



C

A

S

STUDY GUIDE

COURT OF
ARBITRATION FOR SPORT

I. LETTER from SECRETARY GENERAL	4
II. LETTER from UNDER SECRETARY GENERAL	5
III. LIST of ABBREVIATIONS	6
IV. INTRODUCTION TO THE COURT	7
A. General Structure of Arbitration	7
B. Sports-Related Arbitration	7
1. Code of Sports-Related Arbitration	7
2. The International Council of Arbitration for Sport.....	8
3. Court of Arbitration	8
a. History.....	8
b. Structure.....	9
 V. CASE: JFRI v. JFNI	
 NATIONAL JUDO FEDERATION OF REPUBLIC OF IRELAND (“JFRI”)	
10	v. NATIONAL JUDO FEDERATION OF
NORTHERN IRELAND (“JFNI”)
A. Case: JFRI v JFNI.....	10
1. Background of events	10
2. Federations and Associations.....	10
a. International Olympic Committee (“IOC”)	10
b. International Judo Federation (“IJF”)	10
c. British Judo Association (“BJA”)	11
d. National Judo Federation of Republic of Ireland (“JFRI”).....	11
e. National Judo Federation of Northern Ireland (“JFNI”).....	11
3. Buodérr Rítréan - Judoka of Republic of Ireland.....	11
4. Johannes Feidhelm Kennedy (JFK) - Judoka of Northern Ireland	12
5. Alexi O’connor - Executive board member of Northern Judo Federation	12

6. Relevant individuals.....	12
7. Statement of Facts.....	13
B. Applicable Law	14
1. Jurisdiction of CAS.....	14
2. Court of Arbitration of Code (“CAS Code”).....	14
3. International Judo Federation Statutes (“IJF Statutes”).....	15
4. International Judo Federation - Sport and Organization Rules (“SOR”).....	17
C. Procedural Matters	21
D. Merits Matters	21
VI. BIBLIOGRAPHIE	22

I. LETTER from SECRETARY GENERAL

Distinguished participants,

It is a privilege for me, as the Secretary General of the conference, to introduce you to Themis Court Simulations 2023.

This year, once again we are hosting a leading moot court conference in Turkey, which have academic saturation in addition to organizational excellence. Themis Court Simulations has always advanced itself each passing year in this regard, once again, our goal is to keep this tradition going and host you a unique and exciting experience.

This year, we are continuing a tradition with additions. Our perspective is to have courts in the most exciting, competitive, and instructive areas of law, and in this scope, our conference will contain six court simulations. In the Court of Arbitration for Sport, participants will debate on violations of the ethics codes related to the sport, nationality issues, and behind scenes of the federations. On behalf of the academic team, who prepared this exciting court, I would like to welcome you all to Themis Court Simulation. Likewise, our organization team will welcome you with their kind hospitality to make your experience as convenient as possible.

Moreover, I would like to thank in advance all of my academic team. I can see that I have an opportunity to work with an amazing group of people, therefore I'm glad to have a team like this. With their potential, it's clear that this journey will be incredibly joyful. Moreover, I would like to thank my friends, Director General Mr. Yiğit Hazar Eren and Deputy Director General Mr. Can Deryahan, and their tireless organization team. They are the people who are making this conference possible with their endless efforts.

Concluding my letter, on behalf of the Themis Court Simulations, I, once again, would like to welcome you all to this year's edition. Looking forward to meeting you soon, let's define justice together!

Best Regards,

Arda Özkan

Secretary-General of Themis Court Simulations 2023

II. LETTER from UNDER SECRETARY GENERAL

Esteemed participants,

It is an honor to serve you as Under Secretary General of the Court of Arbitration for Sport at Themis Court Simulations, 2023. My name is Simge ERDEM, and it is my 4th year as a law student at Istanbul Bilgi University.

We, as the academic team of CAS, picked 2 cases and chose to combine them. One case was about an Iranian judoka and possible violation of ethics code. The other case was about nationality issues about the Republic of Ireland, Northern Ireland, and the United Kingdom.

As we combine these two cases, we hope that you can examine the case and all the details carefully which will hopefully lead you to notice the significant points of the case between the Judo Federation of Republic of Ireland and the Judo Federation of Northern Ireland, in order to come up with a just Award in the end.

This guide is created by the academic team of CAS in TCS'23 to help you comprehend the Sports Arbitration in general within our case. This guide is expected to be read and understood from all the participants before the conference. Having fruitful debates and serving justice needs exertion.

Along the way, there are few people that I owe a "Thank You", starting with our Secretary General Arda ÖZKAN. It is great to have to work with a friend and seeing that friend is creating an incredible academic team for this conference. It is truly an honor. Other "Thank you" goes to our Director General Yiğit Hazar EREN and Deputy-Director General Can DERYAHAN. They created an organization team so effective that I am sure you will enjoy your 3 days here while they are taking care of the conference for you. Lastly, my assistants Hasan Ege KARANFİL and Aslıhan DEREKÖY. Thank you for giving all your effort to this conference and this Court of Arbitration for Sports. I am proud of what we accomplished.

If everyone is ready, Let's Define the Justice Together in TCS'23.

Yours Sincerely, Simge.

III. LIST of ABBREVIATIONS

Art.	Article
BJF	British Judo Federation
CAS	Court of Arbitration for Sport
CAS Code	Code of Sport-related Arbitration
IJF	International Judo Federation
IOC	International Olympic Committee
IRA	Irish Republican Army
JFNI	Judo Federation of Northern Ireland
JFRI	Judo Federation of Republic of Ireland
NOC	National Olympic Committee
SOR	Sports Organization Rules
TCS	Themis Court Simulations

IV. INTRODUCTION TO THE COURT

A. General Structure of Arbitration

Arbitration is a procedure in which a dispute is submitted, by agreement of the parties, to one or more arbitrators who make a binding decision on the dispute. Parties decide to go for a private dispute resolution procedure instead of going to court.

Arbitration agreements can be divided into two types. The first type of arbitration agreement is a contract that contains an arbitration clause, which stipulates the parties to the contract will arbitrate. The second type of arbitration agreement occurs after the dispute has arisen. The two parties reached an agreement on the dispute solved through arbitration. Sometimes called a submission agreement.

Parties are inclined to resolve disputes through arbitration due to some potential advantages pro-rata to judicial proceedings. Arbitration grants the parties to choose their arbitral tribunal whereas in judicial courts there is no possibility for judge selections. The proceedings are generally non-public and often faster than court proceedings. Provisions of the New York Convention 1958 enable arbitral awards to be enforceable in other nations in contrast to court decisions.

B. Sports-Related Arbitration

1. Code of Sports-Related Arbitration

The Code of Sports-related Arbitration entered into force on 22nd September 1994. In order to regulate some of the long-established principles of CAS case law and practices, the Code was revised on the 1st of January 2021. The current form of the Code was established in 2010.v The Code consists of 70 articles in total and it is divided into two sections. The first section, articles S1 to S26 (S1-S3 joint dispositions, S4-S11 ICAS, S12-S22 CAS, S23-S26 miscellaneous provisions.) The second section, articles R27-R70 (R27-R37 general provisions, R38-R46 special provisions applicable to the ordinary arbitration procedure, R47-R59 special provisions applicable to the appeal arbitration procedure, R60-R62 consultation proceedings, R63 interpretation, R64-R66 costs of arbitration proceedings, R67-R70 miscellaneous

provisions)

The Code constitutes of rules for four separate procedures:

- the ordinary arbitration procedure.
- the appeals arbitration procedure.
- the advisory procedure, which is non-contentious and allows certain sports bodies to seek advisory opinions from the CAS.
- the mediation procedure.

Written and oral proceedings are the two classic phases of arbitration. An exchange of statements of the case is reviewed in the written proceedings and the phase where the parties are heard by the arbitrators, generally at the seat of the CAS in Lausanne, is the oral proceedings.

2. The International Council of Arbitration for Sport

ICAS is the supreme organ of the CAS and serves as the management and administrative branch of the CAS. The purpose for ICAS establishment is distinctly disclosed in Article S2 of the Code: “The purpose of ICAS is to facilitate the resolution of sports-related disputes through arbitration or mediation and to safeguard the independence of CAS and the rights of the parties. It is also responsible for the administration and financing of CAS.”

ICAS protects the independence of CAS and parties’ rights. ICAS is also responsible for the management and financing of the CAS. ICAS is composed of 20 high-level jurists who must all be well-acquainted with the issue of the arbitration along with knowledge of sports law. ICAS members sign a declaration that states that they will be undertaking to exercise their function with total objectivity and independence which also means that members should not have taken a part in the proceedings before CAS as an arbitrator or counsel. The exercise power of ICAS is listed under article S6 of the Code.

3. Court of Arbitration

a. History

“The Court of Arbitration for Sport (CAS) is an institution independent of any sports organization which provides for services in order to facilitate the settlement of sports-related

disputes through arbitration or mediation by means of procedural rules adapted to the specific needs of the sports world.”

The Court of Arbitration for Sport was established in 1984 in Lausanne, Switzerland where the headquarters are today. The courts of the CAS are located in New York City, Sydney and Lausanne.

In the early 1980s, the increase in international sport-related disputes revealed the necessity of an international and independent institution that could resolve sport specialized conflicts and be authorized to make mandatory settlements. In 1981, International Olympic Committee (IOC) President Juan Antonio Samaranch had an idea to form a sport-separated jurisdiction which led to the establishment of the CAS. The purpose for the creation of a separate jurisdiction for sports was to have an authority that can efficiently resolve direct or indirect international sport related disputes offering quick, flexible and inexpensive procedures.

The impartiality and independence of CAS started to create suspicion as a consequence of the aforementioned facts. The CAS also had a lack of procedural matters. There was only one type of attainable contentious proceeding which prohibited different approaches to different types of conflicts. A guide which provided a base for appeals was published by CAS in 1991 with the following clause:

“Any dispute arising from the present Statutes and Regulations of the ... Federation which cannot be settled amicably shall be settled finally by a tribunal composed in accordance with the Statute and Regulations of the Court of Arbitration for Sport to the exclusion of any recourse to the ordinary courts. The parties undertake to comply with the said Statute and Regulations, and to accept in good faith the award rendered and in no way hinder its execution.”

b. Structure

CAS operates through the intermediary of arbitrators, of whom there are at least 150, with the help of the Court Office headed by the Secretary-General. ICAS is the responsible body to appoint arbitrators of CAS. ICAS must appoint personalities with “appropriate legal training, recognized competence with regard to sports law and/or international arbitration, a good knowledge of sport in general and good command of at least one CAS working language, whose names and qualifications are brought to the attention of ICAS, including by the IOC, the IFs, the NOCs, and by the athletes' commissions of the IOC, IFs, and NOCs”. CAS consists

of two divisions: `Ordinary Arbitration Division and `Appeals Arbitration Division. The Ordinary Arbitration Division is responsible for the resolution of the disputes submitted to the ordinary procedure. The Appealed Arbitration Division is responsible for the resolution of disputes concerning the decisions of federations, associations, and other sports-related bodies taking into account that statutes or regulations of the said sports-related bodies or a specific agreement provides it so.

I. CASE: JFRI v. JFNI

NATIONAL JUDO FEDERATION OF REPUBLIC OF IRELAND (“JFRI”) v. NATIONAL JUDO FEDERATION OF NORTHERN IRELAND (“JFNI”)

A. Case: JFRI v JFNI

1. Background of events

The Republic of Ireland and Northern Ireland have supportive characteristics in the Judo field. Based on their history of sports, they did not even have separated teams. They were all competing under the British Judo Association. Still, on this day, federations have good relationships.

During the World Judo Championship in 2017, September in Budapest/Hungary; Judoka of the Republic of Ireland Buodérr Rítréan (“Mr. Rítréan”), won against Johannes Feidhelm Kennedy (“Mr. Kennedy”), Judoka of Northern Ireland.

Right after the victory, Mr. Rítréan showed his enthusiasm by yelling at the crowd with the words “*Tiocfaidh ár lá*” which is also known as the manifest of IRA. Mr. Kennedy walked towards Mr. Rítréan and pushed him strongly enough to put him on the ground. Mr Rítréan did not respond verbally or physically. Right before this tension became something more, officials in the field interfered.

After the incident, the Disciplinary Commission of the International Judo Federation banned Mr. Kennedy from the field for 1 year.

2. Federations and Associations

a. International Olympic Committee (“IOC”)

The International Olympic Committee (IOC) is a non-governmental sports organization based in Lausanne, Switzerland. IOC is the guardian of the Olympic Games and the leader of the Olympic Movement. The IOC is at the very heart of world sport, supporting every Olympic Movement stakeholder, promoting Olympism worldwide, and overseeing the regular celebration of the Olympic Games. The IOC is also committed to promoting sport in society, strengthening the integrity of sports and supporting clean athletes and other sports

organizations.

b. International Judo Federation (“IJF”)

Judo made its very first appearance at the Olympic Games in 1964 in Tokyo. However, it was not included in the Olympic programme in 1968 in Mexico City, but returned, never to leave again, at the 1972 Games in München. Men and women now compete in seven weight categories. Official sporting events started to take place in the early 20th century. And it was in Germany on August 11th, 1932, that the European Judo Union was created. On July 11, 1951 in London, its representatives (Great Britain, France, Italy, Belgium, The Netherlands, Germany, Austria and Switzerland) received the candidacy of Argentina and the International Judo Federation was created. It is a sports federation, which is the management center of athletics at the international level. It is also a federation that is recognized by the International Olympics Committee (IOC).

c. British Judo Association (“BJA”)

The British Judo Association (“BJA”) is the National Governing Body for the Olympic Sport of Judo in Great Britain. The Association represents Great Britain internationally and is a member of The International Judo Federation and The European Judo Union. It was established in 1948 and was incorporated as a company, limited by guarantee in 1978. The BJA is a membership organization and has expanded its network of clubs, qualified coaches and individual members throughout Britain providing access to the sport in England, Northern Ireland, Scotland and Wales.

d. National Judo Federation of Republic of Ireland (“JFRI”)

Judo was already established in Northern Ireland before the Republic of Ireland through the British Judo Association. The first black belt on the island of Ireland was Gerry Nevin from Belfast. (Northern Ireland). At that time there was no governing body for Judo in the Republic, judokas in the Republic of Ireland were members of the British Judo Association (BJA). The BJA was of great assistance to the pioneers of Irish Judo. The aim of the Irish Judo Association is to develop the participation in Judo on the island of Ireland, in a safe and constructive environment, enabling participants to achieve their full potential in the sport. There was no Irish Judo Organisation, it was not until 1963 that the Judo Association of Ireland, which was the forerunner of the Irish Judo Association was founded. Now, IJA is one of the 51 Member National Federations of EJU, which is one of the five continental unions inside the IJF.

e. National Judo Federation of Northern Ireland (“JFNI”)

Northern Ireland Judo Federation as an autonomous governing body within the BJA was not formed until the 1970’s. This change took place under the Chairmanship of Londonderry man Peter McKee. It was about this time that the old NIJF logo appeared as the result of a competition which was won. Northern Ireland Judo is now a limited company by guarantee.

3. Boudérr Rítréan - Judoka of Republic of Ireland

Boudérr Rítréan was born on January 5, 1992 in Dublin, Southern Ireland. In 2002, when he was 10, their family encouraged him to enter the Irish Judo Club by Rian Byrne, freelancer judo instructor. Mr. Rítréan , who grew up in a poor family, tried to get Judo training with the help of all his family friends and later supported his family with the medals and successes he won. After his Judo career began, he won bronze medals at the Asian Championships in 2015 and 2016, as well as a silver medal in 2017. During the 2017 World Championships in Budapest and the gold medal in the 2018 World Championships in Baku too. In October, 2018 Mr. Rítréan lost against Johannes Feidhelm Kennedy in the Abu Dhabi Grand Slam.

4. Johannes Feidhelm Kennedy (JFK) - Judoka of Northern Ireland

Johannes Feidhelm Kennedy was born on May 17, 1992 in Belfast, Northern Ireland. Despite succeeding in football for a Belfast junior soccer club, he opted to focus on judo, which he had been training for four years, at the age of four. Mr. Kennedy was coached by Northern Irish judoka Liam Doyle who earned an Olympic bronze medal in judo at the 1992 Summer Olympics in Barcelona. Johannes is regarded by Mr. Walsh as a father figure because he was also the national team coach. His first competition was the World U-20 Junior Championships that he came in fifth, in April 2011. Then, in May 2014, he won the Baku Grand Slam, and the following month, he earned another gold medal on the International Judo Federation World Tour. Mr. Kennedy has won two Northern Irish judo championships. Finally, Johannes won the gold medal in the 2019 World Judo Championships in Tokyo.

5. Alexi O’connor - Executive Board Member of Northern Judo Federation

Alexi O’connor was born on June 19, 1967 in Birmingham, England. Ms. O’Connor, who started her judo training in Judo Kids at the age of five, was discovered for her strategic abilities at her twenties and had the chance to continue her sports career in the federations. In 1993, her life changed when she met George Wilson who made the British Judo Association (BJA) as a

company, at the age of 26 and worked for the British Judo Federation for twenty years. After working here for many years, she was transferred to the Judo Federation of Northern Ireland (JFNI) and was on the agenda of social media due to her photo taken with Boudérr Rítréan after the Paris Grand Slam in 2018.

6. Relevant Individuals

Rian Byrne: Rian Byrne was born on February 7, 1959 in Abbotstown, Dublin, Ireland. In 1970, he became a member of the Irish Judo Association, which has been serving seven years, and his Judo life began. He met with Boudérr Rítréan in 2002 and worked as his trainer until September, 2019.

Liam Doyle: Liam Doyle was born on October 9, 1970 in Londonderry, Northern Ireland. He was the son of Northern Ireland's first Judo coach, Patrick Doyle, who played a key role introducing the Ireland Judo. He won his first gold medal in Judo at the age of 12. Mr. Doyle retired after the 1996 Atlanta Olympics, then turned to coaching with Johannes Feidhelm Kennedy.

George Wilson: George Wilson was born in 1924. He was the founder of the British Judo Association in 1948. In 1993, Mr. Wilson approached his retirement at age of 70, Mrs. O'connor crossed paths with him and since then Alexi O'connor has been working for BJJ.

Cecelia Walsh: Cecelia Walsh was born in Dublin, Ireland. She is a former judoka, judo coach and businesswoman, also executive board member of the National Federation of the Republic of Ireland. Mrs. Walsh took Boudérr Rítréan's transfer decision to appeal.

7. Statement of Facts

- **2018, Oct** Johannes Feidhelm Kennedy won against Boudérr Rítréan in Abu Dhabi Grand Slam.
- **2018, Dec** Mr. Rítréan lost against German judoka Michael Schrute in the first round in Guangzhou World Masters. He was supposed to compete against Mr. Kennedy if he won.
- **2019, Feb** Mr. Rítréan lost against Brazilian judoka Pedro Castillo in the semi finals in Paris Grand Slam. He was supposed to compete against Mr. Kennedy if he won.

- **2019, March** IJF sent a letter to the Federation of the Republic of Ireland. Letter was a warning about Mr. Rítréan losing in the competitions right before facing Mr. Kennedy. This warning was based on the anonymous letter sent to IJF after the Paris Grand Slam.
- **2019, March** JFRI sent a letter of response to IJF, stating that there is not a chance of losing on purpose and rules of IJF was never breached by JFRI.
- **2019, June** Mr. Rítréanand and Mrs. Alexi O’connor (“Mrs. O’connor”) were spotted in a cafe outside of the city center which was shared in a social media platform as a picture.
- **2019, July** Mr. Rítréanand filed an application to IJF to change the national team from Republic of Ireland to Northern Ireland.
- **2019, Sept** Mr. Rítréanand became a member of the National Federation of Northern Ireland. Right after the confirmation, Rian Byrne stopped being the instructor of Boudérr Rítréanand.
- **2019, Dec** Executive board member of the National Federation of the Republic of Ireland, Cecelia Walsh (“Mrs. Walsh”) filed a complaint against Mr. Rítréan by stating that transfer of Mr. Rítréan is not just and his nationality should have prohibited him from making a transfer between federations.
- **2020, Jan** IJF made an investigation about the claims against Mr. Rítréan . It is decided by Disciplinary Commission of IFJ that transfer of Mr. Rítréan is fair and the nationality of Mr. Rítréan allows him to transfer.
- **2020, Feb** Executive board member of the National Federation of the Republic of Ireland, Cecelia Walsh took this decision to appeal.

On 12 February 2020, in accordance with Article R47 of the Code of Sports-related Arbitration, edition in force since 1 January 2019 (the “CAS Code”), the Appellant filed a Statement of Appeal with the Court of Arbitration for Sport (“CAS”) against the Respondent.

On 13 March 2020, the Appeal process began.

B. Applicable Law

1. Jurisdiction of CAS

The question whether or not the CAS has jurisdiction to hear the present dispute must be assessed on the basis of the *lex arbitri*. As Switzerland is the seat of the arbitration and not all Parties are domiciled in Switzerland, the provisions of the Swiss Private International Law Act (“PILA”) apply, pursuant to its Article 176.1. In accordance with Article 186 of PILA, the CAS has the power to decide upon its own jurisdiction (“Kompetenz-Kompetenz”).

2. Court of Arbitration of Code (“CAS Code”)

- R47 Appeal

An appeal against the decision of a federation, association or sports-related body may be filed with CAS if the statutes or regulations of the said body so provide or if the parties have concluded a specific arbitration agreement and if the Appellant has exhausted the legal remedies available to it prior to the appeal, in accordance with the statutes or regulations of that body...

- R58 Law Applicable to the Merits

The Panel shall decide the dispute according to the applicable regulations and, subsidiarily, to the rules of law chosen by the parties or, in the absence of such a choice, according to the law of the country in which the federation, association or sports-related body which has issued the challenged decision is domiciled or according to the rules of law that the Panel deems appropriate. In the latter case, the Panel shall give reasons for its decision.

- R59 Award

The award shall be rendered by a majority decision, or in the absence of a majority, by the President alone. It shall be written, dated and signed. The award shall state brief reasons. The sole signature of the President of the Panel or the signatures of the two co-arbitrators, if the President does not sign, shall suffice.

- R67 Miscellaneous Provisions

These Rules are applicable to all procedures initiated by the CAS as from 1 January 2019. The procedures which are pending on 1 January 2019 remain subject to the Rules in force before 1 January 2019, unless both parties request the application of these Rules.

3. International Judo Federation Statutes (“IJF Statutes”)

- 1.2 IJF

The International Judo Federation (hereinafter referred to as the "IJF"), is a non for-profit Association founded for an unlimited period of time and governed by Hungarian law and the present Statutes.

Its registered office is under address H-1051 Budapest, József Attila utca 1., Hungary.

The IJF, a member of the Olympic Movement, considers adherence to fundamental, universal ethical principles to be the foundation of sport, of judo, and of Olympism.

These principles include:

1.2.1 Respect for the Olympic spirit, which requires mutual understanding and a spirit of friendship, solidarity, and fair play;

1.2.2 Respect for the principle of universality and political neutrality of the IJF and of the Olympic Movement;

1.2.3 Maintenance of harmonious relations with government authorities while respecting the principle of autonomy as defined in the Olympic Charter;

1.2.4 Respect for international agreements for the protection of human rights as they apply to the activities of the IJF and its members and which ensure, in particular:

- protecting the dignity of people;
- rejection of all forms of discrimination, no matter the reason, in particular related to race, color, sex, sexual orientation, language, religion, political or other opinions, national or social origin, wealth, birth, or any other situation;
- rejection of all forms of physical, professional, or sexual harassment and abuse,

and of all practices that are detrimental to the physical or mental integrity of a person.

1.2.5 Maintaining conditions for the safety and well-being of participants and for medical care to maintain their physical and mental well-being

- 28.1 Grounds of Expulsion, Resignation, Suspension

A National Federation may be suspended or expelled from the IJF on one of the following grounds:

- serious breach or gross negligence, pursuant to a final decision of one of the IJF Discipline Commissions,
- as a result of expulsion from its Continental Union, under the conditions provided for in Article 28.4.

- 28.2 Suspension or expulsion: submission of the case to the Discipline Commission

28.2.1 If a National Federation violates the Statutes of the IJF or acts against the legitimate interests, the principles or the objectives of the IJF, the EC may submit the case to the Disciplinary Commission of the first instance and propose to the Commission all measures it deems fit to put an end to the prejudice being caused to the IJF, including by way of restricting or suspending participation in activities or expelling the relevant National Federation.

Suspension applies to all sports, administrative and social activities.

28.2.2 If an individual member of a Member National Federation of the IJF violates the Statutes of the IJF or acts against the legitimate interests, the principles or the objectives of the IJF, the EC may, after hearing the opinion of the National Federation, the Continental Union or the IJF, submit the case to the Disciplinary Commission of the first instance and propose to the Commission all measures it deems fit to put an end to the prejudice being caused to the IJF, including by way of suspending or expelling the relevant individual member.

28.2.3 Sanctions may only be laid down after a hearing of a representative of the National Federation or the individual member of the National Federation whose case has been submitted to the Disciplinary Commission of the first instance and/or Appeal under the conditions

provided for in Articles 30 and 31.

28.2.4 The Disciplinary Commission of the first instance and/or Appeal may, however, order suspension as a temporary protective measure prior to the hearing, if the Commission has a strong reason to believe that the National Federation or the individual member of the National Federation concerned will continue or repeatedly engage in misconduct or commit any other offense against the legitimate interests, principles or objectives of the IJF.

These Disciplinary Commissions may also decide that the sanction to suspend or expel is to be immediately enforceable even if the sanction is not yet final.

- 28.3 Expulsion of a Member National Federation

In compliance with the article 11.1 of the present Statutes, the EC can decide on the expulsion of a member. The expulsion of a member must be decided by way of a two-thirds (2/3) majority vote of the EC.

- 29.1 Arbitration

The Court of Arbitration for Sport in Lausanne, Switzerland, is the only organism empowered by the IJF to ensure the arbitration between the parties. The provisions of the CAS Code of Sports-related Arbitration shall apply to the proceedings. CAS shall primarily apply the regulations of IJF and, additionally, Swiss law.

4. International Judo Federation - Sport and Organization Rules (“SOR”)

- 1.2 Clean Judo

Integrity, discipline and ethics are core principles in judo, both on and off the field of play, referring to IJF Disciplinary Code and IJF Code of Ethics.

- 1.2.1 Disciplinary Commission

The IJF Executive Committee has the authority to establish a Disciplinary Commission to evaluate presumed violation of the IJF rules and it reserves the right to take disciplinary measures in the case of cheating, misconduct and any behavior contrary to the ethics and moral values of sport, particularly judo, and any violation of the IJF SOR.

The IJF Disciplinary Commission will take sanctions in compliance with the IJF Disciplinary

Code. If during an IJF event, starting from the arrival (normally airport or train station) at the event and until the departure from the event, there is an incident an immediate decision to suspend anyone involved may be taken on the spot. This decision will be placed under the responsibility of an Executive Committee member, nominated before each event by the IJF President, who will form an IJF Ad Hoc Commission to deal with the issue. The IJF Ad Hoc Commission will consist of IJF Executive Committee members or their representatives.

Any incident will be communicated immediately to the IJF President, IJF Executive Committee members and the IJF Disciplinary Commission. A possible sanction decision will be taken after having heard the person/people concerned and any potential witness(es). If the concerned person is a minor, an adult responsible for the delegation will accompany them, during the discussion. As soon as the decision is taken, the IJF Ad Hoc Commission will immediately inform the IJF President, the IJF Executive Committee and the IJF Disciplinary Commission about its decision.

A report of the incident and final decision should be sent to the IJF Disciplinary Commission, c/o the IJF General Secretariat, within three days of the date of the incident. The report will be written by the Education and Coaching Commission and must state the following: the facts, including the recall of the alleged facts, a summary of the observations and arguments of the parties, the grounds for the decision and any other comments.

The IJF Disciplinary Commission, upon receipt of the documents, will inform those involved about its decision 15 days after the date of the incident. The IJF Disciplinary Commission will decide the start date and the duration of the suspension.

If an individual disagrees with a decision, a written appeal may be submitted to the IJF Disciplinary Commission, c/o the IJF General Secretariat, within one calendar month from the incident date. In the case of suspension, the decision will stand until the outcome of the appeal is heard.

Any situation that is not covered by the IJF SOR shall be dealt with by the IJF Executive Committee.

- 1.2.2 Match Fixing and Competition Manipulation

The integrity of sport depends on the outcome of sporting events and competitions being based entirely on the merits of the participants involved. Any form of corruption that might

undermine public confidence in the integrity of a judo contest is fundamentally contrary to the spirit of sport and subject to severe sanctions.

The IJF has Rules dedicated to Sports Integrity in relation to betting.

There are four core rules to remember:

- Always do your best, never fix a contest.
- Never bet on your competition, never bet on your sport.
- Never share information that could be used for betting purposes, or any form of manipulation of sports competitions or any other corrupt purposes whether by the participant or via another person and/or entity.
- If you are approached to cheat, speak out!

Competition manipulation is defined as an intentional arrangement, act or omission aimed at an improper alteration of the result or the course of a sports competition in order to remove all or part of the unpredictable nature of the sports competition with a view to obtaining an undue benefit for oneself or for others. If a contest takes place and seems to have been played to a predetermined result, violating the IJF rules, further investigation may be undertaken, and any findings of match fixing will result in disciplinary action.

If in IJF events (individual or team), an athlete is injured or ill before a contest and needs to withdraw they must have a medical certificate from the IJF Medical Commissioner.

The IJF may undertake further investigation and any findings of match fixing will result in disciplinary action. The result of the contest will be canceled if any athlete is caught not telling the truth.

Match fixing and competition manipulation can be reported, anonymously and confidentially, here: <https://reportintegrity.judobase.org/form>.

Any report made in good faith will not be sanctioned. Any form of retaliation against whistle-blowers is prohibited and such action will be sanctioned.

Failure to report to the IJF at the first available opportunity any information about betting, match fixing or competition manipulation including that could amount to a violation of the SOR.

The following conducts constitute a violation of the SOR:

- Failing to cooperate with any investigation carried out by the IJF in relation to a possible breach of this regulation, including, without limitation, failing to provide accurately, completely and without undue delay any information and/or documentation and/or access or assistance requested by the IJF as part of such investigation.
- Obstructing or delaying any investigation that may be carried out by the IJF in relation to a possible violation of this regulation, including without limitation concealing, tampering with or destroying any documentation or other information that may be relevant to the investigation.

- 1.7 Nationality

The athletes must be of the same nationality as the National Federation for which they have been entered for the competition. Persons appointed by the Executive Committee of the IJF shall verify the citizenship of the athletes. The evidence of citizenship shall be the production of a valid passport issued by the represented country.

In the following cases, procedures must be applied:

- a) Where the competitions are being held in a country in which the residents do not hold passports while in that country.
- b) Where there is a possible problem of “joint citizenship”, e.g. Puerto Rico an acceptable substitute for the passport will be a letter or certificate from the athlete’s National Olympic Committee (NOC) or, if there is no such body, from the National Sports Authority confirming the athlete’s residence in that country and the citizenship.

If a competitor has multiple citizenships, they may compete for only one country.

- 1.7.1.1 Change of Nationality for a period of less than three years

An athlete cannot represent a new National Federation without the approval of the IJF.

The request to shorten the three-year period shall be sent via email to the IJF General Secretariat (gs@ijf.org) and must include the following documents:

- Letter from the President of the National Federation (the current country) certifying the absence of objection to the change of the nationality of the concerned athlete.

- Letter from the President of the National Federation (the new country) authorising the athlete to represent them in international competitions.
- Letter from the athlete, who has already represented one country, giving evidence of their wish to represent their new National Federation.
- A copy of the athlete passport proving the nationality of the new country.

On receipt of a complete file the IJF General Secretary will examine it and send it out to the IJF Executive Committee for approval. If the majority of the IJF Executive Committee approves the request, the IJF General Secretary confirms the acceptance of the application to the concerned party, with both the current and new National Federations in copy. Any athlete disrespecting this rule may be subject to disciplinary measures.

- 1.7.1.2 Change of Nationality after a period of three years or longer

An athlete cannot represent a new National Federation without informing the IJF even if three years or longer have passed since the athlete competed for their previous National Federation.

The IJF must be informed officially by the new National Federation via email to both the IJF General Secretariat - gs@ijf.org and Registration Management - registration@ijf.org. This must be done also for veterans, military and kata participants.

The information must include the following documents:

- Letter from the President of the new National Federation (the new country) authorizing the athlete to represent them in international competitions.
- Letter from the athlete, who has represented one country, giving evidence of their wish to represent their new National Federation.
- A copy of the athlete passport proving the nationality of the new country. On receipt of a complete file the IJF General Secretary will examine it and send it out to the IJF Executive Committee for information. Any athlete disrespecting this rule may be subject to disciplinary measures.

- 1.7.2 Special Circumstances

For events organized by the IJF or under its auspices, the IJF Executive Committee, in order to protect the interest of the athlete, can authorize that the athlete can compete under the IJF flag

for any reason (for example: non-official refugee status of the athlete, non-recognition of the NOC by the IOC, suspension of the National Federation etc.).

C. Merits Matters

1. Whether the Appellant instructed the Athlete not to compete or to voluntarily lose contests in order to avoid competing against Northern Ireland opponents, at the Tokyo World Championships Senior;
2. Whether these facts constitute a violation of the Appellant's obligations under the IJF Statutes and other related rules, namely the principle of political neutrality and the principle of non-discrimination;
3. Whether the Respondent breached the principle of fairness or other rules;
4. Whether the sanction imposed upon the Appellant in the Suspension Decision has the necessary legal basis and proportionality;
5. Whether the Suspension Decision constitutes an illicit violation of the Appellant's personality rights;
6. Whether the IJF shall compensate the JFRI for the damage caused by the Appealed Decisions.
7. Whether the nationality of Respondent will affect his transfer from Judo Federation of Republic of Ireland to Judo Federation of Northern Ireland.

BIBLIOGRAPHIE

1. (2007) *History and culture, History / IJF.org*. Available at: <https://www.ijf.org/history> (Accessed: October 2022).
2. (2010) *Tribunal Arbitral du Sport Court of Arbitration for Sport, CAS Award - IFA v. FAI*. Available at: <https://jurisprudence.tas-cas.org/Shared%20Documents/2071.pdf> (Accessed: October 2022).
3. (2018) *Sports and organization rules of the International Judo Federation, IJF Sport and Organisation Rules (SOR) - 13.10.2018 - ENG*. Available at: https://78884ca60822a34fb0e6-082b8fd5551e97bc65e327988b444396.ssl.cf3.rackcdn.com/up/2020/06/IJF_Sport_and_Organisation_Rul-1592329624.pdf (Accessed: November 2022).

4. (2020) *Code: Procedural rules, Code: Procedural Rules - Tribunal Arbitral du Sport / Court of Arbitration for Sport*. Available at: <https://www.tas-cas.org/en/arbitration/code-procedural-rules.html> (Accessed: November 2022).
5. (2020) *International Judo Federation, IJF Statutes/ En*. Available at: https://78884ca60822a34fb0e6-082b8fd5551e97bc65e327988b444396.ssl.cf3.rackcdn.com/up/2020/04/IJF_Statutes_Hungarian_Associa-1587039969.pdf (Accessed: November 2022).
6. (2021) *Arbitral Award Court of Arbitration for Sport, CAS Award - IRIJF v. IJf*. Available at: https://www.tas-cas.org/fileadmin/user_upload/CAS_award_6500_6580.pdf (Accessed: October 2022).
7. J.F.N.I. (2017) *The story of Judo goes back a long way, Irish Judo Association*. Available at: <https://irishjudoassociation.ie/judo-in-ireland-history/> (Accessed: October 2022).
8. Briggs, D.R. (2021) *A history revised (01-5-2021) - ni judo, History of Northern Ireland Judo*. Available at: <https://www.nijudo.com/wp-content/uploads/2021/04/NIJFhistory1stmay.pdf> (Accessed: October 2022).
9. *History of the IOC (2022) International Olympic Committee*. Available at: <https://olympics.com/ioc/history> (Accessed: October 2022).