



## MEDIA RELEASE

### FOOTBALL - ETHICS

#### THE COURT OF ARBITRATION FOR SPORT (CAS) CONFIRMS THE FIFA DECISION TO SANCTION FORMER EXCO MEMBER AMOS ADAMU

*Lausanne, 24 February 2012* - The Court of Arbitration for Sport (CAS) has rendered its final decision in the arbitration between Amos Adamu (Nigeria), a former member of the FIFA Executive Committee, and the Fédération Internationale de Football Association (FIFA). The CAS has confirmed the decision of the FIFA Appeals Committee of 3 February 2011. As a consequence, Amos Adamu remains banned from taking part in any kind of football-related activity at national and international level for a period of 3 years as from 20 October 2010. The fine of CHF 10'000 is also confirmed.

On 17 October 2010, the British newspaper Sunday Times published an article which reported strong suspicions of corruption within FIFA in connection with the selection process to host the FIFA World Cup. Some journalists approached several FIFA Executives and former Executives pretending to be lobbyists working for a private company eager to secure deals in order to unofficially support the US bids for the 2018 and the 2022 FIFA World Cups. Dr Adamu was approached during this inquiry and was offered by the undercover journalists USD 800'000 to build four artificial football pitches in Nigeria. Immediately after the publication of the Sunday Times article, the FIFA Ethics Committee opened disciplinary proceedings against Amos Adamu and, after having found him guilty of infringement of the FIFA Code of Ethics, decided on 17 November 2010 to ban him for a period of 3 years and to order him to pay a fine of CHF 10'000. The decision was confirmed by the FIFA Appeals Committee on 3 February 2011.

On 3 May 2011, Amos Adamu filed an appeal with the CAS to request the annulment of the FIFA decision. The case was referred to a Panel of CAS Arbitrators composed of: Prof. Massimo Coccia, Italy (President), Mr Quentin Byrne-Sutton, Switzerland and Mr Michele Bernasconi, Switzerland (co-arbitrators). A hearing was held in Lausanne on 4 October 2011, during which the parties, their legal representatives and their witnesses were heard.

The CAS Panel has confirmed the FIFA decision to find Dr Adamu guilty of infringement of Article 3 (general rules), Article 9 (loyalty and confidentiality) and Article 11 (bribery) of the FIFA Code of Ethics. The CAS Panel rejected the argument raised by Dr Adamu that the recordings obtained by FIFA from the Sunday Times should be considered as illegal evidence because the journalists would have violated the Swiss Criminal Code and the evidence would



have been therefore obtained in consequence of a criminal offence. He has also claimed a violation of his personality rights and has requested that the evidence be declared inadmissible. The CAS Panel has noted that the mere circumstance that some evidence would have been illegally obtained does not necessarily preclude an international arbitral tribunal sitting in Switzerland to admit it into the proceedings and to take it into account for its award, because the arbitral tribunal is not bound to follow the procedural rules applicable before Swiss Courts. The CAS jurisprudence established in the case *WADA/UCI v. Alejandro Valverde/RFEC* is therefore confirmed. In any event, the CAS Panel has stated that, in the case of Dr Adamu, there has been no ordinary judge declaring that the evidence was unlawfully obtained and prohibiting its use and that it was even not sure that the Sunday Times journalists acted illegally.

The CAS Panel stressed that it was of crucial importance that top football officials should not only be honest but should evidently and undoubtedly be seen to be honest. With respect to the behaviour of Dr Adamu, the CAS Panel was comfortably satisfied that he was far from actively and unambiguously refusing the improper offer set forth by the alleged lobbyists. In conclusion, the CAS Arbitrators considered that the sanction imposed by FIFA was not disproportionate and was even relatively mild given the seriousness of the offence.