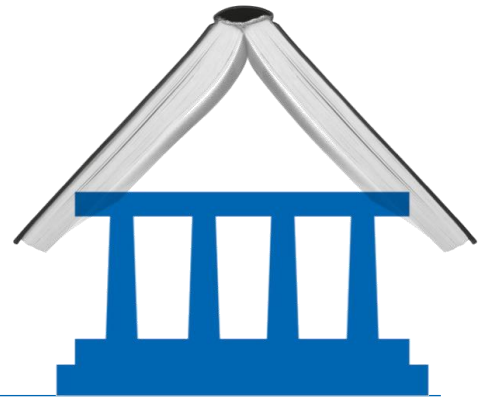


Saudi Arabia Courts Update Coronavirus (COVID-19)

26 March 2020



Litigation

A decision was issued to suspend court cases throughout KSA from March 16, 2020, except summary matters and all physical hearings shall be postponed. All cases shall be dealt with remotely through an established online platform. The Ministry of Justice issued an executive manual for judicial remote operation during the suspension period.

There are a variety of litigation related procedures that can be handled remotely starting from issuing POAs, submitting statements and applications, following up with the court, receiving notices and finally submitting enforcement applications.

We are expecting that the Ministry of Justice will issue further circulars allowing Court hearings to be fully conducted via video conferencing, in order to allow oral submissions and oral testimonies.

The Law

The Civil Procedure Law (as amended) ("**CPL**") provides that the attendance of the parties to a scheduled hearing is obligatory. However, if a party did not attend then they may submit an excuse for not attending. The Court has discretionary power to evaluate such excuse. The CPL did not specify the conditions for submitting oral submissions and witness statements via video conferencing, however it did not forbid it.

Arbitration

Ad hoc arbitral tribunals in KSA can rely on the 1st limb of article 33 of the Arbitration Law in accepting written submissions only, during the outbreak of coronavirus (COVID-19). Otherwise, the parties might agree on relying on video conferencing when submitting oral submissions.

As for institutional arbitration, the Saudi Center for Commercial Arbitration published an update via its website with its readiness to deal with the coronavirus (COVID-19) outbreak. It confirmed the shutdown of its offices and offered the process of online application which is a portal through which arbitration and mediation filings can be submitted, in addition to the option of convening the hearings remotely via the SCCA secured video conferencing system.

The Law

Article 33 of the Arbitration Law ("**Arbitration Law**"), stated that arbitral tribunals are to schedule hearings for oral submissions or they might accept written submissions instead. Article 33 further established for the parties autonomy in deciding how they want to submit their pleas.

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