



# Advantages and potential disadvantages of the AIFC Court

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# Benefits



- A “quick fix” - independence from the judicial and political system of Kazakhstan + **current political support;**
- Qualification of judges;
- AIFC Court considers cases of non-parties to AIFC (e.g. foreign vs local; local vs local parties);
- Only commercial and corporate disputes (potentially a downside);

# Benefits



- English is the working language of the court;
- The AIFC Court Rules provide parties with serious procedural advantages in relation to interim relief, collection of evidence (limited disclosure), witness statements and etc.;
- The AIFC Court appoints a so-called “Enforcement Judge”, a judge appointed to oversee enforcement of judicial acts;

# Benefits



- Filing fees are reasonable when the amount of the claim is large (e.g. USD 68k filing fee for a USD 20 million claim compared to USD 600k filing fee in a state court) (AIFC Court filing fees for smaller claims <USD 500k are 5 per cent);

# Benefits



- Extended limitation period for filing claims (6 years vs. 3 years under Kazakh law);
- Small claims court (claims under USD 150k or claims under USD 300k, if both parties so consent);
- Arbitration Court procedures may be simpler and more flexible than those of the court (language, arbitrators, etc.). [Exempt from local law](#);

# Potential disadvantages

- Likely higher legal fees (involvement of English lawyers may be required at early stages);
- More complex procedure;
- Litigation may be longer (not clear yet, although not necessarily much longer than in Kazakh courts (taking into account appeals));

# Potential disadvantages

- Issues with enforcement could be possible at early stages;
- No experience at all (we have not heard of any cases being tried or judgments enforced);

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