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**Review of implementation of the United Nations
Convention against Corruption**

Executive summary

Note by the Secretariat

Addendum

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II. Executive summary

Saudi Arabia

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

Saudi Arabia signed the United Nations Convention against Corruption on 9 January 2004 and ratified it on 23 January 2013 pursuant to Royal Decree No. M5. Saudi Arabia deposited its instrument of ratification of the Convention with the Secretary-General of the United Nations on 29 April 2013.

Saudi Arabia has adopted the principle of direct implementation of international conventions. Under article 70 of the Basic Law of Governance, international regimes, treaties, conventions and privileges are issued and amended pursuant to royal decrees. Thus, the international conventions to which Saudi Arabia has acceded are an integral part of Saudi law and have the same status as the national laws. In the event of conflicting provisions, the more recent text is applied.

The judicial system comprises the Supreme Court, courts of appeal, courts of first instance and the Board of Grievances (administrative court). The courts of first instance include the general courts, criminal courts, personal status courts, commercial courts and labour courts. The Supreme Judicial Council may create other specialized courts with the King's approval. An indictment approach is used in criminal proceedings, which comprise an investigation phase and a trial phase.

The national legal framework for combating corruption includes provisions contained in a number of laws, in particular the Anti-Bribery Law, Law on the Disciplining of Employees, Anti-Money-Laundering Law, Law on Public-Fund Management Functions and Criminal Procedure Law.

Saudi Arabia applies Islamic sharia (Islamic law). Penalties are adjudicated for certain offences based on the provisions of the Koran and Sunna. In the absence of such provisions, a legal provision that does not conflict with Islamic law may be enacted. In addition, under Islamic law, the penalty of *ta'zir* may be adjudicated according to the discretion of the judge in offences not covered by the Koran and Sunna. Thus, *ta'zir* need not be provided for in legislation.

A number of entities and agencies are involved in combating corruption in Saudi Arabia, among which the most prominent are the National Anti-Corruption Commission, the Bureau of Investigation and Public Prosecution, the Bureau of Control and Investigation, the Board of Public Control, the Financial Investigation Unit and the Administrative Investigations Department of the Ministry of the Interior. Furthermore, the Standing Committee on Requests for Legal Assistance also plays a leading role in 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 Anti-Bribery Law establish as an offence the solicitation or acceptance of a bribe by a public official.

Article 9 of the Anti-Bribery Law criminalizes the act of offering a bribe to a public official even where the offer is not accepted. If the offer or promise is accepted, the articles that criminalize the acceptance by a public official of promises or gifts are applied, depending on the case. The same penalty applies both to persons who offer bribes and to persons who broker bribes, in accordance with article 10. The law does not explicitly criminalize the act of making a promise where it is not accepted, although legal precedents demonstrate that the concept of offering a bribe also covers the making of promises.

Saudi legislation does not criminalize bribery committed by foreign public officials or officials of international public institutions, nor does it criminalize the solicitation or acceptance of a bribe by any such official.

Article 5 of the Anti-Bribery Law criminalizes the solicitation or acceptance of a bribe by a public official in exchange for using his influence over a public authority, although it does not cover “any other person” at the point when the official commits the offence. In such cases, the briber is considered to have committed an offence under article 10 of the aforesaid law if the offer or promise is accepted or under article 9 if the offer is not accepted. Despite the absence of explicit provisions that criminalize the act of promising to use one’s influence in cases where the promise is not accepted, legal precedents indicate that the concept of offering a bribe also covers the making of promises.

Non-sharia legislation in Saudi Arabia criminalizes the offering and acceptance of bribes in certain areas of the private sector. The Anti-Bribery Law covers all persons who work in joint-stock companies or in sole proprietorships or establishments that engage in banking activities, as well as directors and members of the executive boards of such entities.

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

Article 2 of the Saudi Anti-Money-Laundering Law criminalizes the laundering of criminal proceeds, attempted money-laundering and various forms of criminal participation in such acts.

Predicate offences include all acts that violate Islamic law or Saudi law, including bribery offences specified in the Anti-Money-Laundering Law and the embezzlement of public funds belonging to government agencies, entities with which the government is involved or private entities, such as commercial companies and organizations (article 1 of the Anti-Money-Laundering Law and article 2(2) of the implementing regulation issued thereunder).

Predicate offences include crimes that occur within Saudi Arabia and those that occur abroad, provided that dual criminality is in effect. Self-laundering is not excluded.

Saudi Arabia has not provided the Secretary-General of the United Nations with copies of its laws on combating money-laundering.

Saudi Arabia criminalizes concealment under the offence of money-laundering (article 2 of the Anti-Money-Laundering Law). Islamic law also criminalizes concealment as the offence of “possession of stolen property”.

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

Article 9 of the Law on Public-Fund Management Functions and article 2(7) of the Royal Decree on Abuse-of-Power Offences criminalize embezzlement, misappropriation or diversion by a public official of state funds, property, seals or valuable documents placed in the official’s custody. Those provisions do not cover private property or funds entrusted to a public official by virtue of his position.

Article 2(1) of the Royal Decree on Abuse-of-Power Offences criminalizes abuse of influence by a public official for his personal advantage. It does not cover abuse of public office for the benefit of another person or entity, however.

Saudi law does not criminalize illicit enrichment. However, article 2 of the Royal Decree on Illicit Enrichment states that if an official is unable to prove that the source of funds or property in his possession is lawful, the Council of Ministers may confiscate one half of all funds or property whose source is suspect and may dismiss the official from his government position. A draft law on the criminalization of illicit enrichment is currently under consideration in Saudi Arabia.

Non-sharia legislation in Saudi Arabia does not criminalize the embezzlement of property in the private sector. This act is punishable under Islamic law as an offence of the breach of trust, which is supported by legal precedents.

Obstruction of justice (art. 25)

Article 21 of the Criminal Procedure Law empowers the court to examine acts conducive to influencing a member of the court, a litigant or a witness with regard to a case under examination by the court. It also empowers the court to adjudicate in accordance with Islamic law. This article may thus serve as a basis for prosecuting the offences of incitement to provide false testimony or interference in the giving of testimony.

However, Saudi legislation does not criminalize interference in the giving of testimony in respect of procedures pertaining to offences established in accordance with the Convention.

Article 7 of the Anti-Bribery Law criminalizes the use of force, violence or threats against a public official to induce him to perform an illegal act or to refrain from performing an act that he is obligated by law to perform.

Liability of legal persons (art. 26)

Saudi legislation provides for the criminal liability of legal persons under article 3 of the Anti-Money-Laundering Law and article 8(5) of the Anti-Bribery Law. Legal entities may also be subject to civil liability in accordance with articles 69 and 147 of the Criminal Procedure Law if they participate in criminal acts established in

accordance with the Convention. Such liability does not diminish the criminal liability of natural persons who commit offences.

Legal persons who participate in the offence of money-laundering are punished by a fine of no less than 100,000 riyals and no more than the equivalent value of the funds that were the object of the money-laundering offence. Legal persons who participate in bribery offences are subject to a fine of up to 10 times the value of the bribe and/or are barred from entering into contracts with government ministries and departments or with public agencies that have moral personality.

Participation and attempt (art. 27)

Article 2 of the Anti-Money-Laundering Law criminalizes attempted money-laundering and various forms of criminal participation in money-laundering. Under article 10 of the Anti-Bribery Law, any person who conspires in, incites or assists in the commission of any of the offences mentioned in the law shall be subject to punishment. Article 2 of Royal Decree No. 43 on Abuse-of-Power Offences criminalizes participation and collusion in the offences of embezzlement and abuse of influence. Attempting to commit an offence of any kind is punishable in accordance with Islamic law.

Saudi law does not punish acts undertaken to prepare for the commission of an offence.

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

Saudi Arabia has adopted penalties for offences involving corruption, which range from fines to imprisonment for up to ten years, depending on the gravity of the offence. Immunity does not appear to impede the effective prosecution of such offences.

The King may revoke the immunity of any member of the Council of Ministers. Members of the Council of Ministers are investigated by the public prosecution in accordance with the Criminal Procedure Law. Excluding cases of flagrante delicto, members of the diplomatic corps may not be arrested, investigated or subject to a criminal action without the authorization of the Supreme Judicial Council. The same procedures apply to members of the Bureau of Investigation and Public Prosecution, for which the authorization of the Bureau's administration committee is required.

Saudi Arabia has adopted the principle of the legality of prosecution.

Preventive detention is permitted in offences of corruption. Release pending trial is possible if freeing the accused does not harm the investigation and there is no fear that the accused will flee or disappear. A person sentenced to deprivation of liberty may be released conditionally if the person has served three-quarters of his prison sentence and has paid the financial obligations adjudicated against him.

An official may be suspended from work if it is in the interest of his work to do so. Any official who is subject to preventive detention is considered suspended from work for the period of detention.

Under the Anti-Bribery Law, convicted persons are subject to dismissal and are denied the right to hold public positions or perform actions undertaken by persons

who are considered public officials, including positions in companies in which the government holds capital.

Disciplinary penalties may be imposed under the Law on the Disciplining of Employees in addition to criminal penalties in corruption cases.

Saudi Arabia has procedures and programmes for training prisoners and monitoring released convicts with the aim of reintegrating them into society. Any convicted person may be rehabilitated after serving his sentence.

Saudi Arabia has no measures for granting immunity from judicial prosecution to offenders who cooperate. Such cooperation may be taken into account in bribery and money-laundering cases, whereby persons who cooperate with the justice authorities may be exempted from punishment if they report the offence before it comes to the knowledge of the authorities (article 16 of the Anti-Bribery Law and article 18 of the Anti-Money-Laundering Law). Saudi legislation does not provide for mitigating the penalty applied to accused persons who provide substantial cooperation in the investigation or prosecution of offences established in accordance with the Convention.

Saudi Arabia has not taken appropriate measures to provide effective protection against potential retaliation or intimidation for persons who cooperate with the justice authorities or for their relatives and other persons close to them.

Saudi Arabia may conclude agreements to provide for the possibility of mitigating the penalty applied to persons located abroad who cooperate with the justice authorities or exempting such persons from punishment.

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

Saudi Arabia is considering a draft law to protect witnesses and persons who report offences. It has also taken a number of measures to protect witnesses and experts who provide testimony concerning offences established in accordance with the Convention against potential retaliation or intimidation. The implementing regulation of the Criminal Procedure Law permits concealment of the identity of a witness. The Supreme Judicial Council has also issued a decree permitting the giving of testimony over video hook-ups, and most courtrooms have been equipped with the necessary technology to do so. Saudi Arabia has not taken appropriate measures to protect victims who act as witnesses.

Saudi Arabia may enter into agreements for the relocation of persons.

Victims' views and concerns may be presented via video hook-up.

Saudi legislation does not provide for the legal protection of reporting persons. However, draft regulations on corruption-reporting that provide such protection have been prepared.

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

Saudi legislation provides for the possibility of seizing objects obtained through, used in or destined for use in an offence (article 15 of the Anti-Bribery Law, articles 17 and 18 of the Anti-Money-Laundering Law, article 3 of the Royal Decree on Abuse-of-Power Offences, article 9 of the Law on Public-Fund Management Functions and article 27 of the Criminal Procedure Law). The principle upheld in

Saudi law is that seizure must be based on a conviction. However, the lapse of a public criminal action does not preclude confiscation proceedings (article 10 of the implementing regulation of the Criminal Procedure Law). In the event of illicit enrichment, the Cabinet may confiscate one half of the funds or property whose origin is suspect. Confiscation is based on prevailing value, as clearly stipulated by the Anti-Money-Laundering Law and the Law on Public-Fund Management Functions. The Anti-Bribery Law does not provide for this principle.

Saudi law does not explicitly provide for the possibility of attaching and confiscating property into which the proceeds of an offence have been converted or transformed or which has been intermingled with property acquired from legitimate sources, except with regard to offences of money-laundering (article 18 read together with article 1 of the Anti-Money-Laundering Law). Saudi legislation does not provide for the confiscation or seizure of income or other benefits derived from the proceeds of an offence.

The Criminal Procedure Law (particularly chapter 3) and the Anti-Money-Laundering Law (article 10) provide a broad range of investigative measures for identifying, tracking and freezing the proceeds and instrumentalities of offences with a view to confiscating them.

The Criminal Procedure Law provides for a number of measures concerning the administration of seized objects, such as the sale of items which are perishable or whose preservation entails major expenses (article 94). Saudi legislation does not regulate the administration of seized funds.

Bank secrecy does not appear to impede the conduct of criminal investigations. Funds and balances held at banks may be seized and confiscated, and inquiries about such funds may be made by the public prosecution or the courts, by sending a request to the Saudi Arabian Monetary Agency (article 58 of the implementing regulation of the Criminal Procedure Law). The Financial Investigation Unit and the competent investigative authority may request bank information in the same way (article 10 of the Anti-Money-Laundering Law). The Saudi Arabian Monetary Agency has a direct electronic link to the courts and the banks in order to expedite responses to requests. The courts and other competent authorities may order the production or confiscation of financial or commercial records in accordance with the general provisions of the Criminal Procedure Law. Such records are not subject to any laws concerning secrecy.

Article 2 of the Royal Decree on Illicit Enrichment inverts the burden of proof regarding illicit enrichment, whereby the Council of Ministers may confiscate one half of any funds whose origin is suspect and may order the dismissal of an official from his position if the official is unable to prove that the source of the funds or property in his possession is legal.

The Criminal Procedure Law and the Anti-Money-Laundering Law provide for the protection of the rights of bona fide third parties.

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

The Criminal Procedure Law does not provide for the use of the statute of limitations as a reason for precluding a criminal action.

The court may rely on criminal judgements issued by foreign courts in order to apply provisions concerning repeat offences. It may regard such judgements as circumstances that warrant a stronger penalty.

Jurisdiction (art. 42)

Saudi Arabia has established its jurisdiction in the cases mentioned in article 42 of the Convention, excluding offences of corruption committed against Saudi Arabia or its nationals.

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 withdrawal of work from a contractor, rescinding of a contract or implementation of a contract at the contractor's expense, if it is proven that the contractor obtained the contract through bribery (article 53 of the Law on Competition and Government Procurement).

Articles 69 and 147 of the Criminal Procedure Law enable persons who have suffered damage as a result of an offence to initiate civil action against the accused during the investigation phase and to file their case before the court that is examining the criminal action brought against the accused.

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

A number of Saudi entities and agencies are involved in combating corruption, the most prominent of which is the National Anti-Corruption Commission. Its mission is to investigate financial and administrative corruption, refer violations to the supervisory or investigating authorities and follow up with competent agencies regarding the return of property and proceeds arising from corruption offences.

The Bureau of Investigation and Public Prosecution also plays an important role in combating corruption, particularly through the Department of Civil Service Offences, which handles all financial and administrative corruption offences, the Department of Economic Crimes, which handles money-laundering cases, and the Department of Financial Crimes. The Ministry of the Interior has a Department of Administrative Investigations, which is subordinate to the police. The department handles all offences relating to public management and conducts criminal investigations.

The Bureau of Control and Investigation and the Financial Investigation Unit are also involved in combating corruption. Multiple Saudi entities play a role in combating corruption, albeit not through law enforcement, including the General Auditing Bureau and the Standing Committee on Requests for Legal Assistance, which plays a primary role in international cooperation.

These agencies appear to be adequately trained, possess sufficient resources and act independently.

Regarding cooperation between national authorities, article 5 of the regulations of the National Anti-Corruption Commission requires the competent supervisory authorities to provide the Commission with any financial or administrative remarks that fall under its jurisdiction. It also requires all agencies covered under the Commission's jurisdiction to respond to its inquiries and remarks and to report to it

concerning the response measures that they have adopted. Article 15 of the Criminal Procedure Law requires all public employees to carry out the orders of the judicial authorities.

The National Strategy for Protecting Integrity and Combating Corruption includes the engagement of civil society organizations and the private sector in efforts to protect integrity and combat corruption. Article 3(5) of the regulations of the National Anti-Corruption Commission authorizes the Commission to promote public and private efforts to adopt plans and programmes to protect integrity and combat corruption and to monitor the implementation and evaluate the outcomes of such plans and programmes.

Article 9 of the Anti-Money-Laundering Law requires a number of private-sector entities — including banks, precious-metal traders, audit companies and attorneys — to notify the Financial Investigation Unit of suspicious transactions. Article 28 exempts any reporting person from criminal, civil or administrative liability which may arise from the fulfilment of this duty.

Article 17 of the Anti-Bribery Law provides for financial rewards for persons who report corruption crimes. The National Anti-Corruption Commission has established a hotline for receiving communications and for answering enquiries about how to report corrupt practices. Information may be reported to the Commission via e-mail or fax or in person. The secrecy of the information and data reported is guaranteed. The Commission also has a department that handles rewards.

2.2. Successes and good practices

The following are the highlights of the successes and good practices achieved during the implementation of Chapter III of the Convention:

- A direct electronic link has been established between the Saudi Arabian Monetary Agency and the courts and between the Saudi Arabian Monetary Agency and the banks. These links facilitate the obtainment of information and the prompt seizure of bank accounts (article 31(7)).
- Good levels of cooperation among the authorities involved in combating corruption (article 38).
- The granting of financial rewards to persons who report corruption offences (article 39(2)).

2.3. Challenges in implementation

The following steps are conducive to strengthening existing anti-corruption measures:

- Promote greater legal certainty by explicitly criminalizing the act of promising a bribe to a public official even where the promise is not accepted (article 15(a)).
- Criminalize the bribing of a foreign official or an official of an international public organization (article 16(1)), and consider criminalizing the acceptance of bribes by such officials (article 16(2)).

- Criminalize acts of embezzlement, misappropriation or diversion by a public official of private property or funds placed in the official's custody by virtue of his position (article 17).
- Promote greater legal certainty by considering adopting an explicit provision to criminalize the promising of undue advantage to a public official in order to persuade the official to abuse his real or supposed influence over a public department or authority, even where the promise is not accepted (article 18(a)).
- Consider criminalizing the offering or acceptance of a bribe by persons who are not public officials in exchange for trading their real or supposed influence over a public department or authority (article 18(a) and 18(b)).
- Consider criminalizing the abuse by a public official of his function to the benefit of another person or entity (article 19).
- Complete efforts to criminalize illicit enrichment, consistent with the Convention (article 20).
- Consider expanding the scope of application of the Anti-Bribery Law to include all persons in the private sector (article 21).
- Promote greater legal certainty by considering the inclusion, in non-sharia laws, of a provision that criminalizes the embezzlement of property in the private sector, consistent with the Convention (article 22).
- Provide the Secretary-General of the United Nations with copies of Saudi laws concerning the combating of money-laundering (article 23(2)(d)).
- Criminalize the use of physical force, threats or intimidation, and the act of promising, offering or providing an undue advantage, with a view to interfering in a testimony during proceedings relating to the commission of offences established in accordance with the Convention (article 25(a)).
- Promote greater legal certainty by adding an explicit provision to the Anti-Bribery Law on the confiscation of property equal in value of the proceeds of the offence concerned (article 31(1)(a)).
- Adopt measures to regulate and improve the administration of frozen, seized or confiscated property (article 31(3)).
- Promote greater legal certainty in cases that do not involve money-laundering by enacting an explicit provision to permit the seizure and confiscation of property into which criminal proceeds have been transformed or converted and property acquired from legitimate sources with which criminal proceeds have been intermingled, up to the assessed value of the intermingled proceeds (articles 31(4) and 31(5)).
- Promote greater legal certainty by enacting an explicit provision to permit the seizure and confiscation of income and other benefits obtained from the proceeds of crime (article 31(6)).
- Adopt appropriate measures to provide effective protection from potential retaliation or intimidation for victims who act as witnesses and to improve protection for witnesses and experts who give testimony concerning offences

established in accordance with the Convention and, as appropriate, for their relatives and other persons close to them (articles 32(1) and 32(4)).

- Complete draft regulations on the reporting of corruption that protect persons who report corruption from unjustified treatment (article 33).
- Consider the possibility of mitigating the penalties applied to persons who provide substantial cooperation in the investigation or prosecution of offences established in accordance with the Convention, and consider granting such persons immunity from judicial prosecution (articles 37(2) and 37(3)).
- Adopt appropriate measures to provide effective protection against potential retaliation or intimidation for persons who cooperate with the justice authorities and, as appropriate, for their relatives and persons close to them (article 37(4)).

3. Chapter IV: International cooperation

Saudi Arabia has a comprehensive system for combating corruption through international cooperation. However, it is difficult to conduct an in-depth evaluation of the international cooperation practices followed in Saudi Arabia in corruption cases due to the absence of adequate, 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 detailed law or special provisions concerning the extradition of offenders. Extradition and dual criminality are instead covered primarily by the bilateral and multilateral agreements in effect. Article 42 of the Basic Law of Governance stipulates that the international regimes and agreements include rules and procedures for extraditing ordinary offenders.

Saudi Arabia has ratified a number of bilateral agreements concerning the extradition of offenders, for example, with Algeria and with Pakistan. It is also party to a number of relevant multilateral agreements, such as the League of Arab States Extradition Agreement and the Gulf Cooperation Council Security Agreement.

The Saudi extradition mechanism includes a judicial procedure and an administrative procedure. Extradition requests are submitted through diplomatic channels for referral to the public prosecution, which has jurisdiction to consider such requests. If the public prosecution deems it appropriate to accept a request, it submits a recommendation to that effect to the King for the adoption of a final decision.

The authorities hold practical consultations with the requesting State before denying any requests.

Saudi Arabia does not condition the extradition of offenders on the existence of a treaty. It permits extradition according to the principles of reciprocity and international courtesy. Saudi Arabia does not consider the Convention a legal basis for extradition, inasmuch as it has a reservation to article 44(5) of the Convention.

Extradition requests submitted to Saudi Arabia are subject to the requirements established in the extradition treaties in effect. One such requirement is to include the reasons for denying the extradition request. Some treaties establish the minimum penalty required as a condition for extradition (for example, articles 40 and 41 of the Riyadh Arab Agreement for Judicial Cooperation).

The Basic Law of Governance provides guarantees of fair treatment, which apply to extradition procedures. As a general rule, dual criminality is required only in order to extradite wanted Saudi nationals, whereas a request to extradite a foreigner may be approved in the absence of dual criminality.

Although decisions made by the King are final and may not be appealed, a person whose extradition is sought enjoys, upon being charged, all guarantees stipulated in the Criminal Procedure Law, including the rights to defend himself, to be represented by an attorney and to submit an objection to the public prosecution before the matter is referred to the King.

Fiscal crimes are not among the reasons for which an extradition request may be denied.

Saudi Arabia does not consider an act of corruption to be a political crime.

Saudi Arabia has not adopted adequate measures to expedite extradition proceedings and to simplify the related evidentiary requirements.

Saudi Arabia does not extradite Saudi nationals, except to the States of the Gulf Cooperation Council (GCC) in accordance with the terms set out in its bilateral agreements and in the Gulf Cooperation Council Security Agreement.

Saudi Arabia applies the *aut dedere aut judicare* principle.

Saudi Arabia may detain a person within its territory whose extradition is sought and may take other appropriate measures to ensure that such persons appear for extradition proceedings, in accordance with the provisions of the extradition agreements that address this subject, such as articles 43 and 44 of the Riyadh Arab Agreement for Judicial Cooperation.

Article 9 of the Law on the Execution of Judgments permits the execution of criminal judgements issued by foreign courts, once the procedure for doing so has been received. Several international agreements address this matter, such as article 17 of the League of Arab States Extradition Agreement. Under the Protocol on the Enforcement of Judgments, Letters Rogatory and Judicial Notices issued by the Courts of the Member States of the Arab Gulf Cooperation (GCC Protocol), which was adopted in 1995, a judgement issued in any GCC member State is treated as if it were issued in the member State that is requested to execute the judgement, and the judgement becomes executable in that State in accordance with the facilitating procedures stipulated in the protocol.

Saudi Arabia has concluded numerous bilateral and regional agreements concerning the transport of sentenced persons, including the Agreement on the Transport of Persons Sentenced to Deprivation of Liberty among the Member States of the Arab Gulf Cooperation Council and the Riyadh Arab Agreement for Judicial Cooperation.

Saudi Arabia may transfer criminal proceedings in accordance with the provisions of international agreements.

Mutual legal assistance (art. 46)

The provisions set out in the Operating Mechanism of the Standing Committee on Requests for Legal Assistance, issued by decree of the Council of Ministers, regulate mutual legal assistance in Saudi Arabia, as do the provisions of the bilateral and multilateral agreements in effect. Saudi Arabia has concluded a number of agreements on mutual legal assistance, including bilateral agreements (such as those with Kazakhstan, Morocco and Yemen) and multilateral agreements (such as the GCC Protocol). Saudi Arabia also implements the provisions of the United Nations Convention against Corruption directly in cases where no relevant treaty on mutual legal assistance applies.

The Standing Committee on Requests for Legal Assistance is the authority responsible for executing requests for legal assistance.

Requests for legal assistance are sent through diplomatic channels. In urgent cases, such requests are sent through the INTERPOL Liaison Department of the Ministry of the Interior. The Committee may accept requests for legal assistance through any means of written communication, including fax or e-mail. In urgent cases, a verbal request for legal assistance may be accepted, provided that the request is confirmed in writing. Saudi Arabia accepts requests submitted in the Arabic language and — in exceptional cases — in the English language. The Secretary-General of the United Nations has not been informed of this fact, however.

Saudi Arabia does not condition the provision of mutual legal assistance on the existence of a treaty. Such assistance may be provided according to the principle of reciprocity (article 17 of the Operating Mechanism of the Standing Committee on Requests for Legal Assistance).

Under article 15 of the mechanism, the absence of dual criminality is an acceptable reason for denying a request for legal assistance.

The measures and procedures available in the context of mutual legal assistance are the same as those available in domestic criminal proceedings. The provisions that are applied to requests for mutual legal assistance concerning natural persons are also applied to legal persons.

There is currently no legislation on the automatic exchange of information. Saudi Arabia exchanges information with other countries, and its legal system does not bar it from doing so.

Article 12 of the Operating Mechanism of the Standing Committee on Requests for Legal Assistance regulates the transport and reception of detainees and persons serving prison sentences for the purposes of identification, testimony or providing other assistance. Article 12 also allows the judicial authorities of other States to hear the statements of witnesses or experts located in Saudi Arabia through the holding of a hearing via video.

Banking secrecy and the fact that a crime is connected to fiscal matters are not suitable reasons for the denial of requests under article 15 of the Operating Mechanism of the Standing Committee on Requests for Legal Assistance. Under article 10 of the mechanism, originals or certified copies of relevant documents and records — including government, banking, financial or commercial records or certified copies thereof — may be provided as a type of legal assistance.

Saudi Arabia complies with requests to maintain the secrecy of requests and the content of the requests. It also complies with the limits on the use of the information contained in the request (article 13 of the Operating Mechanism of the Standing Committee on Requests for Legal Assistance).

Article 15 of the aforesaid mechanism provides for consultation with the requesting State before denying or delaying the implementation of a request. It also requires that the requesting State be notified if a decision is reached to delay the request or not to implement the request. The notification must state the reasons for the denial or delay.

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

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

Saudi Arabia possesses a number of international communication and analytical tools. It uses customary channels of communication in addition to secure communication channels, such as INTERPOL's I-24/7 database and the Egmont Secure Web system.

Saudi Arabia regards the Convention as the basis for law enforcement cooperation. It has signed a number of security cooperation agreements, such as the Gulf Cooperation Council Security Agreement and agreements with Bahrain, Oman and Yemen. The Financial Investigation Unit has also signed a number of memoranda of understanding with its counterparts.

Saudi Arabia participates in employee exchanges with the States of the Gulf Cooperation Council.

Through the Cybercrime Department of the General Security Services, Saudi Arabia is capable of combating corruption offences committed through the use of modern technology. It also has a special law that deals with cybercrimes.

Saudi Arabia may establish joint investigative bodies on a special basis. It has done so previously in a corruption case and in financial fraud and terrorism cases.

The special investigative techniques mentioned in the Criminal Procedure Law, including communications surveillance and the recording of conversations, may be used in corruption cases after obtaining authorization from the head of the Bureau of Investigation and Public Prosecution. Saudi Arabia has previously used controlled delivery methods in corruption cases, in accordance with bilateral agreements or the principle of reciprocity. It may also employ undercover operations in corruption cases.

3.2. Successes and good practices

The following are highlights of the successes and good practices achieved during the implementation of Chapter IV of the Convention:

- The detailed, comprehensive mechanism used by Saudi Arabia to handle requests for mutual legal assistance has won the praise of reviewers (article 46).

3.3. Challenges in implementation

The following steps are conducive to strengthening existing anti-corruption measures:

- Adapt the Saudi information and case-management system to permit the collection of information and provision of more detailed statistics concerning requests for legal assistance, including a timetable for responding to such requests.
 - Consider adopting legislation or special provisions to regulate the extradition of offenders, in addition to detailed extradition procedures, consistent with the provisions of article 44 of the Convention.
 - Make efforts to expedite extradition procedures and to simplify the related evidentiary requirements, for example, by adopting a form that specifies the requirements and/or internal guidelines (article 44(9)).
 - Notify the Secretary-General of the United Nations regarding the name of the central authority designated to receive requests for mutual legal assistance and the languages in which such requests are accepted in Saudi Arabia (articles 46(13) and 46(14)).
-