



**TAS / CAS**

TRIBUNAL ARBITRAL DU SPORT  
COURT OF ARBITRATION FOR SPORT  
TRIBUNAL ARBITRAL DEL DEPORTE

**CAS 2024/A/10276 Abdurahmanhaji Murtazaliev v. Ju-Jitsu Asian Union & Ju Jitsu International Federation (JJIF) & Olympic Council of Asia**

## **ARBITRAL AWARD**

**rendered by the**

## **COURT OF ARBITRATION FOR SPORT**

**sitting in the following composition:**

Sole Arbitrator: Mr. Víctor Bonnin Reynés, Attorney-at-Law, Madrid, Spain

**in the arbitration between**

**Abdurahmanhaji Murtazaliev**, Bishkek City, Kyrgyzstan

Represented by Mr. Khalil Ahmed Khan, Ms. Areeba Khalil and Mr. Hamza Khalil,  
Attorneys-at-Law, Lahore, Pakistan

**- Appellant -**

**and**

**Ju-Jitsu Asian Union**, Abu Dhabi, United Arab Emirates

Represented by Mr. Dev Kumar Parmar, Attorney-at-Law, London, United Kingdom

**- First Respondent -**

**Ju Jitsu International Federation (JJIF)**, Freienbach, Switzerland

Represented by Mr. Dev Kumar Parmar, Attorney-at-Law, London, United Kingdom

**- Second Respondent -**

**Olympic Council of Asia**, Kuwait City, Kuwait

Represented by Mr. Jean-Pierre Morand and Mr. Riccardo Coppa, Attorneys-at-Law,  
Lausanne, Switzerland

**- Third Respondent -**

## **I. THE PARTIES**

1. Mr. Abdurahmanhaji Murtazaliev (“Mr. Murtazaliev” or the “Appellant”) is a Kyrgyz athlete who practices the sport of Jiu-Jitsu.
2. The Ju-Jitsu Asian Union (“JJAU” or the “First Respondent”) is the continental governing body for Ju-Jitsu in Asia, with its registered office in Abu Dhabi, United Arab Emirates. The JJAU is a Member of the Ju-Jitsu International Federation as well as the Olympic Council of Asia.
3. The Ju-Jitsu International Federation (“JJIF” or the “Second Respondent”) is the international governing body for Ju-Jitsu, with its registered office in Freienbach, Switzerland.
4. The Olympic Council of Asia (“OCA” or the “Third Respondent”) is the continental body of sports in Asia recognized by the International Olympic Committee (“IOC”), with its registered office in Kuwait City, Kuwait. The OCA was the organizer of the 2022 Asian Games held in Hangzhou, China.
5. The JJAU, JJIF, and OCA shall be jointly referred to as the “Respondents”.
6. The Appellant and the Respondents shall jointly be referred to as the “Parties”.

## **II. FACTUAL BACKGROUND**

7. Below is a summary of the main relevant facts, as established on the basis of the Parties’ written submissions and the evidence examined in the course of the present appeal arbitration proceedings. Although the Sole Arbitrator has considered all the facts, allegations and evidence submitted by the Parties in these proceedings, he refers in this Award only to those allegations and evidence that he considers necessary in order to explain its reasoning. Additional factual considerations may be referred to, where relevant, in the legal grounds of this Award.
8. The Appellant participated in the 19<sup>th</sup> Asian Games, held in 2023 in Hangzhou, China, as an athlete in the -85 kg Jiu-Jitsu category and qualified for the bronze medal match. The 19<sup>th</sup> Asian Games were organized by the OCA.

9. On 7 October 2023, the Appellant competed in a match for the bronze medal against Mr. Omar Tariq Nada, who represented the Kingdom of Saudi Arabia. At the conclusion of the match, the electronic score board displayed that the Appellant had won the match. Before announcing the winner, Mr. Nada's coach called out the Mat Referee and protested. Based on this protest, Mr. Nada was declared the winner of the match as he was awarded two additional points and an advantage, bringing Mr. Nada's points to a tie and awarding him one more advantage.
10. On 13 October 2023, the Appellant sent a letter to the JJIF and the JJAU, requesting them to initiate an investigation into the described alleged unfair and biased judging of the Mat Referee and the Referee Panel during the impugned match and "*to undertake a comprehensive review of the provided video evidence and take appropriate action*".
11. On the same date, and again on 16 October 2023, the Appellant also sent an email to the OCA regarding the same issue.
12. On 18 October 2023, the JJIF sent a letter to the Appellant, informing that the 19<sup>th</sup> Asian Games were organized by the OCA and the JJAU. Thus, the JJIF stated that it has "*minor influence*" on the organization of this event. Nevertheless, the JJIF informed the Appellant that, based on the available information, "*no kind of misconduct and international breach of rules had been observed*". The JJIF also requested the Appellant to submit documentation in support of its position and to specify which kind of appropriate action the Appellant expected from JJIF.
13. On 19 October 2023, the Appellant sent an email to the Respondents, enclosing a letter containing his official protest. The letter, dated 7 October 2023, was addressed to the Jury of Appeal, Ju-Jitsu Sports, Asian Games-China 2023.
14. On 20 October 2023, the JJIF, together with the JJAU and the OCA, sent an email to the Appellant requesting additional information regarding his complaint. In the absence of a response from the Appellant, the inquiries were repeated by the Respondents on 26 October 2023.
15. On 27 October 2023, the Appellant sent a letter to the JJIF, providing its position and requesting, *inter alia*, "*to address this issue as an utmost priority and rectify the injustice promptly*".
16. On 29 October 2023, an employee of the JJIF sent a letter to the Appellant regarding its complaint and stated, *inter alia*, that:

*“I have reviewed the procedure and can conclude that the system was correctly applied, and I see no reason to assume any match-fixing from the side of the referee(s).*

*[...]*

*The only formal possibility to change the result of a match is via a challenge (during competition) or an appeal. So, it would be best if you addressed the proper authority.*

*[...]*

*You have now the following options:*

*- You let the case rest.*

*- You make a complaint at the ethics commission if you assume match-fixing.*

*The ethics commission can set up a committee to follow up on your complaint. Please be aware that the ethics commission will not be able to change the results of the competition (see above) but only recommend to the JJIF board disciplinary measures against members.”*

17. On 31 October 2023, the Appellant requested the JJAU and the OCA to provide the official video playback recording for the 7 October 2023 match between the Appellant and Mr. Omar Tariq Nada (the “Video”).
18. On 4 November 2023, the Appellant sent a letter to the OCA stating that, during the 19<sup>th</sup> Asian Games, *“the JJAU failed to constitute the Jury of Appeal in accordance with the provisions outlined in Articles 9.1 and 9.2 of the Ju-Jitsu Technical Handbook issued for 19th Asian Games Hangzhou, as well as in Article 78 of the OCA Constitution”*. Further, the Appellant reiterated its request to be provided with the Video.
19. On 9 November 2023, the Appellant sent a letter to the JJIF in response to its letter dated 29 October 2023. The Appellant stated, *inter alia*, that he noted the JJIF’s position that the procedure for review and the system of appeal and challenge were correctly applied in this case. The Appellant also informed the JJIF that he had not received any response regarding the appeal procedure, apart from the letter of 29 October 2023. Furthermore, the Appellant insisted that, contrary to what is established under the Ju-Jitsu Technical Handbook for the 19<sup>th</sup> Asian Games and other applicable rules, the Jury of Appeal was not convened for the Ju-Jitsu event. Additionally, the Appellant reiterated his request to be provided with the Video of the match. Finally, the Appellant provided his position on the remaining statements made by the JJIF in its letter of 29 October 2023.

20. On 5 December 2023, the JJAU sent a communication to the Appellant, stating that, as per JJIF's letter of 29 October 2023, JJAU considered the matter to be "*resolved*".
21. On 7 December 2023, the Appellant sent a letter to the JJAU, opposing to the fact that the issue could be considered resolved and reiterating its request to be provided with the Video. In addition, the Appellant requested the JJAU to provide "*the details sought in relation to the Jury of Appeal constituted for the purposes of the ju-jitsu event in the 19<sup>th</sup> Asian Games*".
22. On 15 December 2023, the JJAU sent an email to the Appellant, enclosing a letter dated 11 December 2023, refusing to provide the Appellant with the Video (the "Appealed Decision") in the following terms:

*"We, in JJAU, without prejudice, have noted your request for the official copy of the video of the 85kg category match held on 7<sup>th</sup> October 2023 between the above referenced players. We are unable to provide the requested video. As indicated in our previous correspondence in this matter, it is our position that there is no merit nor justification to your claims."*

### **III. PROCEEDINGS BEFORE THE COURT OF ARBITRATION FOR SPORT**

23. On 3 January 2024, the Appellant filed his Statement of Appeal against the Respondents with respect to the Appealed Decision with the Court of Arbitration for Sport (the "CAS"), pursuant to Articles R47 and R48 of the CAS Code of Sports-related Arbitration (2023 edition) (the "Code"). In its Statement of Appeal, the Appellant requested to submit this matter to a sole arbitrator.
24. On 13 January 2024, the Appellant submitted its Appeal Brief in accordance with Article R51 of the Code, setting out the facts and legal arguments upon which he based his appeal, along with the evidence he deemed appropriate.
25. On 27 January 2024, the First and Second Respondent sent a letter to the CAS where the jurisdiction of CAS and the admissibility of the appeal were challenged. The First and Second Respondent also requested the bifurcation of the proceedings for a decision on the referred preliminary issues.
26. On 29 January 2024, the Third Respondent submitted a communication objecting to the jurisdiction of CAS and the admissibility of the appeal. The Third Respondent also stated that it lacked passive legitimation in this case and requested a bifurcation of the proceedings for a preliminary decision on these matters.

27. On 3 February 2024, the Appellant submitted his position with respect to the Respondents' objections, as well as his opposition to the bifurcation of the present proceedings.
28. On 16 April 2024, the CAS Court Office notified, on behalf of the Deputy President of the CAS Appeals Division and further to Article R54 of the Code, that the Arbitral Tribunal appointed to decide this case was constituted as follows:  
  
Sole Arbitrator: Mr. Víctor Bonnin Reynés, Attorney-at-Law in Madrid, Spain
29. On 19 April 2024, the CAS Court Office informed the Parties that the Sole Arbitrator had decided to invite the Respondents to inform that their submissions on jurisdictional issues were final or to complete them within seven days and that the same deadline would be granted to the Appellant upon receipt of the Respondents' submissions.
30. On 30 April 2024, the Third Respondent confirmed that its positions were the ones stated in its observations dated 29 January 2024.
31. On 6 May 2024, Respondent No. 1 and Respondent No. 2 filed additional submissions in relation to the jurisdictional and admissibility preliminary matters.
32. On 13 May 2024, the Appellant filed its response to the additional submissions on jurisdictional issues submitted by the Respondents.
33. On 5 June 2024, following consultation with the Parties, the CAS notified the Parties that a hearing on jurisdictional and admissibility matters would be held on 16 July 2024.
34. On 16 July 2024, a remote preliminary hearing on jurisdictional and admissibility matters was held. The aim of the hearing was to clarify the questions raised by the Sole Arbitrator in relation to the Parties' submissions on the preliminary matters.
35. During the hearing, the Sole Arbitrator asked a number of questions to the Parties to be clarified. The Parties had the opportunity to respond to the Sole Arbitrator's questions and to present their answers. No Party raised any objection to the conduct of the proceedings.

#### **IV. SUMMARY OF THE PARTIES' POSITIONS**

36. This section of the Award does not contain an exhaustive list of the Parties' contentions, its aim being to provide a summary of the Parties' main arguments related to the issues of jurisdiction and admissibility, as well as the issue of the alleged lack of passive legitimation of the Third Respondent.

##### **A. The Appellant**

37. The Appellant's main submissions and arguments in relation to the preliminary procedural objections may be briefly summarized as follows.

38. The Appellant considers that the CAS has jurisdiction to hear the appeal based on, *inter alia*, the following legal grounds:

- a) Section 4.2 of the Ju-Jitsu International Federation Statutes (the "JJIF Statutes"), Bylaw to Rule 10 of the JJIF Statutes, Article 34.8 of the Constitution of the OCA, and Article 11 of the Sport Technical Handbook for Ju-Jitsu at the 19<sup>th</sup> Asian Games (the "Asian Games Handbook") collectively establish the jurisdiction of CAS to decide this appeal.
- b) The Appellant argues that the absence of any viable opportunity to obtain a legally binding and challengeable clarification from the Respondents regarding the requests made by the Appellant constitutes a denial of justice. The Appellant contends that this lack of a proper response by the Respondents regarding the production of the Video is in itself subject to an appeal before the CAS.
- c) In his written submissions, the Appellant alleges that he is not seeking to reverse the result of the match held on 7 October 2023, but rather requests that the CAS order the Respondents to produce the Video.

39. Furthermore, the Appellant considers that his appeal is admissible on the following grounds:

- a) The Appellant submits that, according to the CAS jurisprudence, a decision is a communication of a federation, association or sports-related body that is not just of a mere informative nature but also contains, in substance, an actual ruling or resolution which affects in a binding manner the legal situation of the addressee. Therefore, the Appealed Decision would constitute a "decision" appealable under Article R47 of the CAS Code.

- b) In the written submission filed on 3 February 2024, the Appellant states that the appeal was not only made against the Appealed Decision, but also “*against the denial of justice to the Appellant when Respondent No. 1 issued the decision appealed against in violation of the Appellant’s right to be heard by merely relying on a separate letter earlier issued by Respondent No. 2 [...]*”. The Appellant is referring to the letter sent by the Second Respondent on 29 October 2023.
  - c) The Appellant argues that internal remedies were either unavailable or ineffective. In this respect, the Appellant considers that the failure to provide the Video and the failure to convene the Jury of Appeal left him with no viable internal remedies, thereby justifying his appeal to CAS.
  - d) The Appeal is not out of time, given that the Statement of Appeal was filed within the period 21 days since the decision was received by the Appellant on 15 December 2023.
40. Finally, the Appellant argues that the Third Respondent has passive legitimation in these proceedings due to its central role in overseeing the 19<sup>th</sup> Asian Games and ensuring the proper implementation of the competition rules.

**B. First and Second Respondent**

41. The main arguments raised by the First and Second Respondent can be summarized as follows:
42. The First and Second Respondent raise an objection to the jurisdiction of CAS to hear the appeal. The arguments put forward in this regard are, *inter alia*, the following:
- a) There is no written agreement between the Appellant and the Respondent for the dispute to be addressed at CAS. Therefore, the requirement established in Article R47 of the Code is not fulfilled and CAS has no jurisdiction to rule on this case.
  - b) In addition, Article 11 of the Asian Games Handbook allows for appeals before CAS only “*as long as the appeal is not related to reversing the decision of the referee or the result*”. Therefore, the First and Second Respondent allege that the Appellant’s appeal is actually aimed at changing the result of his 7 October 2023 match, which is expressly excluded from CAS jurisdiction.
43. Furthermore, the First and Second Respondent submit that the appeal is not admissible on the following grounds:



- a) The Appealed Decision does not constitute a “decision” appealable under Article R47 of the CAS Code since it is a reiteration of the 29 October 2023 communication.
- b) The First and Second Respondent assert that the Appellant failed to exhaust all available internal remedies, particularly the internal appeal processes and the mechanisms outlined in the JJIF Statutes and the Asian Games Handbook. They argue that this failure makes the appeal inadmissible under CAS rules.
- c) Finally, the Appeal is out of time since the Appellant filed its Statement of Appeal on 3 January 2024, while the decision that could be appealed was notified on 29 October 2023. Thus, the time limit of 21 days provided in the Code expired by mid-November 2023.

**C. Third Respondent**

- 44. The main arguments raised by Third Respondent can be summarized, without limitation, as follows:
- 45. The Third Respondent endorses the objections to the jurisdiction of CAS and the inadmissibility of the appeal raised by the First and Second Respondent. In particular, it affirms that:
  - a) Article 11 of the Asian Games Handbook excludes the CAS jurisdiction when the appeal is intended to reverse the outcome of a match.
  - b) The Appellant failed to exhaust the internal remedies available through the sports federations responsible for Ju-Jitsu. Hence, the appeal is not admissible.
  - c) Moreover, the Appellant filed the appeal out of time according to Article R49 of the Code, and it is therefore not admissible.
- 46. In addition to the objections to jurisdiction and admissibility, OCA asserts that it lacks passive legitimation in this case. OCA argues that it is not a proper party to be sued in this dispute, because the matters at issue relate to the technical administration of the sport, which is the responsibility of the relevant sports federations, not the OCA. OCA’s role is limited to organizing the Asian Games and ensuring that the event runs properly, but it does not have direct involvement in the specific decisions or disputes related to the conduct of individual matches or the interpretation of technical rules.

**V. PROCEDURAL ISSUE: BIFURCATION OF THE APPEAL**

47. Before the Sole Arbitrator addresses the issues raised by the Parties in this matter, he deems it necessary and appropriate to bifurcate and issue this Award without continuing the present procedure.
48. Indeed, the Respondents have requested the bifurcation of the present appeal based on their jurisdictional and admissibility objections.
49. In this respect, Article R55 of the Code provides the following:

*“When an objection to CAS jurisdiction is raised, the [...] Panel may rule on its jurisdiction either in a preliminary decision or in an award on the merits”.*

50. It is also relevant to refer to previous CAS awards. In particular, in CAS 2019/A/6275, the Panel established the following:

*“53. Furthermore, in the absence of any specific provisions in the Code, the Panel is entitled – according to Article 182 para 2 PILA – to apply the provisions and principles either directly or by reference to a law or rules of arbitration it deems fit. The Panel is inspired by Article 125 lit. a of the Swiss Code of Civil Procedure (“CCP”). According thereto a court may “in order to simplify the proceedings ... limit the proceedings to individual issues or prayers for relief”. This power of the court is directly connected to Article 237 CCP according to which a court “may issue an interim decision” (KuKo-ZPO/WEBER, 2nd ed. 2014, Art. 125 no. 3). When exercising its discretion according to Article 125 lit. a of the CCP, a court will take into account whether limiting the procedure to certain preliminary questions allows for a (substantial) saving of time or costs (CPC-HALDY, 2011, Art. 125 no. 5). The view held by this Panel that an arbitral tribunal is entitled to issue decisions on preliminary questions is also backed by the legal literature according to which, in the absence of an agreement by the parties, a panel is vested with the power to issue interim/partial or final awards. Such power is a particular aspect of the mandate of an arbitral tribunal to organise the arbitral proceedings (POUDRET/BESSON, Comparative Law of International Arbitration, 2nd ed. 2007, no. 725).*

*54. The Panel further notes that it has discretion whether to render a decision on preliminary issues or to rule upon them together with the merits in the final award [...]*

(Emphasis added)

51. The aforesaid criterion adopted in the CAS 2019/A/6275 was also followed in the CAS 2023/O/10000, para. 66.
52. Therefore, in accordance with Article R55 of the Code and CAS jurisprudence, the Sole Arbitrator has the discretion to bifurcate the proceedings and decide on the jurisdiction of the CAS in a preliminary award (see also CAS 2020/A/6918, where the CAS Panel also decided to bifurcate the proceedings).
53. On this basis, the Sole Arbitrator considers that, for the sake of good order and procedural efficiency, it is advisable to bifurcate the appeal and address the jurisdiction of the CAS as a preliminary matter, in order to avoid unnecessary costs and delays to the Parties, pursuant to Article R55 of the Code. Indeed, resolving the jurisdictional objection at this stage is particularly advisable, given that a determination on this issue could render further proceedings unnecessary, thereby avoiding substantial costs and delays for the Parties. Hence, addressing this threshold issue first ensures that the arbitral process is both efficient and aligned with the principles of fairness and economy.
54. Consequently, the Sole Arbitrator decides to bifurcate the present appeal and to decide the jurisdictional objection in a preliminary decision.

## **VI. CAS JURISDICTION**

55. In accordance with Article 186 of the Swiss Private International Law Act (“PILA”) and Article R55 of the Code, the CAS has the power to decide upon its own jurisdiction (“*Kompetenz-Kompetenz*”).
56. Article R47 of the Code states that “[a]n 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”.
57. The Sole Arbitrator recalls that the Respondents have rejected to the jurisdiction of CAS due to, *inter alia*, their submission that Article 11 of the Asian Games Handbook expressly excludes the jurisdiction of CAS when an appeal is intended to reverse the decision of the referee or the result.
58. The invoked exception to the CAS jurisdiction provided in Article 11 of the Asian Games Handbook establishes that:

*“Any athlete or NOC may appeal to the Court of Arbitration for Sport (CAS), in the event that the athlete or NOC believes there has been a violation of JJIF or JJAU technical rules or the OCA Constitution, as long as the appeal is not related to reversing the decision of the referee or the result”.*

59. As a preliminary matter, the Sole Arbitrator notes that it is undisputed among the Parties that the Asian Games Handbook and, in particular, its Article 11, is applicable in the case at stake to decide jurisdiction of CAS.
60. The Sole Arbitrator must therefore establish whether or not the present appeal falls within the scope of Article 11 of the Asian Games Handbook.
61. For this purpose, the Sole Arbitrator has to assess the aim of the appeal, its requests for relief, as well as determining the outcome pursued by the Appellant in this CAS arbitration, to the extent possible.
62. In this respect, during the preliminary hearing held on 16 July 2024, the Sole Arbitrator sought clarification from the Appellant regarding the relief sought in these appeal proceedings, specifically in relation to the Appellant’s request for a *de novo* decision as stated in the written submissions. In his response, the Appellant clarified that the request was for the Sole Arbitrator to render a *de novo* decision concerning the application of the technical rules, particularly with respect to the points awarded by the referee to the Appellant. The Appellant further clarified that this request was aimed at substituting the decision regarding the winner of the match, which was originally determined on 7 October 2023. Particularly, the answer of the Appellant during the hearing was the following:

*“Sole Arbitrator: [...] and also for the Appellant... in your brief you indicated that the sole arbitrator can make a de novo decision. What do you mean here? Do you want the sole arbitrator to take a decision on how the points were granted?”*

*Appellant: Yes*

*Sole Arbitrator: So, the [answer] is yes to the de novo decision?*

*Appellant: Sorry you had two both questions [...] by the novo..., by the request of the de novo hearing... what the Appellant is requesting is that if the arbitrator feels that there has been some [inaudible] injustice that has happened to the Appellant, that empower the Sole Arbitrator to undertake a de novo hearing which goes back to October.*

*Sole Arbitrator: Which goes back to October? So, so... you mean that goes back to a decision on the points of the match...?*

Appellant: *On whether or not the technical rules were correctly applied on the 7<sup>th</sup> October match.*”

63. Additionally, in the exhibits submitted by the Appellant in support of the appeal, it is expressly stated that the Appellant seeks to reverse the referee’s decision made during the match on 7 October 2023. The Appellant explicitly indicates an intention to be awarded the bronze medal for the 19<sup>th</sup> Asian Games.
64. Thus, the Appellant contradicted his allegations in his written submissions and he acknowledged during the hearing and in the evidence submitted in this arbitration that the aim of the appeal, as well as the request made to the Sole Arbitrator, is to reverse the decision of the referee issued on 7 October 2023.
65. It is true that the Appealed Decision refers simply to the delivery of the Video and not to the modification of the result of the match. In this regard, the exact wording of Article 11 of the Asian Games Handbook has to be noted: “*as long as the appeal is not related to reversing the decision of the referee or the result*” (emphasis added). The exception of Article 11 has a broad scope as it does not restrict its application, and therefore applies to appeals that are directly or indirectly related to the reversing of the decision of the referee or the result.
66. Indeed, the scope of the exclusion provided in Article 11 extends to appeals “*related to*” reversing the decision of a match. This phrasing indicates that the drafters of the Asian Games Handbook deliberately chose a broad language to encompass not only direct appeals against the outcome of a match but also any appeal that are linked to or aimed at altering the result. Thus, the drafters expressly opted for this wording, rather than adopting a more restrictive approach to such exclusions.
67. As mentioned before, the Appellant expressed his will during the proceedings before CAS that the Sole Arbitrator issues a *de novo* decision that reverses the result of the match. But even if such statement was disregarded and more importance was given to the Appellants statement that the Appeal is only aimed to be provided with the Video, the fact is that even this request is *related to* the Appellant’s intention to challenge the outcome of the match and reverse the result. Indeed, the Appealed Decision derives from the Appellant’s intention to challenge the result of the match. In effect, the Appellant’s letters to the Respondents after the match sought to obtain such a modification of the result and it is within this process and intention, that the Appellant sought to obtain the Video.

68. Indeed, in his letter dated 27 October 2023, the Appellant informed the Second Respondent that “[i]t is reasonably probable that any impartial and qualified referee, devoid of external influence or bias, will corroborate our assertion regarding the outcome of the impugned match, thereby substantiating that the winner of the bout was ‘Murtazaliev Abdurahmanhaji’ who is the rightful recipient of the fourth position in the “-85 kg” Category”. In consideration of the foregoing circumstances, we hereby reiterate our request to the JJAU, JJIF and the OCA to address this issue as an utmost priority and rectify the injustice promptly [...]” (emphasis added).
69. In his letter of 4 November 2023 to the Third Respondent, the Appellant stated: “we respectfully request you to officially direct the JJAU and the Organizing Committee of 19th Asian Games, Hangzhou to provide an authentic copy of the video recording (DVR/IVR) pertaining to the -85KG fight between Umar Tariq Nada representing Saudi Arabia and Murtazaliev Abdurahmanhaji representing the Kyrgyz Republic [...] It is of utmost importance to underscore the gravity of this matter, as it constitutes a fundamental breach. The outcome of this adjudication has the potential to impact our nation’s medal tally positively by adding an additional medal” (emphasis added).
70. Moreover, in his letter of 24 November 2023 – addressed to the President National Jiu-Jitsu Federation of the Kyrgyz Republic – the Appellant also stated that “As you may already be aware, that our Federation has filed a written appeal/challenge against the outcome of the impugned match held on 7th October 2023 during the 19th Asian Games [...]. You are once again requested to provide this recording within 07 days of the receipt of this letter so that a panel of independent referees can be asked to evaluate the claim of our federation. Failure in providing the required data will be considered as an attempt to hide the evidence on the part of JJAU and shall automatically endorse our claim and the announced result will be considered/treated as reversed” (emphasis added).
71. Therefore, the Video is evidently instrumental to the purpose evidenced in those letters, i.e., to modify the result of the match to obtain a bronze medal. Consequently, instrumental as it is, the Video and the Appealed Decision related to it, is related to the modification of the decision of the referee or the result of the match.
72. On this basis, the Sole Arbitrator concludes that the subject-matter of this arbitration and the relief sought by the Appellant falls within the exclusion for the jurisdiction of the CAS established in the final sentence of Article 11 of the Asian Games Handbook.

73. The Asian Games Handbook, the application of which in this arbitration is not disputed, constitutes the rules specifically intended to govern the 19<sup>th</sup> Asian Games. Accordingly, these rules shall be considered as the *lex specialis* when reviewing the other applicable rules, namely Section 4.2 of the JJIF Statutes, Bylaw to Rule 10 of the JJIF Statutes, Article 34.8 of the Constitution of the Olympic Council and the OCA Constitution. Furthermore, in addition to the primacy of the Asian Games Handbook over other rules to govern the 19<sup>th</sup> Asian Games, it is also important to note that the various rules issued by the governing bodies of Ju-Jitsu shall be interpreted consistently with one another.
74. In any event, no conflict between the Asian Games Handbook and the other rules invoked by the Parties has been alleged by the Appellant. Thus, no issue in this respect needs to be analyzed by the Sole Arbitrator.
75. Accordingly, Article 11 of the Asian Games Handbook’s express exclusion of CAS jurisdiction to decide on appeals that seek to reverse the outcome of a match held during the 19<sup>th</sup> Asian Games, the JJIF Statutes and the OCA Constitution cannot alter this conclusion.
76. Finally, the Sole Arbitrator must determine whether the exclusion provided in Article 11 of the Asian Games Handbook —“[...] *as long as the appeal is not related to reversing the decision of the referee or the result*”—extends to all the requests for relief presented in the Appeal Brief.
77. As it has been indicated in para. 61 and 62, it must be concluded that the exclusion of CAS jurisdiction set forth in Article 11 of the Asian Games Handbook has been established with an expansive approach, excluding not only appeals directly intended to reverse the result of a match, but also those appeals that are *related to* that outcome.
78. After clarifying this, the Sole Arbitrator must review whether all requests for relief sought by the Appellant are *related to* reversing the decision of the match where the Appellant fought for the bronze medal. In this respect, the Requests for Relief included in the Appeal Brief are the following:

*“The Appellant respectfully seeks an award from the Arbitral Tribunal in the following terms:*

*i) that the CAS Arbitral Tribunal may kindly entertain the instant Appeal, along with the supporting evidence, in the interests of justice, equity and fair play as the Appellant is restricted from resorting to any other means of achieving legal redress;*

- ii) that Respondent No.1 be directed to produce the official video evidence of the Impugned Match under its control and custody for an impartial investigation into the decisions made regarding the Impugned Match in accordance with Article R 44.3 of the Code;*
- iii) that the Respondents No. 2 and 3 each be directed to conduct an inquiry into the procedural irregularities which have taken place with respect to the Impugned Match as well as management of the grievances raised by the Appellant;*
- iv) that the Respondents be required to compensate the Appellant for the consequential economic loss / loss of earnings amounting to approx. USD 300,000 suffered by him as a result of their unlawful acts and omissions;*
- v) that Respondent No. 1 be directed to reimburse the medical expenses incurred by the Appellant for the damages suffered by him due to the lack of a timely action being taken by Respondent No.1;*
- vi) that the Respondents be directed to reimburse the legal expenses and other expenses incurred by the Appellant in seeking legal advice, approaching this forum and claiming his right to a fair trial as a result of their violations;*
- vii) that the entire costs of these proceedings be borne by the Respondents since they failed to have this matter resolved within their respective jurisdictions or alternatively, the Respondents be directed to pay a substantial contribution towards the Appellant's arbitration-related costs;*
- viii) that Respondents No. 1 and 2 be estopped from taking any adverse action against the Appellant or the National Jiu Jitsu Federation of the Kyrgyz Republic as a result of his appeal; and*
- ix) that the Arbitrator may make any other relief or orders in the Award as may be deemed appropriate under the facts and circumstances of the case.”*

79. Indeed, the Sole Arbitrator finds that all the substantive reliefs sought by the Appellant concerning the merits of the case are *related to* his main submission to reverse the decision of the match:
- a) The request to order to produce the Video derives directly out of the Appealed Decision and it has already been stated that the Sole Arbitrator has no jurisdiction in this regard. Therefore, if the Sole Arbitrator has no jurisdiction to review the Appealed Decision that refers to the production of the Video, it has, obviously, no jurisdiction to order its production.
  - b) The order to conduct an inquiry into the procedural irregularities with regards to the impugned match is not only related to the match and the Appellant's intention to reverse the result as indicated above, but it also necessitates a



prior determination of whether the result of the match was correct. Therefore, the CAS has no jurisdiction to rule on this request.

- c) With regards to the Appellant's request to be compensated for damages or medical expenses, the Sole Arbitrator has no jurisdiction either, as the Sole Arbitrator should decide on these requests only if he found that the result of the match had to be reversed, which falls out of his jurisdiction as already stated. Indeed, the condition necessary to consider these claims is that there should be a decision considering that the result of the match was wrongly decided and should be reversed. Therefore, if the Sole Arbitrator has no jurisdiction to decide on the result of the match, it has no jurisdiction to decide on the claims that derive out of it.
- d) With regards to the claim for the First and Second Respondent be estopped from taking any adverse action against the Appellant or the National Jiu jitsu Federation of the Kyrgyz Republic, it is clear the accessory nature of this claim as the alleged potential adverse action would be related to the fact that with this appeal the Appellant tried to reverse the result of the match. Therefore, such claim is also excluded from the Sole Arbitrator's jurisdiction.

- 80. Accordingly, the Sole Arbitrator conclude that the CAS has no jurisdiction to decide on this appeal.
- 81. The Appellant requests that if the "*CAS decides not to enforce its jurisdiction over the matter, the Appellant respectfully requests the Arbitral Tribunal to refer the case back to the previous instance for a formal written reasoned decision on the subject matter in a timely manner after a fair and transparent proceeding by providing the Appellant an opportunity for a fair hearing and for such decision to be subject to an appeal before CAS.*" If the Sole Arbitrator has determined that he has no jurisdiction over the dispute, the Sole Arbitrator has also no power to refer the case back to an instance and it is the Appellant the one who has to use the appropriate legal paths.
- 82. As the Sole Arbitrator has determined that he has no jurisdiction with regards to the appeal, there is no need to examine the admissibility of the appeal or the passive legitimation of the Third Respondent.

## VII. COSTS

(...)

## **ON THESE GROUNDS**

**The Court of Arbitration for Sport rules that:**

1. The Court of Arbitration for Sport has no jurisdiction to entertain the appeal filed on 3 January 2024 by Abdurahmanhaji Murtazaliev against the decision rendered on 15 December 2023 by the Ju-Jitsu Asian Union.
2. (...).
3. (...).
4. All other and further motions or prayers for relief are dismissed.

Lausanne, 7 May 2025

## **COURT OF ARBITRATION FOR SPORT**

Víctor Bonnin Reynés  
Sole Arbitrator