

CAS 2022/A/8950 Tigran Hakobyan v. Football Federation of Armenia

ARBITRAL AWARD

delivered by the

COURT OF ARBITRATION FOR SPORT

sitting in the following composition:

President: Mr Nicolas **Cottier**, Attorney-at-Law, Saint-Prex, Switzerland

Arbitrators: Mr Jacopo **Tognon**, Attorney-at-Law, Padova, Italy
Mr Jasper **Wauters**, Attorney-at-Law, Geneva, Switzerland

in the arbitration between

Mr Tigran Hakobyan, Armenia

Represented by Mr Salvatore Civale, Attorney-at-Law in Nocera Inferiore, Italy

- Appellant -

and

The Football Federation of Armenia, Erevan, Armenia

Represented by Ms Prune Junguenet and Mr Sevan Karian, Attorneys-at-Law in Paris, France
and Ms Tatevik Asatryan, Erevan, Armenia, in-house legal counsel

- Respondent -

* * * * *

I. THE PARTIES

1. Mr Tigran Hakobyan (“Mr Hakobyan” or the “Appellant”) is an Armenian citizen who was member of the FFA Executive Committee and Chairman of the FFA Refereeing Committee from 23 December 2019 until 13 August 2020. Mr Hakobyan is also President of the Erebouni Dilijan Football Club.
2. The Football Federation of Armenia (the “FFA” or the “Respondent”) is the governing body for the sport of football in Armenia.

II. FACTUAL BACKGROUND

3. On 15 October 2021, in the context of the 9th round of the Armenian Premier League a match opposing the Sevan Football Club (the “FC Sevan”) to the Noah Football Club (the “FC Noah”) took place at the Technical Centre of the FFA Football Academy (the “Match”).
4. FC Noah won the Match 2-1.
5. Immediately after the Match, incidents took place in the stadium and in the corridor leading to the changing rooms.
6. The referee of the Match, Mr Artur Safaryan (“Mr Safaryan”) was assaulted in the corridor by several people. He received a number of blows to his body and face, leaving him injured (the “Incident”).
7. Immediately after this Incident, Mr Sarfaryan filed a complaint before the local police and also reported the Incident to the FFA Match Delegate.
8. On 19 October 2021, the FFA Match Delegates’ Coordinator, Mr Arno Sargsyan (“Mr Sargsyan”) sent a report to the Chairman of the FFA Disciplinary and Ethics Committee (the “FFA DEC”) transcribing the remarks of the FFA Delegate of the Match, Mr Norayr Zoryan (“Mr Zoryan”), as follows:

“(…) 3 After the match, several people in civilian clothes, among which was also with Mr. Tigran Hakobyan, the owner of the “Sevan” football club, went down to the technical zone, then to the tunnel section of the stadium. They had not been provided with badges by home team and therefore they could not be in the above-mentioned area, which is also an omission of the security organization of the home team.

4. Right after the match the owner of the guest team, Mr. Tigran Hakobyan, as well as several people in civilian clothes accompanying him, without carrying the badge provided by the home team club, first went down to the technical zone, then to the tunnel section of the stadium, where they started swearing at the Referee of the match. Seeing that the situation in the tunnel is becoming very tense and that the above persons are quite aggressive I urged the stadium security and the stewards to block the referees and accompany them to the dressing room.

After entering the tunnel section, I heard the sounds of swearing and beating the Referee and the stadium security who were accompanying him, where Mr. Tigran Hakobyan and 2-3 other people who went down to the tunnel section with him, whom I could not identify, were waiting for the referees.

In order to see and record what is happening there, I turned towards the dressing rooms and at the same time took out my mobile phone to record what happened. As soon as I turned into the tunnel, I was attacked by 3 people from the players and staff of the "Sevan" club (one of them was defender Mr. Artur Kartashyan, I didn't know the other two), leaned me against the wall and started pulling me. Mr. Artur Kartashyan, the player of FC Sevan, grabbed the phone from my hand, after which he went to the dressing room to "delete the pictures on my phone", thereby preventing me from performing my work duties normally. Since the football players surrounding and pushing me were quite tall, I could not see who and how they continued to hit the referees and security staff.

Mr. Vahan Danielyan, the sports director of the FC Sevan, took quick actions to prevent the incident from escalating. When I was unblocked, the referees were already in their dressing rooms, and the people in civilian clothes, headed by Tigran Hakobyan, had left the tunnel.

20 minutes after the incident Mr. Artur Kartashyan personally approached to me and returned the phone undamaged, apologized and assured that he realizes and accepts his mistake.

After the two teams left the tunnel section, the I entered the Referee room, where I found the Referee having received bodily injuries due to the beating. After conversation with the latter, it became clear that he was beaten. He was punched and kicked before falling to the ground, only to be lifted off the ground by security and rushed to the referees' dressing room. Mr. Artur Safaryan mentioned that as his head was hanging down during the beating, he did not see all those who hit him, but he insisted that one of them was definitely Mr. Tigran Hakobyan, whom he recognized. (Attached: photo 3, 4, 5, 6)."

9. The photos nr 3 to 6 attached to the report display the face and shoulders of Mr Safaryan with bruises on his nose, next to his neck and around his left shoulder.
10. On 20 October 2021, the Head of Referee and Observer Department, Mr Slavik Ghazaryan, sent an email, with two protocols attached to it, to the FFA General Secretary, Mr Artur Azaryan ("Mr Azaryan") asking him to file a petition before the FFA DEC on the violations of the FFA regulations which took place during the 9th round of the Armenian Premier League, notably with respect to the Incident.
11. The Protocol N PL044 attached to this email reads under the final chapter "Other remarks/detailed description of cases" as follows:

"Right after the match "Noah" – "Sevan", when we were going to the changing room accompanied by security guards, it was already an emotional situation, and right at the corridor doors I was suddenly attacked by the representative of FC "Sevan", Mr. Tigran Hakobyan and some other person, whom I have not seen and do not know, because first my head was hanging and then it was a very mixed situation. During that incident, my referee jersey was also torn."
12. On 23 October 2021, the FFA DEC initiated a disciplinary proceeding with respect to the Incident, on the basis of article 12 Provisions 12.01 and 12.04 of the FFA Disciplinary

and Ethics Regulations (the “Regulations”). The FFA DEC’s decision reads, in its relevant parts, as follows:

“Considering the report of FFA Delegate Norayr Zoryan regarding the match FC Noah vs FC Sevan (Premier League 044),

Taking as a basis Article 12 Provisions 12.01 and 12.04 of FFA Disciplinary and Ethics Regulations (hereinafter referred to as Regulations)

Decided:

- 1. To initiate disciplinary proceedings and take necessary actions arising from it.*
- 2. This decision enters into force from the moment of its official publication.*
- 3. This decision can be appealed in accordance with the procedure established by Article 19 Provision 19.01 of the Regulations.”*

[emphasis in the English translation of the original document]

13. On 25 October 2021, following the above mentioned complaint to the local police by the head referee, Mr Safaryan, the Senior Investigator of the RA Police issued a decision which reads in its relevant parts as follows:

“On Oct. 15, 2021 at 20:35 FFA referee Artur (patronymic Never) Safaryan gave a report and explanation in the department of Nork of the RA Police, that on the same day after the match between Sevan and Noa football clubs at the Avan Football Academy Stadium at about 18:00, in the corridor of the locker room at the nearby sports building, the representative of the Sevan Football Club Tigran (patronymic Hakob) Hakobyan approached him, hit him in the face with hand once, after which he bent his head, during which he received numerous blows to different parts of his body, however he did not see the people who attacked him and cannot refute or confirm who, how many times hit him, as a result of which he felt physical pain and received bodily injuries, and the security employees accompanying him tried to protect him from the blows and escorted him to the locker room. He added that he refuses to undergo a forensic examination and does not ask for complaints against the person or people who hit him.

Guards of the security service LLC "Spetsnaz-R" Arman (patronymic Garjk) Hakobyan and Edgar (patronymic Ashot) Nazaryan, in connect on with the mentioned above, gave explanations of identical content, that they don't know the person, who hit Artur Safaryan the first time, and after that, being busy protecting Artur Safaryan and escorting the latter to the locker room, they did not see who else hit him, they only felt other blows inflicted on Artur Safaryan.

Artur Safaryan's second assistant Vanik (patronymic Manvel) Simonyan also gave explanation regarding the mentioned above, saying that at the time of entering the corridor leading to the locker room he and two other referees of the match heard a noise from the corridor, saw a crowd gathered, in which they noticed a representative of the Sevan football club Tigran Hakobyan, however, at that moment the security staff of the match immediately escorted them to a nearby locker room and did not allow them to leave it, and for that reason they did not see the blows, they only saw hassle.

Tigran Hakobyan gave explanation that he approached Artur Safaryan in the corridor of the locker room, talked to him about some episodes of the match, regarding which his views were different. Other people, whom he does not remember, began to participate in the discussion of these episodes with Artur Safaryan and since he felt that the situation could escalate into a fight, he kept two sides with different views away from each other with his hands, after which Artur Safaryan went to the referees' room, after which he left the territory of the stadium. He added that he did not hit anyone, no one hit him and did not see anyone hit anybody.

Thus, according to part 2 of Article 18 of the RA Criminal Code, an action or absence of action shall not be considered a crime, if, although it contains features of any action provided for in this Code, it does not pose a public danger due to its less importance, that is, has not caused and couldn't have caused significant harm to an individual or legal entity, society or the state. The precedent decision 'ARD-0176-01-11' made by the Court of Cassation of the RA in relation to Arevik Sahakyan and Tsovinar Sahakyan should also be noted, in particular: /.../ The Court of Cassation of the RA records that one blow cannot be qualified as a beating, beating involves inflicting more than one blow on the victim's body, as a result of which physical pain is inflicted on the victim, therefore, inflicting more than one blow on the victim's body, as a result of which physical pain is not inflicted on the victim, is not subject to qualification as a beating under Article 118 of the Criminal Code RA /.../, and in this case, no actual data was obtained by any person about the circumstance of causing physical pain to Arthur Safaryan by hitting him more than once.

Even if the circumstance of hitting of Arthur Safaryan by Tigran Hakobyan is considered confirmed, the initiation of a criminal case is again subject to rejection for the above-mentioned reason

Based on the above mentioned and being guided by Article 35, Part 1, Clause 2 of the RA Criminal Procedure Code, in accordance with the requirements of Article 185

I DECIDED

“1. to refuse to initiate a criminal case on the prepared materials regarding the report of Artur (patronymic Nver) Safaryan on the basis of the absence of the composition of the crime provided for in Article 1 18 of the RA Criminal Code:

2. to send the copy of the decision to the prosecutor of the administrative districts of Avan and Nor Nork.

3. to send copies oi the decision to A. Safaryan and T. Hakobyan, to clarify that according to part 3 of Article 185 of the RA Code of Criminal Procedure, the decision can be appealed to a higher prosecutor within 7 days from the date of receipt.”

14. On 2 November 2021, the FFA DEC held a session on the disciplinary action it had initiated regarding the Incident with the following agenda:

“Presentation of the explanation of the Referee Artur Safaryan on the match FC "Noah" vs FC "Sevan" (PL 044) (hereinafter referred to as the Match) held on 15.10.2021 at the FFA Technical Center-Academy (23.10.2021) within the framework of the disciplinary

proceedings (hereinafter referred to as Disciplinary proceedings) initiated at the Committee meeting on 23.10.2021.”

(extract of the minutes of the FFA DEC Session dated 2.11.21)

15. During that session, Mr Safaryan explained the following, as reflected in the minutes issued by the FFA DEC:

“The referee said that he has over 13 years experience of refereeing. As to the details of the incident, he informed that a suspicious episode occurred at the end of the match, which could have affected the match outcome. He said that after the match they were going down the stairs; his assistant Mersop Ghazaryan warned the security that the situation was tensed. The Referee did not enter, he waited for the security, who came with about 5 people and appeared together. As soon as he entered, Mr. Tigran Hakobyan was the first to come forward, who immediately hit him. Then the situation went uncontrollable: he did not see the other people; he did not know how many people there were there. He also mentioned that he had not seen any of the players or the staff of the club during that fight. He saw Mr. Hakobyan with a few people whom he did not know. Afterwards the stewards managed to accompany him to the Referee room. To the question whether the suspicious episode occurred at the end of the match was later assessed by the FFA Refereeing Committee or not, he answered that the FFA Refereeing Committee confirmed that he was right. He said that he knows Tigran Hakobyan as a representative/owner of FC Sevan: the latter was present at the meeting, but he has no personal relations with Tigran Hakobyan, only knows him because Mr. Hakobyan was the Chairman of the Competition Committee and a member of the Executive Committee. He had official relations with Tigran Hakobyan. When he was asked why he assumed that Tigran Hakobyan is the owner or representative of FC Sevan, he answered that some people say he is the Owner, the rest say that he is the President. He does not know how it is written on the "paper", he only knows that he is always with accompanying that team, it is him who has founded the team. Whoever you ask (meaning in the football community) they will answer that he is the owner of FC Sevan (meaning Mr. Tigran Hakobyan). To the question whether the other referees were attacked or not, he answered that no, moreover, one of the referees remained outside according to the rules.”

16. On 6 November 2021, a second session was held in the presence of Mr Zoryan, the FFA Delegate of the Match, Mr Arthur Kartashyan (“Mr Kartashyan”), a player of FC Sevan and Mr Vahan Danielyan (“Mr Danielyan”), the Sports Director of FC Sevan. The following point was on the agenda of that session:

“Presentation of the explanation of the invitees on the match FC "Noah" vs FC "Sevan" (PL 044) (hereinafter referred to as the Match) held on 15.10.2021 at the FFA Technical Center-Academy (23.10.2021) within the framework of the disciplinary proceedings (hereinafter referred to as Disciplinary proceedings) initiated at the Committee meeting on 23.10.2021.”

(extract of the minutes of the FFA DEC Session dated 6.11.21)

17. During that session, Mr Danielyan, Mr Khartashyan and Mr Zoryan explained the following, as reflected in the minutes issued by the FFA DEC:

“Vahan Danielyan informed the following:

He informed that no representative of the club (neither players, nor coaching staff or managers) took part in the incident.

The participants of the incident had nothing to do with them.

He said that the FFA delegate had informed him that his phone had been taken and he had asked to give it back. He applied to Kartashyan as a Second Assistant Referee to find the phone and return it. Kartashyan brought the phone and apologized to the FFA Delegate.

- 1) To the question who Tigran Hakobyan is, he answered that he knows the latter as the head of the "Erebuni-Dilijan" club, who follows the matches of FC Sevan, but does not hold any position in FC Sevan, and the team management is headed by the club manager Mr. Spartak Sargsyan. Tigran Hakobyan has nothing to do with the management, leadership and sponsorship of FC Sevan; he himself cooperates with Mr. Spartak Sargsyan. To the question why it is spread in the football community that Tigran Hakobyan is the owner of FC Sevan, he said that he could not answer that question, and he continues to claim that he works with Mr. Spartak Sargsyan: Mr. Tigran Hakobyan has nothing to do with FC Sevan. To the questions of the committee members that if the representatives of FC Sevan has nothing to do with the incident, why they spread an announcement on the incident on their official Facebook page, while FC Noah did not spread such a statement, Vahan Danielyan answered that " Such incidents are unacceptable for us as well". Vahan Danielyan left the other questions of the committee members unanswered, commenting that no representative of the club had anything to do with the incident, and Tigran Hakobyan had nothing to do with the club, he could not answer the questions instead of him.*

The Chairman of the Committee asked the player of FC Sevan Artur Kartashyan to present the details of the incident that took place during the match.

Artur Kartashyan informed the following:

After the incident Mr. Vahan Daneilyan told him that someone had taken the FFA Delegate's phone. It was not him who had taken the phone but returned the phone to the FFA Delegate.

The Chairman of the Committee asked the FFA Delegate Norayr Zoryan to present the details of the incident that took place during the match.

Norayr Zoryan informed the following:

He said that he entered the tunnel after the referees. Three people blocked his way during the incident, one of which was the player Artur Kartashyan. The latter picked up the phone, when he saw that he was recording. He claimed that it was Mr. Kartashayn who had taken the phone and then returned it. In a week after the incident, Mr. Kartashayn phoned and apologized for doing such a thing. He presented the video to the committee, which was attached to the Disciplinary proceedings.”

18. On 13 January 2022, a third session was held in the presence of Mr Edgar Nazaryan (“Mr Nazaryan”), the Steward of the Match. The following point was on the agenda of that session:

“Presentation of the explanation of the invitee on the match FC "Noah" vs FC "Sevan" (PL 044) (hereinafter referred to as the Match) held on 15.10.2021 at the FFA Technical Center-Academy (23.10.2021) within the framework of the disciplinary proceedings (hereinafter referred to as Disciplinary proceedings) initiated at the Committee meeting on 23.10.2021.”

(extract of the minutes of the FFA DEC Session dated 13.1.22)

19. During that session, Mr Nazaryan explained the following, as reflected in the minutes issued by the FFA DEC:

“The Steward Edgar Nazaryan informed the following:

After the match he and his colleague Arman Hakobyan (who no longer works at “Spetsnaz” LLC and is currently in the Republic of Artsakh) accompanied the referees. They entered the hall (tunnel area) and turned to the left to approach the Referee room, and a beating started from the right side. He said that when they went down to the left to the Referees’ room, the assailants were already on the right side, as the security there forbade anyone to enter with them. In the end, when they were able to accompany the referees to their room and left it, no one was there anymore.

To the question whether the latter accompanied the Match Referee, he answered that the referees were accompanied by two people.

To the question of who they were hitting, he answered that they were hitting the referee officiating during the match (i.e. the Match Referee - the emphasis is from our side). He said that they were hitting randomly, it was possible that all three were being hit.

To the question of how many people were hit, he answered that there were many of them. They tried to ensure the safety, they neither hit anyone, nor turned around to see who it was, because that would result of not being able to ensure the safety of the Referee. They went to the left from the tunnel section, while the attackers approached from the right side.

To the question whether he knew any of the assailants or had ever seen them before, he said that it was the first time he had been officiating at that match.

He was presented the photos taken by the FFA from the Facebook page of FC Sevan; he recognized only Tigran Hakobyan on them and mentioned that he had seen those people during the match in the VIP section, but had not seen them inside, as they had not turned around to ensure the safety of the referees. He could not see any of the assailants.

When being asked how those people got inside, he answered that they had had the appropriate "badges". Otherwise, the security would have not allowed their access to that area. He did not recognize either the President or Director of the club, but in case of a "badge" they are obliged to let people in.

To the question of how many people they (stewards) were there, he answered that there were two of them and they were guarding three people, but he could not say particularly whom he was guarding at a specific moment during the incident.

To the question whether he saw how the Referee was hit, he answered that at that time he hugged the Referee to defend, the latter was bent, and it was possible that while hitting they hit him in his face as well. However, there was a messy situation and he could not know whom he had been holding at various moments and whether the referee was hit during that moment.”

20. On 15 January 2022, a fourth session was held in the presence of Mr Ashot Harutyunuyan (“Mr Harutyunuyan”), Referee Observer, Mr Mesrop Ghazaryan (“Mr Ghazaryan”), 1st Assistant Referee, Mr Vanik Simonyan (“Mr Simonyan”), 2nd Assistant Referee, and Mr Zaven Hovhannisyan (“ Mr Hovhannishyan”), 4th Official of the Match. The following point was on the agenda of that session:

“Presentation of the explanation on the match FC "Noah" vs FC "Sevan" (PL 044) (hereinafter referred to as the Match) held on 15.10.2021 at the FFA Technical Center-Academy (23.10.2021) within the framework of the disciplinary proceedings (hereinafter referred to as Disciplinary proceedings) initiated at the Committee meeting on 23.10.2021.”

(extract of the minutes of the FFA DEC Session dated 15.1.22)

21. During that session, Mr Harutyunuyan, Mr Ghazaryan, Mr Simonyan and Mr Hovhannisyan explained the following, as reflected in the minutes issued by the FFA DEC:

“The Observer Ashot Harutyunuyan informed the following:

After the Match he went down to the tunnel section and saw about 7-8 people in the corridor, including the referees. He recognized Mr. Tigran Hakobyan among them, whom he knows as the President of FC Sevan, based on the rumors. At that time, the incident had already occurred, after which the referees were taken to the Avan Police Department, kept for about 25 minutes, after which they were taken to the Nor Nork Police Department, where the latter gave explanations.

The Chairman of the Committee asked Mr. Mesrop Ghazaryan, 1st Assistant Referee of the Match (hereinafter referred to as 1st Assistant) to present the details of the incident that took place during the match.

Mr. Mesrop Ghazaryan, 1st Assistant informed the following:

After the match the 4th Official Zaven Hovhannisyan stayed near the so-called tunnel near the entrance. It is his duty as 1st Assistant to go down quickly into the corridor so that when the teams come, something might happen between them, and he could detect the possible violations and report to the Referee so that he could make a record of it. While he was inside, when the teams had not yet come down, Mr. Tigran Hakobyan went down with a few people; he was the first whom Mr. Hakobyan saw there at the door, and

he said indignantly: "What are you making up, Moso" (quote from the 1st Assistant). The 1st Assistant answered that no one was making up anything, everything was normal. Tigran Hakobyan knows him: when the latter was the Chairman of the FFA Refereeing Committee, the 1st Assistant worked in the FFA Refereeing Unit and he was present at all the sittings.

Then, when the Match Referee Artur Safaryan and the stewards approached to enter there, Mr. Tigran Hakobyan and several people attacked Artur Safaryan at once and start beating. At that time, the 2nd Assistant and him tried to enter through the door, but the security did not let them in, probably thinking that when they entered, they might be beaten as well. The security took the 2nd Assistant and him to a room somewhere in that area.

The 1st Assistant was presented with the photos that were received by the FFA and obtained from the Facebook page of FC Sevan, where the 1st Assistant pointed to Mr. Tigran Hakobyan.

To the question whether Mr. Tigran Hakobyan had been present at the matches of FC Sevan or not, the 1st Assistant stated that Mr. Hakobyan had been present at all the matches where he had participated; he did not attend one or two matches, which, as was later learnt, was due to his being abroad.

The 1st Assistant stated that according to the information known to him, Tigran Hakobyan is the owner of FC Sevan.

To the question whether he was beaten, the 1st Assistant said that neither he nor the 2nd Assistant were hit or dragged.

To the question whether they met after the incident, he answered that they have not met until now.

To the question whether they knew the other participants in the incident, he said that he did not.

To the question of what was in his opinion the reason that there were two suspicious episodes in the last few minutes of the match: one penalty kick in favor of them (FC Sevan - emphasis is from our side) was not awarded, and one was awarded against them. He also said that the mentioned suspicious episodes were considered at the FFA Referee Committee Meeting and a decision was made that the Match Referee's decisions were correct.

To the question whether the mentioned incident could have been prevented or not, he said that if the security had worked well, it could have been prevented, it is not about the security officers, but about the need of presence of policemen.

The Chairman of the Committee asked Vanik Simonyan, the 2nd Assistant Referee of the match (hereinafter referred to as the 2nd Assistant Referee) to present the information known to him regarding the incident that took place during the match.

After the end of the match, he approached the Match Referee to go to the dressing room together, separately from the teams. When they went down the first steps (First there come the stairs, then the doors, the right and left side new dressing rooms (quote from his speech), the security blocked their way in that small corridor and did not let them enter for maybe a minute. About 4 people took away Artur Safaryan separately and at that time they attacked Artur Safaryan in a few seconds. He saw Tigran Hakobyan among the assailants, because the latter was a boy and he himself knew him. Then they were taken into a room near the entrance.

To the question whether he had seen the attack, he answered that yes, he saw that those gathered people, including Tigran Hakobyan, attacked Artur Safaryan. When they took them out of the room, there was no one else, only Artur Safaryan with his uniform torn and they entered the Referees' room together.

The Chairman of the Committee asked the 4th Official Zaven Hovhannisyan (hereinafter the 4th Official) to present the information known to him regarding the incident that happened during the meeting.

The 4th Official Zaven Hovhannisyan informed the following:

After the end of the match, he felt that there was a tense situation on the field and as a 4th Official he stayed in the technical zone. In order to remain in place and prevent possible tension, he gave the keys to the referees' room to the 1st Assistant so that they could quickly get off the field, and he would join them as soon as it would calm down on the field. After handing over the key, the other referees (including the Match referee – the emphasis is from our side) went down, he waited for the teams to leave the field before going down himself. When the players were leaving with the coaches, he also followed them down to the dressing rooms; at that time he realized there that it was a tense situation downstairs and voices were coming. He approached through people, reached the door, saw the FFA delegate, who informed that his phone was taken from him. There were already a lot of people in the corridor and the situation was tensed; somehow he passed and saw Artur Safaryan at the end of the corridor. At that time, Tigran Hakobyan came to meet him from among the people, stood up and said tensely and upset. "What are you doing, Zaven, are you slaughtering?" (quote: the 4th Official refers to the club), he answered. "No one has done anything, Tiko." Tigran Hakobyan spoke only for that one moment, he answered and passed ahead. He approached Artur Safaryan, with his referee's uniform already torn.

To the question whether there was another person with Tigran Hakobyan at that time or not, he answered that he saw a stranger next to him while standing and talking.

To the question whether he had come to FC Sevan matches and seen him in the mentioned areas, he answered that he had seen Tigran Hakobyan near the team's dressing room, he had entered the dressing room; there were times when the team had lost, but there were no similar incidents."

22. On 25 January 2022, a fifth session was held in the presence of Mr Spartak Sargsyan (“Mr Sargsyan”), Director of FC Sevan, and again Mr Danielyan, Sport Director of FC Sevan. The following point was on the agenda of that session:

“Presentation of the explanation of the invitees on the match FC "Noah" vs FC "Sevan" (PL 044) (hereinafter referred to as the Match) held on 15.10.2021 at the FFA Technical Center-Academy (23.10.2021) within the framework of the disciplinary proceedings (hereinafter referred to as Disciplinary proceedings) initiated at the Committee meeting on 23.10.2021.”

(extract of the minutes of the FFA DEC Session dated 25.1.22)

23. During that session, Mr Danielyan explained the following, as reflected in the minutes issued by the FFA DEC:

“Vahan Danielyan informed the following:

He informed that the Director of FC Sevan Spartak Sargsyan could not attend the sitting.

During the meeting, the Chairman of the Committee presented to Vahan Hakobyan the information provided by the FFA within the framework of the Disciplinary Proceedings, in particular the pictures where Tigran Hakobyan is in the hall, next to Vahan Danielyan, Spartak Sargsyan and the Head coach, and it is entitled “ The top management of FC Sevan introduced its Head coach”. The Chairman asked to comment on Mr. Tigran Hakobyan role during that event. Vahan Danielyan answered that Mr. Hakobyan has very close relations with the owner of FC Sevan Mr. Hayk Grigoryan; he has always been present at the matches of FC Sevan, he has very good relations with Spartak Sargsyan, and he is a person who loves football.

To the question of the committee members why Tigran Hakobyan was sitting in the center when the coach was being introduced, Vahan Danielyan answered that Mr. Hakobyan is a very respected person, that is why they gave him that seat. Vahan Danielyan once again confirmed that the incident took place, but mentioned that he insisted on the explanation given earlier that no representative of FC Sevan was involved in the incident.”

24. On 15 February 2022, a sixth session was held to which Mr Hakobyan was invited for the first time. The following point was on the agenda of that session:

“Presentation of the explanation of the invitees on the match FC "Noah" vs FC "Sevan" (PL 044) (hereinafter referred to as the Match) held on 15.10.2021 at the FFA Technical Center-Academy (23.10.2021) within the framework of the disciplinary proceedings (hereinafter referred to as Disciplinary proceedings) initiated at the Committee meeting on 23.10.2021.”

(extract of the minutes of the FFA DEC Session dated 15.2.22)

25. The minutes of that meeting read, in their relevant parts, as follows:

“The Chairman of the Committee announced that the sitting was opened.

The Chairman of the Committee presented the grounds for initiating the disciplinary proceedings.

The Chairman of the Committee asked Mr. Tigran Hakobyan to comment on his relationship with FC Sevan.

Tigran Hakobyan informed, that he had no legal ties with FC Sevan. The President of FC Sevan is Spartak Safaryan, who is his friend and whom he has helped and assisted in various issues in the forms of consultations. As to his connection to FC Sevan, it is limited to the fact that it is his friend's club, it was a newly created club, and it was normal that they had applied to him taking into consideration his experience in the sphere of club management. And he had tried to be of any help to the club. He informed that he had in no way been involved in management of FC Sevan; he had been present in all the matches of the club for the sake of his friend and he had tried to help whenever they had applied to him for consultation. This is possibly the reason why his name is associated with FC Sevan.

The Chairman of the Committee asked Tigran Hakobyan to provide them with the information about the incident which served as a basis for the disciplinary proceedings, to comment on the fact that he had participated in the incident.

Tigran Hakobyan said that he was present at the match, in his opinion the Referee had made disgraceful decisions (quoting Tigran Hakobyan), that day the Club President Spartak Safaryan was ill, he was not present at the match, but he had asked him to go to the match as a friend by all means. After the match he went down (meaning the section of the dressing rooms for teams and referees).

As to the incident, he said that the situation was inflamed when went down to the tunnel: there was no one there at all, only he was there waiting for the team to come. He went ahead of the team, realizing that the situation was tensed, as it was very clear. There was tension, then the fans of FC Sevan entered, probably, when the Referee came. He appeared between them, he did not see a blow to the Referee, he only divided the participants of the incident, no one but himself interfered in the incident, only he tried to separate.

In the meantime, at the sitting of the Committee, Tigran Hakobyan provided other information, which is not relevant within the framework of the Disciplinary Proceedings, therefore it was not included in the Disciplinary Proceedings."

26. On 22 February 2022, the FFA DEC issued its decision (the "DEC Decision") on the Incident. This DEC Decision was not notified to Mr Hakobyan at the time. While a copy of the DEC Decision was made available to Mr Hakobyan following his request to see the decision by the FFA Executive Committee which is discussed below, the complete and slightly different version of this Decision was provided by the Respondent only in the course of these proceedings. It reads as follows in its relevant parts:

"After examining the materials of the Disciplinary Proceedings and the facts related to the case that became known during the sessions held within the framework of the Disciplinary Proceedings, the Committee came to the following conclusion:

The Committee finds that the factual data obtained during the disciplinary proceedings are sufficient to consider approved the fact that violence was used against the Referee Artur Safaryan after the match FC Noah vs FC Sevan held on 15.10.2021 and, in that sense there exist features of a disciplinary violation. However, the same factual data is not sufficient to consider that citizen Tigran Hakobyan has an affiliation with FC Sevan. The Committee records that through the toolkit available during the disciplinary proceedings it was not possible to obtain clear information on the latter's affiliation with FC Sevan, and in such conditions, according to the clause 2.01 of article 2 of the Regulation, the fact that Tigran Hakobyan is a football subject, is not confirmed and it is beyond the competence of the Committee to give a final assessment to the act committed by the latter.

In the meantime, noting the uniqueness of the incident and its negative consequences to the entire football community, as well as the circumstance that a person who has used violence is Mr. Tigran Hakobyan, a former member of the FFA Executive Committee, as well as a former Chairman of the Refereeing Committee, who according to the FFA Statutes has been a FFA official (this means that Tigran Hakobyan himself should maintain general rules of conduct), the Committee finds that the evidence obtained during the disciplinary proceedings are sufficient for applying to FFA Executive Committee to take appropriate measures regarding Tigran Hakobyan's actions in order to take the necessary practical measures to ensure the implementation of the FFA Statutes, Regulations and other FFA legal acts.

***According to the Article 2.02 of the Regulation** [i]n exceptional cases, when a physical person who is not a football subject shows an openly disrespectful attitude towards football subjects, as well as towards spectators in the stadium and whose identity is possible to find out, the FFA Disciplinary and Ethics Committee may submit a petition to the FFA Executive Committee to take appropriate measures, including banning the person from entering the stadium.*

Based on the above, the FFA Disciplinary Committee with 7 votes in favor, 0 against

Decided:

- 1. To consider confirmed the circumstance of the Match Referee Artur Safaryan being subjected to violence as a football subject by Mr. Tigran Hakobyan.*
- 2. Since the fact of Mr. Tigran Hakobyan being a football subject has not been confirmed, to submit a petition to the FFA Executive Committee to take appropriate measures regarding Tigran Hakobyan's actions in order to take the necessary practical measures to ensure the implementation of the FFA Statutes, Regulations and other FFA legal acts.*
- 3. To propose to the FFA Executive Committee to initiate toolkit for checking and revealing the indirect connection of individuals and organizations with football clubs, while making relevant amendments in the FFA regulations and other legal acts*
- 4. This decision may be appealed in accordance with Article 19.01 of the Regulation within seven days from the date of its publication. President: Vice President: Secretary: Members: 13 January 26 March 2020, the Club applied before the RFF Club Licensing*

Commission for the licence to participate in the UEFA club competitions during the 2020/2021 season.”

27. The FFA DEC thus sent the matter to the FFA Executive Committee for consideration and decision of “appropriate measures” essentially because the DEC considered that it could not be confirmed that Mr Hakobyan was a “football subject” over which the FFA DEC had competence. Based on the foregoing, the FFA DEC found that it would be up to the FFA Executive Committee to make a decision on whether Mr Hakobyan should nevertheless be sanctioned as only the FFA Executive Committee is competent to impose measures in case a person who is not a football subject shows an openly disrespectful attitude towards a football subject.
28. Mr Hakobyan was not notified of this DEC Decision and was not subsequently invited to meet with the FFA Executive Committee.
29. On 16 May 2022, the FFA Executive Committee considered the DEC Decision, discussed the case and issued its decision (the “EC Decision”), as reflected in the following extract of the FFA Executive Committee meeting’s minutes:

“Extract from the Minutes

of

*the Executive Committee Meeting of “Football Federation of Armenia” NGO
(compiled 16.05.2022 and consisting of 1 page)*

The FFA Executive Committee meeting was attended by Chairman Mr. Armen Melikbekyan, the members Mr. Armen Nikoghosyan, Mr. Albert Sargsyan, Mr. Bagrat Navoyan, Mr. Gagik Aghbalyan, Mr. Karen Shaboyan, Mr. Mkhitar Hayrapetyan and Mr. Poghos Galstyan. The required quorum was met to hold the meeting of the FFA Executive Committee.

The FFA Executive Committee meeting was chaired by Chairman Mr. Armen Melikbekyan, and the Secretary was Miss Gayane Zakaryan.

Question 2 of the agenda:

Discussion of the motion of the FFA Disciplinary and Ethics Committee

The FFA General Secretary Mr. Artur Azaryan presented the 2nd Question of the Agenda. He referred to the incident after the match FC Noah – FC Sevan held at the FFA Technical Center/Football Academy on October 15, 2021, specifically stating, that according to the report presented by referee of the match Mr. Artur Safaryan after the end of the match, he was attacked by Mr. Tigran Hakobyan, a representative of the "Sevan" team, and several other persons, whom the latter does not know.

In connection with the above incident on February 22, 2022, the regular session of the FFA Disciplinary and Ethics Committee was held. The Committee based on Article 2, Clause 2.02 of the Regulation (In exceptional cases, when a physical person who is not a football subject shows an openly disrespectful attitude towards football subjects, as well

as towards spectators in the stadium and whose identity is possible to find out, the FFA Disciplinary and Ethics Committee may submit a petition to the FFA Executive Committee to take appropriate measures, including banning the person from entering the stadium.) on the basis that the circumstance of being a Football subject was not confirmed has decided to submit a petition to the FFA Executive Committee to take appropriate measures regarding Tigran Hakobyan's actions in order to take the necessary practical measures to ensure the implementation of the FFA Statutes, Regulations and other FFA legal acts.

The General Secretary of the FFA reaffirmed the fact that the FFA Disciplinary and Ethics Committee did not find the necessary and sufficient evidence regarding Tigran Hakobyan being a Football Subject, as a result of which the FFA Executive Committee must be given a final decision on the matter within its powers defined by the FFA Statute.

Then taking into consideration the above-mentioned and the circumstance of the Match Referee Artur Safaryan being subjected to violence as a football subject by Mr. Tigran Hakobyan and on the basis FIFA, UEFA and FFA statutes, regulations, and ordinances, FFA statutory objectives, as well as the powers of the FFA Executive Committee stipulated by Clause 39 of the FFA Statute the FFA General Secretary proposed to the members of the FFA Executive Committee to hold a vote on the issue of depriving Tigran Hakobyan of the right to engage in football activities.

The members of the FFA Executive Committee discussed the mentioned issue, presented different proposals as a result of which it was decided to hold a vote on two main proposals:

The 2nd Question of the Agenda was put to a vote.

The results of voting on the 2nd Question of the Agenda: For – 6 votes, against - 2 votes, abstained - 0 vote (period: 5 years) For – 2 votes, against - 6 votes, abstained - 0 vote(period: for life)

DECIDED:

To deprive Tigran Hakobyan of the right to engage in football activities for a period of 5 years.”

30. Later that same day 16 May 2022, Mr Hakobyan, who was not formally notified of the EC Decision either, learnt from a press release posted on the FFA website that the FFA Executive Committee had deprived him of the right to engage in football activity for a term of 5 years.
31. On 19 May 2022, Mr Hakobyan filed a request with the FFA Executive Committee, which reads, in its relevant parts, as follows:

“(…) Taking into consideration the fact that the FFA Executive Committee’s decision is directly related to my rights, please provide me with a copy of it, as well as copies of all the evidence for such decision, including the copy of the FFA Disciplinary and Ethics Committee petition.

Tigran Hakobyan / signature /

Erebuni-Dilijan Football Club President”

32. On 23 May 2022, in response to his application of 19 May 2022, the FFA sent to Mr Hakobyan a copy of the relevant part of the minutes of the FFA Executive Committee meeting at which the Executive Committee adopted the challenged EC Decision as well as a copy of the decision of the DEC dated 22 February 2022. As noted above, this version of the DEC Decision is a shorter and similar but not identical version of the DEC Decision which has subsequently been provided by the Respondent during this proceeding.
33. On 24 May 2022, the attorney Vahe Danielyan, acting on behalf of Mr Hakobyan asked the FFA to “*provide the decision on the deprivation of Tigran Hakobyan of the right to engage in football activities for a period of 5/five years, the petition that served as the basis for this and, and all those documents that form the basis of the mentioned petition, the decision and relate to Tigran Hakobyan.*”
34. On 25 May 2022, Mr Hakobyan sent a new request to the FFA with the following content, enquiring among others about the possibility of appealing this EC Decision internally before FFA bodies:

“ APPLICATION ”

In response to the application, submitted by me on May 23, 2005, you provided an extract from the protocol decision made by the Executive Committee of FFA on May 16, 2022.

The extract, mentioned above, however, does not contain any notification about the possibility of further appeal of the above-mentioned protocol decision of the Executive Committee of FFA, or the appeal procedure.

According to part 2 of Article 62 of the Charter of FFA, the scope of competence of the Appeals Committee of FFA is limited exceptionally to the possibility of examination of the complaints, submitted against the decisions of the Disciplinary and ethics committee and the Elections committee.

I would like to kindly ask you to clarify, whether in such cases there is any body in the FFA legal system that is authorized to consider complaints filed against decisions made by the FFA executive committee, and if so, please provide the name of this body, as well as clearly indicate which articles of the FFA Charter and/or FFA regulations establish the authority and the scope of activity of this body.

At the same time, I inform you that, in case there is no response to this letter within two days, it will be considered that the legal system operating under the auspices of the FFA has no possibility of appealing the decisions of the FFA Executive committee, on the basis of which further legal processes will proceed.

*Tigran Hakobyan,
President of SC Erebuni-Dilijan”*

35. No response was provided to this request.
36. On 8 June 2022, Mr Hakobyan reiterated his request asking the FFA to send all documents to his new lawyer, Kristina Zilfugharyan.
37. On 10 June 2022, Mr Hakobyan's third lawyer, namely Mr Salvatore Civile, sent the following letter per email to the FFA:

To the Football Federation of Armenia – FFA

For the kind attention of the President, Mr. Armen Melikbekyan

Email: ffa@ffa.am – nune.sargsyan@ffa.am – christina.melkonyan@ffa.am – naira.abramyan@ffa.am

Nocera Inferiore (Italy), 10 June 2022

Subject: Mr. Tigran Hakobyan / Football Federation of Armenia

Dear Mr. Melikbekyan,

I am writing to you on behalf of Mr. Tigran Hakobyan (please find attached a duly-authorized power of attorney) with reference to the decisions of the Executive Committee of the FFA 16 May 2022 as well as of the statement from the Decree n 7/3 of the FFA Disciplinary and Ethics Committee dated 22 February 2022, both communicated to my client on 23 May 2022.

In this regard, in order to guarantee Mr. Hakobyan's right to be heard, I kindly request you to provide me with all the documents relating to this procedure, as follows:

- any decisions issued against Mr. Hakobyan;*
- the grounds of such decisions;*
- the minutes of the meeting;*
- all the supporting documents and evidence on which these decisions are based;*
- any communication exchanged with my client.*

Finally, I ask you to send me the aforementioned documents within 7 (seven) days from the receipt of the present letter as my client is preparing his brief of appeal in the proceedings before the Court of Arbitration for Sport of Lausanne, Switzerland.

Please do not hesitate to contact me should you have any question.

Yours Sincerely,

Avv. Salvatore Civile

III. PROCEEDINGS BEFORE THE COURT OF ARBITRATION FOR SPORT

38. Per email dated 13 June 2022 and on the CAS E-filing Platform on 14 June 2022, the Appellant lodged a Statement of Appeal against the FFA EC Decision and the related FFA DEC Decision (the "Appealed FFA Decisions") with the Court of Arbitration for

Sport (the “CAS”), pursuant to Article R48 of the Code of Sports-related Arbitration (2021 edition) (the “Code”).

39. The Appellant, who chose to proceed in English, named the FFA as Respondent and nominated Mr Jacopo Tognon as arbitrator. The Appellant requested an extension of 20 days of the deadline to file his Appeal Brief and the “*disclosure of the case file of the entire proceedings before the FFA bodies*”, asking in this respect that the deadline to file his Appeal Brief be suspended until a procedural decision be made and the requested documentation be disclosed by the FFA.
40. The Appellant filed the following requests for relief with his Statement of Appeal:
- “Subject to supplementing or otherwise amending the present prayers for relief at a later stage of the proceedings, on the merit of the case, Mr. Tigran Hakobyan respectfully requests the honourable CAS to:*
- a) Uphold the appeal and set aside the Appealed FFA Decisions;*
 - b) Order the Respondent to bear the entire costs of the present proceedings;*
 - c) Order the Respondent to pay a contribution to the Appellant’s legal expenses.”*
41. On 17 June 2022, the CAS court office sent a letter to the Parties informing them that the case had been opened and asking in particular to the Respondent to nominate its arbitrator and to state whether it agreed with English being the language of the proceedings. The CAS court office further asked the Respondent whether it agreed with the Appellant’s request for a 20 days extension of the deadline to file the Appeal Brief, the Respondent’s silence on those two issues being deemed as an acceptance.
42. On 21 June 2022, the Respondent sent a letter to CAS contending that the Statement of Appeal had been filed belatedly on 14 June 2022. The Respondent asked also for the designation of a sole arbitrator and agreed that English be the language of the proceedings.
43. On 22 June 2022, the CAS court office sent a letter to the Parties, confirming notably that the Statement of Appeal had been filed per email on 13 June 2022 and that the President of the CAS Appeal Division would decide on the number of arbitrators.
44. On 24 June 2022, the CAS court office informed the Parties that given the Respondent’s silence, the Appellant’s request for a 20 days extension of the deadline to file his Appeal Brief was fully granted. The CAS court office also invited the Respondent to comment on the Appellant’s request for production of documents and the related request for a suspension of the deadline to file the Appeal Brief, on or before 30 June 2022. The CAS court office informed the Parties that, in the meantime, such deadline was suspended.
45. On 1st July 2022, the Respondent sent a letter to the CAS court office with the following documents attached to it:
- “
- *Material grounds regarding the case,*
 - *Minutes of the FFA Disciplinary and Ethics Committee,*
 - *Decision of the FFA Disciplinary and Ethics Committee dated February 22nd, 2022*

- *Decision of the FFA Executive Committee dated May 16th, 2022.*”

46. On 4 July 2022, the CAS court office acknowledged receipt of the Respondent’s letter dated 1st July 2022 and of its attachments and lifted the suspension of the deadline to file the Appeal Brief.
47. On 6 July 2022, the Appellant requested a further extension of the deadline to file his Appeal Brief until 17 August 2022. The Appellant further explained that the documents provided by the Respondent were in Armenian and needed to be translated into English and that he had only been provided with the complete file on 4 July 2022.
48. On 11 July 2022, the Respondent sent a letter to the CAS court office with the translation in English of some of the documents sent on 1st July 2022, explaining that the rest of the requested translations would be provided as soon as possible. The Respondent further confirmed that it agreed with the Appellant’s request for an extension of the deadline to file his Appeal Brief until 17 August 2022.
49. On 12 July 2022, the CAS court office informed the Parties that the deadline to file the Appeal Brief was extended until 17 August 2022.
50. On 25 July 2022, the CAS court office informed the Parties that the present proceedings would be submitted to a panel of 3 arbitrators and that the Respondent was therefore requested to nominate an arbitrator with 10 days of receipt of this information. The CAS court office mentioned further that if the Respondent fails to nominate an arbitrator, the President of the CAS Appeals Arbitration Division, or her Deputy, would proceed with the appointment *in lieu* of the Respondent.
51. On 9 August 2022, the CAS court office informed the Parties that the Respondent had failed to nominate an arbitrator within the set deadline and that the CAS Appeals Arbitration Division, or her Deputy, would proceed with the appointment *in lieu* of the Respondent.
52. On 17 August 2022, the CAS court office sent to the Parties a copy of the “Arbitrators’ Acceptance and Statement of Independence” form completed by Mr Jacopo Tognon and drew the Parties’ attention to the remark made by Mr Tognon on the annex to his form.
53. On 18 August 2022, the CAS court office acknowledged receipt of the Appellant’s Appeal Brief, filed by email on 17 August 2022 and uploaded the same day via e-Filing, and granted a 20 days deadline to the Respondent to file notably its Answer and any defence on any lack of jurisdiction. The Respondent was granted in the meantime a 10 days deadline to file its position on the Appellant’s request for stay of the Appealed Decision.
54. The Appellant completed his request for relief in his Appeal Brief as follows:

“*Mr. Tigran Hakobyan respectfully requests the honourable Panel of the CAS to:*
- *On interim basis*”

a) Stay the execution of the Appeal Decision until a decision in the case at stake is passed by CAS on the present matter or fix as soon as practically possible a hearing to discuss about this;

- On the merits

b) Uphold the appeal and set aside the Appealed FFA Decisions;

c) Adopt any other measure necessary, as evaluated by the Panel;

- On a subsidiary basis

d) Reduce the period of disqualification from 5 years to a maximum duration of 6 months or the different period the Panel will deem appropriate in light of the specific circumstances of this case;

- On a further subsidiary basis

e) Reduce the period of disqualification from 5 years to a maximum duration of 1 year;

- In any case

f) Order the Respondent to comply with the disclosure of the documents required;

g) Order the Respondent to bear the entire costs of the present proceedings;

h) Order the Respondent to pay a contribution to the Appellant's legal expenses;

i) Adopt any other measure necessary, as evaluated by the Panel. “

55. On 22 August 2022, the CAS court office informed the Parties of the amount of the advance of costs to be paid by them.
56. On 24 August 2022, the Respondent challenged the nomination of Mr Jacopo Tognon and informed CAS that it would not pay the share of its advance of costs. The Respondent requested further that the time limit for the filing of the Answer be fixed after the payment by the Appellant of the advance of costs, in accordance with art. R64.2 of the CAS Code. Eventually the Respondent opposed the request for a stay of the appealed Decisions filed by the Appellant on 18 August 2022.
57. On 25 August 2022, the CAS court office acknowledged receipt of the Respondent's letter dated 24 August 2022 and informed notably the Parties that the time limit to file the Respondent's statement of defence was set aside and that a deadline was granted until 1st September 2022 to the Appellant to provide his position with respect to the challenge made by the Respondent against the nomination of Mr Tognon. In that same letter, the CAS court office informed the Parties that a decision on the Appellant's request for provisional measures would be issued in due course.
58. On 30 August 2022, the Appellant opposed the challenge made by the Respondent against the nomination of Mr Tognon but declared that he was ready to designate another arbitrator, should Mr Tognon decide to withdraw from the case.
59. On 1st September 2022, Mr Tognon opposed the challenge made by the Respondent against his nomination, provided additional information and declared himself ready to further act on this case.

60. On 5 September 2022, the Appellant informed the CAS court office that he had proceeded with the payment of the advance of costs.
61. On 7 September 2022, the FFA informed the CAS court office that it withdrew its challenge on the nomination of Mr Tognon based on the information provided by the latter and the Appellant.
62. On 8 September 2022, the CAS court office informed the Parties of the payment of the full advance of costs and set a 20 days deadline to the Respondent to file notably its Answer and any defence of lack of jurisdiction.
63. On 29 September 2022, the Respondent asked for an extension of the deadline to file its Answer until 24 October 2022.
64. On 3 October 2022, the CAS court office informed the Parties that given the Appellant's approval to the Respondent's request, the latter was granted a deadline until 24 October 2022 to submit its Answer.
65. On 25 October 2022, the CAS court office acknowledged receipt of the Respondent's Answer and invited the Parties to inform it by 1st November 2022 whether they preferred a hearing to be held or for the Panel to issue an award based solely on the Parties' written submissions.
66. On 26 October 2022, the Respondent informed the CAS court office that it preferred a hearing to be held.
67. On 27 October 2022, the Appellant requested for an update on his request for provisional measures and on 28 October 2022, the Appellant also informed the CAS court office that it preferred as well that a hearing be held.
68. On 8 November 2022, the Appellant requested *inter alia* that a second round of submissions be granted by the Panel for the following reason:

“(...) following the documents submitted by the Respondent with its Answer, some of them which seems to be inadmissible and - in any case - only now being made by the Respondent available for the first time to the Appellant, I respectfully request the honourable Panel to grant the Parties with a second round of submission[s], in order to guarantee the right [to] be heard.”
69. On 24 November 2022, the Parties were informed that the Panel was constituted as follows:

President: Mr Nicolas Cottier, Attorney-at-law in Saint-Prex, Switzerland

Arbitrators: Mr Jacopo Tognon, Attorney-at-law in Padova, Italy

Mr Jasper Wauters, Attorney-at-law in Geneva, Switzerland

70. On 16 December 2022, the CAS court office informed the Parties of the following decisions taken by the Panel:

“(....)

I. Appellant’s request for production of documents (paras. 44 ff of the Appeal Brief)

A/ the Appellant’s request for production of the minutes of the FFA Executive committee which took the decision on 16 May 2022 is moot as such minutes have already been produced.

B/ the Appellant’s request for production of any annexes, videos, emails mentioned in the minutes of the FFA Disciplinary and Ethics Committee (reported in Exhibit TH_14) is granted.

C/ the Appellant’s request for production of any annexes, videos, emails mentioned in the minutes of the Executive Committee (Exhibit 13 of the Answer) is granted.

D/ the Appellant’s request for production of the audio recording of the session of the FFA Disciplinary and Ethics Committee in which the Appellant was heard is rejected.

E/ the Appellant’s request for production of the entire exchange of communications between the FFA and the Appellant is rejected.

F/ the Appellant’s request for production of the applicable FFA regulations as recalled by the Respondent in the Minutes and its decisions is granted.

The Respondent is ordered to produce the above-mentioned documents with an English translation on or before 9 January 2023.

The grounds of the Panel’s decision on the Appellant’s request for document production will be provided in the Arbitral Award.

Within the same deadline, the Respondent is also ordered to provide the English translations from page 1 to page 14 and page 19 of the file sent on 4 July 2022.

II. Second round of written submissions

Upon receipt of the produced documents, the Appellant will be granted a deadline to comment on such documents, as well as on the new documents produced by the Respondent in the Answer. Then, the Respondent will be granted a similar deadline to comment on the Appellant’s submission.

III. Hearing

The Panel takes note of the fact that the Appellant is not available on 7 and 8 February 2023.

I inform the Parties that the Panel would be available on 1, 2, 3 and 7 March 2023.

The Parties are invited to inform the CAS Court Office by 20 December 2022, of any impossibility to attend the hearing at the aforementioned dates. Their silence will be deemed acceptance and the hearing will be fixed at one of these dates. Any unavailability must be justified by specific reason(s).”

71. On 11 January 2023, the CAS court office notified to the Parties the Order on Request for a Stay where the Panel ruled that the Appellant’s request was dismissed.

72. On 16 January 2023, the Respondent produced the requested documents, stressing that a major part of the documents had already been sent with an English translation as part of the Answer's exhibits.
73. On 1st February 2023, after having previously informed the Parties of new possible dates for the hearing, the CAS court office confirmed that the hearing was scheduled on 14 March 2023.
74. On 14 February 2023, the CAS court office acknowledged receipt of the Appellant's comments and of the exhibits filed with them.
75. On 27 February 2023, the CAS court office acknowledged receipt of the Respondent's comments on the last submissions of the Appellant as well as the exhibits to it.
76. The Order of Procedure was signed on 10 March 2023 by both Parties.
77. The hearing was held on 14 March 2023, the details of which are provided in the following chapter of the award.
78. On 24 March 2023, the Appellant requested the video and audio recording of the hearing. According to CAS practice, the CAS court office informed the Parties on 24 March 2023, that only the audio recording would be provided to them by way of an internet link.

IV. THE HEARING

79. On 14 March 2023, a hearing was held with the parties and those witnesses that the parties requested to be heard.
80. The following persons attended the hearing on behalf of the Appellant, who himself was not participating:
 - Mr Salvatore Civale, counsel
 - Ms Elena Raccagni, counsel
 - Mr Vahan Danielyan, witness (per videoconference)
 - Mr Hayk Grigoryan, witness (per videoconference)
 - Mr Niery Grace Bardkjian (interpreter)
81. The following persons attended the hearing on behalf of the Respondent:
 - Ms Prune Junguenet, counsel
 - Ms Tatevik Asatryan, FFA's Head of Legal and Human Resources Unit
 - Mr Norayr Zoryan, witness
 - Mr Vanik Simonyan, witness
 - Mr Mesrop Ghazaryan, witness
 - Mr Zaven Hovhannisyan, witness
 - Ms Izabella Muradyan, interpreter

82. Following opening statements by the Parties, the Panel proceeded with the hearing of the various witnesses called by them. Those witnesses were cross-examined by the Parties and also answered the questions asked by the Panel. Given the long testimonies of the witnesses, only their relevant statements are summarised in the following paragraphs.

Mr Vahan Danielyan (Sports Director of FC Sevan, witness called by the Appellant):

83. Mr Danielyan explained that during the Incident he was at the end of the corridor which is quite narrow, trying to solve the issue of the cell phone which had been taken from a FFA delegate by one of the players of FC Sevan. He was therefore quite far away from the referee and was pushing back members of his team. Explaining that Mr Hakobyan is a tall person, Mr Danielyan stressed that he had not seen Mr Hakobyan beating anyone but that Mr Hakobyan was present during the Incident essentially to prevent the Incident from escalating. Mr Danielyan confirmed that he had not seen anyone actually hitting the referee. Mr Danielyan could not explain why the FC Sevan player had taken the phone from the delegate. He confirmed that the FC Sevan officials did have badges to access the corridor and the changing rooms. He also confirmed that the Appellant was not and is currently not a representative of FC Sevan.

Mr Hayk Grigoryan (Shareholder of FC Sevan, witness called by the Appellant):

84. Mr Grigoryan explained that he saw a number of FC Sevan fans in the corridor and that he had no clue why they were there or how they got there. He confirmed that he had not seen Mr Hakobyan hitting anyone, nor did he actually see any kind of beating. He explained that he is a shareholder of FC Sevan and that, in that capacity, he was present also to lower tensions. Mr Grigoryan then explained that he had not been called by the FFA DEC to testify during its internal disciplinary proceeding.

Mr Norayr Zoryan (FFA Delegate of the Match, witness called by the Respondent):

85. Mr Zoryan explained that he could not see much of the Incident but that he could see Mr Hakobyan and other people in civilian clothes present in the corridor after the Match. However, he was quickly surrounded by other people and one of the FC Sevan's players took his phone when he was trying to alert the FFA and to take a video of the Incident. Mr Zoryan later went to see the referee in the referee room where he saw that the referee had been beaten. The referee told him that it was Mr Hakobyan who had hit him. Mr Zoryan's personal observation was limited to seeing Mr Hakobyan entering the "tunnel", swearing and shouting. While Mr Zoryan saw someone hitting the head referee, Mr Sarafyan, he could not exactly see who it was that was hitting the referee.

Mr Vanik Simonyan (assistant referee, witness called by the Respondent):

86. Mr Simonyan confirmed that he saw Mr Hakobyan with a group of 4 or 5 people running towards the referee in an aggressive manner. However, as the Incident was happening, he was kept aside by security for his own safety and he was thus unable to see who was hitting who.

Mr Mesrop Ghazaryan (Referee observer, witness called by the Respondent):

87. Mr. Ghazaryan was the first to arrive in the corridor after the Match given his role as referee observer and encountered Mr Hakobyan and a few other people in the corridor clearly irritated and upset. He saw the head referee arriving in the corridor and being immediately assaulted by four or five people. While he identified Mr. Tigran Hakobyan as being among those people, he could not see exactly who hit the referee.

Mr Zaven Hovhannisyan (Fourth Match official, witness called by the Respondent):

88. Mr Hovhannisyan confirmed that he saw Mr Hakobyan in the corridor after the Match and that he saw Mr Hakobyan approaching the head referee in an aggressive manner. However, he did not see Mr Hakobyan actually hitting the head referee. This being said, he confirmed seeing the head referee being assaulted and beaten by a group of people.
89. After having listened to all of these witnesses, the Panel posed a few questions to the Parties, notably on the reason why the head referee himself, Mr Safaryan was not called as a witness by the Respondent or the Appellant for that matter.
90. The Respondent explained that Mr Safaryan had decided to stop any football related activity because of the Incident and wanted to turn the page. According to the Respondent, Mr Safaryan had also been threatened so that he was afraid to testify before the Panel. The Appellant contested this version of the facts and rather suggested that there were rumours that the FFA no longer wanted to appoint Mr Sarafyan because he was not willing to support the Respondent in its case against Mr Hakobyan.
91. The President then closed the evidentiary proceedings and the Parties were invited to present their Closing Statements.
92. After having heard both Parties and before closing the hearing, the President asked if the Parties were satisfied with the way the proceedings were conducted, particularly during the hearing. The Parties confirmed this to be the case.

V. THE PARTIES' SUBMISSIONS AND REQUESTS FOR RELIEF**A. The Appellant**

93. The Appellant raises a number of arguments to challenge the sanction that was imposed on him by the EC Decision.
94. First, the Appellant claims that the FFA Executive Committee was not competent to adopt the disciplinary sanction against him. According to the Appellant, under the FFA Statute, the competence to impose disciplinary measures on football entities such as a ban on engaging in football activity for a period of time, exclusively rests with other FFA legal bodies such as in particular the FFA DEC. The Appellant thus argues that the FFA Executive Committee exceeded its Statutory Powers in violation of Article 9(1) and Article 39 of the FFA Statute. The Appellant claims that, as the President of Erebouni

Diljian Football Club, he must be considered as a “football entity” in the sense of Article 2.01 of the FFA Disciplinary and Ethics Regulations. He claims that the DEC thus erred when it considered him not to be a football entity and that its decision to request the FFA Executive Committee to handle the matter was thus equally in error.

95. Second, the Appellant claims that the decision taken by the Executive Committee was null and void since the Executive Committee did not meet the quorum requirements of Article 40 (1) of the FFA Statute when it adopted the decision as he claims that less than 50% of its members were present at the time of adoption of the decision. In particular, the Appellant considers this to be the case because one of the members present at the meeting would not have been properly appointed as a member of the Executive Committee.
96. Third, the Appellant claims that similar actions were less severely penalized in the past and he thus considers that the sanction imposed on him was discriminatory.
97. Fourth, the Appellant claims that his due process rights were violated during the internal proceedings and that the Decisions were thus in violation of Article 12 of the Fundamental Procedural Rights of the FFA NDRC Standard regulations. In particular, the Appellant argues that the FFA did not even inform him that a disciplinary investigation had been opened against him, that he was not heard or allowed to make submissions, and that he had no opportunity to examine the file, even after the Decisions had been taken.
98. Fifth, the Appellant claims that in any case the evidence available did not establish the conduct he was accused of. For that reason as well he considers that the challenged Decisions were “ungrounded, illegal, wrong and not supported by any evidence against him”. The Appellant claims that he only exchanged words with the head referee to express his disagreement over certain decisions but that he did not physically attack or beat the referee. To the contrary, according to the Appellant, he tried to calm down the people present in the corridor and to defuse the situation to avoid a further escalation of the Incident.
99. On this basis and as already mentioned under chapter III above, the Appellant submitted the following prayers for relief :

“- On the merits

b) Uphold the appeal and set aside the Appealed FFA Decisions;

c) Adopt any other measure necessary, as evaluated by the Panel;

- On a subsidiary basis

d) Reduce the period of disqualification from 5 years to a maximum duration of 6 months or the different period the Panel will deem appropriate in light of the specific circumstances of this case;

- On a further subsidiary basis

e) Reduce the period of disqualification from 5 years to a maximum duration of 1 year;

- In any case

f) Order the Respondent to comply with the disclosure of the documents required;

- g) Order the Respondent to bear the entire costs of the present proceedings;*
- h) Order the Respondent to pay a contribution to the Appellant's legal expenses;*
- i) Adopt any other measure necessary, as evaluated by the Panel. “*

B. The Respondent

100. The Respondent defends the Decisions taken and rejects the claims made by the Appellant. The Respondent's submissions may be summarised as follows:

- First, the Respondent considers that there is no doubt that the Appellant was present in the corridors of the stadium at the time of the Incident and that it is “not disputable” that the Appellant physically aggressed and hit the referee, given the declaration made to this effect by the head referee himself immediately after the Incident. The Respondent thus considers that the Appellant has “seriously harmed the physical integrity of the respondent and that this behaviour must necessarily be sanctioned”.
- Second, the Respondent argues that the FFA Executive Committee was fully competent to make the challenged EC Decision and impose the sanction on the Appellant in light of Article 39 of the FFA Statutes.
- In particular, the Respondent considers that it was properly established that the Appellant was not a “football subject” as defined in Article 2.01 of the FFA Regulations as he was not officially registered with any active football club registered with FFA at the time the Executive Committee made its Decision. The Respondent argues that the FFA DEC rightly relied on Article 2.02 of the FFA Regulations when it petitioned the FFA Executive Committee to take a final decision regarding the Appellant. Article 2.02 provides that “in exceptional circumstances when a physical person who is not a football subject shows an openly disrespectful attitude towards football subjects... the FFA Disciplinary and Ethics Committee may submit petition to the FFA Executive Committee to take appropriate measures including banning the person from entering the stadium”. The Respondent asserts that the FFA Executive Committee was thus competent to pronounce a sanction against the Appellant.
- Third, the Respondent argues that the specific sanction was valid since Article 2.02 refers to “appropriate measures” which may include suspension from football related activities in line with similar sanctions foreseen in Articles 40 (37) and 40 (69) of the FFA Regulations. Therefore, according to the Respondent, there was nothing preventing the Executive Committee from imposing the sanction of depriving the Appellant from the right to engage in football activities for a period of five years.
- Fourth, the Respondent rejects all of the procedural and due process related arguments of the Appellant as irrelevant and incorrect.
- In particular, the Respondent considers that any such arguments are totally irrelevant given the de novo powers of the CAS which may be deemed to have cured any possible due process or other procedural infringements. It considers that any alleged procedural violations are not suitable to lead to the setting aside of the challenged decisions and

argues that the Appellant's procedural arguments are thus "ineffective". In any case, the Respondent rejects the argument of the Appellant related to the quorum requirement. The Respondent claims that eight of the fifteen members of the Executive Committee were present during the meeting held on 16 May 2022 when the decision was taken to sanction the Appellant and thus that more than 50% of members were present as required by the FFA Statute. Moreover, the Respondent asserts that the Appellant's right to be heard was also respected as he was invited to meet with the FFA DEC on 15 February 2022 to explain his version of the events and pose any question he wanted.

101. Based on the above submissions, the Respondent requests the Panel to decide as follows:

*“ Reject all the Appellant arguments and allegations,
Rule that the Appellant committed a serious fault when beating Mr. Artur SAFARYAN, referee of the Match,
- Confirm the legality and legitimacy of the FFA DEC Decision,
- Confirm the legality and legitimacy of the FFA Executive Committee Decision,
- Rule that [the] FFA Executive Committee was competent to pronounce a sanction against the Appellant,
- Rule that the sanction pronounce[d] by the FFA was valid,
- Rule that all the arguments based on alleged proceeding's violations are null and abusive,
- Order the Appellant to pay to the FFA the amount of € 15,000 (Fifteen Thousand Euros) as a contribution towards its legal fees to CAS,
- Keep all other arbitration costs on the Appellant,
- Pronounce the immediate execution of its arbitration decision.”*

V. CAS JURISDICTION

102. Article R47 § 1 of the Code provides as follows:

“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.”

103. CAS jurisdiction derives from Articles 1, 13, 16, 51, 62, 63, 65 and 66 of the FFA Statutes.

104. Article 65 of the FFA Statutes provides in particular that:

“Disputes within FFA or disputes affecting Members, leagues, members of leagues, Clubs, members of Clubs, players and officials may only be referred in the last instance (i.e. after exhaustion of all internal channels within FFA) to CAS, which shall settle the dispute definitively to the exclusion of any Ordinary court, unless expressly prohibited by the legislation in Armenia.”

105. For the reasons explained further below, the Panel considers this dispute to affect a member or official of a Club and finds that the Appellant has standing to sue before CAS. In light of the fact that no internal appeal against the EC Decision was available, CAS has therefore jurisdiction in the present case. The jurisdiction of CAS is not disputed by the Respondent and is confirmed by the Parties with the signature of the Order of Procedure.

VI. ADMISSIBILITY

106. According to Article R49 of the Code, “[i]n the absence of a time limit set in the statutes or regulations of the federation, association or sports-related body concerned, or in a previous agreement, the time limit for appeal shall be twenty-one days from the receipt of the decision appealed against.”
107. It must be noted that the FFA Statutes and regulations do not indicate any time limit to submit an appeal with the CAS. Therefore, Article R49 of the Code applies in this matter.
108. The appealed Decisions of the Executive Committee of the FFA of 16 May 2022 and of the FFA Disciplinary and Ethics Committee of 22 February 2022, were communicated to the Appellant on 23 May 2022 following a request made by the Appellant.
109. The Appellant filed his Statement of Appeal on 13 June 2022 against both Decisions. In light of the foregoing, the Statement of Appeal complied with all the other requirements of Article R48 of the Code.
110. When it comes specifically to the DEC Decision, the Panel notes that the FFA DEC found that it was “*beyond the competence of the [DEC] to give a final assessment to the act committed by [the Appellant].*” Based on article 2.02 of the FFA Disciplinary and Ethics Regulations, the DEC thus decided to “*submit a petition to the FFA Executive Committee to take appropriate measures regarding Tigran Hakobyan's actions in order to take the necessary practical measures to ensure the implementation of the FFA Statutes, Regulations and other legal acts*” (point 3 of the DEC Decision's operating part).
111. As the FFA DEC eventually referred the case to the FFA EC, the DEC Decision is therefore completely linked to the EC Decision.
112. The Panel notes further that the Appellant filed one appeal against both Decisions and that the CAS Court Office opened one proceeding covering both Decisions, none of the Parties having objected to that.
113. Based on the foregoing, the Panel decides that the DEC Decision shall follow the EC Decision's fate. Given the complete link between both Decisions, no distinction must thus be made between the DEC Decision and the EC Decision in the operating part of the award.

VII. APPLICABLE LAW

114. Article R58 of the 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.”

115. The applicable regulations are the FFA Regulations as well as the FFA 2021 Statutes. Armenian law shall apply subsidiarily.

VIII. MERITS

116. As summarized above, the Appellant developed a number of claims to support the request that the Panel set aside the challenged Decisions by declaring them null and void. These claims concerned the lack of competence of the FFA Executive Committee related to the Appellant’s status as a football entity, the failure to respect certain procedural obligations invalidating the decision, the discriminatory and disproportionate nature of the sanction imposed and the lack of evidence supporting the alleged behaviour the Appellant has been accused of in the challenged Decisions.

117. The Panel will first address the argument related to the lack of competence of the Executive Committee which is closely related to the finding by the FFA DEC that the Appellant was not a football subject. The Panel considers that it is only necessary to address the other claims in case it finds that the Executive Committee did have competence. For the reasons explained below, the Panel finds this not to have been the case.

118. The Panel notes that the FFA Executive Committee issued its Decision on the basis of Article 39 lit. n) of the 2021 FFA Statutes, which provides that the FFA Executive Committee *“shall pass decisions on all cases that are within the sphere of responsibility of the executive body pursuant to Art. 23 (3) of the Law of the Republic of Armenia On Non-Governmental Organization (...), cases that do not come within the sphere of responsibility of the Assembly or are not reserved for other FFA bodies by law or under these Statutes.”* This article thus provides for a general but subsidiary competence of the Executive Committee.

119. It is undisputed that this general competence of the FFA Executive Committee is limited by the specific competence granted under the FFA Statutes and Regulations to other bodies of the FFA, notably its Disciplinary and Ethics Committee which, as per Article 61 of the FFA Statutes and the FFA Disciplinary and Ethics Regulations, has the competence to impose disciplinary sanctions on football entities as defined in Article 2.01 of the FFA Regulations.

120. In order to determine if the FFA Executive Committee had competence to impose the challenged sanction, it is thus essential to address the question of whether the Appellant was properly considered not to be a football entity. If the Appellant was in fact a football entity as defined in the FFA Regulations, the Executive Committee had no competence and its decision would be null and void.
121. The Panel will therefore determine the status of the Appellant within the FFA. In other words, considering the terminology used in the Regulations, the Panel needs to decide whether or not the Appellant is a FFA “football entity” (or sometimes also translated as “football subject”) in the sense of Article 2.01 of the Regulations.
122. Article 2 of the Regulations, which defines what is a “football entity” or a “football subject”, reads as follows

“ 2.1. FFA, all clubs participating in the competitions organized under the auspices of the FFA, the owners of the clubs, the presidents of the clubs, all members of the clubs’ top management, clubs’ legal stakeholders or those persons whose actions directly or indirectly impact on the running of the club activities, teams, players, referees, referee observers, teams’ officials, as well as all those related to the football system are considered football entities in terms of these Regulations.

2.2. In exceptional cases, when a physical person who is not a football subject shows an openly disrespectful attitude towards football subjects, as well as towards spectators in the stadium and whose identity is possible to find out, the FFA Disciplinary and Ethics Committee may submit a petition to the FFA Executive Committee to take appropriate measures, including banning the person from entering the stadium. ”

123. The Parties are in agreement that the Appellant is not an official or formally speaking a member of FC Sevan, the football club involved in the Match following which the Incident occurred. This was the basis for the FFA DEC’s decision to petition the intervention of the Executive Committee as it found that the *“factual data is not sufficient to consider that citizen Tigran Hakobyan has an affiliation with FC Sevan”*. The Appellant himself also confirmed to the FFA DEC that he had no *“legal connection”* with FC Sevan and this was confirmed by a number of the witnesses that appeared before the DEC.
124. However, it is also undisputed that the Appellant is the President of another football club, SC Erebouni-Dilijan. The Panel understands that there was some confusion related to the status of this club in the FFA system at the time of the Incident. For the reasons explained below, the Panel is of the view that given his status as the President of this club, the Appellant was a football entity at the time of the Incident and when the challenged Decisions were made.
125. First, the Panel acknowledges that the club, SC Erebouni-Dilijan was suspended on 1 January 2021 by the FFA Executive Committee, which ruled as follows:

“In the case of the “SC Erebuni-Dilijan” NGO, the FFA General Secretary stated that the “SC Erebuni-Dilijan” NGO was already suspended from voting at the FFA Ordinary

Assembly held on December 28th, 2020, based on Article 17.4 of the FFA Statutes, i.e., non-participation in sorting activities organized by the FFA for two consecutive years

Added, that according to the subclause C of the Article 16.1 of the FFA Statutes FFA members are obliged to participate in the championships organized by the FFA, and the “SC Erebuni-Dilijan” NGO over years has not participated and continues not to participate in the championships and any sports events organized by the FFA.

Therefore, violation of the above subclause serves as a basis for suspension of membership too, as well as the Article 17.1 of the FFA Statutes.

The FFA Executive Committee with the following results of voting:

For: 12 votes [...]

Against: 1 vote [...]

Abstain: 0 votes

DECIDED:

To suspend the membership of the “SC Erebuni-Dilijan” NGO to FFA.”

126. It is also undisputed that the suspension decided by the FFA Executive Committee was confirmed by the FFA General Assembly on 29 June 2021.
127. Although the Appellant does not challenge the suspension of the SC Erebouni-Dilijan, he contends that such suspension does not lead to the complete exclusion of the club from the FFA as several obligations remain applicable to the club. According to the Appellant, the SC Erebouni-Dilijan, although suspended, remains a member of the FFA. The Panel agrees for the following reasons.
128. Considering that the SC Erebouni-Dilijan was “only” suspended and not excluded from the FFA, the Panel finds that this club was without doubt still a member of the FFA after the decision taken by the Executive Committee on 1 January 2021. In turn, this means that the Appellant was still a football subject and would remain a football subject as long as his club did not leave the FFA in one way or the other.
129. This conclusion is confirmed by the fact that according to Article 17 par. 3 of the 2021 FFA Statutes, “*the Disciplinary and Ethics Committee may impose further sanctions*” on a suspended member, which shows that this member remains a football entity subject to the FFA DEC jurisdiction, as defined by the Regulations.
130. At the time of the Incident on 15 October 2021 as well as at the time of the FFA DEC decision of 22 February 2022, the Appellant was thus a football entity as defined in Article 2.01 of the Regulations. The Panel considers these to be the relevant points in time to consider the Appellant’s status as a football entity. In particular, this means that the FFA DEC erred when it concluded that it was entitled to petition the Executive Committee to impose the appropriate measures to sanction the Appellant. Its abdication of jurisdiction to and the subsequent adoption of competence by the Executive Committee is based on this erroneous determination that at the time of the Incident or at the time of the FFA DEC, the Appellant was not a football subject because he was not affiliated with

FC Sevan. The Panel finds that the Appellant was, in any event, a football entity given his status as the President of SC Erebouni-Dilijan.

131. The Panel finds further that, whatever happened thereafter cannot cure this initial error which, had it not been committed would have meant that the Executive Committee would never have been allowed to take a decision.
132. In any case, this error of the FFA DEC was repeated by the Executive Committee on 16 May 2022 when it assumed competence without examining this question anew.
133. Remarkably, on 16 May 2022, i.e. on the very same day when the Executive Committee took its challenged Decision, the FFA Secretary General informed the Appellant, in his capacity of President of the SC Erebouni-Dilijan, that *“based on the Article 18.3 of the FFA Statutes (2021 edition) as well as the circumstance that the “SC Erebouni-Dilijan” NGO more than three years does not participate in the any sports events organized by the FFA, the membership of the “SC Erebouni- Dilijan” NGO to FFA is terminated.”* A translation of this letter was submitted by the Respondent as Exhibit 15 to its Answer brief of 24 October 2022. It is unclear whether the Executive Committee actually took a decision to this effect or on what basis the FFA General Secretary sent this short letter of termination of FFA membership of SC Erebouni-Dilijan. However, it is clear that this letter once again confirms that until that time, Erebouni-Dilijan was a member of the FFA and its President, namely the Appellant, was thus a football entity.
134. In any case, for the reasons explained below, the Panel does not consider that termination of membership is something that happens automatically or can be imposed by the FFA Secretary General or even the Executive Committee.
135. Article 18 par.3 of the 2021 FFA Statutes quoted by the FFA in its letter dated 16 May 2022, reads as follows:

“Members which are football, futsal, women’s football and beach soccer club that do not participate in the sporting activities (including but not limited to competitions) organized by FFA for three consecutive years are subject to expulsion. The membership within the FFA of such Members shall terminate with immediate effect.”

136. Article 18 par. 3 must however be read in conjunction with article 18 par. 1 of the 2021 FFA Statutes which provides that:

“18. Expulsion

“The Assembly may expel a Member if it seriously and repeatedly violates the Statutes, regulations, directives or decisions of FIFA, UEFA and FFA or fails to comply with the membership criteria.”

137. The Panel thus finds that it is for the FFA Assembly to expel a Member and that the exclusion of membership of the FFA is not something that happens automatically by the passing of time or that can be imposed by the Executive Committee or the secretary general of the FFA. Given the importance of the status of member of an association, the

Panel finds that it would require a specific statutory basis in order to give the power to the Executive Committee to expel a member.

138. Article 39 of the 2021 FFA Statutes does not grant that competence to the Executive Committee. It only grants the Executive Committee the power to suspend a member “*provisionally until the next Assembly*” (article 39 lit. k) of the 2021 FFA Statutes).
139. Contrary to what the Respondent claimed at the hearing, the Panel finds that, in the absence of a clear confirmation of a specific competence of the FFA Executive Committee, the reference to a “termination with immediate effect” of the membership in article 18 par. 3 does not exempt the FFA Executive Committee from requesting a formal decision of its General Assembly. In other words, the non fulfilment of the specific membership criteria mentioned under article 18 par. 3 of the FFA 2021 Statutes does not lead to an automatic termination of the membership. As indicated clearly in that provision, the member is “subject to expulsion”, which means that a decision must in any event be formally taken by the FFA General Assembly.
140. Based on the clear wording of article 18 par. 1 and on a systemic interpretation of article 18 in combination with article 39 of the 2021 FFA Statutes, the Panel finds that the FFA Executive Committee had no competence to terminate the membership of the SC Erebuni-Dilijan. Such competence rested with the FFA General Assembly and the SC Erebuni Dilijan was therefore still a member of the FFA when the EC Decision was issued against the Appellant.
141. In sum, as the Appellant was still a football subject when the FFA Executive Committee issued the Appealed Decision, the latter was not competent to take a Decision and to impose a disciplinary sanction on a football subject such as Mr Hakobyan since such competence belongs, at least at that time, to the DEC which, as mentioned previously, equally erred in its Decision of 22 February 2022 when it found that Mr Hakobyan was not a football subject and filed a motion to the Executive Committee to take appropriate measures.
142. The EC Decision is thus null and void and so is the DEC Decision related to it.
143. Based on the foregoing, the Panel shall not address the other submissions of the Parties, and it will thus not go further into the merits of the case. The Panel’s power to review a case *de novo* does indeed not allow it to cure a decision which was issued by a body which was not competent, so that the Panel, notably, cannot review the question of the responsibility of the Appellant with respect to the Incident. This question is thus not decided in the present case and still remains open.
144. Considering the outcome of the present proceeding, it will be up to the FFA to decide if further steps need to be taken on this matter or not by the FFA competent body.

IX. COSTS

(...).

ON THESE GROUNDS

The Court of Arbitration for Sport pronounces that:

1. The appeal filed on 13 June 2022 by Mr Tigran Hakobyan against the Football Federation of Armenia with respect to the Decision issued on 22 February 2022 by the FFA Disciplinary and Ethics Committee and the Decision issued on 16 May 2022 by the FFA Executive Committee is upheld.
2. The Decision issued on 22 February 2022 by the FFA Disciplinary and Ethics Committee and the Decision issued on 16 May 2022 by the FFA Executive Committee are null and void.
3. (...).
4. (...).
5. All other and further motions or prayers for relief are dismissed.

Seat of arbitration: Lausanne, Switzerland
Date: 23 October 2023

COURT OF ARBITRATION FOR SPORT

Nicolas Cottier
President of the Panel

Jacopo Tognon
Arbitrator

Jasper Wauters
Arbitrator