



**Bureau of Experts at the Council of Ministers  
Official Translation Department**

**Law of Evidence**

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**NOTE:**

The translation of Saudi laws takes the following into consideration:

- Words used in the singular form include the plural and vice versa.
- Words used in the masculine form include the feminine.
- Words used in the present tense include the present as well as the future.
- The word “person” or “persons” and their related pronouns (he, his, him, they, their, them) refer to a natural and legal person.



National Center for Archives & Records



## Law of Evidence

### Part 1: General Provisions

#### Article 1

The provisions of this Law shall apply to civil and commercial transactions.

#### Article 2

1. A claimant shall have the burden of proof and a defendant shall have the burden of defense.
2. Facts of a case intended to be proven must be relevant, material, and admissible.
3. A judge may not rule based on his personal knowledge.

#### Article 3

1. A claimant shall provide evidence and a denying party shall take an oath.
2. Evidence shall be provided to disprove an apparent fact and an oath shall be taken to affirm a fact.
3. The effect of evidence as a means of proof shall be extensible while the effect of admission shall be limited to the admitting party.
4. A fact established by evidence shall be equivalent to a fact established by eye-witnessing.

#### Article 4

Without prejudice to the provisions of this Law, if evidence is conflicting and irreconcilable, the court shall admit the evidence with the most probative value to the facts of the case; if the court is unable to make a determination, the court shall exclude all such evidence. In all cases, the court must provide in its judgment the reasons for the inclusion or exclusion of evidence.

#### Article 5

No specific form shall be required to prove an obligation, unless a specific form is stipulated by a statutory provision or agreed upon by the parties.

#### Article 6

1. The court shall enforce the rules of evidence agreed upon by the parties, unless such agreement is inconsistent with public policy.
2. An agreement between the parties, as provided under this Law, shall not be deemed valid unless it is made in writing.

#### Article 7

1. Orders and decisions relating to evidentiary procedures shall not require reasoning, unless a judgment is rendered.



2. In all cases, judgments rendered in summary evidentiary cases shall be reasoned.

#### **Article 8**

1. If the court decides to initiate an evidentiary procedure, or assigns a judge for such purpose, it shall set a date therefor.
2. If the parties to a case are notified of the date designated by the court to initiate evidentiary procedures, the court may initiate such procedures even if the parties are not present.

#### **Article 9**

1. A court may reverse the decision of an evidentiary procedure it initiated, provided that the grounds for the reversal are indicated in the hearing records.
2. A court may disregard the results of an evidentiary procedure, provided that it indicates the grounds therefor in its judgment.

#### **Article 10**

Evidentiary procedures carried out electronically shall be subject to the provisions of this Law.

#### **Article 11**

1. Evidentiary procedures including admission, questioning, testimonies, and oaths shall be carried out before the court. If not feasible, the court may proceed to the person's location or assign one of its judges for such purpose.
2. If the person who makes an admission, is questioned, provides a testimony, or takes an oath, and the like, is domiciled beyond the territorial jurisdiction of the court and evidentiary procedures cannot be carried out electronically, the court may delegate the court located where such person is domiciled to carry out such procedures. In such case, the delegated court shall be notified of the delegation decision.

#### **Article 12**

A person with a speech disability shall make an admission, be questioned, provide testimony, and take, tender, or decline an oath in writing. If said person does not know how to write, he shall carry out said actions using his usual signs.

#### **Article 13**

Without prejudice to the Kingdom's obligations under international agreements to which it is party, the court may accept evidentiary procedures carried out outside the Kingdom, unless they are inconsistent with public policy.



## **Part 2: Admission and Questioning of Litigants**

### **Chapter 1: Admission**

#### **Article 14**

1. An admission shall be deemed a judicial admission if a litigant admits before the court to a fact alleged against him during consideration of a case relating to said fact.
2. An admission shall be deemed extrajudicial if the litigant admits outside the court to a fact alleged against him or if the admission is made during the proceedings of another case.

#### **Article 15**

1. A person making an admission must have the capacity to carry out the admitted act.
2. An admission made by a competent minor who is permitted to buy and sell shall be deemed valid to the extent of such permission.
3. An admission made by a trustee, guardian, endowment administrator, or persons of similar capacity shall be valid in matters they attended to which fall within their capacity.

#### **Article 16**

1. An admission may be explicit or implicit, whether verbal or written.
2. An admission contrary to an apparent fact shall not be accepted.

#### **Article 17**

A judicial admission shall be conclusive against the person making the admission and shall be limited thereto.

#### **Article 18**

1. An admission shall be binding on the person making the admission and may not be retracted.
2. An admission shall not be divisible, unless it relates to multiple facts and the existence of one fact does not necessarily entail the existence of other facts.

#### **Article 19**

An extrajudicial admission shall be established in accordance with the provisions of this Law; testimonies may not be used to establish extrajudicial admissions except for cases in which proof by testimony is admissible.



## Chapter 2: Questioning Litigants

### Article 20

1. The court may, on its own motion or the motion of a litigant, question any present litigant.
2. A litigant may directly question the adverse litigant.

### Article 21

1. The court may, on its own motion or the motion of a litigant, summon the adverse litigant for questioning. The summoned litigant shall attend the scheduled hearing.
2. If, without an acceptable justification, a litigant fails to appear for questioning or refuses to answer questions, the court may draw its own conclusions and may accept as evidence witness testimonies and presumptions in cases where such evidence is inadmissible.
3. The provision of paragraph (2) of this Article shall apply to any litigant who fails to come before the court or refuses to answer the questions.

### Article 22

If a litigant is fully or partially incompetent, questioning shall be directed to his representative. The court may directly question such litigant on matters wherein he is deemed competent and is authorized. Questioning of a legal person shall be directed to its legal representative. In all cases, the person to whom questioning is directed shall have the capacity to carry out the disputed right.

### Article 23

1. A litigant shall provide his answers during the same hearing, unless the court decides to set a date for such answers.
2. Answers shall be provided in the presence of the person requesting the questioning; however, the questioning shall not be dependent upon such person's presence.

### Article 24

1. A litigant shall have the right to object to any question directed to him, provided he gives grounds therefor.
2. The court shall not allow any questioning that is irrelevant, inadmissible, or immaterial to the case.



## **Part 3: Writing**

### **Chapter 1: Official Documents**

#### **Article 25**

1. An official document is a document in which a public servant or a person assigned to public service records actions taken by him or by concerned parties as received therefrom in accordance with the law and within the limits of his powers.
2. If a document does not satisfy the requirements set forth in paragraph (1) of this Article, it shall have the legal effect of an ordinary document, provided that it is signed by the concerned parties.

#### **Article 26**

1. An official document shall have probative force with regards to actions recorded therein, whether such actions are taken within the limits of the duties of the person who drafted it or taken by the concerned parties in his presence, unless it is established that such document is forged.
2. A statement of a concerned party recorded in an official document shall have probative force against such party, unless it is proven otherwise.

#### **Article 27**

1. If the original official document is available, its official copy shall have probative force to the extent that it is a true copy of the original.
2. A copy shall be deemed official if it is true to the original, in accordance with applicable procedures.
3. An official copy shall be deemed to be a true copy of the original, unless challenged by a concerned party; in such case, it shall be verified against the original.

#### **Article 28**

An official copy shall have the probative force of the official original document if the original document is not available and the copy appears to be a true copy thereof. Other copies may be considered but shall not have sufficient probative force.

### **Chapter 2: Ordinary Documents**

#### **Article 29**

1. An ordinary document shall be deemed drafted by the person who signed it and shall have probative force against him, unless he explicitly denies the handwriting, signature, seal, or fingerprint attributed to him or unless his



- successor explicitly denies the same or claims ignorance of the handwriting, signature, seal, or fingerprint of the person from whom he received the right.
2. A person against whom an ordinary document is used and who discusses its substance before the court may not deny its validity thereafter nor claim ignorance of its issuance by the person from whom he received the right.

### **Article 30**

Correspondence signed or established to be attributed to the sender shall have the probative force of an ordinary document, unless the sender proves that he did not send such correspondence nor delegate another person to do so.

### **Article 31**

1. A commercial book shall not be deemed evidence against a non-merchant. However, in matters that can be established by witness testimony, the contents of such books may be used by the court as the basis for demanding a suppletory oath from the party with the most compelling argument.
2. A merchant's mandatory and well-maintained commercial books shall constitute evidence against another merchant. However, their probative force shall be forfeited upon the provision of counter evidence by any means of proof, including the adverse litigant's well-maintained books.
3. A merchant's mandatory commercial books, whether well-maintained or not, shall constitute evidence against its owner if used by the adverse litigant, whether a merchant or not. In such case, entries that benefit the owner of said books shall also constitute evidence in his favor.
4. If a merchant uses the books of an adverse merchant as a basis for his claim and accepts the contents thereof in advance and the adverse merchant unjustifiably refuses to provide access to such books, the court may order the merchant to take a suppletory oath in support of the validity of his claim.

### **Article 32**

Personal books and papers, even if digitally recorded, may not be deemed evidence against their owner unless he:

1. explicitly states that his debt has been satisfied; or
2. explicitly states therein that their content is intended to serve as proof of debt in favor of a person for whom he has established a right.

In either case, if the information stated therein is not signed by their owner, he may prove otherwise using all evidentiary means.

### **Article 33**

1. If a proof of debt is indorsed by a creditor discharging the debtor from the debt and such indorsement is made in his own handwriting but without his signature, it shall be deemed evidence against the creditor, until proven otherwise. An indorsement discharging the debtor from the debt shall also be deemed evidence against the creditor, even if it is not in his handwriting or signed by him, provided that the proof of debt has never left his possession.





2. The provision of paragraph (1) of this Article shall apply to an unsigned handwritten indorsement made by the creditor on another original proof of debt or receipt in the possession of the debtor discharging him from the debt.

### **Chapter 3: Motion to Compel Production of Documents**

#### **Article 34**

1. A litigant may, in the following cases, file with the court a motion to order an adverse litigant to produce documents in his possession that are material to the case:
  - a) If the law allows the litigant to demand production or delivery of documents.
  - b) If a document is a joint document between the litigant and the adverse litigant. A document shall be deemed joint if it serves the interest of both litigants or establishes their reciprocal obligations and rights.
  - c) If the adverse litigant relies on such document at any stage of the case.
2. The motion referred to in paragraph (1) of this Article shall not be granted unless it provides the following:
  - a) A detailed description of the document and its contents.
  - b) The evidence and circumstances indicating that the document is in the possession of the adverse litigant.
  - c) The fact referenced in the document and the grounds for ordering the adverse litigant to produce the same.

#### **Article 35**

1. If the adverse litigant admits that the document is in his possession or remains silent, or if the claimant establishes the validity of his motion, the court shall order the production of said document.
2. If the adverse litigant refuses to produce the required document after being notified once, the copy of the document submitted by the person making the motion shall be deemed valid and a true copy of the original. If the person making the motion fails to submit a copy of the document, the court may accept his statement regarding the form and substance of the document.
3. If the adverse litigant denies the existence of such document and the person making the motion fails to submit to the court sufficient evidence establishing the validity of his motion, he may petition the court to order the adverse litigant to take an oath regarding such document, in accordance with the provisions established in Part 8 of this Law. If the adverse litigant declines to take the oath or tenders it back to the person making the motion and said person takes the oath, the copy of the document submitted by the person making the motion shall be deemed valid and a true copy of the original. If the person making the motion fails to produce a copy of the document, the court may accept his statement regarding the form and substance of the



document.

#### **Article 36**

1. A litigant in a commercial lawsuit may request the adverse litigant to produce or provide access to a document that is related to the lawsuit, and the court shall issue an order to this effect provided that the document is:
  - a) specified *per se* or by its type;
  - b) relevant to the commercial transaction subject of the lawsuit or contributes to revealing the facts therein; and
  - c) not confidential pursuant to a special provision or an agreement between the litigants, and access thereto does not violate any right to a trade secret or a right related thereto.
2. If a litigant refuses to comply with the court's order to produce to the adverse litigant the documents requested in accordance with paragraph (1) of this Article, the court may deem his refusal presumptive evidence.

#### **Article 37**

Subject to the provisions stipulated in the previous articles, the court may, on its own motion or the motion of a litigant, and at any stage of the case, decide to:

1. order the joinder of a third party to produce a document in his possession; or
2. request from a public entity a document or a copy thereof that is certified to be a true copy of the original if the litigant is unable to produce the document. The court may, to the extent permitted by law, request the public entity to provide verbally or in writing information relevant to the case.

### **Chapter 4: Establishing the Authenticity of Documents**

#### **Section 1: General Provisions**

### **National Center for Archives & Records**

#### **Article 38**

1. The court may determine whether material defects in a document would invalidate it or diminish its probative value, and may decide to consider all or part of the contents of the document.
2. If the court doubts the authenticity of a document, it may question the issuer regarding the document or demand clarification from the person who drafted it.

#### **Article 39**

1. Official and ordinary documents may be contested for forgery, whereas only ordinary documents may be contested for the authenticity of their writing, seal, signature, or fingerprint.



2. A litigant who claims forgery shall bear the burden of proof. If a litigant denies that he issued the ordinary document or if his successor or agent denies the same or claims ignorance thereof, the adverse litigant shall have the burden of proving that the litigant or his predecessor issued the same.
3. If a litigant admits the authenticity of a seal used on an ordinary document but denies having used the seal thereon, he shall contest the document in question on grounds of forgery.

## **Section 2: Contesting the Authenticity of the Handwriting, Signature, Seal, or Fingerprint, and Verification of Handwriting**

### **Article 40**

If a person against whom an ordinary document is used denies the handwriting, signature, seal, or fingerprint attributed to him or his successor or agent denies the same or claims ignorance thereof, and the adverse litigant asserts the validity of the document and the document is material to the case but the facts and documents of the case are not sufficient to convince the court of the validity of the handwriting, signature, seal, or fingerprint, the court shall order authentication by comparison or witness testimony, or by both, in accordance with the rules and procedures stipulated in this Law. A testimony shall be heard only to establish whether or not the handwriting, signature, seal, or fingerprint on the document in question was made by the person against whom the document is used.

### **Article 41**

1. The court shall schedule a hearing for the litigants to appear and present their documents for comparison and to agree on the documents suitable for comparison. If the litigant upon whom the burden of proof falls fails to appear without an acceptable justification, the court may decide to forfeit his right to use the documents as evidence. If the adverse litigant fails to appear, the court may decide to deem such documents valid for comparison.
2. The litigant who challenges the authenticity of the document shall appear in person to give a specimen of his handwriting on the scheduled date. If he fails to appear without an acceptable justification or if he appears but refuses to give a specimen of his handwriting, the court may deem the document valid.

### **Article 42**

1. If litigants fail to agree on the documents suitable for comparison, only the following shall be accepted:
  - a) The handwriting, signature, seal, or fingerprint on official documents.
  - b) Any part of the document subject of the authentication that the litigant admits as being valid.
  - c) The litigant's handwriting, signature, or fingerprint that he provides before



the court.

- d) The handwriting, signature, seal, or fingerprint on ordinary documents that are established to belong to the litigant.
2. The contested handwriting, signature, seal, or fingerprint shall be compared against those which are made on documents established to be authentic.

#### **Article 43**

1. If a judgment is rendered authenticating the entire document, a fine not exceeding ten thousand riyals shall be imposed on the contesting litigant, without prejudice to the rights of the concerned parties to seek compensation.
2. A fine shall not be multiplied in case of multiple successors or agents, and shall not be imposed on any of them if their denial is based on a claim of ignorance.

### **Section 3: Claim of Forgery**

#### **Article 44**

1. A claim of forgery may be made at any stage of the case by a motion made before the court or by a motion entered into the hearing records; the claim shall specify the parts alleged to be forged, evidence thereof, and the authentication procedures sought for establishing the claim.
2. If the claim of forgery is material to the case and the facts and documents of the case are not adequate to convince the court as to the authenticity or forgery of the document, and if the court decides that the authentication procedure requested by the claimant of forgery is material to the case and admissible, it shall order such authentication.
3. An order to investigate a claim of forgery by comparison or witness testimony, or by both, shall be issued pursuant to the rules and procedures stipulated in this Part.

#### **Article 45**

1. A claimant of forgery shall deliver to the court the alleged forged document if it is in his possession or a copy thereof. If he refuses to deliver the original document or the copy, as the case may be, his claim of forgery shall be forfeited and may not be accepted thereafter.
2. If the document is in the possession of the adverse litigant, the court may order him to deliver such document to the court or order the document to be seized and deposited therewith. If the adverse litigant refuses to deliver the document and the court is unable to seize it, said document shall be deemed non-existent. This shall not preclude the court from seizing the document in the future, if feasible.

#### **Article 46**

1. A person who claims forgery of a document may abandon his claim prior to



completion of the authentication procedure; any claim of forgery relating to the same document may not be accepted from him thereafter.

2. A person accused of forgery may terminate the authentication procedure at any stage by relinquishing the use of the allegedly forged document as evidence. In such case, the court may order the document be seized or kept therewith if requested by the claimant of forgery for a legitimate reason.

#### **Article 47**

An order to investigate a claim of forgery shall suspend the enforceability of the allegedly forged document, without prejudice to precautionary measures.

#### **Article 48**

The court may, even if no claim of forgery is made, dismiss and invalidate any document if its condition or the circumstances of the case clearly indicate that it is forged. In such case, the court shall state in its ruling the circumstances and presumptions upon which it based such ruling.

#### **Article 49**

1. If a claim of forgery of a document is dismissed or the right of the claimant to prove such forgery is forfeited, a fine not exceeding ten thousand riyals shall be imposed thereon, without prejudice to the rights of the concerned parties to claim compensation.
2. A fine shall not be imposed on a claimant of forgery if he abandons his claim prior to completion of the authentication procedure, unless it is established to the court that such claim is frivolous or intended to delay ruling on the case.
3. A fine shall not be imposed on a claimant of forgery if part of his claim is proven to be true.
4. If a document is established to be forged, the court shall refer such document to the Public Prosecution for necessary action.

### **Section 4: Original Claim of Forgery**

#### **Article 50**

A person who fears that a forged document may be used against him may sue the person possessing the document or benefiting therefrom, in accordance with case filing procedures. The court shall, while investigating the case, take into consideration the rules and procedures stipulated in this Part.



## Chapter 5: Final Provisions on Writing

### Article 51

1. Where this Law is silent and in cases requiring written evidence, a judicial admission, a decisive oath, or the commencement of proof by writing supported by other means of proof may be used instead of written evidence.
2. Commencement of proof by writing refers to any writing made by a litigant and intended to render the existence of the alleged act probable.

### Article 52

Without prejudice to the Kingdom's obligations under international agreements to which it is party, the court may accept as proof paper or digital documents issued outside the Kingdom and certified by the competent authorities in the country where the documents are issued and the competent authorities in the Kingdom, unless they violate public policy.

## Part 4: Digital Evidence

### Article 53

Digital evidence is evidence derived from any data generated, issued, delivered, stored, or communicated by digital means, and is retrievable or obtainable in a comprehensible form.

### Article 54

Digital evidence shall include the following:

1. Digital registers.
2. Digital documents.
3. Digital signatures.
4. Digital correspondence, including e-mails.
5. Means of communication.
6. Digital mediums.
7. Any other digital evidence.

### Article 55

Proof by digital evidence shall have the same legal effect as proof by writing as set out in this Law.

### Article 56

Official digital evidence shall have the same probative value as an official document if it satisfies the requirements stipulated in Article 25(1), including documents automatically generated by digital systems of public agencies or agencies assigned to carry out a public service.



### **Article 57**

Unofficial digital evidence shall, unless proven otherwise, be binding on the parties to the transaction if it is:

1. issued pursuant to the Electronic Transactions Law or the E-Commerce Law;
2. derived from a digital means stipulated in the contract subject of the dispute;  
or
3. derived from a verified or publicly available digital means.

### **Article 58**

A litigant who claims that the digital evidence provided for in Articles 56 and 57 is invalid shall have the burden of proof.

### **Article 59**

Notwithstanding Articles 56 and 57 of this Law, digital evidence shall have the same probative value as ordinary documents, as set out in this Law.

### **Article 60**

Digital evidence shall be submitted in its original form or in any other digital form. The court may request the contents of the digital evidence be submitted in writing if the nature of such evidence so permits.

### **Article 61**

If a litigant refuses to submit proof requested by the court to verify the validity of the digital evidence without an acceptable justification, his right to invoke such evidence shall be forfeited or deemed proof against him, as the case may be.

### **Article 62**

If it is not feasible to verify the validity of the digital evidence for reasons not attributable to the litigants, the court shall, on its own motion, assess its probative value based on the circumstances of the case.

### **Article 63**

1. Extracts from digital evidence shall have the same probative value as the evidence itself to the extent that such extracts and the digital register are identical.
2. Paragraph (1) of this Article shall apply to extracts from digital payment methods.

### **Article 64**

Where this Part is silent, the provisions of Part 3 of this Law shall apply to digital evidence, in a manner not inconsistent with its digital nature.





## Part 5: Testimony

### Chapter 1: Subject of Testimony

#### Article 65

Absent a specific provision providing otherwise, witness testimony may be used as proof.

#### Article 66

1. Any disposition obligation the value of which exceeds one hundred thousand riyals or its equivalent, or the value of which is undetermined, shall be established in writing.
2. Absent a specific provision providing otherwise, witness testimonies shall not be accepted in establishing the existence or satisfaction of the disposition obligation referred to in paragraph (1) of this Article.
3. An obligation shall be assessed according to its value at the time the disposition is issued without adding ancillary costs to the principal amount.
4. If a lawsuit includes multiple claims arising from multiple sources, witness testimonies may be used to establish each claim the value of which does not exceed one hundred thousand riyals, or its equivalent, even if the total value of such claims exceeds said amount, or if such claims have arisen from dealings between the litigants or from dispositions of the same nature.
5. Proof of partial fulfillment of the obligation shall be based on the value of the principal obligation.

#### Article 67

Witness testimonies may not be used as proof even if the value of a disposition obligation does not exceed one hundred thousand riyals, or its equivalent, in the following cases:

1. If the Law requires that the validity or establishment thereof must be in writing.
2. If the claim involves the remainder or part of a right which may only be established in writing.
3. If the testimony contradicts or exceeds the contents of a written evidence.

#### Article 68

Witness testimonies may be admissible in cases in which written proof is required, in the following cases:

1. If commencement of proof by writing exists.
2. If written evidence cannot be obtained due to material or moral reasons. Material reasons include the absence of a person who can assume the task of writing and cases where the person requesting proof is a third person who is not a party to the contract. Moral reasons include, among others, relationships between spouses, in-laws, and kinships up to the fourth





degree.

3. If it is established that the claimant has lost the written evidence for reasons beyond his control.

#### **Article 69**

Testimony shall be based on anything that has been seen, heard, or inspected. Testimony by hearsay shall be accepted only in matters that cannot otherwise be known; this shall include the following:

1. Death.
2. Marriage.
3. Paternity.
4. Absolute ownership.
5. Endowments and wills and the beneficiaries thereof.

### **Chapter 2: Conditions and Impediments of Testimony**

#### **Article 70**

1. A person who is under the age of 15 and a person who is mentally incompetent shall not have the legal capacity to provide testimony.
2. The statements made by a person who is under the age of 15 may be heard but shall not have sufficient probative force.

#### **Article 71**

1. Prior to providing testimony, a witness must disclose any relationship he has with the parties to the case or any interest he has therein.
2. A testimony shall not be heard from a person who may avoid damage or gain interest from such testimony; from an ascendant for his descendants; from a descendant for his ascendants; from a spouse for the other spouse, even after dissolution of marriage; or from a guardian or trustee for those under his guardianship or trust.
3. Employees and those assigned to public service may not, even after leaving service, provide testimony if said testimony includes confidential information to which they become privy during the course of their service, unless such information is declassified or unless the relevant agency permits its use in testimony upon the request of the court or the request of a litigant.

### **Chapter 3: Procedures for Proof by Testimony**

#### **Article 72**

1. A litigant who requests proof by testimony shall state the facts he seeks to establish and the number of witnesses and their names.
2. If the court permits a litigant to establish a fact by witness testimony, the adverse litigant shall have the right to rebuttal in the same manner. In all



- cases, a testimony denying a fact shall not be accepted, unless it is limited.
3. The court may, on its own motion or on the motion of a litigant, summon any person whose testimony it deems necessary.

### **Article 73**

If a litigant requests a continuance to present witnesses, a continuance shall be granted only once. If he fails to present the witnesses at the specified time without an excuse acceptable to the court, or presents witnesses the testimony of whom is ineffective, the court shall decide the case.

### **Article 74**

1. Testimony shall be given orally and may be given in writing if permitted by the court.
2. The court may administer an oath to a witness if necessary. If the witness refuses to take the oath, the court shall determine the effect of such refusal on his testimony.

### **Article 75**

1. Testimony shall be provided in the presence of the litigants. The testimony of each witness shall be heard separately, unless there is a valid reason not to do so.
2. Failure of a litigant against whom a testimony is made to attend the testimony shall not preclude the court from hearing such testimony. However, the litigant shall have access to the witness hearing transcript.

### **Article 76**

If the testimonies of witnesses are inconsistent, the court shall consider the parts of the testimonies it believes to be true, provided that such inconsistencies do not amount to contradiction.

### **Article 77**

1. A litigant may directly question witnesses. Upon completion of questioning, the litigant may not ask further questions, except with the court's permission.
2. The court may direct to a witness any question it deems conducive to revealing the truth.
3. A litigant may not interrupt a witness while providing testimony or answering questions.
4. A litigant may object to a question directed to a witness and shall state the grounds for his objection. The objection and the court's decision thereon shall be entered into the hearing records.
5. A witness may refuse to answer a question directed to him and shall state the grounds for his refusal. The refusal and the court's decision thereon shall be entered into the hearing records.

### **Article 78**

A testimony shall be entered into a record, along with the witness's particulars,



his relationship to the litigants, the text of his testimony, and his answers to the questions directed to him.

#### **Article 79**

1. A litigant against whom a testimony is made may indicate to the court matters that may undermine the credibility of a witness or his testimony. The court shall assess the effect of such matters on the testimony.
2. The court may assess the integrity of a witness in terms of his conduct as well as the other circumstances of the case without a character witness. The court may, when necessary, employ any other means to assess said integrity.

#### **Article 80**

If it is established to the court, while hearing a case or deciding on its merits, that a testimony was perjurious, it shall draft a report to this effect and refer the same to the Public Prosecution to take necessary action.

### **Chapter 4: Summary Case for Hearing Testimony**

#### **Article 81**

1. If a person fears he might lose the opportunity to bring forth a witness to provide testimony in a matter that is likely to be brought before the court, he may request the hearing of such testimony in the presence of the concerned parties. The request for a summary case shall be filed with the competent court in accordance with applicable procedures. In exigent circumstances, the court shall hear a witness' testimony if the matter may be established by such method of proof.
2. The court may hear rebuttal witnesses upon the request of the other litigant as per the circumstances of the summary case.
3. With the exception of the above provisions, a testimony in a summary case shall be subject to the rules and procedures governing testimonies. In summary cases, a copy of the testimony hearing record may not be delivered or submitted to other courts unless the court before which the subject is brought decides that the matter can be established by testimony. A litigant may object to the admission of such evidence before said court and may petition to hear rebuttal witnesses.

### **Chapter 5: Final Provisions on Testimony**

#### **Article 82**

A witness may not be harmed; the court shall prevent any attempt to intimidate or influence a witness during testimony.



### **Article 83**

The court shall, upon the request of a witness, assess his transportation expenses and compensation for inconvenience. Such expenses shall be incurred by the litigant who loses the case; if the loss is shared by the litigants, each litigant shall bear expenses to the extent of his loss. The court shall indicate the expenses and compensation in the judgment issued on the subject-matter of the case.

## **Part 6: Presumptions and *Res Judicata***

### **Chapter 1: Presumptions**

#### **Article 84**

Presumptions provided for under Sharia or law shall be considered sufficient evidence for the person in whose favor they have been admitted, rendering other means of evidence unnecessary. Absent a specific provision indicating otherwise, such presumptions may be rebutted by any other means.

#### **Article 85**

1. The court may, in cases in which proof by testimony is admissible, infer other presumptions, provided that it indicates their evidentiary significance.
2. The court may use scientific means to infer presumptions.

### **Chapter 2: *Res Judicata***

#### **Article 86**

*Res judicata* judgments shall be deemed proof as to the rights decided thereby, and no evidence contrary to such judgments may be admitted. However, such judgments shall be deemed proof only in disputes that arise between the same litigants provided that their capacities remain unchanged and the dispute is related to the same right in terms of subject-matter and cause. The court shall, on its own motion, decide on *res judicata*.

#### **Article 87**

A court shall not be bound by a penal judgment related to a case brought before it, except for the facts for which a decision was rendered and a decision was necessary. Nevertheless, the court shall not be bound by a judgment of acquittal unless the judgment is based on refuting the commission of the incident by the accused.



## Part 7: Custom

### Article 88

Evidence may be established by custom or common practice among litigants in cases where a specific provision or an agreement between litigants is absent or in cases not contrary to public policy.

### Article 89

1. A litigant who invokes custom or common practice between the litigants must prove the existence of the same at the time of the incident.
2. A litigant may challenge the existence of custom or common practice between the litigants, or may challenge the same by submitting stronger evidence.

### Article 90

In case of conflict, an established practice between the litigants and private custom shall take precedence over general custom.

### Article 91

The court may, when necessary, appoint an expert to verify the existence of a custom or common practice between litigants, in accordance with the provisions of Part 10 of this Law.

## Part 8: Oath

### Chapter 1: General Provisions

### Article 92

1. A decisive oath is an oath taken by a defendant to refute a claim; it may be tendered back to the plaintiff, in accordance with the provisions stipulated in this Part.
2. A suppletory oath is an oath taken by the plaintiff in accordance with the provisions of this Part to supplement his evidence; it may not be tendered back to the defendant.

### Article 93

An oath shall be taken by the litigant with the strongest argument.

### Article 94

1. A person who takes an oath shall have the capacity to carry out the act



subject of his oath.

2. An oath may not be taken by proxy; however, it may be demanded, accepted, denied, and tendered back pursuant to a special power of attorney.

#### **Article 95**

1. If the fact subject of the oath is related to the oath taker or intended to establish the act of another, the oath taker shall take an oath of affirmation. However, if said fact is intended to deny an act committed by a person other than the oath taker, he shall take an oath denying knowledge of said fact, unless the fact subject of the oath could be known to him; in such case, he shall take an oath of affirmation.
2. The oath shall be taken in the wording approved by the court.

### **Chapter 2: Decisive Oath**

#### **Article 96**

1. An oath may be demanded in financial matters at any stage of the case, in accordance with the provisions stipulated in this Part.
2. An oath may not be demanded in an incident that violates public policy.
3. The court shall deny the litigant's petition demanding his adversary to take an oath if it is not admissible, relevant, or material to the case. The court may also deny a demand to take an oath if the adversary's demand is unwarranted.

#### **Article 97**

1. If a plaintiff fails to provide evidence and demands his adversary to take an oath, the court shall demand such oath. If the adversary declines, the oath shall be tendered back to the plaintiff if requested by the adversary. If the plaintiff declines to take the tendered oath, his claim shall be dismissed.
2. If knowledge of a fact is limited to the defendant, he may not tender back the oath and a ruling stating his decline shall be rendered.
3. The plaintiff may demand his adversary to take an oath, unless a final judgment has been rendered on the case.
4. A person who demands or tenders back an oath may not retract it if his adversary accepts to take the oath.

#### **Article 98**

A judgment shall be rendered in favor of a person who takes an oath demanded from him. If a person refuses to take an oath without tendering it back to his adversary or declines to take an oath tendered back to him, a judgment shall be rendered against him, provided he is warned of such judgment.

#### **Article 99**

1. A plaintiff may abandon his evidence and directly demand the defendant to take an oath.



2. A plaintiff may demand the defendant to take an oath prior to providing his disclosed evidence; in such case, he shall, after being notified by the court, be deemed to have abandoned his evidence.
3. Subject to paragraph (2) of this Article, a litigant may not prove perjury of an oath taken by the person from whom it is demanded or to whom it is tendered back. However, if an oath is established to be perjurious pursuant to a penal judgment, the litigant harmed by the oath may claim compensation, without prejudice to his right to appeal the judgment rendered against him as a result of the perjurious oath.

#### **Article 100**

A guardian, trustee, endowment administrator, and persons of similar status may demand, decline, and tender back an oath in matters over which they have legal capacity. An oath shall be demanded from such persons in matters on which they have exercised their powers.

#### **Article 101**

The person who demands an adverse litigant to take an oath shall specify the facts subject of the oath and shall clearly state the wording of the oath. The court may amend the wording of the oath to ensure the facts subject of the oath are clearly stated.

#### **Article 102**

An oath shall be taken in the presence of the person demanding it, unless he waives his right to appear or fails to appear despite being notified of the hearing date.

#### **Article 103**

1. A person who is summoned to court to take an oath must attend the scheduled hearing.
2. If the person who is demanded to take an oath appears in person and does not contest the admissibility of the oath or its relevance to the case, he shall take the oath immediately or tender it back to the adverse litigant. If he refuses to take the oath, fails to tender it back to the adverse litigant, or fails to appear without justification, he shall be deemed to have declined to take the oath.
3. If the person who is demanded to take the oath appears in person but contests the admissibility of the oath or its relevance to the case, he shall provide grounds therefor. If the court is not convinced of such grounds, he shall take the oath; otherwise, he shall be deemed to have declined to take the oath.

#### **Article 104**

1. Oaths taken shall be commensurate with the number of litigants who demand such oaths, unless they are joint partners in the same right or are satisfied with a single oath.





2. Oaths taken shall be commensurate with the number of persons who are demanded to take such oaths.
3. The court may be satisfied with a single oath in case of multiple demands.

### **Chapter 3: Suppletory Oath**

#### **Article 105**

1. The court shall demand the plaintiff to take a suppletory oath if the evidence he presents in financial matters is insufficient. If he takes the oath, a judgment shall be rendered in his favor; if he declines, his evidence shall be disregarded.
2. A suppletory oath shall be taken by a litigant to affirm his claim.
3. A suppletory oath may not be tendered back to the other litigant.

#### **Article 106**

A guardian, trustee, endowment administrator, and persons of similar status shall take a suppletory oath in matters in which they have exercised their powers.

#### **Article 107**

If multiple plaintiffs submit insufficient evidence, the court shall demand each of them to take a suppletory oath. If a plaintiff takes an oath, a judgment shall be rendered in his favor; if he declines, his evidence shall be disregarded.

### **Part 9: Inspection**

#### **Article 108**

1. The court may, on its own motion or the motion of a litigant, decide to inspect the subject of the dispute and shall specify in its decision the date and place of the inspection. An absent litigant shall be notified of the decision at least 24 hours prior to the inspection date.
2. The court may appoint an expert to assist in the inspection and may hear the testimony of witnesses.

#### **Article 109**

1. If a person fears the loss of evidence relating to a fact that may be disputed before the court, he may request the inspection and establishment of such evidence. Said request shall be made by means of a summary case filed with the competent court in accordance with applicable procedures. The inspection and establishment of such evidence shall be carried out pursuant to Article 108 of this Law.
2. The court may, in a case filed therewith, appoint an expert to proceed to a





location to inspect and take the statements of any person he deems necessary. The court shall schedule a hearing to hear the litigants' comments on the expert's work and report. The rules stipulated in Part 10 of this Law shall be observed.

## **Part 10: Experts**

### **Article 110**

1. The court may, on its own motion or the motion of a litigant, decide to appoint one expert, or more, to offer his opinion on technical issues which the court deems necessary to decide the case.
2. Upon selecting an expert, the expert's technical expertise in the disputed matter shall be taken into account.
3. If the litigants agree to appoint one expert, or more, the court shall approve their agreement.

### **Article 111**

The expert appointment decision shall include a detailed description of his duties, powers, and any urgent measures he is authorized to take.

### **Article 112**

1. The court shall, when necessary, determine the expert's fee, the litigant it assigns to deposit such fee, and the deadline for such deposit.
2. If the litigant fails to deposit the determined expert fee by the deadline set by the court, the adverse litigant may deposit said fee without prejudice to his right of recourse against the other litigant.
3. If the fee is not deposited by either litigant, the court may either decide to suspend the case until the fee is deposited if the case cannot be determined without the expert's opinion, or decide to forfeit the litigant's right to invoke the expert appointment decision if it finds that the litigant's justification for nonpayment is not acceptable.

### **Article 113**

An expert shall, prior to assuming his duties, disclose any conflict of interest or any relationship he has with the parties to the case. If he fails to make such disclosure, the court shall dismiss the expert and order him to return the fees. The court's decision shall be final and unappealable, without prejudice to disciplinary penalties and the right of the concerned parties to seek compensation from said expert.

### **Article 114**

1. A litigant may request the disqualification of an expert if there is reason to believe that he cannot perform his duties impartially. The expert may be disqualified if he is a relative or an in-law of a litigant up to the fourth degree;



an agent of a litigant in his private business; a litigant's trustee, guardian, or endowment administrator, or a person of similar status; or an employee of a litigant; or has an existing dispute with a litigant, unless the dispute is brought before the court following the expert's appointment with the intention of disqualifying him.

2. A motion made by a litigant to disqualify the expert whom he selected shall be denied, unless the reason for disqualification occurred after the selection. In all cases, a motion for disqualification may not be granted after closing arguments.
3. The court shall decide on a motion for disqualification within three days from the date of receiving the expert's response or from the date set for submitting such response. The decision on the motion shall be final and unappealable.

#### **Article 115**

An expert may, in carrying out his work, undertake the following:

1. Hear the statements and comments of the litigants as well as of any person he deems necessary if the appointment decision so permits.
2. Request the litigants or others to deliver to him or provide him with access to their books, records, documents, papers, or items that he deems necessary to carry out his task.
3. Inspect the facilities, places, and items required to be inspected to carry out his task.

#### **Article 116**

1. No person may, without legal justification, prevent an expert from carrying out his task in accordance with the provisions of Article 115 of this Law. In case of obstruction, the expert shall report the same to the court; the court may take any measures it deems necessary, including compelling said person to enable the expert to carry out his task, and, may to this end and if necessary, use force.
2. If the expert faces any obstacle in carrying out his task or needs to expand the scope thereof, he shall report the same to the court which shall take any measure it deems necessary.

#### **Article 117**

1. The expert shall prepare a report on his work; it shall include the following:
  - a) The task he is assigned to carry out as specified in the appointment decision.
  - b) A detailed account of the tasks he carried out, the statements of litigants and others and the documents and evidence submitted thereby, and his technical analysis thereof.
  - c) The opinions of other experts whose assistance he sought.
  - d) The findings of his work and his technical opinion and a clear description of the grounds on which he based the same.
2. If multiple experts are appointed, a single report shall be prepared. In case of contrasting opinions, said report shall include the opinion of each expert



and the grounds thereof.

#### **Article 118**

1. If an expert fails to carry out his task without an acceptable justification, fails to diligently carry out his task, or fails to submit his report on the set date without justification, a notice shall be delivered to him no later than five days from the set date. If the expert fails to respond within five days from the date of receipt of the notice, the court shall dismiss him and order him to return the amounts he received, without prejudice to the imposition of disciplinary penalties and the right of the concerned parties to seek compensation from said expert.
2. The decision to dismiss the expert and order him to return the amounts he received shall be final and unappealable.
3. If it is established to the court that the delay in submitting the report is due to one of the litigants, a fine not exceeding ten thousand riyals shall be imposed on said litigant and the court may decide to forfeit his right to invoke the expert appointment decision.

#### **Article 119**

The expert shall return anything he received during the course of his appointment, including all papers and documents, within 10 days from the date of completing his task. If he fails to do so without an acceptable justification, the court shall order him to deliver the same and shall impose a fine not exceeding ten thousand riyals. The court's decision shall be final and unappealable.

#### **Article 120**

The court may, on its own motion or the motion of a litigant, and at any stage of the case, carry out the following:

1. Summon the expert to a scheduled hearing to discuss his report, orally or in writing; it may direct any questions thereto.
2. Order the expert to address any shortcomings and to rectify errors or deficiencies in his work; it may appoint one or more experts to assist him.
3. Appoint one or more experts to address any shortcomings and to rectify any errors or deficiencies in the work of the previous expert, or to restart the investigation. The appointed expert may use the information of the previous expert.

#### **Article 121**

1. Litigants may, even prior to filing a lawsuit, agree to accept the findings of the expert's report, and the court shall approve such agreement, unless the report violates public policy.
2. Without prejudice to the provision of paragraph (1) of this Article, the court shall not be bound by the expert's report, and if the court decides not to admit all or part of such report, it shall provide in its judgment the reasons for such decision.
3. If the court decides not to admit all or part of the expert's report due to his negligence or error, it may order him to return everything he received or part



thereof, as the case may be, without prejudice to the imposition of any disciplinary penalties and the right of the concerned parties to seek compensation from said expert.

#### **Article 122**

The litigant who loses the claim subject of the expert's report shall incur the expert fees. If the loss is shared by the litigants, the share incurred by each litigant shall be to the extent of his loss. The court shall indicate such matter in the judgment issued on the subject-matter of the case.

#### **Article 123**

1. As an exception to the procedures relating to experts, the court may, pursuant to a decision to be entered into the hearing record, appoint an expert to provide an oral opinion on minor technical issues which do not require lengthy or complex work. Said opinion may be provided in writing pursuant to a court decision.
2. The court shall set in its decision the date of the hearing on which the expert shall provide his oral opinion or the date set for submitting his written opinion.

#### **Article 124**

The court may rely on an expert's report submitted in another case instead of seeking the assistance of an expert in the case under consideration, without prejudice to the right of the litigants to examine the contents of such report.

### **Part 11: Final Provisions**

#### **Article 125**

1. Where this Law is silent, evidentiary procedures shall be subject to the provisions of the Law of Civil Procedure or the Law of Commercial Courts, as the case may be.
2. Subject to the provision of paragraph (1) of this Article, evidentiary issues not provided for herein shall be subject to the Sharia provisions most consistent with this Law.

#### **Article 126**

1. The Minister of Justice shall, in coordination with the Supreme Judicial Council, issue the following:
  - a) Rules for electronic evidentiary procedures.
  - b) Rules for regulating expert-related matters before the courts.
  - c) Decisions and procedural guidelines necessary for the implementation of this Law.
2. The rules and procedural guidelines referred to in paragraph (1) of this Article shall be published in the Official Gazette, and shall enter into force on the



date this Law enters into force.

#### **Article 127**

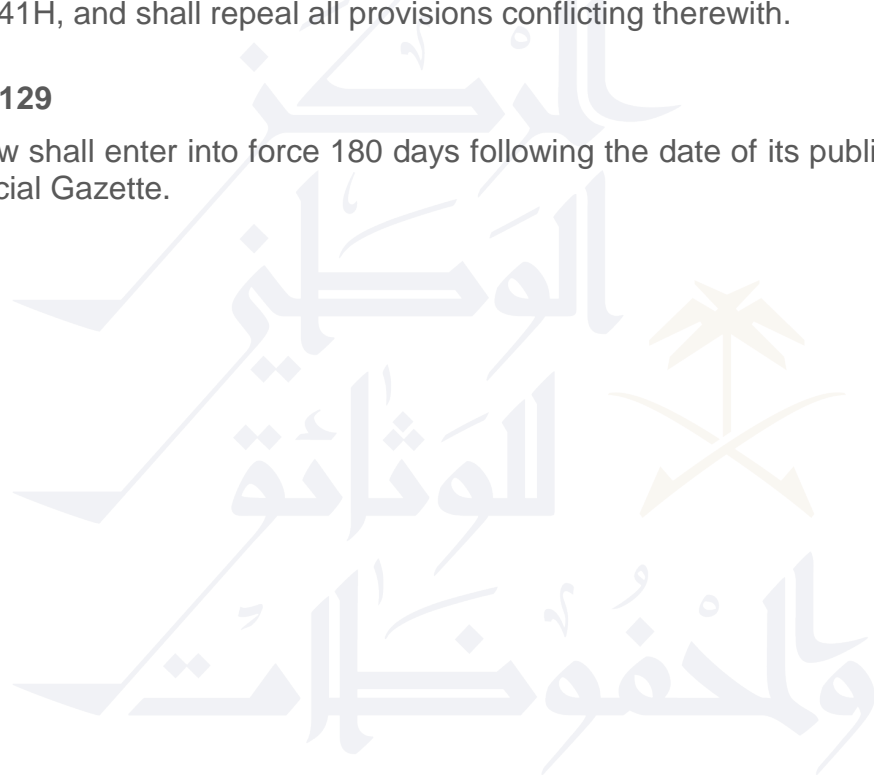
The assistance of the private sector may be sought in evidentiary procedures. The Minister of Justice shall, in coordination with the Supreme Judicial Council, issue the governing rules thereof.

#### **Article 128**

This Law shall repeal Part 9 of the Law of Civil Procedure issued pursuant to Royal Decree No. (M/1), dated 22/1/1435H, and Part 7 of the Law of Commercial Courts issued pursuant to Royal Decree No. (M/93), dated 15/8/1441H, and shall repeal all provisions conflicting therewith.

#### **Article 129**

This Law shall enter into force 180 days following the date of its publication in the Official Gazette.



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