



TAS / CAS

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

CAS 2024/A/10701 Bassam Adeel Jaleel v. FIFA

ARBITRAL AWARD

delivered by the

COURT OF ARBITRATION FOR SPORT

sitting in the following composition

President: Mr Manfred Nan, Attorney-at-Law, Amsterdam, the Netherlands

Arbitrators: Prof. Dr Martin Schimke, Attorney-at-Law, Dusseldorf, Germany

Mr Kepa Larumbe, Attorney-at-Law, Madrid, Spain

in the arbitration between

Bassam Adeel Jaleel, Maldives

Represented by Mr Juan de Dios Crespo Pérez and Mr Gytis Račkauskas, Attorneys-at-Law, Ruiz-Huerta & Crespo Sports Lawyers, Valencia, Spain

- Appellant -

and

Fédération Internationale de Football Association (FIFA), Zurich, Switzerland

Represented by Mr Miguel Liétard Fernández-Palacios, Director of Litigation, and Mr Rodrigo Morais, Senior Legal Counsel, FIFA, Coral Gables, United States of America

- Respondent -

* * * * *

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

TABLE OF CONTENTS

I.	PARTIES	3
II.	INTRODUCTION	3
III.	FACTUAL BACKGROUND	3
	A. Background Facts	3
	B. The Proceedings before the FIFA Ethics Committee	7
IV.	PROCEEDINGS BEFORE THE COURT OF ARBITRATION FOR SPORT	13
V.	SUBMISSIONS OF THE PARTIES AND REQUESTS FOR RELIEF	16
	A. The Appellant	16
	B. The Respondent	20
VI.	JURISDICTION	23
VII.	ADMISSIBILITY	24
VIII.	APPLICABLE LAW	24
IX.	MERITS	25
	A. The Main Issues	25
	i. <i>Was the AC Chairperson competent to issue the Appealed Decision?</i>	26
	ii. <i>Was the Appellant’s right to a fair trial and/or his right to be heard violated?</i>	26
	a. The AC Chairperson’s refusal to grant the Appellant’s request for an extension of the 5-day deadline to submit his position with respect to the Request for Provisional Sanctions	26
	b. The failure to provide the Appellant with the full case file	28
	c. The Chief of Investigation’s failure to specify the type of provisional sanction sought to be imposed	29
	d. Conclusion	30
	iii. <i>Are the conditions for imposing a provisional sanction satisfied?</i>	30
	a. Interference with the investigation proceedings	31
	b. <i>Prima facie</i> breach when a decision on the merits cannot be taken early enough	33
	1. <i>Standard of proof</i>	34
	2. <i>The alleged breaches of the FCE</i>	34
	a. The alleged transfer of USD 10,000 from the FIFA Forward bank account to the Appellant’s personal bank account	34
	b. The alleged use of USD 1 million issued from the FIFA Covid Relief Funds to settle personal debts of the Appellant	35
	c. The alleged use of USD 1,036,000 – provided to fund the construction of the Project – for unauthorised purposes by the Appellant	36
	d. The alleged unilateral modification of the Project by the Appellant without authorisation from FIFA	37
	e. Conclusion	38
	3. <i>Whether a decision on the merits could not be taken early enough</i>	38
	c. Conclusion	39
	iv. <i>What is the appropriate length of the provisional sanction to be imposed?</i>	39
	B. Conclusion	43
X.	COSTS	43
	OPERATIVE PART	45

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

I. PARTIES

1. Mr Bassam Adeel Jaleel (the “Appellant” or “Mr Jaleel”) is a Maldivian citizen and former President of the Football Association of the Maldives (“FAM”), which in turn is affiliated to the *Fédération Internationale de Football Association*.
2. The *Fédération Internationale de Football Association* (the “Respondent” or “FIFA”) is an association under Swiss Law, with its registered headquarters in Zurich, Switzerland. FIFA is the governing body of football worldwide.
3. The Appellant and FIFA are hereinafter jointly referred to as the “Parties”.

II. INTRODUCTION

4. This matter concerns an appeal filed by the Appellant against the decision rendered by the Chairperson (the “AC Chairperson”) of the Adjudicatory Chamber (the “AC”) of the FIFA Ethics Committee on 20 June 2024 (the “Appealed Decision”) to provisionally suspend the Appellant from taking part in any football-related activities for a duration of 9 months, following a request of the deputy Chairperson of the Investigatory Chamber (the “IC”) of the FIFA Ethics Committee and Chief of Investigation (the “Chief of Investigation”) pursuant to Article 86(1) FIFA Code of Ethics (“FCE”).
5. The Appellant is challenging the Appealed Decision before the Court of Arbitration for Sport (“CAS”), *inter alia*, denying any wrongdoing, whereas FIFA seeks a confirmation of the Appealed Decision.

III. FACTUAL BACKGROUND

6. Below is a summary of the main relevant facts and allegations based on the Parties’ written and oral submissions. Additional facts and allegations may be set out, where relevant, in connection with the legal discussion that follows. Although the Panel has considered all the facts, allegations, legal arguments and evidence submitted by the Parties in the present proceedings, it refers in this arbitral award only to the submissions and evidence it considers necessary to explain its reasoning.

A. Background Facts

7. On 20 March 2018, FIFA and the FAM signed the “*Statement of Approval and Declaration of Undertakings no. 1/4556*”, through which FIFA agreed to grant the FAM the amount of USD 1,480,000 for the construction of a sports arena and office space at Maafannu, Male (the “Project”), in five instalments.
8. On 28 August 2019, the construction company Tibaro Construction Pvt Ltd (“Tibaro”) submitted a bid to the FAM for the construction of the Project against the payment of USD 1,555,038.

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

9. On 16 September 2019, the FAM informed Tibaro that its bid for the Project had been accepted.
10. On 2 October 2019, the FAM informed the FIFA Development Office that the difference between the costs of the Project and the funds granted by FIFA would be financed by the FAM itself.
11. On 31 March 2020, Tibaro subcontracted the construction of the Project to Apollo Holdings Pvt Ltd (“Apollo”). According to Clause 3(a) of the “*Sub-Contractor Agreement for the Construction of the Sports Arena at Maafanu Stadium*” (the “Subcontractor Agreement”), Apollo was “*responsible to complete the Construction Works within the Completion Period and in accordance with the terms of this Agreement*” and, according to Clause 7(a), Apollo would be paid directly by the FAM.
12. On 28 January 2021, the FAM transferred USD 444,000 to Tibaro. No payments from the FAM directly to Apollo were located in the FAM’s bank statements.
13. On 23 December 2021, the FAM concluded a settlement agreement with Apollo, pursuant to which Apollo was granted a lease of land “*in exchange of and as consideration to set off the payment sin the amount of MVR 13 million [approximately USD 845,000 according to FIFA]*”, which was further amended on 6 December 2023.
14. On 20 May 2023, the FAM informed the FIFA Development Office that the Project had been completed and requested it to transfer the fifth and final instalment of USD 148,000, which FIFA complied with.
15. Between 24 and 26 September 2023, the FIFA Development Office performed a site visit to the Project. In the report that was issued following the site visit (the “Mission Report”), the FIFA team, *inter alia*, identified that the exterior building was completed, but that the interior was “*incomplete*”, that “[t]he whole building has shutters on the ground floor (this is not in the construction plan) and it has been converted into a Warehouse” (with pictures attached to the report) and that “*the entire building has been commercialized*”. The FIFA team further reported that “[s]ome sources (football contacts) on condition of anonymity have mentioned that the Maafannu warehouse agreements are for 25 years”, that “[f]inancial conditions are such that the MA may be on the brink of bankruptcy” and that “*sources also mention that the Government machinery is planning to investigate against [the Appellant] on certain financial irregularities*”.
16. On 22 October 2023, a local Maldivian news outlet reported that, at the direction of the Prosecutor General’s Office, the Maldives Police Services had raided the FAM House, the headquarters of the FAM, to gather evidence relating to an investigation into FAM officials for potential money laundering, embezzlement, corruption, and any other criminal offences involving the use of funds received from international organizations.
17. On 25 October 2023, a meeting between the FIFA Member Associations sub-division and the Appellant and the FAM Secretary General took place in Paris, France, where the concerns identified in the Mission Report were discussed. In FIFA’s minutes of the meeting, *inter alia*, the following elements are identified:

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

- The Appellant explained how the FAM had plunged into a financial crisis since organising the SAFF Championship in 2021.
 - The Appellant mentioned that “*the recent intrusion of law enforcement authorities on 22 October who had taken away hard drives, files and documents from the FAM office was clearly politically motivated*” and that “*it was recommended that an audit of the entire FIFA Forward funds would be immensely helpful in quashing any false allegations of corruption and money laundering being brought against the present FA leadership*”.
 - The Appellant mentioned that “*indeed the ground floor [of the Project] was converted into warehouse [sic] with the objective of generating income for the MA to overcome the present financial crisis*”
 - The Appellant was reminded that the FAM is under restricted funding since September 2022, “*due to high amount of insufficient supporting documentation and using of special project funds of Phase II of the [Project] amounting to USD 575,000 for other purposes*”.
18. On 10 December 2023, a local Maldivian news outlet reported, *inter alia*, that the Appellant “*owns two penthouses and one three-bedroom apartment on Amin Avenue, in Hulhumalé*” and that he was behind in settling maintenance fees. Furthermore, it was reported that the “*Maldives Immigration announced a travel ban on [the Appellant] upon the request of the Maldives Police Service over its ongoing investigations into possible mismanagement and misappropriation of funds received to the association from international sports federations, including FIFA*” and that “[s]peaking on the case to the media for the first time on November 30, PG Shameem said that the prime suspect of the allegations levied against FAM is [the Appellant]. Shameem also revealed the state’s decision to press charges against the [Appellant]”.
 19. Between 2 and 12 January 2024, the company Ankura Consulting (Europe) Limited (“Ankura”) was onsite, under the instructions of the FIFA Finance Governance department, to conduct an initial review of the financial transactions performed by the FAM involving FIFA funds.
 20. On 18 January 2024, the Chairperson of the IC initiated a preliminary investigation into the allegations concerning FAM officials, including the Appellant, such as the misuse and misappropriation of FIFA funds.
 21. On 1 February 2024, a local Maldivian news outlet, *inter alia*, reported that the Appellant “*faces charges of money laundering and fraud surrounding the misappropriation of USD 10,000 from the funds granted to the association by FIFA and AFC*” because, according to the Prosecutor General’s Office, the Appellant had transferred the amount of USD 10,000 from the FAM dedicated FIFA Forward bank account at the Bank of Ceylon to his personal bank account at the Bank of Maldives and that the Appellant then spent it on various expenses unrelated to the FAM. It was further reported that “*Chief Inspector Looth further revealed that multiple investigations are currently ongoing into several cases of corruption surrounding FAM*” and that “[i]nvestigations are also ongoing into the case of USD 1.9 million that was deposited into FAM accounts in relation to the Covid 19 pandemic”.

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

22. On 9 April 2024, Ankura issued its “*Investigation Report 2023/24*” (the “Ankura Report”).
23. On 17 May 2024, the Chairperson of the IC informed the FAM that he had been informed that local authorities had opened an investigation against senior officials of the FAM for the “*alleged misuse of funds received from international organizations, including FIFA funds*” and requested certain specific information and documentation to be provided.
24. On 21 May 2024, a local Maldivian news outlet reported that the trial of the Appellant relating to the USD 10,000 transaction had begun and that a hearing had taken place. It was also reported that the Criminal Court of Maldives maintained the Appellant’s exit restrictions from the country until the end of the trial, while also ordering “*the public to not express sentiments likening [the Appellant], who is currently facing charges of fraud and mishandling of FAM funds, to a criminal before being officially convicted of the allegations*”.
25. On 22 May 2024, Mr Mohamed Jaushan Shareef, FAM Acting General Secretary, responded to the Chairperson of the IC’s request for information and documentation, *inter alia*, indicating that “[Apollo] filed a law-suit at the civil court claiming for the monies owed to the work that has already been done, the FAM entered in to settlement agreement with [Apollo], where a plot of land worth MVR 13,000,000 was assigned to [Apollo] from the land designated to FAM at the Hulhumale’ Football School premises, offsetting the monies owed to [Apollo]”.
26. On 23 May 2024, Mr Ali Umar, FAM Vice President, responded to the Chairperson of the IC’s request for information and documentation, *inter alia*, indicating that “[a]s far as I am aware, the decision to convert the Maafannu building into warehouses was a decision taken by the [Appellant] and the former General Secretary. Neither in my capacity as the 1st VP nor as a member of the Executive Committee of FAM, I was consulted regarding any decisions that has been taken related to the forward project of FAM Maafannu building, and I can vouch for the fact that none of these decisions nor its details were ever presented to the Executive Committee nor was it ever discussed on the floor any executive committee meeting”.
27. On 26 May 2024, a local Maldivian news outlet reported that the Maldives Police Services had raided the FAM office again that same day “*as part of the ongoing investigations into corruption and money laundering allegations against the association*”.
28. On 28 May 2024, the FAM sent the Chairperson of the IC a copy of the cheque of USD 1 million, received from the Bank of Ceylon on 27 May 2024, together with the cheque deposit slip. The beneficiary of the cheque was Amin Construction Pvt Ltd (“Amin Construction”), the developer of the residential building where the Appellant allegedly owns two penthouses and a three-bedroom apartment, according to local Maldivian media.

B. The Proceedings before the FIFA Ethics Committee

29. On 6 June 2024, the IC notified the Appellant of the opening of investigation proceedings against him. The Appellant was, *inter alia*, informed that the investigation proceedings “*at this stage, relate to possible violations of articles 20 (conflict of interest), 21 (offering and accepting gifts or other benefits), 26 (abuse of position) and 29 (misappropriation and misuse of funds) of the FCE*”, while being informed that “[t]he list of possible violations may be modified as additional information becomes available”.

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

30. On 7 June 2024, the Chief of Investigation requested the AC Chairperson to impose provisional sanctions on the Appellant (the “Request for Provisional Sanctions”), in accordance with Article 86 FCE, regarding the following accusations:

- a. [The Appellant], *the alleged owner of two penthouses and a three-bedroom apartment in a residential complex located in Male and developed by the company Amin Construction, authorized the issuance of a cheque from the FIFA Forward bank account for USD 1 million to this company. These funds may have been used to settle the [Appellant’s] personal debt, in whole or in part, with said construction company;*
- b. [The Appellant], *in his capacity as legal representative of FAM, entered into a settlement agreement with the company Apollo, for failing to honour the amounts due to Apollo for the works it performed in connection with the Project. The settlement agreement did not involve a payment of money. From the total amount funded by FIFA, USD 1,036,000 was likely used for different purposes and remains unaccounted for.*
- c. [The Appellant], *appears to have unilaterally decided to modify the FIFA funded Project without FIFA’s approval. To disguise it, [the Appellant] requested that the former General Secretary falsify certain documents that had been requested by FIFA which would have uncovered the unauthorized changes made to the project; and*
- d. [The Appellant] *allegedly misused USD 10,000 which were transferred by FIFA to the FAM. He has been charged by local authorities for money laundering and fraud in connection to this transaction. This case is currently in trial”.*

31. The Chief of Investigation considered and requested the following:

“The [IC] takes into account that the potential infringements deriving from the ongoing investigations refer, amongst others, to violations of Articles 14, 20, 21, 26 and 29 [FCE]. In particular, the ongoing investigations being carried out by the local authorities in Maldives, including the alleged serious charges submitted to court for misuse of FIFA funds, are to be considered special serious breaches that reflect negatively on the integrity and the reputation of football. These breaches include, but are not limited to, an abuse of position as well as illegal, immoral and unethical behaviours which contravene several provisions of the [FCE].

In light of the above and considering the existing access of [the Appellant] as signatory to the dedicated FIFA Forward bank account, I consider that a provisional sanction, of a minimum of twelve months, is appropriate and prudent in this case to ensure the normal development of the investigation proceedings and safeguarding of funds. While the duration of the sanction may appear long, this chamber wishes to emphasize that documentation and electronic data of the FAM, required for this investigation, have been seized by the police and have not yet been returned. It is not known at this time when these documents will be returned and, depending upon the length of the delay, this may have a significant impact on the progress of the present investigation”.

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

32. On the same day, 7 June 2024, the AC forwarded the Request for Provisional Sanctions to the FAM, with the request to forward it to the Appellant. The Appellant was invited to provide his position to the Request for Provisional Sanctions within 5 days, including any preference with respect to a hearing.
33. On 11 June 2024, following a request filed by the Appellant on 10 June 2024 for a 15-day deadline to respond, the AC Chairperson decided that in light of Article 86(2) FCE “*your request cannot be granted, and the deadline set in our letter of 7 June 2024 is hereby confirmed*”.
34. On 12 June 2024, the Appellant filed his position to the Request for Provisional Sanctions, *inter alia*, arguing that his due process rights were violated by the refusal to grant the requested extension, because the Chief of Investigation did not specify the type of provisional sanctions requested, that the AC was not competent, and that the duration of the provisional sanction sought was excessive. The Appellant submitted the following prayers for relief:
- “1. *to hold the hearing online in line with article 86(3) [FCE]; and*
- Primary:**
2. *to refrain from imposing any provisional sanction in line with article 86 par. 1 [FCE];*
- Alternatively:**
3. *to ensure that the duration of any provisional sanction imposed would not exceed the term of 90 days” (emphasis in original).*
35. On 18 June 2024, a hearing was held via videoconference.
36. On 20 June 2024, the AC Chairperson issued the Appealed Decision, including the grounds. The operative part provides as follows:
- “1. *The request for provisional sanctions submitted by the chief of the investigation in [sic] is granted.*
2. *[The Appellant] is provisionally suspended from taking part in any football-related activities for a duration of 9 months as of the notification of this decision, unless lifted earlier in application of arts. 67 or 86 FCE”.*
37. The grounds of the Appealed Decision provide as follows:
- *As to the Appellant’s objection to the competence of the AC, “the [AC Chairperson] considered this not to be a challenge to his competence to hear and adjudicate the request. As a matter of fact, the [Appellant] does not petition for a dismissal of the case on the ground of lack of competence to hear and adjudicate the request; nor did he request that during the hearing. On the contrary, the [Appellant] petitions for a dismissal of the case on the merits. Moreover, the [Appellant] has confirmed the competence of the [AC Chairperson] by explicitly requesting that (i) a hearing be held*

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

in the matter and that (ii) the [Appellant] be given additional time to prepare his defence on the merits”.

- *As to the Appellant’s objections to his right to be heard and equal treatment, “the [AC Chairperson] found that the [Appellant] had the opportunity to exercise his right to be heard by (i) submitting a written submission, (ii) requesting a hearing pursuant to art. 86 (3) FCE, (iii) orally pleading his case before the [AC Chairperson] in the hearing of 18 June 2024, and (iv) having the opportunity to present witnesses at the hearing.*
- *The [AC Chairperson] further found that the [Appellant] had sufficient time to state his case against the request for provisional sanctions. Indeed, the [Appellant] had five days to prepare his written submission and an additional six days to prepare his oral arguments for the hearing.*
- *The [AC Chairperson] next rejected the [Appellant’s] argument that his right to be heard was violated because the Chief of Investigation did not explicitly specify the sanction sought. The [AC Chairperson] found in this regard that, first, art. 86 FCE does not require the Chief of Investigation to specify the provisional sanction sought. Second, it is self-evident that the provisional sanction sought was a ban on taking part in any football-related activity since all the provisions the [Appellant] is accused of breaching requires the imposition of said sanction. By way of example, the [AC Chairperson] observed that art. 29 FCE stipulates that a violation thereof ‘shall be sanctioned with an appropriate fine of at least CHF 100,000 as well as a ban on taking part in any football-related activity for a minimum of five years’ (emphasis added). Third, the [Appellant] was fully aware of the alleged facts behind the suspected infringements and could have addressed them even without the Chief of Investigation having explicitly mentioned which provisional sanction was requested. Fourth, the Chief of the Investigation clarified at the hearing that the sanction sought was a ban on taking part in any football-related activity.*
- *The [AC Chairperson] then rejected the [Appellant’s] argument that he could not properly defend himself because he was not provided with the Ankura Report. The transaction mentioned in the Ankura Report for which the [Appellant] is accused of breaching the FCE is the check payment of USD 1 million from the FAM’s designated FIFA bank account to Amin Construction. The Chief of Investigation has submitted this check to the record. Therefore, the [Appellant] did have the evidence necessary to prepare his defence; yet he chose not to provide any explanation for this payment or make any comments thereon.*
- *Finally, the [AC Chairperson] rejected the [Appellant’s] argument that the principle of equal treatment has been breached. The [Appellant] claimed that he was not afforded the same amount of time that the Chief of the Investigation had to present his position. The [AC Chairperson] found that the very nature of the proceedings at hand requires, by force of art. 86 FCE, an expedited decision without losing sight of the [Appellant’s] ability to present their position, which he comprehensively did: the [AC Chairperson] underlined again that [the Appellant] was awarded the chance to engage legal counsel, submit a written submission, request a hearing, orally plead his case before the [AC Chairperson] in the hearing, and present witnesses at the hearing. The*

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

[AC Chairperson] highlighted that no parallel can be drawn between the time available for the Chief of Investigation to conduct proceedings before the [IC], in that this requires him to obtain documentation not in his possession but on the FAM's and Maldivian authorities', and the time necessary for [the Appellant] to analyse (and rebut) the facts, evidence, and submissions provided by the Chief of Investigation in support of his plea before the [AC].

- In fact, the [AC Chairperson] highlighted that the key element to be protected is the [Appellant's] right to be heard, which has been fully respected and exercised by [the Appellant] as outlined before. What is more, the [AC Chairperson] underlined that under art. 86 (4) FCE he may proceed without delay to decide on the basis of the file. Yet, he chose to award [the Appellant] the chance to present his pleading in the mentioned hearing, which further confirms that no breach of equal treatment has taken place.
- Lastly, the [AC Chairperson] recalled once again the particular nature of these provisional measures request under art. 86 FCE and noted that [the Appellant] will still be able to produce evidence, file submission or otherwise fully participate in the proceedings currently pending before the [IC] under reference FED-578, to which he has been already summoned" (emphasis in original).
- As to the substance of the request for a provisional sanction, the AC Chairperson "turned to the case at hand and observed that the investigations currently conducted by the Chief of the Investigation are related to a potential breach of arts. 14, 20, 21, 26 and 29 FCE by the [Appellant]. In particular, the [AC Chairperson] noted from the case file at his disposal that the [Appellant] had been accused of serious infringements, including potentially having:
 - (i) used USD 1 million issued from FIFA Covid Relief Funds to settle his personal debts;
 - (ii) used USD 1,036,000 – provided by FIFA to FAM to fund the construction of a sports arena and office space – for unauthorized purposes;
 - (iii) unilaterally decided to modify said FIFA funded project without FIFA's approval and falsifying certain documents requested by FIFA which would have uncovered the unauthorizes [sic] changes; and
 - (iv) misappropriated USD 10,000 transferred by FIFA to FAM.
- The [AC Chairperson] further observed that the [Appellant] has been charged by the Maldives authorities for money laundering and fraud in connection with the USD 10,000 transfer from the FAM to his personal bank account and that he is currently on trial for this serious accusation.
- The [AC Chairperson] also noted that the Maldives authorities have seized documents and electronic data necessary for the [IC] to conduct and complete its investigation on the [Appellant] and that it remains unclear when said documents and data will be made available to the [IC]. The [AC Chairperson] considers the seized documents

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

likely relevant to the investigation because they were obtained during a search of the FAM headquarters to gather evidence relating to an investigation into FAM official, including the [Appellant], for allegations of money laundering, embezzlement, corruption and other criminal offenses involving the use of funds received from international organizations including FIFA.

- *In view of these elements, the [AC Chairperson] considered that a provisional sanction is justified to ensure that the current investigation proceedings can be conducted without any interference. The [Appellant] as the President of the FAM is a signatory of the federation and a person in a position of power. As such, he is in control of FAM accounts and can potentially influence other members of the FAM to obstruct the investigation.*
- *Additionally, the [AC Chairperson] considered that a provisional sanction is justified because:*
 - (i) *there is a prima facie case that the [Appellant] committed a violation of the FCE. Indeed, the [AC Chairperson] found that it does appear, based on the evidence before it (for instance, the check of USD 1 million from FAM’s designated FIFA bank to Amin Construction), that the [Appellant] has breached the FCE; and*
 - (ii) *a decision on the merits of the case ‘may not be taken early enough’ because certain documents and electronic data necessary for the [IC] to conduct and complete the investigation against the [Appellant] are currently seized by the Maldives authorities without a timeline for their release. Additionally, a decision on the merits may not be taken early enough because the complexity, sensitivity and seriousness of the allegations levelled against the [Appellant] in this case would require, as calculated by the Chief of Investigation at the hearing, approximately three to four months from the moment all relevant documents and data are obtained (depending on the extent of the information obtained from the Maldives authorities).*
- *Having decided that a provisional sanction is justified, the [AC Chairperson] turned the duration [sic] of said sanction and found that a 9-month long ban is appropriate.*
- *The [AC Chairperson] first observed that in the previous edition of the FCE (2020), the [AC Chairperson] only had the authority to impose a provisional sanction of six months total (i.e. two separate terms of three months): ‘Provisional sanctions may be valid for a maximum of 90 days. In exceptional circumstances, the provisional sanctions may be extended by the [AC Chairperson] upon the request of the [Chief of Investigation] for an additional period not exceeding 90 days’.*
- *However, with the 2023 edition of the FCE, this rule was expanded to cure the limitations of the previous edition and allow the [AC Chairperson] to impose a provisional sanction of a longer duration.*
- *In the present case, the [AC Chairperson] found himself well within his right under art. 86 FCE to impose a provisional sanction with a duration of 9 months.*

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

- *The [AC Chairperson] considered this length of provisional sanction to be appropriate considering the seriousness of the suspected infringements and the fact that the [IC] is waiting for the Maldives authorities to release seized documents and data necessary for conducting and completing the investigation against the [Appellant].*
- *The [AC Chairperson] then rejected the [Appellant's] argument that:*
 - (i) *a sanction of this length would be incompatible with the provisional nature of the sanction. The [AC Chairperson] found that the sanction remains provisional in nature because it naturally expires in 9 months whereas the maximum permanent sanction is of five years and, in accordance with art. 67, it is to be lifted once the investigation is concluded if there are insufficient grounds to establish a breach of the FCE:*
 - (ii) *his personality rights under Articles 27 and 28 of the Swiss Civil Code (SCC) would be breached by a provisional sanction of this length. The [AC Chairperson] found that, the [Appellant] has failed to explain how his personality rights would be breached by said sanction. Moreover, the [AC Chairperson] observes that according to CAS jurisprudence, a sanction does not violate personality rights if it is proportionate. The [AC Chairperson] considered that a provisional sanction of 9 months is proportionate because it is necessary to reach the objective of ensuring that the current investigation proceedings can be conducted without any interference [sic] and for the [IC] to obtain the necessary documents from the Maldives authorities to conduct and complete the investigation fairly and properly. The [AC Chairperson] highlighted that a complete, correctly conducted investigation can even provide additional exculpatory elements in favour of [the Appellant], which serves the interests of justice and the objectives set forth under the FCE.*
 - (iii) *a provisional sanction is unnecessary since his term as President of the FAM is set to end on 2 July 2024. The [AC Chairperson] found that it is irrelevant, in determining whether a provisional sanction is applicable, whether the [Appellant] will be serving as President of the FAM in the future. This is because according to art. 2 (2) FCE, '[t]he Ethics Committee is entitled to investigate and judge the conduct of persons who were bound by this or another applicable Code at the time the relevant conduct occurred, regardless of whether the person remains bound by the Code at the time proceedings commence or any time thereafter' (emphasis added). Moreover, as confirmed by the [Appellant] at the hearing, the [Appellant] is eligible for, and may seek, reelection. In fact, when asked by the [AC Chairperson] at the hearing whether he would seek reelection, the [Appellant] remained noncommittal and did not provide a definitive answer.*
- *Finally, the [AC Chairperson] considered that the interest of FIFA in protecting the integrity and reputation of football in the context of the ongoing ethics proceedings (concerning serious infringements in the FCE including abuse of position and misappropriation and misuse of funds) prevails over the potential adverse effects caused by the provisional sanction the [sic] [Appellant].*

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

- *In light of the foregoing, the [AC Chairperson] decided to impose provisional sanctions and, by way of consequence, to provisionally suspend the [Appellant] from taking part in any football-related activities for a duration 9 months as of the notification of the present decision, unless lifted earlier in application of arts. 67 or 86 (4) FCE” (emphasis in original).*

IV. PROCEEDINGS BEFORE THE COURT OF ARBITRATION FOR SPORT

38. On 28 June 2024, the Appellant filed a Statement of Appeal with CAS in accordance with Articles R47 and R48 of the 2023 edition of the CAS Code of Sports-related Arbitration (the “CAS Code”), challenging the Appealed Decision. In his Statement of Appeal, the Appellant applied for the proceedings to be expedited and for a stay of execution of the Appealed Decision. The Appellant nominated Prof. Dr Martin Schimke, Attorney-at-Law in Dusseldorf, Germany, as arbitrator.
39. On 2 July 2024, FIFA objected to the Appellant’s request for an expedited procedure.
40. On 5 July 2024, the CAS Court Office informed the Parties that, pursuant to Article R52 CAS Code and in view of the Parties’ disagreement, no expedited procedure was implemented.
41. On 12 July 2024, FIFA filed its reasoned objection to the Appellant’s request for a stay of execution of the Appealed Decision.
42. On 24 July 2024, FIFA nominated Mr Kepa Larumbe, Attorney-at-Law in Madrid, Spain, as arbitrator.
43. On 31 July 2024, the Appellant filed his Appeal Brief in accordance with Article R51 CAS Code, including the following document production requests:

“[The Ankura Report], allegedly ‘raising serious concerns that FIFA funds may have been misused and misappropriated by FAM officials, possibly in the amount of USD 4 million, with the main accused being the [Appellant]’ (point 10 of the [Request for Provisional Sanctions])”

The communication of FAM dated 23 May 2024, by means of which ‘the FAM informed the IC that the modifications made to the Project were a decision of the [Appellant], and that the Executive Committee (‘ExCo’) of the federation was neither consulted nor informed. Allegedly, [the Appellant] misled the ExCo members into believing that FIFA had approved the modifications for the use of the Project funds’ (point 31 of the [Request for Provisional Sanctions])”.

44. On 29 August 2024, the Deputy President of the Appeals Arbitration Division rendered an Order on Request for Stay with the following operative part:

“1. The Application for Stay of the decision rendered by the Chairperson of the Adjudicatory Chamber of the FIFA Ethics Committee on 20 June 2024 filed

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

by Mr Bassam Adeel Jaleel in the matter CAS 2024/A/10701 Bassam Adeel Jaleel v. FIFA is rejected.

2. *The costs of the present order shall be determined in the final award or in any other final disposition of this arbitration”.*

45. On 30 September 2024, FIFA filed its Answer in accordance with Article R55 CAS Code, including the Ankura Report and the “*communication of FAM dated 23 May 2024*”, as requested by the Appellant.
46. On 2 October 2024, the CAS Court Office informed the Parties that the Deputy President of the CAS Appeals Arbitration Division, pursuant to Article R54 CAS Code, had decided that the Panel appointed to decide the case was constituted as follows:

President: Mr Manfred Nan, Attorney-at-Law in Amsterdam, the Netherlands;
Arbitrators: Prof. Dr Martin Schimke, Attorney-at-Law in Dusseldorf, Germany; Mr Kepa Larumbe, Attorney-at-Law in Madrid, Spain.
47. On 7 and 9 October 2024 respectively, following an invitation from the CAS Court Office to express their preference in this respect, the Appellant requested an in-person hearing to be held, whereas FIFA did not object to the holding of a hearing, subject to the Panel’s discretion to decide whether or not it considers itself sufficiently informed to decide the case without a hearing. Neither of the Parties requested that a case management conference be held.
48. On 10 October 2024, the CAS Court Office informed the Parties that, pursuant to Article R57 CAS Code, the Panel had decided to hold an in-person hearing.
49. On the same date, 10 October 2024, because of his unavailability for an in-person hearing on the date proposed by the Panel, the Appellant proposed holding a hearing by video-conference, which proposal was subsequently accepted by FIFA.
50. On 28 October and 1 November 2024 respectively, the Appellant and FIFA returned duly signed copies of the Order of Procedure to the CAS Court Office that was provided to them by the CAS Court Office on 25 October 2024.
51. On 21 November 2024, following a request from FIFA that was approved by the Panel, the Appellant provided the CAS Court Office with a witness statement of Mr Abdullah Shibau, Member of the FAM Executive Committee, witness called by the Appellant.
52. On 26 November 2024, the CAS Court Office provided the Parties with a hearing schedule to which no objections were filed.
53. On 10 December 2024, a hearing was held by videoconference. At the outset of the hearing, the Parties confirmed that they had no objection to the constitution and composition of the Panel.
54. In addition to the members of the Panel, and Ms Amelia Moore, CAS Counsel, the following persons attended the hearing:

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

a) For the Appellant:

- 1) Mr Bassam Adeel Jaleel, the Appellant;
- 2) Mr Gytis Račkauskas, Counsel.

b) For the Respondent:

- 1) Mr Miguel Liétard Fernández-Palacios, FIFA Director of Litigation;
- 2) Mr Rodrigo Morais, FIFA Senior Legal Counsel.

55. The Panel heard evidence from the Appellant and Mr Abdullah Shibau, Member of the FAM Executive Committee, witness called by the Appellant. Mr Shibau was invited by the President of the Panel to tell the truth subject to the sanctions of perjury under Swiss law. The Parties had full opportunity to examine and cross-examine the Appellant and Mr Shibau.
56. While FIFA initially indicated that it wished to call Mr Hussain Jawaz, the FAM's former General Secretary, as a witness, FIFA ultimately renounced such request so that Mr Jawaz was not heard by the Panel.
57. The Parties were given full opportunity to present their cases, submit their arguments and answer the questions posed by the members of the Panel.
58. Before the hearing was concluded, both Parties expressly stated that they had no objection to the procedure adopted by the Panel and that their right to be heard had been respected.
59. The Panel confirms that it carefully heard and considered in its decision all of the submissions, evidence and arguments presented by the Parties, even if they have not been specifically summarized or referred to in the present arbitral award.

V. SUBMISSIONS OF THE PARTIES AND REQUESTS FOR RELIEF

A. The Appellant

60. The Appellant summarises his submissions as follows in the Appeal Brief:

- *“**Firstly**, contrary to the findings of the first instance body, the provisional sanctions were imposed on the Appellant in violation of his right to be heard and due process:*
 - (i) *The refusal to grant the extension of time to present the position against the request for provisional sanctions shall be considered the violation of the due process and the right to legal defence, which form part of the Swiss public policy;*
 - (ii) *The parties to the proceedings were **NOT** granted the same possibilities to present their arguments before the [AC]:*
 - *The Chairperson of the [IC] had almost **FIVE MONTHS** to present his position before the [AC] after having initiated the preliminary investigation on 18 January 2024;*

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

- *The Appellant had **TWO WORKING DAYS** to present his position before the [AC] after having been informed about the opening of the investigation proceedings on 6 June (and the [Request for Provisional Sanctions] of the following day) and **ONE DAY** to introduce the witnesses he would rely on in the hearing after having been informed of the decision to hold one.*

*Therefore, it is obvious that the [Appellant] was **NOT** given the realistic opportunity to develop his arguments of defense and produce evidence.*

*Although the Appellant was formally ‘awarded the chance to engage legal counsel, submit a written submission, request a hearing, orally plead his case before the [AC Chairperson] in the hearing, and present witnesses at the hearing’, this constituted only an **illusionary right** to legal defense. Neither the Appellant, nor his legal counsels were **NOT** given sufficient time to analyze the case and present their arguments of defense.*

- (iii) *Even if short time-limits are provided under the [FCE], it could not alter mandatory provisions of Swiss law (which include the right to legal defense), as provided under Article 63 of the Swiss Civil Code. The right to legal defense is **NOT** respected if the Appellant is given two working days to engage a legal counsel and provide his position on the requests related to the restraints of his personality rights.*
- (iv) *The right to legal defense of the Appellant was further jeopardized because he had **NEVER** been provided with the full casefile. Among other material, the Appellant is still not aware of the content of the following evidence referred in the [Request for Provisional Sanctions], which constitute the basis of his accusations:*
 - *[Ankura Report], allegedly ‘raising serious concerns that FIFA funds may have been misused and misappropriated by FAM officials, possibly in the amount of USD 4 million, with the main accused being the [Appellant]’ (point 10 of the [Request for Provisional Sanctions]);*
 - *The communication of FAM dated 23 May 2024, by means of which ‘the FAM informed the IC that the modifications made to the Project were a decision of the [Appellant], and that the Executive Committee (“ExCo”) of the federation was neither consulted nor informed. Allegedly, [the Appellant] misled the ExCo members into believing that FIFA had approved the modifications for the use of the Project funds” (point 31 of the [Request for Provisional Sanctions]).*

The FIFA EC did not provide any arguments that could explain the omission of the key elements constituting the basis for his unfounded accusations. The selective disclosure of the case file could not be justified anyhow. Although the Appellant was provided with separate fragments of Ankura Report, this could not be considered in compliance with the right to legal defense and a fair trial. In fact, non-disclosure of the full Ankura Report could be only

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

understood as the aim of the [Chief of Investigation] to conceal the information, which could deny the accusation of the Appellant.

(v) *No provisional sanction could have been imposed on the Appellant without violating his right to legal defense and a fair trial, as the object of the [Request for Provisional Sanctions] was not clear until the hearing held on 18 June 2024 (the [Chief of Investigation] failed to specify the type of the provisional sanction he requested to impose on the [Appellant], limiting his request with the duration of a provisional sanction of 'a minimum of twelve months').*

- ***Secondly**, in accordance with Article 86 [FCE], any provisional sanctions may be imposed only upon the Request of the Chairperson of the [IC] or the Chief of investigation. As a result, the [AC] is not competent to apply any sanction, if the Chairperson of the [IC] or the Chief of investigation failed to use their discretion properly (did not specify the type of provisional sanction requested). Otherwise, the [AC] shall be acting ultra vires.*
- *The Appellant shall not agree with the interpretation of the Article 86 FCE, provided in the [Appealed Decision], according to which the said article does not require the Chief of Investigation to specify the provisional sanction sought. Whereas it is in the discretion of the Chief of Investigation to request provisional sanction, it is up to him to select the relevant sanction and to substantiate the necessity of the application of the said sanction. Obviously, the Chief of Investigation could not comply with this obligation, if he does not even specify the type of sanction he requests to impose.*
- *At the same time, it precludes the Appellant from explaining why the application of certain sanction is not necessary (as it was the case here). Although it was decided in the [Appealed Decision], that the type of the provisional sanction sought (a ban on taking part in any football-related activity) was self-evident, the Appellant shall not agree with such conclusion, because the Chief of Investigation is entitled to request the application of any sanction provided in the Article 7 [FCE]. It is up to the Chief of Investigation to select the sanction and substantiate it. The said burden could not be transmitted to the [AC].*
- ***Thirdly**, under Article 86 (1) [FCE], provisional sanctions may be imposed: (i) to ensure that investigation proceedings are not interfered with; or alternatively (ii) when a breach of this Code appears to have been committed and a decision on the merits of the case may not be taken early enough.*
- *In casu, the [Chief of Investigation] requested the imposition of provisional sanctions on the Appellant 'to ensure the normal development of the investigation proceedings and safeguarding of funds'.*
- *However, the [Chief of Investigation] failed to establish: (1) which provisional sanction is necessary to ensure the normal development of the investigation proceedings; and (2) any reasons why the said objective could not be pursued without imposing any provisional sanction on the [Appellant].*

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

- *In casu, the [AC Chairperson] considered that a provisional sanction is justified to ensure that the current investigation proceedings can be conducted without any interference. According to the [AC Chairperson]: ‘the [Appellant] as the President of the FAM is a signatory of the federation and a person in a position of power. As such, he is in control of FAM accounts and can potentially influence other members of the FAM to obstruct the investigation’.*
- *The Appellant shall not agree with such conclusions. There is **NO** evidence on the case file that could somehow confirm any risk of the interference with the investigation. Abstract statements in relation to ‘position of power’ are not sufficient to support any realistic risk. The violation of the personality rights of the Appellant could not be grounded exclusively with abstract allegations.*
- *On the other hand, the necessity to safeguard funds could not justify the imposition of any provisional sanctions either, as the Appellant is **NOT** authorized to sign any operations exceeding MVR 10,000 (or equivalent amount in United States Dollars, i.e. USD 649.41). For any transactions above the said limit, signatures are required jointly together with other officials (as confirmed by the Exhibit No. 2 to the Notification of opening of disciplinary proceedings, dated 6 June 2024 and ignored by the first instance body).*
- ***Fourth**, the Appellant shall not agree that ‘there is a prima facie case that the [Appellant] committed a violation of the FCE’. The evidence brought before the Panel does **NOT** confirm the violation of the FIFA Regulations beyond reasonable doubt. **The Appellant expressly denies any violations of the [FCE] and there not enough evidence to conclude that a breach of this Code appears to have been committed. Both the [Request for Provisional Sanctions] and the [Appealed Decision] are grounded on unsubstantiated guesses only.** On the other hand, the [Chief of Investigation] did **not** even allege this being the reason to impose provisionally sanction (the request was limited to the reason covered in point 16 above).*
- ***Finally**, as provided in the [Appealed Decision] ‘a decision on the merits of the case ‘may not be taken early enough’ because certain documents and electronic data necessary for the [IC] to conduct and complete the investigation against the [Appellant] are currently seized by the Maldives authorities without a timeline for their release’. However, this could only justify the provision of provisional sanction, if the [IC] already collected any evidence confirming infringements having occurred beyond reasonable doubt. The [IC] carries the burden of proof and must establish the facts that confirm the violation having occurred already in this stage of the proceedings (which is **NOT** the case).*
- ***Only opening of formal investigation proceedings in relation to any alleged infringements shall NOT be sufficient ground to impose any provisional sanctions without any additional investigation proving any unlawful conduct of the Appellant, let alone without ensuring the right to be heard and the right to a fair trial in the context of disciplinary proceedings. The provisional sanctions could not be imposed, based on the guesses of the [IC]”.***

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

61. On this basis, the Appellant submits the following prayers for relief in his Appeal Brief:

- “1. to order the FIFA to produce a copy of the complete FIFA EC case file related to the investigation and the Decision with Ref. No. FED-580;
2. to proceed with the current appeal in an expedited manner and issue the directions in relation to the current appeal arbitration proceedings necessary to ensure that the operative part of the award is issued at the earliest possible convenience;
3. to accept this Appeal Brief against the Decision; and

Primarily:

4. to annul the Decision challenged, pursuant to the provisions of Article 57 of CAS Code, and issue a new decision, replacing the Decision, in the following terms:

‘The request for provisional sanctions submitted by the chief of the investigation is rejected’;

Subsidiarily:

5. to modify the Decision challenged, pursuant to the provisions of Article 57 of CAS Code, reducing the duration of the provisional sanction imposed as much as possible, and in any event ensuring that it would not exceed 90 days as of the notification of the Decision;

In any case:

6. to determine any other relief the CAS Panel may deem appropriate;
7. to condemn the Respondent to the payment of the whole CAS administration costs and arbitrator fees; and
8. to fix a sum to be paid by the Respondent, in order to contribute to the payment of the Appellant’s legal fees and costs”.

B. The Respondent

62. FIFA summarises its submissions as follows in its Answer:

- *“The present matter relates to a provisional suspension imposed by the AC Chairperson on the (back then) president of the [FAM] – [the Appellant] –, in the context of the ongoing investigation proceedings opened against him for potential breaches of Articles 14, 20, 21, 26 and 29 FCE.*
- *In this respect, the investigation proceedings currently ongoing address a number of facts and very serious accusations of different infringements committed by [the*

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

Appellant] during his presidency of the FAM, such as misuse and misappropriation of funds and abuse of position.

- *In the investigation proceedings that were opened against him, [the Appellant] has been accused of, among other relevant facts and accusations, having potentially (i) used USD 1 million issued from FIFA Covid Relief Funds to settle his personal debts, (ii) used USD 1,036,000 – provided by FIFA to FAM to fund the construction of a sports arena and office space – for unauthorized purposes, (iii) unilaterally decided to modify said FIFA funded project without FIFA’s approval and falsifying certain documents requested by FIFA which would have uncovered the unauthorized changes and (iv) misappropriated USD 10,000 transferred by FIFA to FAM, all of which are extremely serious accusations.*
- *In this context, [the Appellant] has also been criminally charged by the Maldivian authorities for money laundering and fraud in connection with the USD 10,000 transferred from FAM to his personal bank account and, more recently, with the USD 1 million transferred from FAM to settle personal debts – with the Maldivian police having even seized physical documents and electronic data from FAM.*
- *Following a request from the Chief of Investigation, [the Appellant] was imposed a provisional 9-month suspension from taking part in any football-related activities, pursuant to Article 86 FCE, which provides for the possibility to impose provisional sanctions (i) in order to ensure that investigation proceedings are not interfered with; or (ii) when a breach of this Code appears to have been committed and a decision on the merits of the case may not be taken early enough.*
- *In the present case, both the alternative conditions for the Appellant’s provisional suspension were clearly met, and the Appealed Decision was therefore justified.*
- *First, the provisional suspension was necessary in order to ensure that investigation proceedings are not interfered with given that, considering that the potential breaches are all directly related to FAM, the Appellant, as its president, would likely be able to (i) control the FAM accounts from which FIFA funds were likely unduly embezzled, which are currently being investigated, (ii) influence potential witnesses within the FAM, as FAM’s own staff who would be undisputedly under his management and (iii) tampering with and/or destroying evidence which may be (currently or in the future) in FAM’s possession, such as, inter alia, the documents which have been seized by the Maldivian police and which are still to be returned to FAM by the Maldivian authorities.*
- *Secondly, as for the second alternative condition allowing the imposition of a provisional sanction, it could not be clearer that there are a number of elements which indicate that it appears that the Appellant breached the FCE. In this respect, the fact that the Appellant (i) has been charged by the Maldives authorities for money laundering and fraud for having transferred USD10,000.00 from the FAM FIFA Forward bank account to his personal bank account, according to statements from the PGO and also reported by the media, (ii) appears to have used USD 1 million issued from FIFA Covid Relief Funds to settle his personal debts, (iii)*

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

appears to have used USD 1,036,000 – provided to fund the construction of a sports arena and office space – for unauthorised purposes and (iv) modified the FIFA funded Project without any authorisation from FIFA are elements more than sufficient to conclude that, prima facie, it appears that the Appellant breached the FCE.

- *Moreover, still in relation to the second alternative condition for the imposition of provisional sanctions, i.e., whether a decision on the merits can or cannot be taken early enough considering the seriousness of the allegations and, in particular, that there is a number of documents and electronic data currently seized by the Maldivian authorities – with no timeline for their release – which are needed for the Chief of Investigation to conduct and complete the investigation, a decision on the merits could not have been taken immediately. In fact, as calculated by the Chief of Investigation at the hearing before the AC Chairperson, it will require him approximately three to four months from the moment all relevant documents and data are obtained (depending on the extent of the information obtained from the Maldives authorities) to take a decision on the merits.*
- *In view of the above, as stated in the Appealed Decision, a provisional suspension of 9 months is clearly appropriate considering the seriousness of the suspected infringements and the fact that the Investigatory Chamber is still waiting for the Maldives authorities to release seized documents and data necessary for conducting and completing the investigation against the Appellant.*
- *In his Appeal Brief, the Appellant’s position is that, in short, (i) his procedural rights were breached within the first instance proceedings, as he supposedly was not granted sufficient time to present his defense, (ii) the AC Chairperson was not competent to impose the provisional suspension as the Chief of Investigation did not properly specify the type of sanction requested, (iii) it has not been established that a suspension is necessary to ensure the normal development of the investigation and any reasons why said objective could not be pursued without imposing a provisional sanction on the Appellant and (iv) there is not enough evidence to demonstrate that a breach to the FCE has been committed.*
- *However, and as will be further demonstrated below, there was no breach of the Appellant’s procedural rights whatsoever and, even if there was, such breach would be cured by the Panel’s power to hear the case de novo.*
- *In addition, and as it will be thoroughly explained below, the FCE does not require that the Chief of Investigation specifies the provisional sanction requested and, in any event, the provisional sanction sought was self-evident.*
- *Finally, as said above, the alternative requirements set out in Article 86(1) FCE were clearly met in the present case and, consequently, the provisional suspension imposed on the Appellant was appropriate and adequate. The Appealed Decision shall therefore be confirmed in its entirety, and the appeal rejected”.*

63. On this basis, FIFA submits the following prayers for relief in its Answer:

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

- “(a) rejecting the reliefs sought by the Appellant;
- (b) confirming the Appealed Decision;
- (c) ordering the Appellant to bear the full costs of these arbitration proceedings; and
- (d) ordering the Appellant to make a contribution to FIFA’s legal costs”.

VI. JURISDICTION

64. Article R47 CAS Code provides the following:

“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”.

65. Pursuant to Article 68 FIFA Statutes (May 2024 edition), this edition of the FIFA Statutes entered into force 60 days after 17 May 2024, i.e. on 16 July 2024.

66. According to the principle of *tempus regit actum*, substantive aspects are governed by the regulations in force at the time of the relevant facts, while procedural matters are governed by the rules in force at the time when the procedural action occurs (CAS 2020/A/6834, para. 128, with further references to CAS 2016/O/4683, CAS 2016/O/4883).

67. Since the Appellant’s appeal was filed on 28 June 2024, it preceded the entry into force of the FIFA Statutes (May 2024 edition) and is therefore generally governed by the previous edition of the FIFA Statutes (May 2022 edition).

68. The jurisdiction of CAS, which is not disputed, derives from Article 57(1) FIFA Statutes (May 2022 edition) which determines as follows:

“Appeals against final decisions passed by FIFA’s legal bodies and against decisions passed by confederations, member associations or leagues shall be lodged with CAS within 21 days of receipt of the decision in question”.

69. Furthermore, Article 84 FCE determines the following:

“Decisions taken by the adjudicatory chamber are final, subject to appeals lodged with the Court of Arbitration for Sport (CAS) in accordance with the relevant provisions of the FIFA Statutes”.

70. The jurisdiction of CAS is further confirmed by the Order of Procedure duly signed by the Parties.

71. It follows that CAS has jurisdiction to adjudicate and decide on the present dispute.

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

VII. ADMISSIBILITY

72. The Appealed Decision was communicated to the Appellant on 20 June 2024. The Appellant filed his Statement of Appeal with CAS on 28 June 2024, *i.e.*, within the time limit of 21 days set by Article 57(1) FIFA Statutes. The Statement of Appeal further complied with the other conditions set forth in Article R48 CAS Code, including the payment of the CAS Court Office fee.
73. It follows that the appeal is admissible.

VIII. APPLICABLE LAW

74. The Parties submit that according to Article 49(2) FIFA Statutes and Article R58 CAS Code, the Panel shall primarily apply the various regulations of FIFA and, additionally, Swiss law.
75. Article R58 CAS Code provides as follows:

“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”.

76. Article 56(2) FIFA Statutes provides the following:

“The provisions of the CAS Code of Sports-related Arbitration shall apply to the proceedings. CAS shall primarily apply the various regulations of FIFA and, additionally, Swiss law”.

77. The Panel finds that, pursuant to Articles R58 CAS Code and 56(2) FIFA Statutes, the regulations of FIFA are primarily applicable, in particular, the FCE (2023 edition). Additionally, should the need arise to fill a possible gap in the various rules of FIFA, Swiss law is applicable.

IX. MERITS

A. The Main Issues

78. The core issue to be assessed by the Panel in the matter at hand is whether the 9-month provisional ban from taking part in any football-related activity imposed on the Appellant is legitimate.
79. The provisional suspension is premised on Article 86 FCE, which provides as follows:

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

- “1. *At any time during an investigation, the chairperson of the investigatory chamber or the chief of the investigation may request that the chairperson of the adjudicatory chamber impose provisional sanctions in order to ensure that investigation proceedings are not interfered with or when a breach of this Code appears to have been committed and a decision on the merits of the case may not be taken early enough.*
2. *The interested party may file their position against the request for provisional sanctions with the chairperson of the adjudicatory chamber within five days of the notification of the request for provisional sanctions.*
3. *The chairperson of the adjudicatory chamber shall decide without delay based on the file or they may decide to hear the interested parties or their representatives.*
4. *A provisional sanction shall start on the date on which it is notified (or deemed to be notified) by the chairperson of the adjudicatory chamber and shall end with the final decision of the adjudicatory chamber, unless lifted earlier in accordance with article 67 of this Code. The period of the provisional sanction shall however not exceed the maximum length of the sanction that may be imposed with regard to the related breach(es).*
5. *The duration of provisional sanctions shall be taken into account in the final decision”.*

80. The substantive issues to be addressed by the Panel in this respect are the following:

- i. Was the AC Chairperson competent to issue the Appealed Decision?
- ii. Was the Appellant’s right to a fair trial and/or his right to be heard violated?
- iii. Are the conditions for imposing a provisional sanction satisfied?
- iv. What is the appropriate length of the provisional sanction to be imposed?

i. Was the AC Chairperson competent to issue the Appealed Decision?

81. The Appellant maintains that any provisional sanctions may only be imposed upon the request of the Chairperson of the IC or the Chief of Investigation. The Appellant submits that the Chief of Investigation should have selected the relevant provisional sanction and substantiate the necessity of the application thereof and that, because the Chief of Investigation failed to do so, the AC Chairperson lacked competence to issue the Appealed Decision.
82. FIFA maintains that the competence of the AC Chairperson to impose a provisional sanction derives from Article 86(1) FCE. According to FIFA, the only question to be posed is whether the Chief of Investigation requested the AC Chairperson to impose a provisional sanction, which he did.
83. Regardless of whether the procedure resulting in the issuance of the Appealed Decision was fair, whether the substantive prerequisites for the imposition of the provisional sanction were

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

satisfied, whether the Chief of Investigation should have applied for a specific provisional sanction and substantiate why such measure was necessary, and whether the provisional sanction imposed was proportionate (all of which will be assessed below), none of this has any impact on the question whether the AC Chairperson had the competence to impose a provisional sanction on the Appellant.

84. With respect to the competence of the AC Chairperson, the Panel finds that, based on Article 86(1) FCE, the AC Chairperson was competent to issue a provisional sanction on the Appellant, since the Chief of Investigation requested him to do so. Whether any specific type of provisional sanction could be imposed concerns the merits of the dispute, but not the jurisdiction of the AC Chairperson.
85. Consequently, the Panel finds that the AC Chairperson was competent to decide on the Chief of Investigation's request for the imposition of a provisional sanction on the Appellant.

ii. Was the Appellant's right to a fair trial and/or his right to be heard violated?

86. The Appellant advances several arguments in arguing that his due process rights and his right to be heard are violated. These issues are addressed in turn below.

a. The AC Chairperson's refusal to grant the Appellant's request for an extension of the 5-day deadline to submit his position with respect to the Request for Provisional Sanctions

87. The Panel observes that the AC Chairperson's refusal of the Appellant's request was in line with Article 86(2) FCE, which prescribes a five-day deadline.
88. However, the Panel finds that this does not per se make the refusal to grant the requested 15-day deadline reasonable, in particular because the AC Chairperson did not even substantiate his decision beyond referring to Article 86(2) FCE.
89. The Panel finds that the AC Chairperson should in good faith have granted the request, in particular because, at the very least since the site visit from 24 to 26 September 2023, FIFA acquired knowledge of alleged serious malversations related to the management of the FAM. However, it took approximately four months until 18 January 2024 until the matter was referred to the Chairperson of the IC for a preliminary investigation. As from such moment, it took approximately another four and a half months until a formal investigation was eventually opened against the Appellant on 6 June 2024.
90. Although this timeline is not considered unreasonably long by the Panel, the matter was also not addressed with the utmost urgency by FIFA. Against this background, the Panel finds that granting the Appellant another 10 days (or at least partially) to study the Request for Provisional Sanctions, retain legal counsel and file his position in response, would not have caused any unreasonable delays and would have been appropriate in the circumstances.
91. The mere fact that the AC Chairperson subsequently decided to hold a hearing, as requested by the Appellant, does not cure this default.

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

92. The Appellant’s reliance on the decision issued by the Swiss Federal Tribunal (the “SFT”) in 4A_600/2010 is to no avail, as in such case the aggrieved party was not granted any possibility at all to express itself on certain issues at stake, whereas the Appellant was granted the right to file a written defence and put forward his position during a hearing.
93. However, notwithstanding the above, the Panel finds that the unreasonable refusal of the Appellant’s request for an extension of the 5-day deadline to submit his position is cured by the present appeal arbitration proceedings. Indeed, in the present proceedings the Appellant had full opportunity to address all the evidence on file, the Appellant could submit all the evidence he wished to submit, and he could extensively plead his case during the hearing. The *de novo* character of an appeals arbitration procedure before CAS in principle cures procedural violations that may have occurred in previous instances.
94. The Panel agrees with CAS jurisprudence (with reference to jurisprudence of the European Court of Human Rights (the “ECtHR”) and the SFT”) on this topic:

“[I]f the hearing in a given case was insufficient in the first instance [...] the fact is that, as long as there is a possibility of full appeal to the Court of Arbitration for Sport, the deficiency may be cured’ (CAS 94/129 award of 23 May 1995, par. 59). Later the CAS has reaffirmed this principle, holding that ‘the virtue of an appeal system which allows for a rehearing before an appeal body is that issues relating to the fairness of the hearing before the Tribunal of First instance ‘fade to the periphery’ (CAS 98/211, award of 7 June 1999, par. 8). More recently, the CAS has further relied on the Swiss Federal Tribunal case law, which held that ‘any infringement of the right to be heard can be cured when the procedurally flawed decision is followed by a new decision, rendered by an appeal body which had the same power to review the facts and the law as the tribunal of first instance and in front of which the right to be heard had been properly exercised’ (CAS 2006/A/1177, award of May 2009, par. 7.3). For another recent case, see for instance, CAS 2008/A/1594 para. 109, ‘However, as CAS has complete power to review the facts and the law and to rule the case *de novo*, the procedural deficiencies which affected the procedures before FILA disciplinary bodies may be cured by virtue of the present arbitration proceedings (see e.g. CAS 2006/A/1175 paras. 61 and 62, CAS 2006/A/1153, para. 53, CAS 2003/O/486, para. 50)’. This CAS jurisprudence is actually in line with European Court of Human Rights decisions, which in par. 41 of the Wickramsinghe Case concluded that ‘even where an adjudicatory body determining disputes over civil rights and obligations does not comply with Article 6 (1) [ECHR] in some respect, no violation of the Convention will be found if the proceedings before that body are subject to subsequent control by a judicial body that has full jurisdiction and does provide the guarantees of Article 6 (1)’” (CAS 2022/A/8695, para. 85 of the abstract published on the CAS website, with reference to CAS 2009/A/1920, para. 87).

95. The Panel finds that the Appellant did not establish that the AC Chairperson’s refusal to grant the requested extension caused him any irreparable harm, nor did the Appellant argue that his right to be heard or his right to a fair trial were violated in the present appeal arbitration proceedings. To the contrary, the Appellant explicitly confirmed at the end of the hearing that

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

his right to be heard was respected and that he was satisfied with the procedure adopted by the Panel.

96. In light of the above conclusions, it is not necessary for the Panel to address the Appellant's argument that i) he was not granted the same possibilities as the Chief of Investigation to present his arguments before the AC Chairperson; and ii) that a deadline of two working days is insufficient pursuant to Swiss law.
97. Consequently, the Panel finds that although the AC Chairperson's refusal to grant the Appellant's request for an extension of the 5-day deadline to submit his position with respect to the Request for Provisional Sanctions was unreasonable, such default was cured by the present appeal arbitration proceedings.

b. The failure to provide the Appellant with the full case file

98. As argued already by the Appellant during the hearing before the AC Chairperson, the Appellant maintains that his right to be heard was violated because he was not provided with the Ankura Report. The Appellant further argues that he should also have been provided with the "*communication of FAM dated 23 May 2024*".
99. FIFA maintains that these documents did not constitute the basis for the accusations against the Appellant, but that the "*information, facts and documents which were relevant for the imposition of the provisional suspension on the Appellant, some of which the Ankura Report makes reference to, were duly provided to the Appellant within the Request for Provisional Sanctions*", in particular exhibits 1, 9, 10 and 11 thereto.
100. As to the "*communication of FAM dated 23 May 2024*", FIFA maintains that such document was never requested by the Appellant within the first instance proceedings. FIFA submits that requesting to be provided with such document now is against the principle of *venire contra factum proprium* and is, therefore, inadmissible.
101. The Panel finds that, at least with respect to the Ankura Report, the Chief of Investigation should have provided the Appellant with such document once he requested to be provided with it, or at least the AC Chairperson should have ordered the disclosure of such document to the Appellant. The Chief of Investigation based his position and allegations in the Request for Provisional Sanctions in part on the Ankura Report. However, in the absence of such report being disclosed in full, the Appellant was not in a position to verify whether the Chief of Investigation's reliance on the Ankura Report was justified, or whether certain relevant facts and circumstances favourable to the Appellant were intentionally or inadvertently concealed from the Request for Provisional Sanctions.
102. The Panel finds that FIFA did not provide any argument justifying why the Ankura Report should not be disclosed to the Appellant.
103. However, also here, given that the Appellant is provided with both the Ankura Report as well as with "*communication of FAM dated 23 May 2024*" in the present appeal arbitration proceedings, the Panel finds that this procedural default is cured by the Panel's *de novo* competence. The Panel finds that the Appellant did not establish that the failure to provide him with such documents in the proceedings before the AC Chairperson caused him any

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

irreparable harm. It also does not appear that either of these two documents contained relevant facts and circumstances favourable to the Appellant that were concealed from the Request for Provisional Sanctions, or at least the Appellant did not argue this to be the case.

104. Consequently, the Panel finds that although it was unreasonable to withhold the Appellant access to at least the Ankura Report, such default is cured by the present appeal arbitration proceedings.

c. The Chief of Investigation’s failure to specify the type of provisional sanction sought to be imposed

105. The Appellant argues that no provisional sanction could have been imposed on him without violating his right to legal defense and a fair trial, as the object of the Request for Provisional Sanctions was not clear until the hearing before the AC Chairperson on 18 June 2024.

106. FIFA maintains that the Chief of Investigation was not required by Article 86 FCE to specify the type of provisional sanction sought, but only that provisional sanctions were needed in order to “ensure that investigation proceedings are not interfered with” or “when a breach of this Code appears to have been committed and a decision on the merits of the case may not be taken early enough”, which prerequisites were satisfied. FIFA argues that, in any event, it was self-evident that the sanction sought was a suspension, as there was simply no sanction other than a provisional suspension from taking part in any football-related activities which would impede the Appellant’s access to FIFA funds and to other evidence in connection with the investigation, from his position of power.

107. The Panel notes that the Chief of Investigation stated as follows in the Request for Provisional Sanctions:

“In light of the above and considering the existing access of [the Appellant] as signatory to the dedicated FIFA Forward bank account, I consider that a provisional sanction, of a minimum of twelve months, is appropriate and prudent in this case to ensure the normal development of the investigation proceedings and safeguarding of funds”.

108. The Panel finds that it can easily be inferred from such statement that the Chief of Investigation was seeking a 12-month ban from any football-related activity to be imposed on the Appellant.

109. In any event, although it would have been preferable for the Chief of Investigation to specify the exact provisional sanction he was requesting to be imposed in the Request for Provisional Sanctions in advance, during the hearing before the AC Chairperson the Chief of Investigation clarified that he requested a ban from any football-related activity to be imposed. The Panel finds that it was therefore sufficiently clear for the Appellant against which request he had to defend himself.

110. In any event, also here, given that it is clear in the present appeal arbitration proceedings that the provisional sanction at stake is a suspension from any football-related activity, the Panel finds that also this procedural default is cured by the Panel’s *de novo* competence. Whether the conditions for the imposition of 9-month ban from any football-related activity are

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

satisfied is assessed in more detail below, but the Panel finds that the Chief of Investigation's failure to specify the type of provisional sanction sought to be imposed did not violate the Appellant's right to a fair trial or his right to be heard and the AC Chairperson did not act *ultra vires* in issuing the Appealed Decision.

d. Conclusion

111. In view of the above, even though the Panel finds that the Appellant's rights to a fair trial and his right to be heard were partially violated, such infringements are cured by the Panel's *de novo* competence as none of them caused the Appellant any irreparable harm.

iii. Are the conditions for imposing a provisional sanction satisfied?

112. Pursuant to Article 86(1) FCE, there are two alternative scenarios under which a provisional sanction can be imposed:
- a. To ensure that investigation proceedings are not interfered with; or
 - b. When a breach of the FCE appears to have been committed and a decision on the merits of the case may not be taken early enough.
113. FIFA maintains that both alternative conditions are met, whereas the Appellant disputes that either of them is satisfied.

a. Interference with the investigation proceedings

114. According to FIFA, the breaches of Articles 14, 20, 21, 26 and 29 FCE for which the Appellant is currently being investigated all directly relate to the FAM. FIFA submits that allowing the Appellant to continue acting as President of the FAM will put him in an undisputed position of power, being likely able to control the FAM accounts, influence potential witnesses and tamper with and/or destroying evidence.
115. According to the Appellant, the Chief of Investigation failed to establish i) which provisional sanction is necessary to ensure the normal development of the investigation proceedings; and ii) any reason why the said objective cannot be pursued without imposing any provisional sanction of the Appellant. The Appellant submits that there is no evidence on file that could somehow confirm any risk of interference with the investigation. According to the Appellant, an abstract reference to a "position of power" is not sufficient to support any realistic risk. The Appellant also maintains that the necessity to safeguard funds could not justify the imposition of any provisional sanctions, as the Appellant is not authorized to sign any operations exceeding MVR 10,000 (USD 649.41).
116. The Panel notes that the Appellant does not challenge the validity or legality of Article 86 FCE as such. Accordingly, in the absence of such fundamental objection, the Panel will start its analysis from the premise that Article 86 FCE complies with the legal requirements applicable to the imposition of provisional sanctions and will limit its analysis to assessing

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

whether the prerequisites set forth in Article 86(1) FCE for the imposition of provisional sanctions are satisfied.

117. The Panel finds that no specific evidence of FIFA is required to establish that the Appellant, as President of the FAM, held a position of power. Indeed, the president of a national football association is the most powerful person within the organisation, with the capacity and authority to deploy his influence over the entire federation. Such power can hardly be downplayed.
118. As set forth *supra*, on 1 February 2024, a local Maldivian news outlet, *inter alia*, reported that the Appellant “*faces charges of money laundering and fraud surrounding the misappropriation of USD 10,000 from the funds granted to the association by FIFA and AFC*” because, according to the Prosecutor General’s Office, the Appellant had transferred the amount of USD 10,000 from the FAM dedicated FIFA Forward bank account at the Bank of Ceylon to his personal bank account at the Bank of Maldives and that the Appellant then spent it on various expenses unrelated to the FAM.
119. Furthermore, there are indications on file suggesting that the Appellant (potentially together with the former General Secretary of the FAM), decided to modify the FIFA-funded Project without authorisation from FIFA and without involving the FAM Executive Committee in such decision. Indeed, as set forth *supra*, on 23 May 2024, Mr Ali Umar, FAM Vice President, responded to the Chairperson of the IC’s request for information and documentation, *inter alia*, indicating that “[a]s far as I am aware, the decision to convert the Maafannu building into warehouses was a decision taken by the [Appellant] and the former General Secretary. Neither in my capacity as the 1st VP nor as a member of the Executive Committee of FAM, I was consulted regarding any decisions that has been taken related to the forward project of FAM Maafannu building, and I can vouch for the fact that none of these decisions nor its details were ever presented to the Executive Committee nor was it ever discussed on the floor any executive committee meeting”.
120. The Panel considers this relevant, because it suggests that the Appellant does not shy away from taking unilateral decisions with important implications for the FAM. It is therefore indicative of the position of power the Appellant holds.
121. In the matter at hand, the Panel finds that there are also various indications raising legitimate concerns that the Appellant may attempt to utilise such power to interfere with the investigation proceedings.
122. There is an indication on file that the Appellant already tried to interfere with the investigation. As reported in the Ankura Report, Mr Hussain Jawaz, former General Secretary of the FAM, indicated in his interview with Ankura that the Appellant “*instructed him to change the dates of (unspecified) leasing contracts for the Maafannu godowns to disguise the timing in which FAM entered into agreements to generate commercial income from the Maafannu stadium, and that this was the trigger for his resignation*”.
123. Also, with respect to the payment of USD 1 million from the FIFA Coved Relief Funds to Amin Construction, Mr Hassan Chifau, Head of Major Crime Investigations and Chief Superintendent of the Maldivian Police, stated in a press release that it was found that “*a fake paper trail was set up to make it appear like an equivalent amount of Maldivian Rufiyaa was*

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

transferred to FAM's bank account to replace the embezzled USD 1 million". Although there is no indication that the Appellant personally set up a "fake paper trail", given the allegations raised against him with respect to this payment, the Panel finds that the possibility can certainly not be excluded that the Appellant is involved therein.

124. On the basis of the above, the Panel finds that there is a real risk that the Appellant may try to interfere with and therefore jeopardise the investigation proceedings if no provisional sanction is imposed on him. The testimony of Mr Shibau that he was not aware that the Appellant misused his position as President of the FAM in instructing staff to his benefit does not make this any different.
125. The Appellant's argument that the necessity to safeguard funds could not justify the imposition of any provisional sanctions, as the Appellant is not authorized to sign any operations exceeding MVR 10,000 (USD 649.41), misses the point. Indeed, if the only fear was that the Appellant may transfer further funds allocated to the FAM by FIFA to his personal bank account, a provisional measure barring the Appellant from signing off any transactions on behalf of the FAM would arguably suffice. However, that is not the decisive issue here. The threshold issue is that there is a legitimate risk that the Appellant may try to interfere with the investigation proceedings. A provisional ban on signing off any transactions on behalf of FAM would not prevent that threat.
126. Overall, on a strictly *prima facie* basis, and based on the evidence in front of it, the Panel finds that there are legitimate concerns that the Appellant may try to interfere with the investigation, by using the power that comes with his position as President of the FAM.
127. The Panel finds that a ban from any football-related activity is an appropriate measure to prevent this from happening. The Appellant did not advance any alternative provisional measures that would also safeguard the investigation proceedings but would be less harmful for the Appellant. Although the length of the provisional ban from taking part in any football-related activity will be discussed in more detail below, the Panel finds that the type of provisional sanction imposed is appropriate in the circumstances.
128. Consequently, the Panel finds that the provisional ban from taking part in any football-related activity was necessary to ensure that investigation proceedings are not interfered with.

b. *Prima facie* breach when a decision on the merits cannot be taken early enough

129. As to this second limb of Article 86(1) FCE, according to FIFA, it is not necessary to prove that a breach was committed, but only that a breach "appears" to have been committed or, in other words, that it was "*prima facie*" committed. FIFA maintains that it could not be clearer that there are several elements which indicate that it appears the Appellant breached the FCE. In this respect, FIFA relies on four specific allegations:
 - i) The Appellant appears to have transferred USD 10,000 from the FIFA Forward bank account to his personal bank account;
 - ii) The Appellant appears to have used USD 1 million issued from the FIFA Covid Relief Funds to settle personal debts;

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

- iii) The Appellant appears to have used USD 1,036,000 – provided to fund the construction of the Project – for unauthorised purposes;
- iv) The Project was unilaterally modified by the Appellant without authorisation from FIFA.

130. Furthermore, FIFA argues that a decision on the merits cannot be taken early enough considering the seriousness of the allegations and, in particular, that there are a number of documents and electronic data currently seized by the Maldivian authorities – with no timeline for their release – which are needed for the Chief of Investigation to conduct and complete the investigation.
131. The Appellant expressly denies any violation of the FCE and submits that there is not enough evidence to conclude that a breach of the FCE appears to have been committed. The Appellant also maintains that the imposition of the provisional sanction violates his personality rights, as he is prevented from executing his activity as the President of FAM for a significant period without any grounds. The Appellant submits that such provisional sanction can only be imposed in case there is enough evidence confirming that the violation has been conducted beyond reasonable doubt without any further analysis.
132. After establishing the applicable standard of proof, the Panel will first assess whether there was any *prima facie* breach of the FCE, following which it will be examined whether a decision on the merits could not be taken early enough.

1. Standard of proof

133. First of all, the Panel notes that, pursuant to Article 50 FCE, the applicable standard of proof is “*comfortable satisfaction*”, not “*beyond any reasonable doubt*”, as pleaded by the Appellant:
- “The members of the Ethics Committee shall judge and decide on the basis of their comfortable satisfaction”.*
134. What is more, pursuant to Article 86(1) FCE, the standard for the imposition of a provisional sanction is, *inter alia*, “*when a breach of this Code appears to have been committed*”. On this basis, the Panel notes that FIFA is not required to prove that the Appellant breached the FCE, but only that a breach appears to have been committed. In this respect, the Panel considers FIFA’s reference to a *prima facie* breach is indeed appropriate.
135. Finally, the Panel notes that the standard of proof for the imposition of the provisional sanction cannot be higher than the standard of proof of the final sanction, *i.e.* “*comfortable satisfaction*”.
136. Accordingly, the Panel finds that it is required to assess whether FIFA succeeded in establishing to its comfortable satisfaction that the Appellant, on a *prima facie* basis, appears to have breached the FCE.

2. The alleged breaches of the FCE

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

137. As indicated *supra*, FIFA relies on four limbs of factual circumstances that may eventually result in breaches of the FCE by the Appellant. The Panel will discuss each of these four limbs separately below.

a. The alleged transfer of USD 10,000 from the FIFA Forward bank account to the Appellant’s personal bank account

138. It is not in dispute that the Appellant is currently facing criminal charges from the Maldivian authorities for the transfer of USD 10,000 from the FIFA Forward bank account to his personal bank account.

139. It is not disputed by the Appellant that he indeed received such amount on his personal bank account. However, the Appellant argues that he received this amount legally as his personal allowance from the FAM, that such payment was approved by the FAM Executive Committee, but that the minutes of this meeting were seized by the Maldivian police. This position was also reiterated by the Appellant during the hearing.

140. FIFA maintains that the Appellant failed to provide any evidence whatsoever in support of his allegations. In particular, FIFA argues that, should the Maldivian authorities be in the possession of evidence which would demonstrate the legal reception of USD 10,000, they would not have charged him for such fact. Moreover, FIFA submits that there were other ways for the Appellant to prove this justification, such as through witness statements, providing the date the alleged FAM Executive Committee meeting took place and naming the persons that attended such meeting. Finally, FIFA argues that, even if such amount had indeed been transferred to the Appellant as an authorised allowance, it remains unclear why the amount was transferred from the FIFA Forward bank account.

141. Article 29 FCE (entitled “*misappropriation and misuse of funds*”) provides as follows:

“Persons bound by this Code shall not misappropriate or misuse funds of FIFA, the confederations, associations, leagues or clubs, whether directly or indirectly through, or in conjunction with, third parties”.

142. The Panel agrees with FIFA that a bare denial of the allegations concerning the USD 10,000 payment is not particularly convincing. The Panel is prepared to accept that the Appellant is unable to provide the minutes of FAM Executive Committee meetings that allegedly prove that an allowance of USD 10,000 was approved. However, the Panel agrees with FIFA that the Appellant should have been able to recall when such FAM Executive Committee meeting took place, indicate who attended such meeting, and provide support for his contentions by means of witness evidence.

143. In the absence of any material evidence corroborating the justification invoked by the Appellant, coupled with the ongoing criminal proceedings against the Appellant for the same alleged offence even though being in possession of the alleged exculpatory evidence the Appellant seeks to rely upon, the Panel, on a *prima facie* basis, is indeed comfortably satisfied that the Appellant appears to have breached the FCE and Article 29 thereof in particular.

b. The alleged use of USD 1 million issued from the FIFA Covid Relief Funds to settle personal debts of the Appellant

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

144. It is not disputed by the Appellant that an amount of USD 1 million was transferred from the FAM's FIFA Covid Relief Fund to Amin Construction.
145. However, the Appellant argues that the purpose of the payment was a currency exchange, submitting that the FAM received the exchanged MVR back in cash in three instalments on 20 April 2021, 31 October 2021 and on 30 November 2021. The Appellant also provided documentary evidence corroborating such justification, by means of three receipt vouchers, signed and stamped by the FAM. This position was also reiterated by the Appellant during the hearing.
146. FIFA's contention that several media reports indicate that the Appellant owes certain amounts to Amin Construction for not having paid the maintenance fees of apartments developed by such company remained unsubstantiated by any evidence besides the media reports. The name mentioned on the pictures taken from inside the property (referring to the debts) is different from the Appellant's name. The Appellant also denies being the owner of such real estate. It may well be that the name mentioned in the picture indeed refers to the Appellant, but the Panel finds that there is insufficient evidence on file to draw such conclusion on a *prima facie* basis.
147. Although the Panel certainly considers it odd that a construction company like Amin Construction would engage in currency exchanges with the FAM, the Panel finds that the three receipt vouchers suggest that a currency transaction may indeed have taken place between the two entities. Furthermore, it is accepted in the Ankura Report that large volumes of cash deposits were made to the FAM. Although this may not be a best practice, the Panel finds that it falls short of being indicative of any breaches of the FCE.
148. Furthermore, although it may well be that a "*fake paper trail*" was set up *ex post factum* to justify the payment of USD 1 million to Amin Construction, the Panel finds that this is something to be determined in the proceedings on the merits, but that it is inappropriate to draw such conclusion on a *prima facie* basis.
149. Finally, although the Maldivian police may have asked for criminal charges to be filed against the Appellant and although it is indicated in the Ankura Report that the Maldivian police indicated to Ankura that "[t]he purchase of the penthouses is a key part of their ongoing investigation into [the Appellant]", there is no evidence on file suggesting that the Prosecutor General's Office indeed charged the Appellant with respect to the payment of USD 1 million to Amin Construction.
150. Based on the evidence on file, the Panel, on a *prima facie* basis, is not comfortably satisfied that the Appellant appears to have breached the FCE in this respect.
- c. The alleged use of USD 1,036,000 – provided to fund the construction of the Project – for unauthorised purposes by the Appellant**
151. It is not in dispute that FIFA granted the FAM a total amount of USD 1,480,000 to fund the construction of the Project. However, FIFA only found evidence of a payment of USD 444,000 to Tibaro, but no payments to Apollo, the subcontractor.

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

152. According to FIFA, the difference of USD 1,036,000 remains unaccounted for.
153. The Appellant only alleges that “*payments were made to Tibaro*” without submitting evidence thereof, because he maintains that he could not provide evidence, because the relevant documents are held by the Maldivian police.
154. The Panel finds that the investigation conducted by Ankura, underpinning FIFA’s argument that no records were found of payments to Apollo is also confirmed by the conclusion of a settlement agreement between the FAM and Apollo.
155. While the Panel appreciates that the Appellant does not have access to the accounts of the FAM and is therefore unable to demonstrate that further payments were made by the FAM to Tibaro, the Panel finds that the Appellant could have offered witness statements to corroborate his contentions. In this respect, representatives of Tibaro could have confirmed the Appellant’s account, just like the other two FAM representatives required to approve transactions above MVR 10,000 together with the Appellant, but the Appellant did not do so.
156. Although there is no indication on file suggesting that the Appellant may somehow have benefitted personally from the amount of USD 1,036,000, the Panel agrees with FIFA that the amount remains unaccounted for and that there is a *prima facie* case that FIFA’s USD 1,480,000 funding was not fully allocated for the purpose it was allocated for, namely for the construction of the Project.
157. Overall, the Panel, on a *prima facie* basis, is indeed comfortably satisfied that the Appellant appears to have breached the FCE, Article 29 FCE in particular, be it directly or indirectly.

d. The alleged unilateral modification of the Project by the Appellant without authorisation from FIFA

158. It is not in dispute that the Project was at least partially converted into warehouses without FIFA’s authorisation and the Appellant does not dispute having been aware of such modification.
159. Mr Ali Umar, FAM Vice President, indicated the following, suggesting the Appellant’s personal involvement in the modification:
- “As far as I am aware, the decision to convert the Maafannu building into warehouses was a decision taken by the [Appellant] and the former General Secretary. Neither in my capacity as the 1st VP nor as a member of the Executive Committee of FAM, I was consulted regarding any decisions that has been taken related to the forward project of FAM Maafannu building, and I can vouch for the fact that none of these decisions nor its details were ever presented to the Executive Committee nor was it ever discussed on the floor any executive committee meeting”.*
160. The Appellant submitted in his Appeal Brief that the FAM Executive Committee was aware of the modification and that the decision was taken “*after consultation with clubs*”, but he did not argue that the FAM Executive Committee or clubs were involved in the decision-making. However, during the hearing, the Appellant testified that the FAM Executive Committee agreed to the modification of the Project.

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

161. The Panel notes that the Appellant did not submit any evidence of when the FAM Executive Committee agreed to the modification, or even evidence of when the FAM Executive Committee was informed about it or when the clubs were consulted.
162. Although the modification may well have been made for the purpose of gaining more revenues for the FAM, the Panel finds it very questionable whether FIFA would have awarded the funding had it known that it was the intention to establish warehouses in the Project. At the very least, the FAM should have obtained FIFA's approval before taking such decision.
163. Overall, the Panel, on a *prima facie* basis, is indeed comfortably satisfied that the Appellant appears to have breached the FCE, Article 29 FCE in particular, be it directly or indirectly.

e. Conclusion

164. In view of the above findings, the Panel finds that, on a *prima facie* basis, the Appellant appears to have breached the FCE with respect to three of the four limbs of factual circumstances invoked by FIFA.

3. Whether a decision on the merits could not be taken early enough

165. As indicated *supra*, FIFA argues that a decision on the merits cannot be taken early enough considering the seriousness of the allegations and, in particular, that there are a number of documents and electronic data currently seized by the Maldivian authorities – with no timeline for their release – which are needed for the Chief of Investigation to conduct and complete the investigation.
166. The Appellant argues that this could only justify a provisional sanction, if the IC already collected any evidence confirming infringements having occurred beyond reasonable doubt. The IC carries the burden of proof and must establish the facts that confirm the violation having occurred already in this stage of the proceedings (which it argues is not the case).
167. As concluded above, the Panel finds that, even in the absence of the documentation of the FAM confiscated by the Maldivian police, FIFA established to the Panel's comfortable satisfaction that, on a *prima facie* basis, the Appellant appears to have breached the FCE.
168. The Panel finds that the criterion whether a decision on the merits could not be taken early enough is subjective. The Panel finds that, on the one hand, FIFA has an interest in sanctioning the Appellant as soon as possible, in particular because it is rightly of the view that the Appellant, on a *prima facie* basis appears to have breached the FCE. However, on the other hand, the Appellant's presumption of innocence is to be preserved until a decision on the merits following a full-fledged disciplinary procedure is issued.
169. Given that documents that are likely relevant for the investigation are currently confiscated by the Maldivian police, the Panel finds that it is appropriate for FIFA to wait with the commencement of disciplinary proceedings until such evidence is released. In this respect, the Panel notes that it is also indicated in the Ankura Report that Ankura was "*severely restricted in our approach with regards to access to documentation, most of which is currently being held by local law enforcement*".

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

170. Given the seriousness of the infringements that appear to have been committed by the Appellant, the Panel finds that a decision on the merits can indeed not be taken early enough.
171. Consequently, although the length of the measure will be assessed below, the Panel finds that AC Chairperson rightly provisionally banned the Appellant from taking part in any football-related activity.

c. Conclusion

172. In view of the above, the Panel finds that all prerequisites for the imposition of a provisional ban from taking part in any football-related activities on the Appellant are satisfied under both alternative limbs of Article 86(1) FCE.

iv. What is the appropriate length of the provisional sanction to be imposed?

173. As to the duration of the provisional suspension, FIFA argues that it is to be deemed appropriate considering the seriousness of the suspected infringements and the fact that the IC is waiting for the Maldives authorities to release seized documents and data necessary for conducting and completing the investigation against the Appellant. FIFA further argues that, in any event, its interest in protecting the integrity and reputation of football in the context of the ongoing ethics proceedings (concerning serious infringements in the FCE including abuse of position and misappropriation and misuse of funds) clearly prevails over the potential adverse effects caused by the Appellant’s provisional sanction.
174. The Appellant submits that, to establish the proportionality of the provisional sanction “CAS needs to determine whether there is any interest of the FIFA worth of protection more than the high risk of the violation of the personality rights of the Appellant”. According to the Appellant, under the circumstances of the present case, the application of the provisional sanction would do greater harm than refraining from imposition of any sanction until the final stage of the proceedings, following the completion of the investigation proceedings and the establishment of the full facts of the case. The Appellant also argues that the 9-month duration of the provisional ban is excessive for and incompatible with a sanction of provisional nature.
175. Before determining the appropriate length of the provisional sanction in the matter at hand, the Panel will first address the applicable test to be applied and notes that reference is often made to the following test set forth in CAS jurisprudence:

“[T]he measure of the sanction imposed by a disciplinary body in the exercise of the discretion allowed by the relevant rules can be reviewed only when the sanction is evidently and grossly disproportionate to the offence (see TAS 2004/A/547, [...], §§ 66, 124; CAS 2004/A/690, [...], § 86; CAS 2005/A/830, [...], § 10.26; CAS 2005/C/976 & 986, [...], § s3; 2006/A/1175, [...], § 90; CAS 2007/A/1217, [...], § 12.4)” (CAS 2009/A/1870 (para. 125 of the abstract published on the CAS website).

176. Although there may be certain outliers, the Panel notes that such test is usually correctly interpreted as follows, with which analysis the Panel agrees:

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

“The Panel considers that such jurisprudence cannot be interpreted to mean that a CAS panel in appeals arbitration proceedings would lack the competence or mandate to reduce the sanctions imposed if it would find that a sanction is only somewhat disproportionate, but does not reach the conclusion that the sanction imposed is ‘evidently and grossly disproportionate to the offence’. This interpretation would be incorrect, as CAS panels decide de novo and therefore have full competence to review the facts and the law, including the proportionality of the sanction, without restriction. If it would be otherwise, procedural flaws at the previous instance could not be healed in a proceeding before the CAS.

However, the Panel accepts the jurisprudence cited above can only be interpreted to mean that, as a matter of courtesy or respect for internal judicial bodies, which are usually in a good position to take into account all relevant factors to decide on an appropriate and proportionate sanction, that a CAS panel should not ‘easily tinker’ with a well-reasoned sanction, i.e. to substitute a sanction of 17 or 19 months’ suspension for one of 18’ (CAS 2011/A/2518, para. 15 of the abstract published on the CAS website, with reference to CAS 2010/A/2283, para. 14.36)” (CAS 2022/A/8695, paras. 142-143).

177. Overall, the Panel finds that some question marks can be placed regarding the legality of Article 86 FCE. As to the length of the provisional ban from taking part in any football-related activity, the only hard limit is that the provisional sanction shall “*not exceed the maximum length of the sanction that may be imposed with regard to the related breach(es)*”. Accordingly, under the FCE (2023 edition), a provisional sanction can in theory be imposed for years.
178. This wide discretion under the FCE (2023 edition) stands in stark contrast with the previous regulatory framework in the FCE. Under the previous version of the FCE, the FCE (2020 edition), there was only a possibility of imposing a provisional sanction for a maximum period of 90 days, which could be extended for another 90-days in case of exceptional circumstances afterwards, if necessary.
179. As noted above, the Appellant did not challenge the legality of Article 86 FCE as such, so the Panel will not delve into this any further than necessary and limits its assessment to determining whether the prerequisites set forth in this provision are satisfied. In any case, the Panel finds that the wide discretion under the FCE (2023 edition) should be applied with reluctance and only for as long as necessary under the circumstances.
180. In the matter at hand, the Appellant is investigated for infringements of Articles 14, 20, 21, 26 and 29 FCE. The most severe infringement in terms of sanctioning is Article 29 FCE, which is indeed the core of FIFA’s investigation. Article 29(3) FCE provides that “[v]iolation of this article shall be sanctioned with an appropriate fine of at least CHF 100,000 as well as a ban on taking part in any football-related activity for a minimum period of five years”.
181. From this perspective, a 9-month ban on taking part in any football-related activity clearly remains below the minimum sanction of a 5-year ban.

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

182. As to the Appellant’s argument concerning the alleged infringement of his personality rights, the Panel finds that Appellant only provided very limited evidence and arguments demonstrating any prejudice.
183. The Appellant indicated that his position as President of the FAM is not a remunerated professional activity, *i.e.* he does not receive any salary from the FAM. Accordingly, the provisional sanction does not have any meaningful financial repercussions for the Appellant.
184. Furthermore, the Appellant’s term as President of the FAM ended on 2 July 2024, *i.e.* 12 days after the issuance of the Appealed Decision. Against this background, the Appellant’s argument that the provisional sanction prevents him “*from executing his activity as the President of FAM for a significant duration*” is difficult to understand. While the provisional sanction imposed could in theory have barred the Appellant from running for another term and from participating in the elections, it was clarified during the hearing that FIFA installed a Normalisation Committee to manage the FAM’s affairs, so that no new president was elected.
185. Furthermore, it is indicated in the Ankura Report, and no evidence to the contrary is provided by the Appellant, that “[*t*]he next FAM Presidential election had been scheduled for 31 January 2024, with [the Appellant] announcing that he would not run for re-election”, but that “[*o*]n 22 January 2024, FIFA and the Asian Football Confederation (‘AFC’) jointly instructed FAM to halt the election, due to concerns around the integrity of the electoral process”. Furthermore, during the hearing the Appellant testified that he wanted to clear his name first and that right now he had no intention to be re-elected. Accordingly, also from this perspective, the Appellant does not appear to have suffered any meaningful prejudice.
186. No further arguments were advanced by the Appellant as to the prejudice suffered by him from the provisional ban on taking part in any football-related activity.
187. The first limb under Article 86(1) FCE (“*to ensure that investigation proceedings are not interfered with*”) may not have justified the imposition of a 9-month ban from taking part in any football-related activity, as the Appellant’s term as President of the FAM expired 12 days after the issuance of the Appealed Decision. However, the Panel finds that, regardless of the expiry of this term, the absence of a longer provisional sanction may have allowed the Appellant to potentially seek to exercise his power through another position within the FAM (e.g. as Secretary General or otherwise).
188. Additionally, the second limb under Article 86(1) FIFA (“*when a breach of the FCE appears to have been committed and a decision on the merits of the case may not be taken early enough*”) remains relevant and is not affected by the fact that the Appellant’s term as President of FAM ended in the meantime.
189. Both Parties agree that the relevant test to be applied is a balancing of interests between FIFA’s interest in protecting the integrity and reputation of football by provisionally sanctioning the Appellant and the Appellant’s interest in not incurring any adverse consequences from the provisional sanction, *i.e.* the risk of the infringement of the Appellant’s personality rights.

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

190. As noted above, the Appellant did not establish having suffered any meaningful material prejudice from the imposition of the provisional sanction so that the encroachment of his personality rights, if any, remains very limited.
191. On the other side, the Panel finds that FIFA has a legitimate interest in protecting the integrity and reputation of football, and that, considering that it is established to the Panel's comfortable satisfaction that the Appellant, on a *prima facie* basis, appears to have breached the FCE with respect to three of the four limbs of factual circumstances invoked by FIFA and that a decision on the merits cannot be taken early enough, FIFA indeed has a legitimate interest that the Appellant is provisionally sanctioned.
192. Weighing these two interests, the Panel agrees with the conclusion of the AC Chairperson in the Appealed Decision, holding that "*the interest of FIFA in protecting the integrity and reputation of football in the context of the ongoing ethics proceedings [...] prevails over the potential adverse effects caused by the provisional sanction [imposed on] the [Appellant]*".
193. With the knowledge of hindsight, the Panel notes that the documents confiscated from the FAM by the Maldivian police have not been released yet, or at least no evidence thereof has been submitted by either of the Parties. The Panel finds that the imposition of a 9-month ban from taking part in any football-related activity, which is, in fact, a lighter provisional sanction than the one requested to be imposed by the Chief of Investigation, is not disproportionate and does not infringe the Appellant's personality rights.
194. FIFA argues, *inter alia*, that the provisional 9-month ban is appropriate because the Chief of Investigation estimates that he will require "*approximately three to four months from the moment all relevant documents and data are obtained (depending on the extent of the information obtained from the Maldives authorities) to take a decision on the merits*". With respect to this argument, the Panel considers that a three-to-four-month period is a relatively long period if the matter is indeed as urgent as alleged by FIFA, so the Panel finds that this does not necessarily justify the length of the ban imposed.
195. However, this element ultimately has no impact on the Panel's decision considering that the ban from taking part in any football-related activities is set to expire on 20 March 2025. The Panel accepts that it is unrealistic to expect, even if the relevant documents would be released by the Maldivian authorities on the date of this award, that a decision on the merits following a full-fledged disciplinary procedure can be concluded before 20 March 2025. Accordingly, with the knowledge of hindsight, which can be taken into account considering the Panel's *de novo* review, the Panel finds that the imposition of a 9-month ban from taking part in any football-related activity on the Appellant is not unreasonable.
196. Consequently, considering all the above, the Panel finds that the imposition of provisional 9-month ban from taking part in any football-related activity on the Appellant is reasonable, not disproportionate and fair in the circumstances.

B. Conclusion

197. Based on the foregoing, the Panel holds that:

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

- i. The AC Chairperson was competent to decide on the Chief of Investigation’s request for the imposition of a provisional sanction on the Appellant.
- ii. Even though the Appellant’s right to a fair trial and his right to be heard were partially violated, such infringements are cured by the Panel’s *de novo* competence as none of them caused the Appellant any irreparable harm.
- iii. All prerequisites for the imposition of a provisional ban from taking part in any football-related activities on the Appellant are satisfied under both alternative limbs of Article 86(1) FCE.
- iv. The imposition of provisional 9-month ban from taking part in any football-related activity on the Appellant is reasonable, not disproportionate and fair in the circumstances.

198. All other and further motions or prayers for relief are dismissed.

X. COSTS

(...).

* * * * *

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

ON THESE GROUNDS

The Court of Arbitration for Sport rules that:

1. The appeal filed on 28 June 2024 by Mr Bassam Adeel Jaleel against the decision issued on 20 June 2024 by the Chairperson of the Adjudicatory Chamber of the Ethics Committee of the *Fédération Internationale de Football Association* is dismissed.
2. The decision issued on 20 June 2024 by the Chairperson of the Adjudicatory Chamber of the Ethics Committee of the *Fédération Internationale de Football Association* is confirmed.
3. (...).
4. (...).
5. All other and further motions or prayers for relief are dismissed.

Seat of arbitration: Lausanne, Switzerland

Date: 14 February 2025

THE COURT OF ARBITRATION FOR SPORT

Manfred Nan
President of the Panel

Martin Schimke
Arbitrator

Kepa Larumbe
Arbitrator