

# Efficiency and Effectiveness of Commercial Courts in Afghanistan and Challenges to the Enforcement of their Judgements

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The presenter has published his article; '[Enhancing Efficiency and Effectiveness of Commercial Courts in Afghanistan](#)'. In this presentation we will discuss the findings of this article regarding the problems of commercial courts in Afghanistan.

The specialized commercial courts and the Commercial Procedure Code has been in practice for almost a half century, in Afghanistan, though its history goes beyond that. Despite this adjudication of commercial disputes are not desirable in the Afghan legal and judicial system. Enforcement of contracts is ranked as low as at the bottom of the list, by the World Bank Doing Business. In this part of presentation, after a short explanation of the structure and historical background of commercial courts in Afghanistan, the problem of case management and court automation, workload and backlog of cases, lack of professional and adequate personal, and absence of a comprehensive and efficient rule of procedure will be discussed.

In this part, the problems and challenges regarding enforcement of civil and commercial courts' decisions will be discussed.

In practice, enforcement of civil and commercial courts in Afghanistan faces several challenges. Some court's decisions have remained unenforced and challenging for years. While the court proceedings for deciding civil and commercial disputes, in Afghanistan, are not speedy, in some cases the enforcement of these decisions has taken longer time. Data shows that more than 2500 court decisions remained unenforceable, from 2014-2020, for different reasons.

The Law on Obtaining Rights deals with issues related to the enforcement of civil and commercial courts' judgements, in Afghanistan. The law assigns Huquq Departments for the enforcement of judgements and prescribes the procedure of enforcement. Huquq Departments, based on this law, are established in all 34 provinces, including the capital Kabul, and in almost all districts, parallel to the civil and commercial courts. The presenter has served as Huquq General Director of the Ministry of Justice of the Islamic Republic of Afghanistan, before the political changes, in August 2021.

In this part, the presentation first describes the enforcement procedure of civil and commercial courts' decision in Afghanistan. Then it discusses the problems and challenges of enforcing these decisions. The data and information will be presented from the experience of presenter, at Huquq General Directorate.

Though, some of the recent changes by the de facto government in Afghanistan will be pointed out. As the situation is unstable and a defined legal and judicial system

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does not exist in Afghanistan, the focus would be on the legal and judicial system of Afghanistan before the Taliban took over, on August 15, 2021.