

بطاقة النظام

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Law of Terrorism Crimes and Financing

Royal Decree No. M / ١٦

Dated ١٤٣٥ / ٠٢ / ٢٤ H



Chapter One

Definitions

Article ١

The following terms and phrases – wherever mentioned in this Law – shall have the meanings assigned thereto unless the context requires otherwise:

a. Crime of Terrorism

Any criminal act committed, individually or collectively, directly or indirectly, by a perpetrator, with the intention to disturb public order, destabilize national security or state stability, endanger national unity, suspend the Basic Law of Governance or some of its articles, undermine state reputation or status, cause damage to state facilities or natural resources, attempt to coerce any of its authorities into a particular action or inaction or threaten to carry out acts that would lead to any of the aforementioned objectives or instigate such acts.

b. Crime of Terrorism Financing

Any act involving collecting, providing, receiving, allocating, transporting or transferring of funds or proceeds, wholly or partially, for any individual or collective terrorist activity, organized or otherwise, within the Kingdom or abroad, directly or indirectly, from a legitimate or illegitimate source; carrying out for the benefit of such activity or its elements any banking, financial or commercial transaction; collecting, directly or through an intermediary, funds to be utilized for its benefit; promoting its ideologies; arranging for training sites; sheltering its members or providing them with any type of weapons or forged documents; knowingly providing any other means of support and financing as well as any act that constitutes a crime within the scope of the agreements mentioned in the appendix to the International Convention for the Suppression of the Financing of Terrorism and as defined in said agreements.

c. Funds

Assets or property of any value or type, whether material or immaterial, tangible or intangible, movable or immovable as well as documents, deeds or instruments in any form, including electronic and digital systems and bank credits evidencing title to or interest in such assets or property, including, but not limited to, all types of checks, transfers, shares, securities, bonds, drafts and letters of credit.

d. Provisional Seizure

Temporary ban on transport, transfer, exchange, disposition, movement, confiscation or temporary seizure of funds, proceeds and means, pursuant to an order issued by a competent court or authority.

e. Facilities and Public or Private Property

Real property and movables owned by the state or public corporate persons or dedicated to serve public interest as well as existing installations owned or constructed by the state, activities offered for realizing public interest, including real property and movables owned by individuals, private corporate persons, or diplomatic bodies and international and humanitarian organizations operating in the Kingdom.

f. Competent Authority

The authority having the power to combat, collect evidence, arrest, investigate, prosecute or try, as the case may be, under the provisions of this Law.



Chapter Two

General Provisions

Article ٢

The crimes of terrorism and its financing are considered major crimes requiring detention.



Article ٣

Notwithstanding the principle of territoriality, the provisions of this Law shall apply to any person, Saudi or non-Saudi, who commits, aids, attempts, instigates, participates or conspires to commit - outside the Kingdom - a crime provided for in this Law, and is not tried for, if such crime aims to:

١. change the government system in the Kingdom,
٢. suspend the Basic Law of Governance or some of its articles,
٣. coerce the State into a particular action or inaction,
٤. assault Saudi citizens abroad,
٥. cause damage to State properties abroad, including embassies or other diplomatic or consular

premises,

٦. carry out a terrorist act on board any means of transport registered in the Kingdom or carrying its flag, or

٧. undermine the interests of the Kingdom, its economy or national or societal security.



Chapter Three

Procedures

Article ٤

The Minister of the Interior may issue a warrant of arrest against any person suspected of committing a crime provided for in this Law and may delegate such power in accordance with controls set by him.



Article ٥

The investigating authority may detain any person accused of a crime provided for in this Law for a period, or successive periods, not exceeding six months, and may extend such period(s) for six months if the investigation so requires. In the cases where the investigation requires longer periods of detention, the matter shall be referred to the specialized criminal court to decide on the extension.



Article ٦

Without prejudice to the right of the accused to inform his family of his arrest, the investigating authority may issue an order barring contact with the accused for a period not exceeding ninety days if the investigation so warrants. If the investigation requires a longer period, the matter shall be referred to the specialized criminal court for decision thereon.



Article ٧

The accused may not be provisionally released except by order of the Minister of Interior or his designee.



Article ٨

The specialized criminal court shall decide on crimes set forth in this Law, as well as on claims for annulment of decisions and claims for compensation in connection with the application of this Law. Judgments rendered by such court may be appealed before the specialized court of appeals, and may be challenged before a specialized circuit at the Supreme Court.



Article ٩

The court may issue a default judgment against a person accused of committing a crime set forth in this Law if he was duly notified through process service or through official media. The convicted person shall have the right to challenge the judgment.



Article ١٠

A person accused of a crime set forth in this Law may seek the assistance of a licensed lawyer to defend him before filing the case with the court, in ample time determined by the investigating authority.



Article ١١

If multiple interrelated crimes were committed and one of which is a crime set forth in this Law, the specialized criminal court shall have jurisdiction to decide on all crimes attributed to the accused, unless such crimes were filed separately prior to their filing with said court.



Article ١٢

The court may seek the assistance of experts and may summon officials from the apprehending and investigating authorities for testimony. Where necessary, testimony of experts and witnesses may be conducted in the absence of the accused person and his lawyer and in coordination with the public prosecutor. The accused or his lawyer shall be informed of the content of the expert report without disclosing the identity of the expert. Necessary protection must be provided as required by the state of the witness or expert, the circumstances of the case and the types of potential risks.



Article ١٣

Notwithstanding the provisions related to banking confidentiality, the Minister of Interior, in exceptional cases at his discretion, may enable the investigating authority, through the Saudi Arabian Monetary Agency, to access or obtain data or information related to accounts, deposits, trusts, safe boxes, transfers or movements of funds at banking institutions, if the investigating authority has sufficient evidence to connect them to crimes set forth in this Law. The Minister of Interior shall, in coordination with the Governor of the Saudi Arabian Monetary Agency, issue relevant regulations.



Article ١٤

All entities shall enable the competent authority – represented by preliminary criminal investigation officers and investigators – to access information and data relating to the crime of financing terrorism, as required by the preliminary investigation results at the discretion of the competent authority.



Article ١٥

Investigation proceedings or filing of criminal cases relating to crimes provided for in this Law or crimes related thereto shall not be conditional upon a complaint by the victim, his representative or his heirs. The civil claimant may file his case before the specialized criminal court after the completion of the investigation relating to public right.



Article ١٦

The Minister of Interior, or his designee, may permit entry into homes and offices for search

and arrest in relation to a crime set forth in this Law at any time within the period specified in the search warrant. In exigent circumstances, no permit is required for such purpose, provided that a report is prepared providing grounds for such exigency.



Article ١٧

The Minister of Interior, or his designee, may issue a reasoned order for the monitoring, seizure and recording of all forms of communication, including messages, correspondences, publications, packages and telephone conversations, in relation to a committed or plotted crime, if deemed useful.



Article ١٨

The Minister of Interior, or any person acting on his behalf, may urgently order expeditious provisional seizure, for a period of three months renewable for similar periods, of funds, proceeds or means suspected of being used in committing any of the crimes set forth in this Law, pending completion of the investigation conducted in this respect. Such seizure shall be promptly executed by the competent authority without delay.



Article ١٩

The specialized criminal court may, during the hearing, order a provisional seizure of funds, proceeds or means or the continuation of a seizure pending completion of trial. The seizure shall be executed by the competent monitoring and supervisory authorities without delay.



Article ٢٠

Chairmen and members of the boards of directors of financial institutions, designated non-financial businesses and professions, and non-profit organizations as well as their owners, employees, hired hands and authorized representatives shall be exempted from criminal liability resulting from execution of the duties set forth in this Law or the violation of any restriction imposed to maintain confidentiality of information, unless it is established that the actions were maliciously carried out to harm the person subject of the transaction.



Chapter IV

Concluding Provisions

Article ٢١

The specialized criminal court may, on reasonable grounds that the convict will not repeat any of the crimes provided for in this Law, stay the execution of the penalty, provided such stay does not exceed half the term, unless he is a repeat offender.

The court shall provide grounds upon which such partial stay of execution is rendered. Its decision shall be appealable. If the convict repeats the crime, the stay of execution shall be revoked and the stayed penalty shall be executed without prejudice to the penalty prescribed for the new crime.



Article ٢٢

A conspiracy between two persons or more to commit any one of the crimes provided for in this Law shall be deemed an aggravating circumstance.



Article ٢٣

Without prejudice to civil right, the Minister of Interior may stay prosecution against any person who reports a crime provided for in this Law, prior to or after its commission, and cooperates with the competent authorities during the investigation for the purpose of apprehending the remaining perpetrators of said crime or of another crime similar in kind and gravity, or leads the authorities to wanted persons or persons plotting to commit similar crimes.



Article ٢٤

The Minister of Interior may, on reasonable grounds and during the execution of sentence, order the release of a person detained for or convicted of any of the crimes provided for in this Law.



Article ٢٥

A person accused or convicted of one of the crimes provided for in this Law, who sustains damage due to prolonged detention or imprisonment, may petition the Minister of Interior or his Deputy seeking indemnification prior to filing before the specialized criminal court. The petition shall be reviewed by a settlement committee formed for such purpose, pursuant to a decision by the Minister. Said committee shall comprise at least three members, including a Sharia counselor and a legal counselor. Committee decisions shall be taken by majority within a period not exceeding sixty days from the date of filing the petition.



Article ٢٦

Specialized centers shall be set up to educate persons detained for or convicted of any of the crimes provided for in this Law, so as to enhance patriotism and correct any misconceptions they have. Committees' work procedures, formation and remunerations of members and experts shall be determined pursuant to a decision by the Minister of Interior. Instead of detention, the investigating authority may commit to such centers persons arrested or reported as suspects.



Article ٢٧

The Ministry of Interior shall establish centers named "Correction and Rehabilitation Centers" to provide care to persons detained for or convicted of any of the crimes provided for in this Law, facilitate their integration in the community, enhance their patriotism and correct any misconceptions they have. The Minister of Interior shall issue rules governing these centers and determine remunerations of staff and persons providing service thereto.



Article ٢٨

The Minister of Interior shall issue regulations setting forth security measures, rights, duties, violations and penalties as well as classification of detainees and inmates within detention centers and prisons designated for the implementation of the provisions of this Law. Such regulations shall provide for measures to correct and improve the social and health conditions of detainees and inmates.



Article ٢٩

Any person concerned with the implementation of the provisions of this Law shall maintain the confidentiality of information he becomes privy to, and such information may not be disclosed except for the use of the competent authorities. Unless justified, no disclosure may be made to any person of any of the reporting, inquiry, investigation or trial procedures, or of data related thereto, in respect of any of the crimes set forth in this Law.



Article ٣٠

The competent authorities in the Kingdom may exchange information with counterpart authorities in other countries with which the Kingdom has valid agreements or treaties, or on the basis of reciprocity.



Article ٣١

١ – Crimes set forth in this Law shall not be subject to statute of limitations.

٢ – Incompetent persons accused in crimes of terrorism and its financing must be referred to the specialized criminal court to take necessary action in accordance with Sharia.



Article ٣٢

The Standing Committee on Combating Terrorism at the Ministry of Interior shall put in place

necessary mechanisms for the implementation of Security Council Resolutions No. ١٢٦٧ and No. ١٢٧٣ and other related resolutions. Such mechanisms shall be specified pursuant to a decision by the Minister of Interior.



Article ٣٣

The Standing Committee on Combating Terrorism at the Ministry of Interior shall receive requests from states, agencies and organizations relating to Security Council resolutions on combating terrorism financing.



Article ٣٤

The Committee for Mutual Legal Assistance at the Ministry of Interior shall receive requests for mutual legal assistance concerning crimes of terrorism financing.



Article ٣٥

The Financial Intelligence Unit at the Ministry of Interior shall – in its capacity as a central national agency – receive reports on suspected terrorism financing crimes; collect, analyze and disseminate information, and request imposition of provisional seizure in accordance with Article ١٨ of this Law. Said Unit may exchange information with counterpart agencies in accordance with Article ١٥ of the Anti-Money Laundering Law.



Article ٣٦

Without prejudice to the rights of bona fide parties, the investigating authority shall have the authority to identify and track funds, properties, assets and means used in the commission of a terrorism financing crime which may be subject to confiscation.



Article ٣٧

The information disclosed by financial institutions, designated non-financial businesses and professions, and non-profit organizations may be exchanged among the competent authorities in the Kingdom providing that the confidentiality of such information be fully maintained, and no disclosure thereof may be made except to the extent necessary for use in investigations or actions relating to the crime of terrorism financing.



Article ٣٨

An accused person convicted of a crime related to terrorism financing may be extradited to another state provided that such extradition be pursuant to a valid agreement between the Kingdom and the requesting state, or on the basis of reciprocity. If the extradition request is denied, he shall be tried before the competent courts in the Kingdom, using investigations provided by the state requesting extradition.



Article ٣٩

Financial institutions, designated non-financial businesses and professions and non-profit organizations shall be subject to the provisions of the Anti-Money Laundering Law and its Implementing Regulations, with respect to crimes of terrorism financing, terrorist operations, terrorist organizations or terrorist financiers.



Article ٤٠

The provisions of the Criminal Procedures Law shall apply in cases not provided for in this Law.



Article ٤١

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

