the competent authorities of both States Parties;*

*(c) The State Party to which the person is transferred shall not require the State Party from which the person was transferred to initiate extradition proceedings for the return of the person;*

*(d) The person transferred shall receive credit for service of the sentence being served in the State from which he or she was transferred for time spent in the custody of the State Party to which he or she was transferred.*

*12. Unless the State Party from which a person is to be transferred in accordance with paragraphs 10 and 11 of this article so agrees, that person, whatever his or her nationality, shall not be prosecuted, detained, punished or subjected to any other restriction of his or her personal liberty in the territory of the State to which that person is transferred in respect of acts, omissions or convictions prior to his or her departure from the territory of the State from which he or she was transferred.*

**(a) Summary of relevant information on the review of the implementation of Paragraphs 10, 11, and 12 of Article 46**

387- Saudi Arabia indicated that it is compliant with these provisions and referred to the following articles of the Mechanism of Action of the Standing Committee of Requests for Mutual Legal Assistance:

**Article 12, "Third", Paragraph 1:**

A person, including a person in prison custody, requested to testify or produce documents, records or other articles may be compelled by subpoena issued by the competent authority in accordance with the rules and regulations in force in the Kingdom of Saudi Arabia.

**Article 12, "Fourth", Paragraph 2:**

Citizens and residents of the Kingdom may be allowed to appear or present themselves before the requesting State to assist in investigations or to participate in some of the judicial proceedings in accordance with the following conditions:

- a. A written consent of the requested person;
- b. The approval of such assistance by the competent authority;
- c. The requesting State shall bear the travel costs as well as the stay and treatment expenses if necessary;
- d. The requesting State shall be committed to ensure the safety of the requested person and ensure his return;
- e. The requested person shall not be under investigation or prosecution in the Kingdom; and
- f. The Kingdom does not have jurisdiction over the offence for which legal assistance is requested.

**Article 12, "Fourth", Paragraph 6:**

Subject to what is stated in paragraph "Fourth" (2), if the requested person is in custody, the following conditions shall be met:

- a. The person is not detained for an offence punishable by death sentence or legal *hadd*.
- b. The requesting State is committed to return the detainee after performing the requested legal assistance during a predetermined period to be agreed upon with the requesting State.
- c. The requesting State shall undertake to return the detainee as soon as his assistance is no longer needed for the purposes of the request or in accordance with the agreement with the requesting State.
- d. The requesting State shall undertake that the detainee will not be arrested, prosecuted or punished in the requesting State for any offence he had committed before being transferred to it.

**Article 12, "Fourth", Paragraph 5:**

Where the person transferred is required to be kept in custody under the laws and rules of the Kingdom of Saudi Arabia, the Requesting State shall hold that person in custody and shall return him in custody at the conclusion of the execution of the request

**Article 12, Fourth, 6, Paragraph (c):**

(c) The requesting State shall undertake to return the detainee as soon as his assistance is no longer needed for the purposes of the request or in accordance with the agreement with the requesting State.

**Article 12, "Fourth", Paragraph 3:**

A witness, expert or other person who, at the request of the requesting State Party, consents to give testimony in a proceeding or to assist in an investigation, prosecution or judicial proceeding in the territory of the requesting State Party shall not be prosecuted, detained, punished or subjected to any other restriction of his personal liberty in that territory in respect of acts, omissions or convictions prior to his departure from the territory of the Kingdom of Saudi Arabia. Such safe conduct shall cease when the witness, expert or other person having had, for a period of fifteen (15) consecutive days or for any period agreed upon with the requesting State Party from the date on which he has been officially informed that his presence is no longer required by the judicial authorities, an opportunity of leaving, has nevertheless remained voluntarily in the territory of the requesting State Party or, having left it, has returned of his own free will.

**(b) Observations on the implementation of the article**

388- Article 12 of the MLA Mechanism regulates the transfer and receiving of persons who are being detained or serving a sentence, for purposes of identification, testimony or providing other assistance.

**Article 46: Mutual Legal Assistance**

**Paragraph 13**

*13. Each State Party shall designate a central authority that shall have the responsibility and power to receive requests for mutual legal assistance and either to execute them or to transmit them to the competent authorities for execution. Where a State Party has a special region or territory with a separate system of mutual legal assistance, it may designate a distinct central authority that shall have the same function for that region or territory. Central authorities shall ensure the speedy and proper execution or transmission of the requests received. Where the central authority transmits the request to a competent Authority for execution, it shall encourage the speedy and proper execution of the request by the competent authority. The Secretary-General of the United Nations shall be notified of the central authority designated for this purpose at the time each State Party deposits its instrument of ratification, acceptance or approval of or accession to this Convention. Requests for mutual legal assistance and any communication related thereto shall be transmitted to the central authorities designated by the States Parties. This requirement shall be without prejudice to the right of a State Party to require that such requests and communications be addressed to it through diplomatic channels and, in urgent circumstances, where the States Parties agree, through the International Criminal Police Organization, if possible.*

**(a) Summary of relevant information on the review of the implementation of Paragraph 13 of Article 46**

389- Saudi Arabia indicated that it is compliant with this provision as Council of Ministers Resolution No. 62, of 02/03/1434 H., stipulates that the Ministry of Foreign Affairs notified the Secretary-General of the United Nations that the Saudi Ministry of Interior shall be responsible for the receipt of requests and communications relating to legal assistance through diplomatic channels and that Arabic and English languages are acceptable to the Kingdom with respect to the requests submitted to it.

1- The Kingdom referred to the Mechanism of Action of the Standing Committee of Requests for Mutual Legal Assistance mentioned above and issued under Ministerial Decree No. 5446 of 18/10/1434 H. Article 3 thereof (Composition of the Committee) states that the Committee shall be comprised of the following bodies:

a) Ministry of Interior

- 1- General Administration of Legal Affairs and International Cooperation
- 2- Office of the Deputy Interior Minister for Rights
- 3- Interpol Contact Administration
- 4- General Directorate of Public Security
- 5- General Directorate of Investigation
- 6- General Administration of Narcotics Control

- 7- Standing Committee on Counter-Terrorism
  - 8- Financial Intelligence Unit
  - b. Ministry of Foreign Affairs
  - c. General Intelligence Presidency
  - d. Ministry of Justice
  - e. Ministry of Finance (Customs Department)
  - f. Board of Grievances (Administrative Justice)
  - g. Bureau of Investigation and Public Prosecution
  - h. National Anti-Corruption Commission
  - i. Communications and Information Technology Commission
  - j. Saudi Arabian Monetary Agency
  - k. Any other body the Interior Minister decides to add to the Committee.
- 2- Coordination is conducted in this multidisciplinary Committee, and there is a representative of all the said bodies in the Committee.

**(b) Observations on the implementation of the article**

- 390- The MLA Committee is the authority responsible for executing MLA requests. However, the Secretary-General of the United Nations has not been notified in this regard.
- 391- In order to comply with the provision under review, Saudi Arabia should notify the Secretary-General of the United Nations of the central authority for MLA requests.

**Article 46: Mutual Legal Assistance**

**Paragraph 14**

*14. Requests shall be made in writing or, where possible, by any means capable of producing a written record, in a language acceptable to the requested State Party, under conditions allowing that State Party to establish authenticity. The Secretary-General of the United Nations shall be notified of the language or languages acceptable to each State Party at the time it deposits its instrument of ratification, acceptance or approval of or accession to this Convention. In urgent circumstances and where agreed by the States Parties, requests may be made orally but shall be confirmed in writing forthwith.*

**(a) Summary of relevant information on the review of the implementation of Paragraph 14 of Article 46**

- 392- Saudi Arabia indicated that it is compliant with this provision and referred to Article 18 of the Mechanism of Action of the Standing Committee of Requests for Mutual Legal Assistance:

**Article 18: Language and submission of the request**

- 1- Requests for legal assistance shall be submitted through diplomatic channels, and in urgent cases through the Interpol Contact Administration at the Ministry of Interior.
- 2- Legal assistance requests and supporting documents shall be submitted in writing in Arabic.
- 3- Requests may be submitted in writing in English in exceptional circumstances, provided they shall be translated into Arabic.
- 4- The Committee shall receive requests for legal assistance by any means of communication that delivers the request in writing, including by fax or e-mail.

- 5- In urgent circumstances, a request for legal assistance may be made orally, provided it shall be confirmed in writing within ten (10) days to complete what is stated in Article 11 of this mechanism.
- 6- The requesting State may provide the Committee with a draft request for legal assistance for review and express opinion before formally sending the request to ensure that the submitted request meets the requirements for legal assistance.
- 7- The request shall be written in accordance with the regulations and laws of the requesting State, and it shall be signed and sealed with the seal of the requesting body along with the other accompanying documents.

**(b) Observations on the implementation of the article**

- 393- Saudi Arabia accepts requests in Arabic and, in exceptional circumstances, in English. However, the Secretary-General of the United Nations has not been notified in this regard.
- 394- In order to comply with the provision under review, Saudi Arabia should notify the Secretary-General of the United Nations of the acceptable languages for MLA requests.

**Article 46: Mutual Legal Assistance  
Paragraphs 15 and 16**

- 15. A request for mutual legal assistance shall contain:*
- (a) The identity of the authority making the request;*
  - (b) The subject matter and nature of the investigation, prosecution or judicial proceeding to which the request relates and the name and functions of the authority conducting the investigation, prosecution or judicial proceeding;*
  - (c) A summary of the relevant facts, except in relation to requests for the purpose of service of judicial documents;*
  - (d) A description of the assistance sought and details of any particular procedure that the requesting State Party wishes to be followed;*
  - (e) Where possible, the identity, location and nationality of any person concerned; and*
  - (f) The purpose for which the evidence, information or action is sought.*

*16. The requested State Party may request additional information when it appears necessary for the execution of the request in accordance with its domestic law or when it can facilitate such execution.*

**(a) Summary of relevant information on the review of the implementation of Paragraphs 15 and 16 of Article 46**

- 395- Saudi Arabia indicated that it is compliant with these two provisions and referred to Article 11 of the Mechanism of Action of the Standing Committee of Requests for Mutual Legal Assistance:

**Article 11: Contents of the request for legal assistance**

1. The request for legal assistance shall contain the following data:
  - a. The name and functions of the authority issuing the request and that is in charge of investigations, prosecutions or judicial proceedings, and direct communication channels, if available.
  - b. The Subject of the request, stating the type of case, detailed data on its facts and the requested legal assistance, or any particular requirements that the requesting State wishes to be followed.
  - (c) The purpose for which the evidence, information or action is requested.



d) Where possible, the names, addresses and nationalities of any persons concerned, and the questions to be asked to them.

e) Specification of a period of time in case the request is required to be executed within a specific period of time, especially if it is related to the appearance of a person in court.

f) A written undertaking from the requesting State that it shall not use the information or evidence provided thereto in any investigations, prosecutions or judicial proceedings other than those stated in the request without prior approval.

2. The requesting State shall provide any additional conditions relating to specific forms of legal assistance.

3. The competent authorities may request additional information or documents when it appears necessary for the execution of the request or when it can facilitate such execution.

4. When a request for legal assistance does not contain some of the information set forth in paragraph 1 of this Article, this does not affect the validity or admissibility of the request or prevent the implementation thereof in the first place.

**(b) Observations on the implementation of the article**

396- Saudi Arabia is in compliance with the provisions under review.

**Article 46: Mutual Legal Assistance  
Paragraph 17**

*17. A request shall be executed in accordance with the domestic law of the requested State Party and, to the extent not contrary to the domestic law of the requested State Party and where possible, in accordance with the procedures specified in the request.*

**(a) Summary of relevant information on the review of the implementation of Paragraph 17 of Article 46**

397- Saudi Arabia indicated that it is compliant with this provision, as the request is implemented in accordance with the Mechanism of Action of the Standing Committee of Requests for Mutual Legal Assistance.

**(b) Observations on the implementation of the article**

398- Saudi Arabia is in compliance with the provision under review.

**Article 46: Mutual Legal Assistance  
Paragraph 18**

*18. Wherever possible and consistent with fundamental principles of domestic law, when an individual is in the territory of a State Party and has to be heard as a witness or expert by the judicial authorities of another State Party, the first State Party may, at the request of the other, permit the hearing to take place by video conference if it is not possible or desirable for the individual in question to appear in person in the territory of the requesting State Party. States Parties may agree that the hearing shall be conducted by a judicial authority of the requesting State Party and attended by a judicial authority of the requested State Party.*

**(a) Summary of relevant information on the review of the implementation of Paragraph 18 of Article 46**

- 399- Saudi Arabia indicated that it is compliant with this provision and referred to Article 12, Third, Paragraph 6, of the Mechanism of Action of the Standing Committee of Requests for Mutual Legal Assistance:

**Article 12: Requests for specific forms of legal assistance**

Third: Evidence obtainment and testimony request

5. Wherever possible and consistent with the laws and rules in force in the Kingdom of Saudi Arabia, when an individual has to be heard as a witness or expert by the judicial authorities of another State Party, a hearing may be permitted, at the request of the requesting State Party, to take place by video conference if it is not possible for the individual in question to appear in person in the territory of the requesting State Party. States Parties may agree that the hearing shall be conducted by a judicial authority of the requesting State Party and attended by a judicial authority of the Kingdom.

**(b) Observations on the implementation of the article**

- 400- Article 12 of the MLA Mechanism provides for the possibility to hear by videoconference a person who is present in Saudi Arabia, as a witness or expert, by the judicial authorities of another country.

**Article 46: Mutual Legal Assistance  
Paragraph 19**

*19. The requesting State Party shall not transmit or use information or evidence furnished by the requested State Party for investigations, prosecutions or judicial proceedings other than those stated in the request without the prior consent of the requested State Party. Nothing in this paragraph shall prevent the requesting State Party from disclosing in its proceedings information or evidence that is exculpatory to an accused person. In the latter case, the requesting State Party shall notify the requested State Party prior to the disclosure and, if so requested, consult with the requested State Party. If, in an exceptional case, advance notice is not possible, the requesting State Party shall inform the requested State Party of the disclosure without delay.*

**(a) Summary of relevant information on the review of the implementation of Paragraph 19 of Article 46**

- 401- Saudi Arabia indicated that it is compliant with this provision and referred to the following articles:

**The Mechanism of Action of the Standing Committee of Requests for Mutual Legal Assistance:**

**Article 1: Mission of the Committee**

The Standing Committee of requests for legal assistance is the authority responsible for executing the legal assistance requests received by the Kingdom of Saudi Arabia from foreign countries, or sending legal assistance requests issued by the Kingdom to those countries regarding all crimes, in accordance with the relevant regulations and international conventions.

**Article 13: Confidentiality and Limitation of Use**

- 1- The Requesting State shall be required to keep the confidentiality of the information or evidence furnished or the source of such information or evidence, or be disclosed or used only subject to such terms and conditions as it may specify.
- 2- To the extent requested, a legal assistance request, its contents, supporting documents and any action taken pursuant to the request shall be kept confidential except to the extent necessary to execute it in case the Requesting State requires so, and it shall be committed to keep the request and its content confidential.
- 3- The information or evidence furnished shall not be disclosed nor used for purposes other than those stated in the request without the prior consent of the Requested State.

**(b) Observations on the implementation of the article**

- 402- Saudi Arabia would comply with a request to maintain the confidentiality of the request and its content and adhere to a limitation on the use of the information provided (art. 13 of the MLA Mechanism). It can also disclose in its proceedings information or evidence that is exculpatory to an accused person, pursuant to the direct implementation of the provisions of the Convention (article 70 of the Basic Law) and to article 1 of the MLA Mechanism.

**Article 46: Mutual Legal Assistance  
Paragraph 20**

*20. The requesting State Party may require that the requested State Party keep confidential the fact and substance of the request, except to the extent necessary to execute the request. If the requested State Party cannot comply with the requirement of confidentiality, it shall promptly inform the requesting State Party.*

**(a) Summary of relevant information on the review of the implementation of Paragraph 20 of Article 46**

- 403- Saudi Arabia indicated that it is compliant with this provision and referred to its reply to the previous article and to article 1, paragraph 5 of the MLA Mechanism.

**Article 15: Reject or postpone requests for legal assistance**

...

- 5- If it has been decided to reject the request, in whole or in part, or to postpone its execution, the requesting State should be notified immediately with the reasons which have led to such decision.

**(b) Observations on the implementation of the article**

- 404- Saudi Arabia is in compliance with the provision under review.

**Article 46: Mutual Legal Assistance  
Paragraph 21**

21. *Mutual legal assistance may be refused:*

(a) *If the request is not made in conformity with the provisions of this article;*

(b) *If the requested State Party considers that execution of the request is likely to prejudice its sovereignty, security, ordre public or other essential interests;*

(c) *If the authorities of the requested State Party would be prohibited by its domestic law from carrying out the action requested with regard to any similar offence, had it been subject to investigation, prosecution or judicial proceedings under their own jurisdiction;*

(d) *If it would be contrary to the legal system of the requested State Party relating to mutual legal assistance for the request to be granted.*

**(a) Summary of relevant information on the review of the implementation of Paragraph 21 of Article 46**

405- Saudi Arabia indicated that it is compliant with this provision and referred to Article 15 of the Mechanism of Action of the Standing Committee of Requests for Mutual Legal Assistance, which provides for the following:

**Article 15: "Refusal or Postponement of Requests for Legal Assistance"**

- 1- Legal assistance may be refused in the following cases:
  - a. If the request is not made in conformity with the requirements of request content set forth in Article 11 of this Mechanism;
  - b. If the execution of the request is likely to be in contradiction with the rulings of the Islamic Law or to prejudice the Kingdom's sovereignty, security, public order or other essential interests; or
  - c. If the laws and regulations in force in the Kingdom would prohibit its authorities from carrying out the action requested with regard to any similar offence, had it been subject to investigation, prosecution or judicial proceedings under their own jurisdiction;
- 2- Legal assistance may be refused on the ground of the absence of dual criminality; however, assistance may be provided, to the extent appropriate, in some cases, regardless of whether the conduct would constitute an offence under the regulations and rules in force in the Kingdom of Saudi Arabia.
- 3- Legal Assistance may be postponed if it would conflict with investigation, prosecution or judicial proceedings under way.
- 4- Consultation can be conducted with the requesting State Party before refusing a request or postponing its execution to consider whether legal assistance may be granted subject to such terms and conditions as it deems necessary.
- 5- In the event of deciding not to execute the request, in whole or in part, or to postpone the execution thereof, the requesting State Party shall be immediately notified of this with a statement of the reasons that led to such decision.

**(b) Observations on the implementation of the article**

406- Saudi Arabia is in compliance with the provision under review.

**Article 46: Mutual Legal Assistance  
Paragraph 22**

22. *States Parties may not refuse a request for mutual legal assistance on the sole ground that the offence is also considered to involve fiscal matters.*

**(a) Summary of relevant information on the review of the implementation of Paragraph 22 of Article 46**

407- Saudi Arabia indicated that it is compliant with this provision, as Article 15 of the Mechanism of Action of the Standing Committee of Requests for Mutual Legal Assistance mentioned above does not stipulate that the offence should involve fiscal matters in order to consider it a reason for refusing requests for legal assistance.

**(b) Observations on the implementation of the article**

408- The fact that an offence also involves fiscal matters is not recognized as a ground for refusal of requests under article 15 of the MLA Mechanism.

**Article 46: Mutual Legal Assistance  
Paragraph 23**

*23. Reasons shall be given for any refusal of mutual legal assistance.*

**(a) Summary of relevant information on the review of the implementation of Paragraph 23 of Article 46**

409- Saudi Arabia indicated that it is compliant with this provision and referred to Article 15 of the Mechanism of Action of the Standing Committee of Requests for Mutual Legal Assistance, which reads: “In the event of deciding not to execute the request, in whole or in part, or to postpone the execution thereof, the requesting State Party shall be immediately notified of this with a statement of the reasons that led to such decision.”

**(b) Observations on the implementation of the article**

410- Article 15 of the MLA Mechanism mandates to notify the requesting State if it has been decided to reject the request or to postpone its execution, providing the reasons which have led to such decision.

**Article 46: Mutual Legal Assistance  
Paragraph 24**

*24. The requested State Party shall execute the request for mutual legal assistance as soon as possible and shall take as full account as possible of any deadlines suggested by the requesting State Party and for which reasons are given, preferably in the request. The requesting State Party may make reasonable requests for information on the status and progress of measures taken by the requested State Party to satisfy its request. The requested State Party shall respond to reasonable requests by the*

*requesting State Party on the status, and progress in its handling, of the request. The requesting State Party shall promptly inform the requested State Party when the assistance sought is no longer required.*

**(a) Summary of relevant information on the review of the implementation of Paragraph 24 of Article 46**

411- Saudi Arabia indicated that it is compliant with this provision and referred to Paragraph 4 of Article 15 of the Mechanism of Action of the Standing Committee of Requests for Mutual Legal Assistance, which stipulates: “The request for legal assistance shall be executed as soon as possible and shall take as full account as possible of any deadlines suggested by the requesting State Party.”

**(b) Observations on the implementation of the article**

412- It is difficult to assess in detail Saudi Arabia’s practice in providing mutual legal assistance in corruption cases, due to the absence of relevant data.

**Article 46: Mutual Legal Assistance  
Paragraph 25**

*25. Mutual legal assistance may be postponed by the requested State Party on the ground that it interferes with an ongoing investigation, prosecution or judicial proceeding.*

**(a) Summary of relevant information on the review of the implementation of Paragraph 25 of Article 46**

413- Saudi Arabia indicated that it is compliant with this provision and referred to Paragraph 3 of Article 15 of the Mechanism of Action of the Standing Committee of Requests for Mutual Legal Assistance, which reads: “Legal Assistance may be postponed if it would conflict with investigation, prosecution or judicial proceedings under way.”

**(b) Observations on the implementation of the article**

414- Saudi Arabia is in compliance with the provision under review.

**Article 46: Mutual Legal Assistance  
Paragraph 26**

*26. Before refusing a request pursuant to paragraph 21 of this article or postponing its execution pursuant to paragraph 25 of this article, the requested State Party shall consult with the requesting State Party to consider whether assistance may be granted subject to such terms and conditions as it deems necessary. If the requesting State Party accepts assistance subject to those conditions, it shall comply with the conditions.*

**(a) Summary of relevant information on the review of the implementation of Paragraph 26 of Article 46**

415- Saudi Arabia indicated that it is compliant with this provision and referred to Paragraph 4 of Article 15 of the Mechanism of Action of the Standing Committee of Requests for Mutual Legal Assistance, which reads: “Consultation can be conducted with the requesting State Party before refusing a request or postponing its execution to consider whether legal assistance may be granted subject to such terms and conditions as it deems necessary.”

**(b) Observations on the implementation of the article**

416- Article 15 of the MLA Mechanism provides for the possibility of consultation with the requesting State, before refusing a request or postponing its execution.

**Article 46: Mutual Legal Assistance  
Paragraph 27**

*27. Without prejudice to the application of paragraph 12 of this article, a witness, expert or other person who, at the request of the requesting State Party, consents to give evidence in a proceeding or to assist in an investigation, prosecution or judicial proceeding in the territory of the requesting State Party shall not be prosecuted, detained, punished or subjected to any other restriction of his or her personal liberty in that territory in respect of acts, omissions or convictions prior to his or her departure from the territory of the requested State Party. Such safe conduct shall cease when the witness, expert or other person having had, for a period of fifteen consecutive days or for any period agreed upon by the States Parties from the date on which he or she has been officially informed that his or her presence is no longer required by the judicial authorities, an opportunity of leaving, has nevertheless remained voluntarily in the territory of the requesting State Party or, having left it, has returned of his or her own free will.*

**(a) Summary of relevant information on the review of the implementation of Paragraph 27 of Article 46**

417- Saudi Arabia indicated that it is compliant with this provision and referred to Article 12, Fourth, Paragraph 3 of the Mechanism of Action of the Standing Committee of Requests for Mutual Legal Assistance:

**Article 12, Fourth, Paragraph 3:**

A witness, expert or other person who, at the request of the requesting State Party, consents to give testimony in a proceeding or to assist in an investigation, prosecution or judicial proceeding in the territory of the requesting State Party shall not be prosecuted, detained, punished or subjected to any other restriction of his personal liberty in that territory in respect of acts, omissions or convictions prior to his departure from the territory of the Kingdom of Saudi Arabia. Such safe conduct shall cease when the witness, expert or other person having had, for a period of fifteen (15) consecutive days or for any period agreed upon with the requesting State Party from the date on which he has been officially informed that his presence is no longer

required by the judicial authorities, an opportunity of leaving, has nevertheless remained voluntarily in the territory of the requesting State Party or, having left it, has returned of his own free will.

**(b) Observations on the implementation of the article**

418- Saudi Arabia is in compliance with the provision under review.

**Article 46: Mutual Legal Assistance  
Paragraph 28**

*28. The ordinary costs of executing a request shall be borne by the requested State Party, unless otherwise agreed by the States Parties concerned. If expenses of a substantial or extraordinary nature are or will be required to fulfil the request, the States Parties shall consult to determine the terms and conditions under which the request will be executed, as well as the manner in which the costs shall be borne.*

**(a) Summary of relevant information on the review of the implementation of Paragraph 28 of Article 46**

419- Saudi Arabia indicated that it is compliant with this provision and referred to Article 16 of the Mechanism of Action of the Standing Committee of Requests for Mutual Legal Assistance, which reads:

**Article 16: Costs of request execution**

The Kingdom of Saudi Arabia does not charge any fees or expenses for the legal assistance it provides, and it bears the ordinary costs of executing a request for legal assistance unless such legal assistance requires expenses of a substantial or extraordinary nature; in such case, the Kingdom shall agree with the requesting State Party to determine the terms and conditions under which the request will be executed, as well as the manner in which the costs shall be borne.

**(b) Observations on the implementation of the article**

420- Saudi Arabia is in compliance with the provision under review.

**Article 46: Mutual Legal Assistance  
Paragraph 29**

*29. The requested State Party:*

*(a) Shall provide to the requesting State Party copies of government records, documents or information in its possession that under its domestic law are available to the general public;*

*(b) May, at its discretion, provide to the requesting State Party in whole, in part or subject to such conditions as it deems appropriate, copies of any government records, documents or information in its possession that under its domestic law are not available to the general public.*

**(a) Summary of relevant information on the review of the implementation of Paragraph 29 of Article 46**



421- Saudi Arabia indicated that it is compliant with this provision, as it obtains records, documents or information during the investigation procedures and sends them to the requesting State Party in the process of executing the request for judicial assistance.

**(b) Observations on the implementation of the article**

422- Article 10 of the MLA Mechanism lists as a kind of MLA the provision of original or certified copies of documents and related records, including government, banking, financial or commercial documents.

**Article 46: Mutual Legal Assistance  
Paragraph 30**

*30. States Parties shall consider, as may be necessary, the possibility of concluding bilateral or multilateral agreements or arrangements that would serve the purposes of, give practical effect to or enhance the provisions of this article.*

**(a) Summary of relevant information on the review of the implementation of Paragraph 30 of Article 46**

423- Saudi Arabia indicated that it is compliant with this provision and referred to Article 4 of the Mechanism of Action of the Standing Committee of Requests for Mutual Legal Assistance on the Committee's terms of reference. Paragraph 9 of the said article reads: "Proposal to conclude bilateral or multilateral agreements or arrangements with foreign States for providing legal assistance in criminal matters, implementing or enhancing such assistance."

424- The Kingdom concluded several bilateral agreements on judicial cooperation, such as:

- 1- Agreement on Judicial Cooperation between the Kingdom of Saudi Arabia and the Republic of Kazakhstan, signed in 1427H (2006).
- 2- Agreement on Judicial Cooperation between the Kingdom of Saudi Arabia and Yemen, signed in 1429H (2008).
- 3- Agreement on Judicial Cooperation between the Kingdom of Saudi Arabia and Morocco, signed in 1428H (2007).
- 4- GCC Agreement on the Execution of sentences, rogatory commissions and judicial declarations approved in December 1995.

425- Under this latter agreement, in the event a legal judgment is issued by any GCC Member State, such judgment shall be considered as if it was issued by the Member State requested to apply it, and it shall be enforceable in all Member States according to the simplified procedures set out in the agreement. The same shall apply to the judgments of arbitrators and the execution of legal assistance such as the hearing of witnesses, receiving experts' reports, conducting inspection and requesting the taking of an oath.

**(b) Observations on the implementation of the article**

- 426- Saudi Arabia has concluded a series of bilateral (i.e. with Kazakhstan, Morocco and Yemen) and multilateral agreements (i.e. the GCC Agreement on the Execution of sentences, rogatory commissions and judicial declarations) on MLA.

**Article 47: Transfer of Criminal Proceedings**

*States Parties shall consider the possibility of transferring to one another proceedings for the prosecution of an offence established in accordance with this Convention in cases where such transfer is considered to be in the interests of the proper administration of justice, in particular in cases where several jurisdictions are involved, with a view to concentrating the prosecution.*

**(a) Summary of relevant information on the review of the implementation of Article 47**

- 427- The Kingdom of Saudi Arabia indicated that no provision in its legislation prevents it from transferring to another party the proceedings for the prosecution of an offence as long as such transfer is in the interest of the proper administration of justice and not inconsistent with Saudi regulations and the principles of general rules, provided this occurs only with the States Parties with which the Kingdom has concluded agreements on legal assistance.

**(b) Observations on the implementation of the article**

- 428- Saudi Arabia can transfer criminal proceedings in accordance with the provisions of international treaties.

**Article 48: Law Enforcement Cooperation**

**Paragraph 1**

*1. States Parties shall cooperate closely with one another, consistent with their respective domestic legal and administrative systems, to enhance the effectiveness of law enforcement action to combat the offences covered by this Convention. States Parties shall, in particular, take effective measures:*

*(a) To enhance and, where necessary, to establish channels of communication between their competent authorities, agencies and services in order to facilitate the secure and rapid exchange of information concerning all aspects of the offences covered by this Convention, including, if the States Parties concerned deem it appropriate, links with other criminal activities;*

*(b) To cooperate with other States Parties in conducting inquiries with respect to offences covered by this Convention concerning:*

*(i) The identity, whereabouts and activities of persons suspected of involvement in such offences or the location of other persons concerned;*

*(ii) The movement of proceeds of crime or property derived from the commission of such offences;*

*(iii) The movement of property, equipment or other instrumentalities used or intended for use in the commission of such offences;*

*(c) To provide, where appropriate, necessary items or quantities of substances for analytical or investigative purposes;*

*(d) To exchange, where appropriate, information with other States Parties concerning specific means and methods used to commit offences covered by this Convention, including the use of false identities, forged, altered or false documents and other means of concealing activities;*

*(e) To facilitate effective coordination between their competent authorities, agencies and services and to promote the exchange of personnel and other experts, including, subject to bilateral agreements or arrangements between the States Parties concerned, the posting of liaison officers;*

*(f) To exchange information and coordinate administrative and other measures taken as appropriate for the purpose of early identification of the offences covered by this Convention.*

**(a) Summary of relevant information on the review of the implementation of Paragraph 1 of Article 48**

429- Saudi Arabia indicated that it is compliant with this provision, as there are some channels of communication between the Saudi law enforcement authorities and their counterparts in other countries. Cooperation takes place with other countries with regard to offences through the channels of international cooperation, particularly through the General Administration of Legal Affairs and International Cooperation, and Interpol Contact Administration at the Ministry of Interior.

430- In addition, the Saudi Financial Intelligence Unit (FIU) exchanges information with counterpart units through its membership in the Egmont Group, which includes among its members FIUs around the world. Information is exchanged between the Saudi FIU and counterpart units through the Egmont Security Website (ESW), as the promotion of the exchange of information relating to money laundering and related offences and terrorism-financing offences between FIUs is among the Group's most important objectives.

431- The Kingdom of Saudi Arabia entered into memoranda of understanding in this regard, such as a memorandum of understanding between the Saudi Financial Intelligence Unit of the Interior Ministry and the Financial Intelligence Unit of the Serious Organized Crime Agency (FIU in the United Kingdom) with respect to the exchange of information and intelligence relating to money laundering and terrorism financing, which was signed in Yerevan on 11/08/1432 H. corresponding to 12/07/2011.

432- Saudi Arabia concluded treaties with other countries to strengthen international cooperation. These include:

- Security Cooperation Agreement between Saudi Arabia and Yemen, signed in Jeddah on 12/03/1417 H., corresponding to 27/07/1996.
- Security Cooperation and Extradition Agreement between Saudi Arabia and Bahrain.
- Security Cooperation and Extradition Agreement between Saudi Arabia and Oman.

433- Saudi Arabia referred to the following legislation:

**Mechanism of Action of the Standing Committee of Requests for Mutual Legal Assistance**  
**Paragraph 6 of Article 4:**

The requesting State shall be notified of the result of the request through diplomatic channels, and in urgent cases through the Interpol Contact Administration.

**Article 10: Article 10: Scope of Legal Assistance**

(5) Providing information, items or quantities required for the purposes of analysis or investigations, and expert evaluations

**Article 4: Terms of Reference of the Committee**

(5) Exchange of information and experiences with foreign counterpart agencies, and international bodies and organizations in the area of legal assistance in order to facilitate procedures in accordance with the laws and regulations in force in the Kingdom.

**Article 1 of Riyadh Arab Agreement for Judicial Cooperation: Exchange of Information**

Ministries of Justice of the contracting parties shall regularly exchange the texts of legislations in force, legal and judicial publications, pamphlets and studies, and journals containing legal statutes and judgments, as well as information pertaining to judicial regulations. They shall also take measures to reconcile legislative texts and coordinate legal systems in the contracting parties, as required by the special circumstances of each party.

434- As for paragraph (e), the Kingdom pointed out that coordination through the Ministries of Justice among the contracting parties is considered as coordination at the international level. Authorities have also indicated during the country visit that there is a decision for the exchange of personnel in the public prosecution among the GCC countries and that prosecutors and judges attend the procedures abroad sometimes for several weeks.

**(b) Observations on the implementation of the article**

435- Saudi law enforcement authorities cooperate through a number of mechanisms and networks, including Interpol and the Egmont Group. Saudi Arabia has a range of tools for communication and analysis at the international level. Standard communication channels are used, in addition to secure covert channels like Interpol's I24/7 database and the Egmont system.

436- Saudi Arabia has been involved in exchanges of personnel with GCC countries.

**Article 48: Law Enforcement Cooperation**

**Paragraph 2**

*2. With a view to giving effect to this Convention, States Parties shall consider entering into bilateral or multilateral agreements or arrangements on direct cooperation between their law enforcement agencies and, where such agreements or arrangements already exist, amending them. In the absence of such agreements or arrangements between the States Parties concerned, the States Parties may consider this Convention to be the basis for mutual law enforcement cooperation in respect of the offences covered by this Convention. Whenever appropriate, States Parties shall make full use of agreements or arrangements, including international or regional organizations, to enhance the cooperation between their law enforcement agencies.*

**(a) Summary of relevant information on the review of the implementation of Paragraph 2 of Article 48**

437- Saudi Arabia indicated that it concluded bilateral and multilateral agreements and arrangements on direct cooperation between law enforcement agencies in the other States Parties as mentioned in its previous answer. Saudi Arabia also referred to Article 4 of the Mechanism of Action of the Standing Committee of Requests for Mutual Legal Assistance on the Committee's terms of reference, which reads: "Ninth". Proposal to conclude bilateral

or multilateral agreements or arrangements with foreign States for the purpose of providing legal assistance in criminal matters, implementing and enhancing such assistance.” Authorities have also indicated during the country visit that Saudi Arabia considers the Convention as the basis for mutual law enforcement cooperation.

**(b) Observations on the implementation of the article**

438- Saudi Arabia considers the Convention as the basis for mutual law enforcement cooperation. Saudi Arabia has also signed several agreements on such cooperation (agreement among the Gulf Cooperation Council (GCC) States and agreements with Bahrain, Oman and Yemen). The FIU has also signed several memorandums of understanding with its counterparts.

**Article 48: Law Enforcement Cooperation  
Paragraph 3**

*3. States Parties shall endeavour to cooperate within their means to respond to offences covered by this Convention committed through the use of modern technology.*

**(a) Summary of relevant information on the review of the implementation of Paragraph 3 of Article 48**

439- Saudi Arabia indicated that it is compliant with this provision and referred to Articles 4 and 8 of the Anti-Cyber Crime Regulation issued by Royal Decree No. M/17, dated 8/3/1428H.

**Article 4:**

Any person who commits one of the following cyber crimes shall be subject to imprisonment for a period not exceeding three (3) years and a fine not exceeding two million (2,000,000) riyals, or either punishment:

- 1- Acquisition of movable property or bonds for oneself or others or signing such bonds through fraud or use of false name or identity.
- 2- Illegally accessing bank or credit data, or data pertaining to ownership of securities with the intention of obtaining data, information, funds or services offered.

**Article 8:**

The imprisonment and the fine may not be less than half the maximum penalty if the crime is associated with the following:

- 1- The crime is perpetrated through organized crime.
- 2- The offender holds a public office and the crime perpetrated relates to this office, or if he perpetrates the crime using his power or influence.
- 3- Luring and exploiting of minors and persons with a similar status.
- 4- The offender was previously convicted of similar crimes within or outside the Kingdom.

**(b) Observations on the implementation of the article**

440- Saudi Arabia can respond to corruption offences committed through the use of modern technology through the Directorate of cybercrime in the Public Security Department. Saudi Arabia also has a special law on cybercrimes.

## Article 49 - Joint Investigations

*States Parties shall consider concluding bilateral or multilateral agreements or arrangements whereby, in relation to matters that are the subject of investigations, prosecutions or judicial proceedings in one or more States, the competent authorities concerned may establish joint investigative bodies. In the absence of such agreements or arrangements, joint investigations may be undertaken by agreement on a case-by-case basis. The States Parties involved shall ensure that the sovereignty of the State Party in whose territory such investigation is to take place is fully respected.*

### (a) Summary of relevant information on the review of the implementation of Article 49

441- Authorities have indicated during the country visit that Saudi Arabia can establish joint investigative bodies, when needed, and there are previous cases where it has done so, including in one corruption case and in cases of financial fraud and terrorism.

### (b) Observations on the implementation of the article

442- Saudi Arabia can establish joint investigative bodies, on an ad hoc basis and there are previous cases where it has done so, including in one corruption case and in cases of financial fraud and terrorism.

## Article 50: Special Investigative Techniques

*1. In order to combat corruption effectively, each State Party shall, to the extent permitted by the basic principles of its domestic legal system and in accordance with the conditions prescribed by its domestic law, take such measures as may be necessary, within its means, to allow for the appropriate use by its competent authorities of controlled delivery and, where it deems appropriate, other special investigative techniques, such as electronic or other forms of surveillance and undercover operations, within its territory, and to allow for the admissibility in court of evidence derived therefrom.*

*2. For the purpose of investigating the offences covered by this Convention, States Parties are encouraged to conclude, when necessary, appropriate bilateral or multilateral agreements or arrangements for using such special investigative techniques in the context of cooperation at the international level. Such agreements or arrangements shall be concluded and implemented in full compliance with the principle of sovereign equality of States and shall be carried out strictly in accordance with the terms of those agreements or arrangements.*

*3. In the absence of an agreement or arrangement as set forth in paragraph 2 of this article, decisions to use such special investigative techniques at the international level shall be made on a case-by-case basis and may, when necessary, take into consideration financial arrangements and understandings with respect to the exercise of jurisdiction by the States Parties concerned.*

*4. Decisions to use controlled delivery at the international level may, with the consent of the States Parties concerned, include methods such as intercepting and allowing the goods or funds to continue intact or be removed or replaced in whole or in part.*

### (a) Summary of relevant information on the review of the implementation of Article 50

443- The Kingdom of Saudi Arabia pointed out that there is no legal provision that prevents the activation of a controlled delivery and electronic surveillance mechanism, provided this is done in accordance with Saudi Arabia's legislation and general rules and is provided for in a bilateral agreement with the State party.

444- Authorities have also indicated during the country visit that controlled delivery is expressly provided for in Article 11 of the Law on counter-narcotics and psychotropic substances and nothing prevents from using this technique in corruption cases. In fact, there are cases of corruption in which controlled delivery has been used. This is done based on a bilateral agreement or on the principle of reciprocity. Undercover operations can also be used in corruption cases. Saudi Arabia also referred to the following provisions:

**The Basic Law of Governance**

Article 40: The privacy of telegraphic and postal communications, and telephone and other means of communication, shall be inviolate. There shall be no confiscation, delay, surveillance or eavesdropping, except in cases provided by the Law.

**Criminal Procedure Law**

Article 56: The Director of the Bureau of Investigation and Prosecution may issue an order authorizing seizure of mail, publications, and parcels and surveillance and recording of telephone conversations, if such procedure is deemed useful in determining the truth related to a crime that has actually been committed. Such order shall state the reasons thereof and shall be for a period not exceeding ten days renewable according to the requirements of the investigation.

**Counter Narcotic Drugs and Psychotropic Substances Law**

Article (11):

1. The competent authorities of the Kingdom has the right to allow some amount of narcotic substances, psychotropic substances, or any substances related to pass through the territory of the Kingdom, or get out of it, in coordination with the authorities of the related countries, to know who is involved in committing such acts and arrest them. This includes the following:

- a) Make an agreement with the authorities of other countries to inspect cargos agreed on to put under controlled delivery and check them then allow them to continue moving.
- b) Make an Agreement with the authorities of other countries to replace the agreed upon narcotic or psychotropic substances with any other similar substances in case it gets leaked during transportation. Taking into account - if necessary - agreeing on the financial matters for the implementation of controlled delivery procedures.

2. Controlled delivery decisions are made each case by its own.

**(b) Observations on the implementation of the article**

445- For corruption offences, special investigative techniques under the CPL may be used, including communication control and wire-tapping, subject to the prior approval of the Public Prosecutor.

446- Saudi Arabia has had previous experience in the use of controlled delivery in corruption cases, based on bilateral agreements or on the principle of reciprocity. Saudi Arabia can also use undercover operations in corruption cases.