

Enforcement of Foreign Judgments

Fundamental Principles [Saudi Arabia]

2020



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I. RECOGNITION AND ENFORCEMENT OF A FOREIGN COURT DECISION (CIVIL AND COMMERCIAL MATTERS)

A. Ability to Apply for Recognition and Enforcement of a Court Judgment

1. Is it possible to apply for enforcement of a foreign court judgment in your country?

Answer: Yes. Final foreign civil and commercial judgments, judicial orders, arbitration awards, and attested documents issued in a foreign country can be enforced in the Kingdom of Saudi Arabia but only with several conditions and requirements according to Article 9, Paragraph 6 of the Saudi Enforcement Law ("**SEL**").

B. Applicable Law: General Rules

1. Which laws are generally applicable to the enforcement of a foreign court judgment in your country?

Answer: Generally, foreign judgments are enforceable as long as they do not contradict an existing statute or public policy interest of Saudi Arabia. As it relates to public policy, this includes conflicts with Sharia law; e.g., imposition of interest (*riba*) on a judgment. Further detailed in Articles 9, 11, 12, 13, and 14 of the SEL and Enforcement Regulations.

Special Rules: European Union

2. Are there any special rules regarding the enforcement of a foreign court judgment in your country?

Answer: Yes (not limited to European Union). Foreign judgments or orders should be enforced only on the basis of reciprocity. The burden of proof for reciprocity is on the claimant. Also, there are other regular requirements set out on the answer for question III–C–1 below.

3. Does the European Union have a special procedure to enforce court judgments coming from its member states?

Answer: No. Procedures for all for foreign court judgments in Saudi Arabia are generally consistent.

C. Average Duration of Enforcement Procedure

1. What is the average length of time for this kind of procedure?

Answer: The SEL does not specify a time period. It depends on the nature of the case and the enforcement documents submitted. However, Article 95 of the SEL states that the party aggrieved by the intentional delay in carrying out enforcement procedures may file a suit before the enforcement judge to compensate the aggrieved party for any damages that may have occurred.

II. Denial of Recognition and Enforcement of a Foreign Court Judgment: Reasons

A. Can a Court in your country deny recognition and enforcement of a foreign court judgment? If YES: what kind of reasons may justify denial?

Answer: Yes. The reasons to refuse recognition and enforcement of a foreign court judgment are set out in Article 11 of the SEL, which states that the enforcement judge may not execute a foreign judgment or order on the basis of reciprocity, and includes the following:

1. Courts of Saudi Arabia have no jurisdiction to review a dispute regarding which a judgment or order is issued, and that the foreign courts issuing such judgment or order have jurisdiction over it in accordance with rules of international judicial jurisdictions stated in their laws.
2. The litigants of a lawsuit in which a judgment is rendered are summoned to appear, are duly represented, and are given the right to defend themselves.
3. The judgment or order becomes final in accordance with the law of the court issuing it.
4. The judgment or order is not in conflict with any other judgment or order issued on the same case by a competent judicial body in Saudi Arabia.
5. The judgment or order is not in conflict with public order in Saudi Arabia, or Islamic law (Sharia).

B. Costs and expenses

1. What kind of cost and expenses can a claimant expect in this enforcement procedure?

Answer: There are no court fees in any Saudi Arabia court, including its Enforcement Courts. However, the claimant may need a certified translation in Arabic for the foreign judgment or order before

submitting the judgment to the court. The translation fee is varied, and the claimant will get the certified translation through private companies recognized by Saudi Arabia as a certified translator office. Additionally, a claimant is expected to – at its own cost – certify all documents it wishes to submit by the competent authorities in their home country, the Saudi Arabian Embassy in their home country, the Saudi Ministry of Foreign Affairs, and the Saudi Ministry of Justice.

III. FORMAL REQUIREMENTS

A. Time limit

- 1. Is there a time limit to apply for enforcement of a foreign court judgment?**

Answer: There is no article related to the time limit for enforcement of a foreign or domestic court judgment in Saudi Arabia.

B. Final and Definitive Court Judgment: Provisional Enforcement

- 1. Is it mandatory for the judgment to be a final and definitive court judgment? If NO: Are there any special requirements to provisionally enforce a court judgment which is not final and definitive?**

Answer: Yes. It is mandatory for a judgment to be a final and definitive court judgment in order to be enforced in Saudi Arabia.

C. Necessary Requirements

- 1. What necessary requirements must the foreign court judgment fulfill to be recognized and enforced?**

Answer: The necessary requirements that the foreign court judgment must fulfill to be recognized and enforced are set out in Article 11 of the SEL, which includes the following (same as II-A above):

- 1.** The enforcement judge may not execute a foreign judgment or order on the basis of reciprocity. The burden of proof for reciprocity is on the claimant.
- 2.** Courts of Saudi Arabia have no jurisdiction to review a dispute regarding which a judgment or order is issued, and that the foreign courts issuing such judgment or order have jurisdiction over it in accordance with rules of international judicial jurisdictions stated in their laws.

3. The litigants of a lawsuit in which a judgment is rendered are summoned to appear, are duly represented, and are given the right to defend themselves.
4. The judgment or order becomes final in accordance with the law of the court issuing it.
5. The judgment or order is not in conflict with any other judgment or order issued on the same case by a competent judicial body in Saudi Arabia.
6. The judgment or order is not in conflict with public order in Saudi Arabia, or Islamic law (Sharia).

D. Other Formal Requirements: Court Fees

1. Is it mandatory to pay court fees for this kind of application?

Answer: No; there are no court fees in Saudi Arabia.

E. Are there any other formal requirements in your country to enforce a court judgment?

Answer: Yes. The submitted file to the court should include the following attachments:

1. The original copy of the foreign judgment or order or a certified copy.
2. A certification from the court that issued the judgment stating that the judgment is final, unless the judgment itself contains language stating that the judgment is final and definitive.
3. A certified copy from the same court issuing the judgment stating that the defendant has received the judgment. However, in the event of absentia, the plaintiff should submit documents proving that the plaintiff has legally disclosed the judgment.
 - All documents must be translated into Arabic by a certified translator in Saudi Arabia. Additionally, the claimant must certify all documents that it desires to submit by the competent authorities in the claimant's home country and certify it also by the Saudi Embassy in their home country, the Saudi Ministry of Foreign Affairs, and Saudi Ministry of Justice.

- The foreign judgment cannot be enforced on matters for which Saudi Arabia courts have exclusive jurisdiction, such as real estate located in Saudi Arabia.

IV. PROCEDURE

A. Competent court

1. Which court or courts are competent to decide an enforcement application?

Answer: An application must be made to the Enforcement Court in Saudi Arabia in accordance with territorial jurisdiction rules for the domestic judgment.

B. Informational Requirements for the Application to Enforce a Foreign Court Judgment

1. What information must be contained in the enforcement application of a foreign court judgment?

Answer: There is no specific information required except the information and documents listed previously (See III-C and III-E).

C. What documents must be included with/attached to the application to enforce a foreign court judgment?

Answer: The submitted file to the court should include the following attachments:

1. The original copy of the foreign judgment or order, or a certified copy;
2. a certification from the court that issued the judgment, stating that the judgment is final unless the judgment itself contains language stating that the judgment is final and definitive;
3. a certified copy from the same court issuing the judgment stating that the defendant has received the judgment. However, in the event of absentia, the plaintiff should submit documents evidencing that the plaintiff has legally disclosed the judgment.

All documents must be translated into Arabic by a certified translator in Saudi Arabia. Additionally, the claimant must certify all documents that it desires to submit by the competent authorities in the claimant's home country and certify it also by the Saudi Arabian Embassy in their home country, the Saudi Ministry of Foreign Affairs, and Saudi Ministry of Justice.

D. Phases of the Procedure

1. What are the phases of the procedure to enforce a foreign court judgment?

Answer: As follows:

1. The claimant should submit its application online through the Saudi Ministry of Justice Website or through the Najez Website, depending on which court the claimant will be pursuing its claim.

<https://moj.gov.sa/ar/eServices/Pages/Details.aspx?itemId=3>

<https://najiz.moj.gov.sa>

2. The Claimant should then visit the court within 10 days of application submission with all of the documents and requirements listed above on the answer of questions (see III-C and III-E). In certain instances, it may not be necessary to physically go to the court, and the relevant procedures may be handled remotely.
3. The court will review the judgment and all the documents and issue a final decision.
4. The court will be responsible for enforcement of the decision through the competent authorities. The enforcement court will take all necessary steps for enforcement of the judgment, beginning with notifying the defendant through issuance of a court order requiring the defendant be placed in custody, as necessary.
5. All enforcement court decisions subject to the appeal only on the matter of enforcement dispute or insolvency claim, and the appeal judgment shall be final.

E. Opposition of the Defendant

1. Can a defendant oppose to this enforcement application?

Answer: Yes, but only if the opposition relates to that specific enforcement dispute or insolvency claim.

2. Are there a limited number of reasons for the defendant to oppose to the enforcement of the court judgment? If YES: what are those reasons?

Answer: Yes. See IV–E above.

F. Appeal and its Consequences in this Procedure

1. Is it possible to appeal a court decision to recognise and enforce a foreign court decision?

Answer: Yes. In certain instances as set forth in Article 6 of the SEL, which include enforcement disputes and insolvency claims.

2. Can this appeal suspend the enforcement?

Answer: Not unless the appeals court specifically agrees.

G. Recovery of judicial costs and expenses

1. Are there any rules concerning recovery of the judicial costs incurred as a result of the enforcement application?

Answer: Yes, the party aggrieved by an intentional delay in carrying out enforcement procedures may file a suit before the enforcement judge to compensate the aggrieved party for any damages that may have occurred. However, the creditor may not be compensated by the increase of the debt in return for the delay in payment. (See Article 95 of SEL.)

V. RECOVERY OF THE DEBT

A. Means of Enforcement

1. What types of assets are subject to enforcement of the court's judgment?

Answer: According to Articles 20 and 21 of the SEL, all of a debtor's assets shall guarantee its debts, excluding the following:

1. State assets.
2. The residence of the debtor and his dependents, whose adequacy is determined by the enforcement judge, unless it is pledged to the creditor.
3. Means of transport of the debtor and his dependents, whose adequacy is determined by the enforcement judge, unless it is pledged to the creditor.
4. Wages and salaries, except for:
 - (a) one-half of the total wage or salary for the payment of alimony and child support; and

- (b) one-third of the total wage or salary for the payment of the debts;

In case of contention of debts, half of the total wage or salary shall be allocated for the payment of the alimony and child support, and one-third of the other half shall be allocated for other debts. In case of multiple debts, one third of the half of the wage or salary shall be distributed among creditors in accordance with Sharia and the law.

- 5. Tools necessary for the debtor to practice his profession.
- 6. The debtor's personal items, whose adequacy is determined by the enforcement judge.

VI. OTHER ISSUES OF INTEREST IN YOUR JURISDICTION

A. Any other issues of interest in your jurisdiction

Answer: No.

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