

CAS 2025/A/11534 Agron Zeqiri v. World Aquatics

ARBITRAL AWARD

delivered by the

COURT OF ARBITRATION FOR SPORT

sitting in the following composition:

President: Mrs Carine Dupeyron, Attorney-at-law in Paris, France

Arbitrators: Dr Despina Mavromati, Attorney-at-law in Lausanne, Switzerland

Mr Manfred Peter Nan, Attorney-at-law in Amsterdam, The Netherlands

in the arbitration between

Agron Zeqiri, Kosovo

Represented by Mr Fis Murati, Attorney-at-law, Pristina, Kosovo

Appellant

and

World Aquatics, Lausanne, Switzerland

Represented by Mr Emanuel Cortada and Mr Jonáš Gürtler, Attorneys-at-law, Bär & Karrer AG, Zurich, Switzerland

Respondent

I. THE PARTIES

1. Mr Agron Zeqiri (the “Appellant” or “Mr Zeqiri”) is a Kosovan national and former President of the Kosovo Swimming Federation (the “KSF” or “FNK”), a member federation of World Aquatics with its headquarters in Pristina, Kosovo.
2. World Aquatics (the “Respondent”) is the international federation governing the sport of Aquatics worldwide. The headquarters of World Aquatics are based in Lausanne, Switzerland.
3. The Appellant and the Respondent are referred to individually as a “Party” and collectively as the “Parties”.

II. INTRODUCTION

4. This Appeal is brought by the Appellant against the Respondent regarding the decision rendered, on 28 May 2025 (the “Appealed Decision” or the “AQIU Decision”), by the Adjudicatory Body of the Aquatics Integrity Unit (the “AQIU”).
5. The Adjudicatory Body of the AQIU imposed on the Appellant a four-year period of ineligibility and a fine of USD 25,000, based on breaches of Articles 5.1, 5.2, 5.3, 5.6, and 9.9 of the World Aquatics Integrity Code (the “Integrity Code”). This period theoretically commenced on the date of the Appealed Decision, i.e. 28 May 2025, but the Appellant received credit for the provisional suspension he has served since 12 September 2024.

III. FACTUAL BACKGROUND

6. The present case relates to the alleged violations by Mr Zeqiri of several provisions of the Integrity Code and of the Constitution of World Aquatics (the “Constitution”). The conduct of Mr Zeqiri that has been sanctioned in the Appealed Decision concerned, *inter alia*, the fact that Mr Zeqiri prevented the participation of two athletes, namely X. (“X.”) and Y. (“Y.”), in the 2024 World Aquatics Championships in Doha (“Doha 2024”) and attempted to prevent their participation in the Paris 2024 Olympic Games (“Paris 2024 OG”) to favor two other athletes, namely Mr Mal Gashi (“Mr Gashi”) and his daughter, Ms Eda Zeqiri (“Ms Zeqiri”).
7. Below is a presentation of the main parties concerned by these proceedings (A) and a chronological summary of the relevant facts and allegations based on the Parties’ written submissions and evidence in the proceedings (B).

A. Key Protagonists Concerned by the Proceedings

1. The Kosovo Swimming Federation

8. The KSF is the sole legally registered and recognized national governing body responsible for the sport of swimming in the Republic of Kosovo. The KSF is a member federation of World Aquatics and the only national body recognized by World Aquatics in Kosovo. It is duly licensed by the Ministry of Culture, Youth and Sports of the Republic of Kosovo. In the exercise of its statutory mandate, the KSF is responsible for, *inter alia*, the organization of national competitions, the selection and nomination of athletes for international representation, and the governance and development of swimming throughout the Republic of Kosovo.

2. National Olympic Committee of Kosovo

9. The National Olympic Committee of Kosovo (“KOS NOC”), presided by Mr Ismet Krasniqi, is the body vested with exclusive authority for the representation of Kosovo in the Olympic Games, as well as in regional, continental, and world multi-sport competitions. Pursuant to Article 2, paragraph 3, of its Statute, the KOS NOC is responsible for establishing, organizing, and leading the respective delegations of Kosovo in such events and competitions. In the context of athlete selection, the KOS NOC decides on the entry of athletes proposed by the respective national federations, with such selection required to be based not only on sports performance but also on qualities that serve as an example for the country’s young athletes. The Executive Board of the KOS NOC is the sole authority to decide on the names of athletes to be sent for international competition which, pursuant to Article 6, paragraph 4, point (g) of the KOS NOC Statute, exercises this competence based on proposals submitted by the relevant national federation.

3. Mr Agron Zeqiri

10. Mr Zeqiri was elected President of the KSF on 23 December 2023. He formally resigned on 14 September 2024. In relevant times before his election, he had no official role in the KSF. The Panel notes, however, that World Aquatics alleges he acted as the *de facto* leader and decision-maker under the formal presidency of Mr Besnik Halili. Since his resignation, he has held no position within the KSF or any other entity under the jurisdiction of World Aquatics.
11. Furthermore, Mr Zeqiri is closely associated with swimming club STEP and, on 15 December 2023, the Club submitted his name as one of its delegates for the KSF Assembly.

4. Athletes Concerned by the Proceedings

12. The Panel notes that the following four athletes are concerned by the proceedings:
- X. is a dual citizen of the United States of America and Kosovo. The case record shows that he attended Princeton University and that he acquired citizenship of the

Republic of Kosovo on 16 October 2023. In these proceedings, X. claimed affiliation with the Kosovar swimming club [...]. However, the Panel notes that the official list of athletes submitted by the swimming club [...], on 28 December 2023, to the Ministry of Culture, Youth and Sports did not include his name. Thus, his membership status within that club is not established. In addition, the Panel notes that, in April 2024, X. expressed interest in joining the Kosovar swimming club STEP.

- Y. is a Kosovar swimmer and a member of the [...] Club.
- Mr Gashi is a Kosovar swimmer and a member of the swimming club STEP.
- Ms Zeqiri, daughter of the Appellant, is a Kosovar swimmer and a member of the swimming club STEP.

B. Essential Facts of the Case

13. The Panel has made the following description on the basis of the record in the proceedings and notes that additional facts and allegations found in the Parties' written and oral submissions and evidence may be set out, where relevant, in connection with the legal discussion that follows. While the Panel has considered all the facts, allegations, legal arguments, and evidence submitted by the Parties in the present proceedings, it refers in the present factual background only to the elements it considers necessary to explain the background and key events of the case.

1. Events Prior to Mr Zeqiri's Presidency of the KSF

14. On 24 September 2022, the KSF elected Mr Besnik Halili as President.
15. On 25 March 2023, X. wrote to Mr Ardian Hamiti, former KSF Secretary, on the social media platform Instagram, inquiring whether he can represent Kosovo before the elapse of three years since receiving citizenship, despite Rule 3, Article 3.1, paragraph 3.1.1, point 2, of the World Aquatics Competition Regulations, which mandates a residency requirement for newly naturalized athletes requiring three years of residency prior to any participation in any first International Competition (the "World Aquatics Residency Requirement"). Likewise, Article 18 of the KSF Regulation on Representation requires one year of residence in Kosovo for athletes who previously held the citizenship of another country (the "KSF Residency Requirement" and collectively the "Residency Requirements").
16. On 13 June 2023, World Aquatics published the official Summons for Doha 2024, setting out the following key deadlines with all submissions to be made by national federations via the General Management System ("GMS") system.
- 7 November 2023: preliminary entries of the number of athletes nominated by national federations.
 - 12 December 2023: final deadline for the registration of individual athletes.
 - 16 January 2024: final sport entries with each athlete entered into their specific disciplines.

17. In July 2023, for the 2023 World Aquatics Championships in Fukuoka, Japan (“Fukuoka 2023”), the KSF entered Mr Gashi (male) and Ms Zeqiri (female).
18. In July 2023, following complaints by Y.’s mother, [...], regarding her daughter’s exclusion from Fukuoka 2023, a meeting was held at the KOS NOC offices. The meeting was attended by Mr Ismet Krasniqi (KOS NOC President), Mr Besnik Halili (then KSF President), Mr Agron Zeqiri, and Ms [...]. According to Y.’s witness statement, she understood from her mother that Mr Zeqiri dominated the meeting and acted as the *de facto* leader of KSF.
19. On 16 October 2023, X. obtained citizenship of the Republic of Kosovo through naturalization under Article 16 of Law no. 04/L-215 on Citizenship of Kosovo.
20. On 7 November 2023, which was the deadline for preliminary entries (i.e. confirming the number of athletes) for Doha 2024, the KSF decided to participate with two athletes – one male and one female.
21. On 7 December 2023, the KSF Selector and Professional Council issued letters proposing the following two athletes for Doha 2024, on the basis of their AQUA Points:
 - Male – Mr Gashi: 701 AQUA Points.
 - Female – Ms Zeqiri: 682 AQUA Points.
22. As a result, at this juncture, Y. was prevented from being eligible for the Paris 2024 OG, as she had not been selected for either Fukuoka 2023 or Doha 2024.
23. Indeed, according to the Paris 2024 OG Swimming Qualification, National Olympic Committees (“NOCs”) that do not have athletes who have achieved an Olympic Qualifying Time or an Olympic Consideration Time could still enter a maximum of two athletes, one male and one female athlete, through the so-called “Universality Places”. In these circumstances, pursuant to Article D.3 of the Universality Rules, there are four cumulative criteria for an athlete to receive an invitation and benefit from a Universality place to compete in Paris 2024 OG, namely:
 - the athlete must not be older than the age of thirty (30) years on 1 January 2024;
 - the athlete must not have already participated in two prior Olympic Games;
 - NOCs must enter the male athlete and the female athlete who have achieved the highest AQUA Points table score in any individual Olympic event, as achieved at a World Aquatics-approved qualification event during the qualification period; and
 - the athlete must have competed in Fukuoka 2023 or in Doha 2024.
24. Given this regulation which required the athlete to have competed in Fukuoka 2023 or in Doha 2024, the KSF’s selection of Ms Zeqiri for both competitions enabled the Appellant’s daughter to participate in the Paris 2024 OG.
25. On 8 December 2023, X. submitted [...] KSF membership request and [...] request to represent Kosovo at Doha 2024. On the same day, Mr Dale Neuburger

(“Mr Neuburger”), World Aquatics Treasurer, contacted Mr Zeqiri via Zoom, requesting the expedited inclusion of X. in the Kosovo team for Doha 2024.

26. On 9 December 2023, the KSF Executive Board held an Emergency Board Meeting to discuss X.’s requests. Mr Zeqiri attended and conveyed Mr Neuburger’s communication to the KSF. The latter approved X.’s membership application but rejected his request to participate in Doha 2024, on the grounds that he had not fulfilled the selection criteria and that the GMS registration system had already been closed for athlete submissions. Thus, the KSF selected Mr Gashi and Ms Zeqiri. The factual record of the case shows that, prior to 12 December 2023, KSF entered their respective names into the GMS system, i.e. before the final registration deadline of 12 December 2023. X. appealed this decision of KSF dated 9 December 2023 to the Court of Arbitration for Sport (the “CAS”).
27. On 15 December 2023, the swimming club STEP submitted the name of Mr Zeqiri as one of its delegates for the KSF Assembly.

2. Events During Mr Zeqiri’s Presidency of KSF

28. On 18 December 2023, Mr Zeqiri formally submitted his candidacy for the Presidency of the KSF.
29. On 23 December 2023, Mr Zeqiri was elected President of KSF. On the same date, Mr Zeqiri, in his capacity as President, signed an official letter informing X. that he had been formally authorized to represent KSF in aquatic competitions organized by the KSF, European Aquatics and World Aquatics as of 1 January 2024.
30. On 4 January 2024, following X.’s appeal to CAS, Mr Zeqiri sent an email to X. to show his disappointment as, in his view, X. should have sent his appeal to the KSF appeal bodies but instead chose to directly file it with the CAS. Mr Zeqiri stated that: *“If a member of the KSF does not respect the constitution [he] might be suspended and not [be] a member of the KSF.”* This communication was characterized by the AQIU as a personal threat to X.
31. On 16 January 2024, on the final sport entries deadline for Doha 2024, the KSF decided that Mr Gashi would compete in the 400m and 800m Freestyle, and Ms Zeqiri in the 50m and 100m Backstroke.
32. On 27 January 2024, Mr Zeqiri attended the Electoral Congress of European Aquatics in Athens, Greece as an observer. He met with Mr Neuburger in a meeting where they discussed for the second time the inclusion of X. in the Kosovo national team for Doha 2024. According to the Appellant’s submissions, Mr Neuburger offered financial incentives to the KSF and personal benefits, including scholarship opportunities for Ms Zeqiri, in exchange for X.’s inclusion in Doha 2024. Mr Neuburger also indicated that he would terminate the CAS proceedings introduced by X. if the latter was part of the KSF Doha 2024 team. Mr Zeqiri allegedly refused and stated he would rather resign than act unlawfully.

33. On 27 January 2024, Mr Brent J. Nowicki (“Mr Nowicki”), Executive Director of World Aquatics, issued a letter in connection with the CAS proceedings, acknowledging that only a CAS decision had the authority to alter the competition deadlines. He also stated that the KSF is permitted by World Aquatics rules to enter up to two male and two female athletes in Doha 2024.
34. On 1 February 2024, Mr Ismet Krasniqi of the KOS NOC, following a report from Y.’s club, i.e. the [...] Club, sent a letter to the KSF expressly requesting the inclusion of Y. among the swimmers sent by the KSF to Doha 2024. On the same day, the KOS NOC also wrote to World Aquatics alleging that the KSF had discriminated against Y.
35. Between 2 and 18 February 2024, Doha 2024 took place in Qatar. Mr Gashi and Ms Zeqiri represented Kosovo, and neither X. nor Y. participated.
36. On 11 March 2024, Mr Neuburger sent a letter to the KOS NOC that contained information stating that Y. had more AQUA points than Ms Zeqiri for the purposes of Fukuoka 2023 and Doha 2024. Moreover, Mr Neuburger highlighted that National Federations are allowed to send up to four athletes – two male and two female. The KOS NOC forwarded this email to KSF on 28 March 2024.
37. On 28 March 2024, the CAS issued an award in the case CAS 2024/A/[...] X. v. Kosovo Swimming Federation in which the Sole Arbitrator ruled that it had no jurisdiction .
38. On 2 April 2024, after receiving the email sent by Mr Neuburger, which was forwarded by the KOS NOC on 28 March 2024, Mr Zeqiri, acting as President of the KSF, issued a statement noting that Mr Neuburger’s 11 March 2024 letter was not accurate. For Fukuoka 2023, Ms Zeqiri had 682 AQUA (Women 50 backstroke) points compared to 628 (Women 50 Freestyle) for Y. Likewise, for Doha 2024, Ms Zeqiri had 682 AQUA (Women 50 backstroke) points compared to 628 (Women 50 Freestyle) for Y.
39. In April 2024, the World Aquatics Bureau abolished point (iv) of Article D.3 of the aforementioned Universality Rules (“Rule D3”). As a result, athletes were no longer required to have participated in Fukuoka 2023 or Doha 2024 in order to compete in the Paris 2024 OG.
40. On 2 May 2024, World Aquatics sent an official email to KSF requesting the submission, via the GMS system, of the names of the male and female athletes proposed to represent Kosovo at the Paris 2024 OG. This email also indicated that nominations must be jointly validated by the National Olympic Committee and the National Federation.
41. On 24 June 2024, the KSF informed World Aquatics that it had selected athletes Mr Gashi and Y. for the Paris 2024 OG. After the abolition of Rule D3, Y. recorded a better result than Ms Zeqiri and achieved a valid result qualifying her for participation in the Paris 2024 OG. Based on said result and by a unanimous decision of the KSF, she was nominated for participation in Paris 2024 OG. Her name and Mr Gashi’s were submitted through the GMS system on 22 June 2024. Mr Zeqiri voted in favor of Y.’s nomination and signed the corresponding decision. In this context, World Aquatics was

informed that the highest-ranked athlete, X., was not selected because he allegedly did not meet the eligibility criteria for the Paris 2024 OG.

42. On 27 June 2024, Mr Nowicki replied to KSF explaining that National Olympic Committees are obliged to enter the athletes who have achieved the highest AQUA Points table score in any individual Olympic event. According to the Universality Rules, the highest-ranked male athlete was X. He also noted that the deadline for a National Federation to request an exception to World Aquatics for invitations based on Universality Places was 1 June 2024. Therefore, provided the KSF email of 24 June 2024 constituted a request for an exception, such request was late and could not be entertained. The KOS NOC was copied on this letter.
43. On 28 June 2024, Mr Zeqiri sent a letter to the KOS NOC, copying World Aquatics. In that letter, Mr Zeqiri stated that Mr Nowicki's letter conflicted with both local and international legislation and warned that any attempts to implement his directives could have criminal consequences. Moreover, the Appellant claimed that Mr Nowicki's letter contained false statements and expressed concern that World Aquatics had illegally attempted to send X. to the Paris 2024 OG. The Appellant further argued that X. was not eligible to participate because he had not competed in national competitions. Additionally, since he acquired Kosovo citizenship through naturalization, he would not meet the Residency Requirements criteria to participate in international competitions including the Olympic Games. Finally, Mr Zeqiri stated that if the KOS NOC selected X. for the Paris 2024 OG, the KSF would sue the KOS NOC and request an injunction to halt the execution of this decision until the court reached a final ruling.
44. On 4 July 2024, World Aquatics sent a letter to the KSF reiterating that, under the Universality Rules, the highest-ranked athletes, based upon the AQUA Points were:
 - Male – X.: Men Freestyle 100m (Entry Time: 00:51.46).
 - Female – Y.: Women Freestyle 50m (Entry Time: 00:26.65).
45. On 5 July 2024, Mr Zeqiri called a press conference, to be held on 8 July 2024 at Hotel Sirus, Prishtina, Kosovo, to oppose X.'s participation in Paris 2024 OG. In this context, the Appellant allegedly made remarks as to the ethnicity of X.'s parents, calling X. "Serb" or "Russian".
46. On 5 July 2024, Mr Nowicki wrote to Mr Zeqiri to inform him that World Aquatics had received an anonymous report (the "Whistleblower Report") concerning his comments on the application of eligibility criteria outlined in the Universality Rules. The report also indicated that a targeted campaign had been launched against X., with "racist" language being used to criticize him. In this context, Mr Zeqiri was informed that the Whistleblower Report would be forwarded to the AQIU. Additionally, he was reminded that X. was the male athlete who had achieved the highest AQUA Points in any individual Olympic event, as achieved at a World Aquatics-approved qualification event during the Paris 2024 OG qualification period. Neither the Appellant nor the KSF timely appealed this determination or asserted any exceptional application of the rules to World Aquatics.

47. As a result, the KOS NOC entered X. for the Paris 2024 OG. Y. was also able to compete in Paris 2024 OG following the abolition of point (iv) of Article D.3 of the Universality Rules.

3. Proceedings before the AQIU

48. On 16 July 2024, the AQIU notified Mr Zeqiri of the initiation of an investigation before the Chief Ethics and Compliance Officer of World Aquatics (the “CECO”) and provided him with an opportunity to submit his position on the matter. Mr Zeqiri did not respond to this letter.
49. On 12 September 2024, pursuant to Article 21 of the Integrity Code, the CECO imposed a provisional suspension on Mr Zeqiri on the basis that public confidence in the integrity of the sport of Aquatics was at risk.
50. At the same time, pursuant to Article 23 of the Integrity Code, the CECO formally charged Mr Zeqiri by means of a notice of charge (the “Notice of Charge”) for possible violation of Article 7 of the Constitution, and of Articles 5.1, 5.2, 5.3, 5.6 and 9.9 of the Integrity Code. Mr Zeqiri was informed in the Notice of Charge that he may respond in one of the following ways: (i) admit the charge and accept the consequences and sanctions; (ii) admit the charge, but dispute and/or seek to mitigate all or any of the potential consequences and have the Adjudicatory Body determine the consequences and sanctions; or (iii) deny the charge, and have the Adjudicatory Body determine the charge and any consequences and sanctions.
51. On 14 September 2024, Mr Zeqiri resigned from his position as President of KSF.
52. On 19 September 2024, Mr Zeqiri denied the allegations made against him by the CECO and requested the Adjudicatory Body to determine the charge and any consequences and sanctions.
53. On 11 October 2024, the CECO referred the matter to the Adjudicatory Body of the AQIU, requesting a suspension for four years and a fine of USD 25,000.
54. On 2 April 2025, the Chair of the Adjudicatory Body informed Mr Zeqiri that the AQIU had been notified of a possible breach of the provisional suspension imposed on him by the CECO on 12 September 2024, allegedly occurring during the Skopje Open 2024 event during which Mr Zeqiri would have been seen on the field of play. Nonetheless, on 21 April 2025, Mr Zeqiri replied, *inter alia*, that this allegation was not supported by verified sources and official records from the event organizers.
55. On 28 May 2025, the Adjudicatory Body of the AQIU issued the Appealed Decision, with the following operative part:

“(i) *The AQIU has jurisdiction over this matter.*

(ii) *The Respondent has violated Articles 5.1, 5.2, 5.3, 5.6 and 9.9 of the World Aquatics Integrity Code.*

(iii) *The Respondent is sanctioned with:*

- a. *A four-year period of ineligibility from holding any position within World Aquatics and/or Continental Organisation and/or World Aquatics Member, including acting as President of the KSF. The suspension imposed on the Respondent shall also prevent him from taking part in any aquatic-related activities and/or events on behalf of World Aquatics, any World Aquatics Continental Organisation, or any World Aquatics Member Federation or recognised body, as well as participating or attending, in any capacity, in any aquatic competition. The sanction begins on the day the Respondent was provisionally suspended, i.e. 12 September 2024.*
- b. *A fine of USD 25,000. Failure to pay the fine shall prevent the Respondent from holding any position within World Aquatics, any World Aquatics Continental Organisation, or any World Aquatics Member Federation or recognised body as well as from taking part in any aquatic-related activities and/or events on behalf of World Aquatics, any World Aquatics Continental Organisation, or any World Aquatics Member Federation or recognised body, and participating or attending, in any capacity, in any aquatic competition, until payment is made.*

(iv) *This decision is rendered without costs and will be made public.*

(v) *As per Article 35 of the World Aquatics Integrity Code, this decision can be appealed to CAS within twenty-one (21) calendar days of the appealing Party's receipt of the written reasoned decision in question by email."*

IV. PROCEEDINGS BEFORE THE COURT OF ARBITRATION FOR SPORT

56. On 17 June 2025, the Appellant filed a Statement of Appeal with the CAS against the Appealed Decision in accordance with Article R47 of the Code of Sports-related Arbitration (the "CAS Code") and the applicable provisions of the Constitution. In his Statement of Appeal, the Appellant nominated Mr Arben Rakipi as arbitrator in these proceedings.
57. On 25 June 2025, the Respondent nominated Mr Manfred Peter Nan as an arbitrator in these proceedings.
58. On 26 June 2025, the Appellant submitted his Appeal Brief.
59. On 27 June 2025, the Appellant requested the CAS to issue an order compelling the Respondent to disclose all details related to the Whistleblower Report. Furthermore, the Appellant also requested that this anonymous person be heard during the hearing.
60. On 2 July 2025, the CAS informed the Parties that Mr Arben Rakipi did not accept his nomination as arbitrator and requested the Appellant to nominate another arbitrator from the list of CAS arbitrators within ten days according to Article R36 of the CAS Code.

61. On 7 July 2025, the Appellant nominated Dr. Despina Mavromati as arbitrator.
62. On 5 August 2025, the Respondent submitted an unredacted form of the Whistleblower Report to demonstrate the anonymity of the report.
63. On 8 August 2025, the CAS Court Office informed the Parties that, pursuant to Article R54 of the CAS Code and on behalf of the President of the CAS Appeals Arbitration Division, the Panel appointed to decide the present matter was constituted as follows:
 - President: Mrs Carine Dupeyron, Attorney-at-law in Paris, France.
 - Arbitrators: Dr Despina Mavromati, Attorney-at-law in Lausanne, Switzerland.
Mr Manfred Peter Nan, Attorney-at-law in Amsterdam, The Netherlands.
64. On 15 August 2025, following several extensions, the Respondent submitted its Answer to the Appeal Brief.
65. On 25 August 2025, upon request from the CAS Court Office, the Respondent informed the CAS Court Office that it did not deem necessary that a hearing or a CMC to be held. On the same day, the Appellant requested both a hearing and a CMC.
66. On 10 September 2025, the Panel decided to hold a hearing in Lausanne, while proposing 29 October 2025 as a hearing date. The Panel requested the Parties to indicate whether the hearing should extend to two consecutive days. Moreover, the Panel granted the Parties a second round of written submissions, requesting each Party to file a comprehensive brief that consolidates their existing submissions.
67. On 17 September 2025, the Respondent requested an extension regarding its availability for a hearing on 29 October 2025, while objecting to the extension of the hearing over two days. On the same day, the Appellant agreed to hold the hearing on 29-30 October 2025.
68. On 24 September 2025, the Appellant filed his Second Appeal Brief.
69. On 29 September 2025, the Appellant submitted a correction pertinent to his Second Appeal Brief regarding the amount of the attorney's costs he incurred.
70. On 3 October 2025, the CAS Court Office confirmed that a CMC would be held on 6 October 2025.
71. On 9 October 2025, the Respondent filed its Answer and Rejoinder.
72. On 17 October 2025, the CAS Court Office informed the Parties that considering the Parties' respective availabilities for the hearing, the latter would be held on 15 and 16 December 2025 at 9:30 CET (Swiss time) at the CAS Court Office in Lausanne, Switzerland.

73. On 6 November 2025, following several correspondences between the Parties regarding the witnesses, their testimonies and the possibility of their cross-examination, the Panel informed the Parties of the following:
- The Appellant's request to exclude the Respondent's witnesses on the grounds that their testimonies would be irrelevant and that no new witnesses should be admitted during the appeal procedure is denied, according to Articles R55, R56 and R57 of the CAS Code.
 - The Appellant's request to exclude certain of the Respondent's witnesses on the grounds that no valid witness statements were filed and that summaries of witness statements have not been submitted despite the Panel's request is denied, as documents were explicitly submitted as witness statements by the Respondent in the first round of written submissions and must be considered valid for the purposes of this appeal. Moreover, the Panel made it clear that no summary was required when a witness statement had already been submitted.
 - Mr Kushtrim Krasniqi is allowed to testify and be cross-examined.
 - The Respondent's request to exclude Mr Granit Morina is denied. However, the Appellant shall file, by 13 November 2025, written confirmation from the other Board members that they concur with the statement filed on their behalf.
 - The Appellant is invited to confirm, by 13 November 2025, the names of the Respondent's witnesses whom he intends to cross-examine.
 - The Panel decided that the hearing will be held over a day and a half, with brief opening statements and witness examination on Monday, 15 December 2025, followed by closing statements on Tuesday morning, 16 December 2025.
74. On 6 November 2025, the Appellant communicated the confirmation of all KSF Board Members that they concur with the statement filed on their behalf and that they consent to Mr Granit Morina appearing at the hearing before the Panel on their behalf.
75. On 10 November 2025, the Appellant informed the CAS Court Office that Mr Arben Thaci will serve as the interpreter from Albanian to English and vice versa. On the same day, the Appellant communicated the list of people attending the hearing from its side.
76. Several correspondences were exchanged between the Parties regarding the duration of the hearing and the time to be accorded for the witness examinations.
77. On 28 November 2025, the Panel informed the Parties that the hearing would be held over one day, i.e. 15 December 2025. The Panel also decided to allocate additional time for the direct examination of the Appellant and to grant the Parties a longer break before the closing statements. By means of the same correspondence, the Panel sent the Parties an updated hearing schedule.
78. On 15 December 2025, the hearing took place in Lausanne, Switzerland. In addition to the Panel members and Ms Delphine Deschenaux-Rochat, Counsel to the CAS, the following persons attended the hearing:

For the Appellant:

- Mr Agron Zeqiri, Appellant
- Mr Fis Murati, Counsel for the Appellant
- Mr Besart Shala, Witness called by the Appellant
- Mr Venton Telaku, Witness called by the Appellant
- Mr Fidan Shatri, Witness called by the Appellant
- Mr Granit Morina, Witness called by the Appellant

For the Respondent:

- Mr Emanuel Cortada, Counsel for the Respondent
- Mr Jonáš Gürtler, Counsel for the Respondent
- Mr Kushtrim Krasniki, Witness called by the Respondent
- Mr Ismet Krasniqi, Witness called by the Respondent
- Y., Witness called by the Respondent, accompanied by her mother, [...]
- X., Witness called by the Respondent

79. At the hearing, the Panel heard evidence from the Appellant as well as from the above-listed witnesses. Before taking their evidence, the President of the Panel admonished the Appellant and each of the witnesses that they were obliged to tell the truth subject to sanctions of perjury under Swiss law. The Parties had the opportunity to examine, respectively cross-examine, the Appellant and each witness, with a further opportunity for re-direct, respectively re-cross.
80. At the end of the hearing, the Parties confirmed that they were satisfied with the procedure throughout the hearing, and that their right to be heard and to be treated equally had been fully respected.
81. On 16 December 2025, the Panel invited the Respondent to file, by 6 January 2026, a certified translation of enclosures 2 and 5 to its Exhibit R-10, i.e. the complaint filed by Y.'s mother on 11 July 2023 and her follow-up email of 23 October 2023, which the Respondent filed on 6 January 2026.
82. On 7 January 2026, the CAS Court Office informed the Parties that, according to Article R59 of the CAS Code, the evidentiary proceedings were closed.
83. On 24 July 2026, the Appellant requested that new evidence be admitted to the record, principally a document emanating from the KOS NOC dated 5 March 2025, with its transmission email. The Appellant argued that this document was only discovered recently and was "*highly relevant and material*" evidence.
84. On 10 August 2026, at the invitation of the CAS Court Office, the Respondent commented on this request and asked the Panel to deny it, noting that the evidentiary proceedings had been closed on 7 January 2026 and, in the absence of any request from the Panel, the admission of such evidence would be contrary to the CAS Code.

85. On 26 August 2026, having weighted the arguments of the Parties, the Panel determined that the Appellant had not sufficiently justified the reasons for the introduction of new evidence at this stage of the proceedings and denied the application.

V. THE PARTIES' ARGUMENTS

86. The Panel has taken into consideration all the Parties' written submissions and has weighed the arguments made by the Parties in the light of all the evidence presented. The Panel sets out below a concise summary of the Parties' positions relevant to its decision, which does not attempt to be an exhaustive account of all the evidence and arguments put forward before it but only of the most relevant factual and legal arguments. When necessary, other factual and legal arguments will be described in the decision on the merits section of this Award.

A. Summary of the Appellant's arguments

87. In his submissions, the Appellant contends that the Appealed Decision is vitiated by numerous procedural violations and that no evidence was presented establishing discriminatory intent, abuse of authority, or threats against X. or Y. He mainly asserts that, having essentially adopted the language of the CECO verbatim, the AQIU lacked independence and failed to satisfy the "comfortable satisfaction" standard of proof, thus imposing grossly disproportionate sanctions. Accordingly, the Appellant seeks the complete annulment of the decision, reinstatement of his rights, and an award on moral and financial damages.
88. The Appellant's arguments, in essence, may be summarized as follows.

1. Procedural violations before the AQIU

89. The Appellant raises several objections concerning alleged procedural irregularities pertinent to the AQIU's Appealed Decision. These arguments may be, *inter alia*, summarized as follows:
- The violation of the right to be heard and the right to a fair trial as the Appellant repeatedly requested an oral hearing before the AQIU, which was rejected. In addition, the Appellant sought to call several witnesses (including Mr Neuburger, Mr Nowicki, Mr Vasil Velkov, Mr Besart Shala, and the Appellant himself), none of whom were heard. This violated Article 29 of the Integrity Code, Article 6 of the European Convention on Human Rights ("ECHR"), and Swiss procedural law, notably Articles 29 and 30 of the Federal Act on Administrative Procedure, and Article 53 of the Swiss Civil Procedure Code.
 - The violation of the right to a fair process as the Appellant formally requested a panel of three members, on multiple occasions pursuant to Article 25 of the Integrity Code, which the AQIU denied, proceeding instead with a sole adjudicator. This deprived the Appellant of collective adjudication, balanced deliberation, and procedural safeguards.

- The violation of the right to be heard and the right to a fair trial by the AQIU due to the reliance on an anonymous Whistleblower Report. This violated the strict procedural safeguards for anonymous evidence established by CAS jurisprudence (See, CAS 2011/A/2384 & 2386) and the ECHR, including the requirements that the witness's identity be verified, credibility assessed, and cross-examination allowed. None of these safeguards were observed.
- The Appellant objects to the reliability and admissibility of several exhibits of the Case Referral submitted by the CECO, i.e. Exhibits 1, 2, 13, and 14. He contends that they lack authenticity, have been materially altered or redacted, are unsupported by corroborating evidence, and in some cases are unconnected to the Appellant.
- The Appellant argues that the Appealed Decision failed to meet the heightened evidentiary threshold of the "comfortable satisfaction" standard, as per Article 31 of the Integrity Code, since it does not identify specific actions by Mr Zeqiri, does not connect those actions to specific provisions of the Integrity Code, does not weigh the credibility of evidence, and does not respond to the Appellant's detailed rebuttals. Thus, the burden of proof still rests on the AQIU as no direct evidence of prohibited conduct was cited.
- During the proceedings before it, the AQIU erroneously referred to Mr Zeqiri as President of the "Kosovo Aquatic Sports Federation" – an entity that does not legally exist. This misidentification of the competent body undermines the legitimacy of the charges, violates the principle of legal certainty, and impairs Mr Zeqiri's ability to defend himself.
- The violation of Article 4 of the Integrity Code due to the misidentification of the subject of the proceeding, as the AQIU confused whether the disciplinary proceedings were directed at Mr Zeqiri individually or at the KSF as an institution.
- The Appellant raises objections concerning multiple structural deficiencies and a lack of legal coherence, submitting that the Appealed Decision does not comply with Article 32.3 of the Integrity Code. In particular, the Appealed Decision fails to meet the requirement that it be reasoned and include the relevant factual findings, a summary of the evidence, and clear conclusions regarding the application of the applicable rules.
- The Appellant deplores the lack of independence and objective evaluation by the AQIU because the Appealed Decision adopted verbatim the language of the CECO's Case Referral, without any sign of independent critical engagement or evidentiary evaluation. The Appellant notes that none of his legal objections, documentary evidence, or rebuttals were meaningfully addressed, thus violating the principle of equality of arms.
- The AQIU acted *ultra petita* by imposing findings and conclusions that go beyond the allegations set out in the Case Referral. Although the AQIU's own Case Referral expressly acknowledged (at paragraph 57) that Mr Zeqiri bore no responsibility for the events related to Fukuoka 2023, the Appealed Decision nonetheless attributes responsibility to him in connection with it. This deprived the Appellant of the opportunity to defend himself against these new findings, in violation of the *audi alteram partem* principle.
- Finally, the Appellant objects to the improper reservation in Paragraph 111 of the Appealed Decision where the AQIU conceded that "*there is insufficient evidence*"

to conclude a violation occurred regarding an alleged breach of his provisional suspension yet reserved the right to reopen the matter if additional information emerged. This violates the principles of finality, legal certainty, and the presumption of innocence, as a charge must either be established or dismissed, i.e. it cannot be conditionally postponed. This approach is inconsistent with CAS jurisprudence (See, CAS 2011/A/2384; CAS 2004/A/704) and Article 32.3 of the Integrity Code which places the Appellant in a state of indefinite reputational jeopardy.

2. Erroneous or Incomplete Establishment of the Facts and Misapplication of Substantive Law

90. From the outset, the Appellant submits that the Respondent's attempt to introduce fresh evidence and new accusations at this stage, including claims of nepotism and corruption which were never raised by the AQIU or formed part of the Appealed Decision, is procedurally impermissible under Article R55 of the CAS Code. The Respondent personally attributes to the Appellant acts that the AQIU Decision attributed to the KSF as an institution. KSF is not a party to these proceedings, and the Appellant cannot bear responsibility for acts or omissions of the federation during periods when he was not serving as its President.

91. Beyond the above-mentioned procedural violations, the Appellant advances a multitude of arguments addressing the facts of the present case and seeks to rebut the allegations raised by the Respondent. Although, as reflected in his submissions, these arguments are at times repetitive and redundant, they may nonetheless be consolidated and presented as follows.

a) Discrimination Against X.

92. The Appellant submits that he lacks individual responsibility over the KSF decisions as he held no official position within the KSF prior to 23 December 2023, i.e. the date of his election as President. The Appellant submits multiple pieces of evidence to support this position, notably a document dated 19 September 2025 from the Ministry of Culture, Youth and Sport, Evaluation Committee for the Licensing of Sports Federations, expressly confirming that he held no position within the KSF executive structures prior to 23 December 2023, and a declaration from former KSF President Besnik Halili, dated 17 September 2025, confirming that during his own mandate, the Appellant exercised no influence over the executive structures or their decision-making. Therefore, the KSF's decision of 9 December 2023 to approve X.'s membership while rejecting his request to represent Kosovo at Doha 2024 was rendered under the presidency of Mr Besnik Halili. The Appellant had no involvement in this decision-making process.

93. Furthermore, the Appellant notes that both the AQIU and the Respondent erroneously defined him as a "Covered Person" under Article 4.1(a) of the Integrity Code for periods when he held no recognised official position. According to the KSF Statute, the Appellant formally submitted his candidacy for the KSF presidency on 15 December 2023. Thus, any attribution of responsibility based on a presumed candidacy prior to

that date is unfounded. Article 12 of the KSF Statute mandates that the President of the KSF is not individually involved in the selection of athletes representing Kosovo in international competitions. Such decisions are made by the KSF Executive Board upon the proposal of the Selector and Professional Council. Accordingly, the Appellant bears no personal responsibility for the Board's decision regarding X.

94. Regarding the rejection of X.'s request to represent Kosovo at Doha 2024, the Appellant holds that this was lawful and non-discriminatory for the following reasons. *Firstly*, X. acquired Kosovo citizenship on 16 October 2023 and submitted his request for KSF membership on 8 December 2023. He did not meet the World Aquatics Residency Requirement. *Secondly*, and on a similar note, X. failed to satisfy the conditions of the KSF Residency Requirement. *Thirdly*, X. did not participate in the qualifying procedures and national competitions required for inclusion in the national team. *Fourthly*, he was never proposed to the KSF Board by the Selector or Professional Council, and his name was never voted upon by the Executive Board for Doha 2024. *Fifthly*, the athlete selection process for Doha 2024 was completed in compliance with the official Summons, which set the final deadline for submission of athlete names as 12 December 2023. The KSF entered the names of Mr Gashi and Ms Zeqiri into the GMS system before this deadline. *Finally*, in CAS 2024/A/[...], the Panel did not find any breach of rules by the KSF regarding X.'s non-participation in Doha 2024. Thus, this matter is *res judicata* and cannot be redebated before this Panel. For these reasons, the Appellant emphasizes that X. was not denied the opportunity to represent Kosovo on any discriminatory ground as his ineligibility stemmed solely from his failure to meet the regulatory criteria.
95. The Appellant also notes that Mr Neuburger committed a serious ethical violation in Athens, Greece, when he approached the Appellant to advance X.'s interests. The Appellant further argues that the AQIU did not address this contention despite the fact that X. and Mr Neuburger have both attended Princeton University. This coincidence sheds legitimate doubts as to their relationship and the support X. is getting from World Aquatics.
96. Regarding the KSF Emergency Board Meeting of 9 December 2023, the Appellant denies having actively engaged in the meeting. The Appellant clarifies that the official minutes of the meeting contain a clerical error, where it was mistakenly recorded that he was acting as a FNK representative. This is confirmed by the letter dated 16 June 2025 of Mr Bashkim Haxhimusa, Vice President of the KSF and Chairman of the Executive Board, where Mr Haxhimusa affirms that Mr Zeqiri solely informed the Board of Mr Neuburger's request to include X. in Doha 2024 as per their Zoom call, without offering any recommendation or exerting any influence on the Executive Board.
97. As for the letter dated 23 December 2023, addressed to X. by the KSF, the Appellant contends that it was mischaracterized by the AQIU. This letter was not a formal decision of the KSF Executive Board but merely an explanatory and non-binding communication clarifying that X. could represent Kosovo in international competitions starting from 1 January 2024, subject to meeting the applicable procedural requirements. The only valid and binding act was the Executive Board's decision of 9 December 2023, which approved X.'s membership but rejected his Doha 2024 request. The fact that X. himself

challenged the 9 December 2023 decision before the CAS on 29 December 2023 confirms that the letter was not perceived as a threat.

98. Likewise, the email dated 4 January 2024 sent to X., did not constitute a threat and was a legitimate institutional communication informing him of the KSF's internal regulatory framework, specifically referencing Articles 38 and 42 of the KSF Statute regarding internal dispute resolution procedures. The email contained no language that could reasonably be interpreted as threatening. Its tone was informative and conciliatory, concluding with the expression: "*I hope and I am convinced that we will have a great cooperation in the future.*" The Appellant notes that he is an Albanian native speaker who is not fluent in English, and that the AQIU's interpretation of the email imposed an unrealistic standard of linguistic precision, ignoring the multilingual and cultural context of the communication. Furthermore, X. subsequently expressed interest in becoming a member of the swimming club STEP in April 2024, i.e. the Appellant's club, which demonstrates that he did not perceive the email as threatening. Finally, the Appellant draws a comparison with the letter sent by Mr Nowicki to the Appellant on 7 July 2024, which similarly contained cautionary language regarding potential violations and the initiation of proceedings yet was not characterised as a threat.
99. Moreover, regarding the press conference to oppose X.'s participation in the Paris 2024 OG, the Appellant submits that he never referred to X. as "Serb" or "Russian," nor used any other discriminatory language. Members of the KSF Executive Board confirmed this in a sworn declaration dated 21 October 2024. As for the Facebook comment attributed to Mr Enver Hajredini in Exhibit 23 of the Case Referral, stating "*CONGRATULATIONS, WE SHOULD CELEBRATE THE FAILURES OF THE X.*," it was not made by the Appellant. In any event, the comment contains no racial or discriminatory language. Additionally, the media article quoting Mr Ardian Hamiti (Exhibit 13 of the Case Referral) makes no reference to the Appellant or the KSF, and the Appellant contends that Mr Hamiti is not a credible source given his criminal record. In light of the above, the press conference organized by the KSF was held solely to inform the public about the legal and procedural irregularities surrounding the nomination process and did not contain any ethnic or personal attacks. All public statements and formal objections by the Appellant were directed at exposing procedural and legal violations.
100. Finally, regarding X.'s participation in the Paris 2024 OG, this was simply unlawful. X. was sent to represent Kosovo at the Paris 2024 OG in contravention of both domestic law and World Aquatics regulations. The Respondent bypassed the KSF and unilaterally processed X.'s nomination, despite the KSF having formally nominated Mr Gashi through the GMS system on 22 June 2024. The Appellant adds that on 12 July 2024, i.e. the date on which World Aquatics proposed X.'s name for the Paris 2024 OG, his profile was not included in the World Aquatics database. He was not a member of any swimming club in Kosovo and was never licensed by the Ministry of Culture, Youth and Sports of Kosovo. No formal complaint was ever submitted by X. to the KSF or the AQIU alleging discrimination or any other violation by the Appellant.

b) Discrimination Against Y.

101. The Appellant reiterates that he lacks individual responsibility over the KSF decisions regarding Y. as he held no official position within the KSF during the timeframe in which the selection process for Doha 2024 was conducted. The preliminary entries (7 November 2023), the final nominations (12 December 2023), and the final sport entries (16 January 2024), were all completed before or shortly after his election. He therefore could not have exerted any influence over the exclusion of Y. Furthermore, the AQIU Decision itself, in paragraphs 23 to 28, attributes all allegations regarding the selection of Y. to the KSF as an institution, not to the Appellant in his personal capacity. To hold the Appellant personally liable for decisions made by the KSF constitutes a violation of procedural fairness and established principles of personal responsibility.
102. Moreover, the exclusion of Y. from Fukuoka 2023 and Doha 2024 was based solely on performance-based criteria. The summons for both competitions notes that athletes were entitled to participate in all swimming disciplines for 50-meter pools, hence they include both Olympic and non-Olympic disciplines. In other words, in the Fukuoka 2023 and Doha 2024 summons, there were no specific criteria that the chosen athletes must have had the most points in the Olympic disciplines, i.e. the KSF had to send the athlete with the most points regardless of the disciplines.
103. The official data from World Aquatics confirms that Ms Zeqiri accumulated 682 AQUA points (50m Backstroke), while Y. had only 668/658 points¹ (50m Backstroke) and 628 points (50m Freestyle) at the time of selection. The Appellant adds that these figures were acknowledged publicly on 21 January 2024, during the official KSF awards ceremony, where Ms Zeqiri was declared the best female swimmer of 2023. On such note, the letter from Mr Neuburger, dated 11 March 2024, contained inaccurate information regarding AQUA points. It did not include Ms Zeqiri's best discipline (50m backstroke) where she scored 682 points. In fact, Y. only surpassed Ms Zeqiri in points after competing independently and without KSF supervision following Doha 2024.
104. Regarding Mr Ismet Krasniqi's letter, dated 1 February 2024, urging the inclusion of Y., the Appellant notes that it was sent after the official closing of the Doha 2024 registration process. The Appellant also contends that this letter was part of a coordinated effort to fabricate a claim of discrimination, and that it was authored by the KOS NOC President without any prior consultation with the KSF. In fact, Mr Krasniqi set a same-day deadline for the KSF to include Y. in the Doha list, and without waiting for that deadline to pass, immediately addressed World Aquatics alleging discrimination. The State Prosecutor has since initiated an investigation against Mr Krasniqi for suspected criminal activities related to these letters. In any event, neither Y. nor her swimming club, [...], ever submitted any complaint to the KSF alleging discrimination. Indeed, the case of Y.'s non-participation in Doha was evaluated by the National Council for the Prevention and Sanctioning of Violence and Negative Phenomena at Sports Events, which found no discrimination or violation by

¹ Appellant's Exhibit 80 refers to 668 Points in 50m Backstroke for Y., whereas in Exhibits R-9 (Fukuoka) and R11 (Doha), from Respondent 658 Points in 50m Backstroke is indicated for Y.

the KSF. Given this, the Appellant contends that the matter is therefore *res judicata* and AQIU cannot decide again on this matter.

105. As for the claims of favouritism or nepotism of Ms Zeqiri, the Appellant categorically denies such claims. Her participation in international events was based on objective performance criteria. Following the abolition of Rule D3, Y. achieved a valid result qualifying her for the Paris 2024 OG with a score surpassing Ms Zeqiri. The KSF Executive Board, by unanimous decision – including the Appellant’s own vote – nominated Y. for the Paris 2024 OG. This demonstrates the absence of any favouritism or bias. These allegations caused serious defamatory harm to Ms Zeqiri, who was subjected to a campaign of public shaming under the label “the president’s daughter.” As a direct consequence of this systematic bullying, Ms Zeqiri decided to abandon her swimming career. The Appellant further highlights that Ms Zeqiri was herself discriminated against, having been excluded from five competitions despite being the top-ranked athlete, as documented in the KSF report on the assessment of cases of discrimination of athletes during the period Tokyo 2020 – Paris 2024 OG.
106. Finally, the Appellant contends that World Aquatics unlawfully amended the eligibility criteria for the Paris 2024 OG by abolishing Rule D3 in April 2024, during the ongoing selection process. The retroactive amendment enabled athletes who had not met the original criteria, specifically Y. and also X., to participate in the Paris 2024 OG, while disadvantaging other athletes. In any event, this rule change violated the principles of legal certainty (CAS 2008/A/1545), equal treatment (CAS 2009/A/1817 & 1844), and non-retroactivity, all of which are enshrined in Article 3 of the Constitution. The Appellant additionally highlights that it remains unclear whether this revocation of Rule D3 was applied globally or exclusively to Kosovo. The absence of any formal explanation or institutional communication from World Aquatics regarding the scope and legal basis of this deviation raises serious concerns about the coordination between the AQIU and certain officials of World Aquatics.

c) Proportionality of the Sanction

107. The Appellant submits that the sanction imposed, i.e. a four-year suspension from all Aquatics-related activities and a USD 25,000 fine, is manifestly excessive and disproportionate as the factual and legal foundations for it are deeply flawed. The allegations of abuse of power and discrimination are unsupported by objective evidence and the AQIU failed to consider key counterarguments and exhibits, including evidence that the selection decisions were taken by the KSF Executive Board prior to the Appellant’s presidency and were based on objective performance metrics.
108. On the one hand, a four-year suspension is equivalent to the highest tier of penalties generally reserved for intentional violations such as corruption, doping, or match-fixing. No such acts were committed or proven in this case, no financial or reputational damage to World Aquatics or its competitions was demonstrated, and no athlete was permanently excluded from eligibility – both X. and Y. subsequently participated in the Paris 2024 OG. On the other hand, the imposition of the USD 25,000 fine is excessive and unsupported by any reasoned justification. The Appealed Decision imposed the fine without considering the Appellant’s financial means, without providing a cost-benefit

analysis of any alleged damage, and without establishing a clear causal link between the Appellant's conduct and any measurable harm. The Appealed Decision also failed to analyze whether lesser sanctions, such as a reprimand or short-term suspension, might have sufficed to meet the objectives of deterrence and compliance.

109. For these reasons, the Appellant submits that the sanction must be annulled or substantially reduced.

d) Moral and Financial Damages

110. The Appellant submits that the disciplinary proceedings initiated and conducted by the AQIU have caused serious and unjustifiable harm to his reputation, professional standing, and personal well-being, thereby entitling him to an award of moral and financial damages. AQIU's conduct, characterised by a denial of fundamental procedural guarantees, resulted in an unlawful sanction, without a factual or legal basis meeting the "comfortable satisfaction" standard under Article 31 of the Integrity Code. In any event, the proceedings were initiated without a formal complaint from either athlete.
111. Furthermore, the Appellant notes that he has been denied opportunities to work, participate, or engage in any capacity within the national and international aquatics community, while also incurring significant legal expenses and psychological strain requiring medical attention. Given the procedural abuses and the proven absence of wrongdoing, the Appellant seeks a just and proportionate award of damages for the tangible and intangible harm suffered due to the unlawful actions of the AQIU and World Aquatics.

B. The Appellant's request for relief

112. Based on the above, in his request for relief set out in his Second Appeal Brief, and as per the correction regarding the amount of the attorney's costs it incurred, the Appellant requests the CAS to decide the following:

- "1. Annul the Decision rendered by the Adjudicatory Body of the Aquatics Integrity Unit (AQIU) on 28 May 2025, in its entirety;*
- 2. Declare that Mr Agron Zeqiri did not violate any provision of the Integrity Code of World Aquatics or any other applicable regulation;*
- 3. Reinstate the Appellant's full rights, including the right to stand for election and participate in any official capacity within the Kosovo Swimming Federation (KSF) and World Aquatics;*
- 4. Order the removal of any sanction, disciplinary notation, or publication concerning the Decision of 28 May 2025 from all World Aquatics and AQIU records and platforms;*
- 5. Award moral and financial damages caused to the Appellant by AQIU-World Aquatics as result of this disciplinary procedure.*

6. *Award procedural costs to the Appellant, including the legal fees, attorney's fee and any expenses occurred until know on the amount at least CHF 95'000 (the other amount for these costs above the amount of CHF 95'000 will be specified after the hearing).*
7. *In any event, order the Respondent to pay all costs of arbitration and other costs incurred due to the improper conduct of the AQIU during the investigation and adjudication process;*
8. *Grant any other relief the Panel deems just and equitable in the circumstances of the case."*

C. Summary of the Respondent's arguments

113. The Respondent submits that the appeal has no merit as the Appellant violated multiple core principles enshrined in the Integrity Code, i.e. Articles 5.1, 5.2, 5.3, 5.6, 9.9. Indeed, in his capacity as President of the KSF, the Appellant bore a heightened duty to respect these principles. However, he flagrantly failed to meet them. In light of the gravity of these breaches, the Respondent submits that given only a four-year ban and a fine of USD 25,000 were imposed, the sanction is more than proportionate. Therefore, there are no legal grounds to set aside the Appealed Decision.
114. In essence, the Respondent's arguments may be summarized as follows.

1. Manifest Violations of the Integrity Code

a) The fight against discrimination and abuse of power

115. The Respondent argues that the Appellant's discriminatory conduct was motivated by factors wholly extraneous to sport, notably X.'s ethnic background and his desire to secure Olympic participation for his daughter, Ms Zeqiri.
116. In a public invitation to a press conference, dated 5 July 2024, the Appellant branded X.'s prospective participation in Paris 2024 OG as a "*sports scandal directly affecting the state interests of the Republic of Kosovo*" and declared that "*this scandal must be prevented and adequate measures taken*". Furthermore, on 8 July 2024, during the press conference, the Appellant amplified this hostility by labelling X. "Serb" and "Russian," which are pejorative descriptors aimed at X.'s ethnic origins. In addition, the Appellant's attempt to exclude Y. from Doha 2024 and the Paris 2024 OG, notwithstanding her superior AQUA Points, to favor the participation of his daughter in the Paris 2024 OG was dishonest. Therefore, the Appellant violated both Article 1.3 of the Integrity Code and Article 3 of the Constitution.

b) Applicability of the Integrity Code

117. The Respondent contends that Article 4.1 of the Integrity Code governs any individual who is, or who is seeking to become, a "World Aquatics Official" or an "Other Official". Hence, an election is not required, as the Covered Person may hold the position even "by appointment or otherwise". Furthermore, the Respondent notes that the Appellant

participated in the 9 December 2023 KSF Emergency Board Meeting and contributed to the discussion relating to X.'s participation in Doha 2024. The Appellant also had an active engagement in the meeting and was identified in the meeting's minutes as a "FNK representative", which shows that he was acting on behalf of the KSF.

118. Since the Appellant was seeking the position of KSF President on 15 December 2023, and he was elected President on 23 December 2023, he qualifies as an "Other Official" prior to 15 December 2023 and as a "World Aquatics Official" thereafter. He is therefore a "Covered Person" under the Integrity Code.

c) Violation of Article 5.1 of the Integrity Code

119. The Respondent notes that the Appellant excluded the highest-ranking athletes, X. and Y., from participating in Doha 2024 and sought to block their participation in the Paris 2024 OG. The exclusion of Y. from Doha 2024 would have directly paved the way for the selection of the Appellant's daughter for the Paris 2024 OG. Furthermore, it is submitted that a "representative" of a member federation may not circumvent the rules to manipulate athlete selection for national or international competitions. As President of a Member Federation, he bore a heightened duty to uphold the Integrity Code's highest ethical standards. His conduct amounts to a violation of Article 5.1 of the Integrity Code.

d) Violation of Article 5.2 of the Integrity Code

120. Pursuant to Article 5.2 of the Integrity Code, "Covered Persons" must refrain from any conduct that is inconsistent with the objectives of the Integrity Code. Pursuant to Article 1.3 of the said Code, World Aquatics, and all its Continental and National Federations, are committed to ensuring that the sporting merit stays "*the essence of the Aquatics disciplines*". The Appellant disregarded the principles of integrity and sporting merit by allowing personal interests, namely the advancement of his own daughter's participation in the Paris 2024 OG and hostility rooted in ethnic prejudice against X., to override the "*best interest of the sport*" as per Article 1.2 of the Integrity Code. Given that X. and Y. held the highest AQUA points, they would have rightfully deserved to represent their country at national and international competitions. The Appellant's conduct is thus fundamentally incompatible with the core principles enshrined in the Integrity Code.

e) Violation of Article 5.3 of the Integrity Code

121. Pursuant to Article 5.3 of the Integrity Code, "Covered Persons" must avoid any acts or omissions that create an appearance of impropriety, disparage World Aquatics, or that bring, or have the potential to bring, World Aquatics, Aquatics and/or sport generally into disrepute. Trying to favor his daughter to get her to the Paris 2024 OG gives the impression of impropriety and has the potential to bring both World Aquatics and the sports of aquatics into disrepute. Furthermore, sport is founded on the results achieved by athletes and not on the personal preferences of a President of a National Federation. No athlete would remain motivated if exclusion from competition could occur despite superior performance, simply due to ethnicity or nepotism. They would lose faith in the system of Aquatics, and sport in general. Therefore, the Appellant's conduct undermines

the foundation upon which Aquatics is built and damages the essence, integrity, good governance and public confidence, i.e. all values anchored in the Integrity Code as fundamental purposes.

f) Violation of Article 5.6 of the Integrity Code

122. Pursuant to Article 5.6 of the Integrity Code, “Covered Persons” must avoid any act of discrimination against anyone on any other ground. The Appellant’s opposition to X. was based on his ethnicity because he is not considered a “pure” Kosovar. During the press conference on 7 July 2024, the Appellant openly referred to X. using terms such as “Serb” and “Russian”. Given that this detail was more important to the Appellant than the fact that X. had the most AQUA points, the Appellant’s conduct constituted clear discrimination based on social origin and ethnic background, and was decisive in the exclusion of X. from participating in Doha 2024 and the Paris 2024 OG.

g) Violation of Article 9.9 of the Integrity Code

123. Pursuant to Article 9.9 of the Integrity Code, “Covered Persons” must not abuse their position within Aquatics, particularly to serve their own personal aims. The Appellant prevented the athletes with the highest AQUA points, based on sporting merits, from representing Kosovo in Doha 2024 and attempted to hinder their participation in the Paris 2024 OG, by simultaneously seeking to secure the participation of his daughter. The Appellant placed his personal interests above objective sporting merit, thereby abusing his authority to impose an unjust and improper decision.

2. The Appellant’s sanction is proportionate – if not too lenient

a) Discretion When Imposing Disciplinary Measures

124. The Respondent contends that when addressing the proportionality and reduction of the sanction, the Appellant advances unfounded allegations that in no way justify a reduction of the sanction. World Aquatics is an association under Swiss law. Thus, it possesses “association autonomy” which is a fundamental part of Swiss law. This has been recognized by CAS in constant jurisprudence, confirming that an association has a wide discretion when deciding on which disciplinary sanction to impose in a certain given case (CAS 2017/O/5264, 5265 & 5266, para. 193).
125. Moreover, CAS panels shall give a certain level of deference to decisions of sports governing bodies in respect of the proportionality of sanctions (CAS 2016/A/4595, para. 60). In fact, CAS constantly holds that it reviews disciplinary sanctions only with “self-restraint” and under the prerequisite that these sanctions turn out to be “grossly and evidently disproportionate” (CAS 2021/A/8014, para. 44; CAS 2018/A/6239, para. 110; CAS 2016/A/4595, para. 60).
126. In CAS 2022/A/9282, paragraph 64, it was held that “*a mere disagreement of CAS panels with the level of sanction(s) imposed does not suffice, in and of itself, to undo a decision of disciplinary nature. CAS panels must satisfy themselves that the sanction(s) are evidently and grossly disproportionate to the offence, before proceeding to rescind*

the sanction(s) imposed". Additionally, in CAS 2018/A/5888, paragraph 6, "*it will only be possible for the CAS to review an association's decision in case it is unlawful because, for example, it entails arbitrariness, a misuse of its discretionary power, leads to discrimination or breaches any relevant mandatory legal principle or if the decision entails a violation of the association's own statutes and rules*".

127. With this in background, the Respondent argues that the AQIU properly exercised its discretion as laid down in Article 32.1 of the Integrity Code. The sanction imposed is not grossly disproportionate to the gravity of the offense because it is within the range of potential sanctions according to Article 33.1 of the Integrity Code. The AQIU could have imposed a lifetime or a longer suspension. Nonetheless, it took into consideration the nature of the violation, the degree of fault of the Covered Person, the harm that the violation caused to the sport, the necessity to deter future violations and specific aggravating factors.
128. Furthermore, certain aggravating factors shall be considered according to Article 33.3 of the Integrity Code. In the present case, the Appellant served as the highest-ranking official of a National Federation, a role imbued with significant trust and authority as the head of the governing body of Aquatics in Kosovo at the national level. Finally, he violated several provisions of the Integrity Code, i.e. Articles 5.1, 5.2, 5.3, 5.6 and 9.9 of the Integrity Code, each concerning fundamental principles.

b) The Seriousness of the Offences

129. The Appellant's serious violations concern multiple key principles of sports, including sporting merit, transparency, integrity, fairness, impartiality, and honesty. It is imperative to preserve a meritocratic system that rewards objective performance. Discrimination has no place in Aquatics and cannot be tolerated. Any form of discriminatory behaviour is a serious offense and excluding an athlete from participating in a competition on the basis of their ethnic background, or in order to favor a family member, constitutes a grave act of discrimination. Thus, the sanctions are appropriate and necessary to protect the core values of World Aquatics and to combat discriminatory behaviour in the sport.

c) Deterring Effect of the Disciplinary Measure

130. The Respondent notes that disciplinary sanctions serve not only a punitive purpose but also a preventive and deterrent function, aimed at upholding the rules (CAS 2013/A/3139, para. 125; CAS 2018/A/6072, para. 89). Considering the gravity of the offense, a lesser sanction would fail to deliver the necessary deterrent effect. This would set a dangerous precedent and undermine World Aquatics' fundamental mission to promote Aquatics globally, free from all forms of discrimination.

d) Appellant's Sanction is in line with the Jurisprudence

131. The sanction imposed on the Appellant is perfectly in line with the established jurisprudence of the AQIU. In a recent decision, dated 12 March 2025, the President of the Lebanon Swimming Federation was sanctioned with a ten-year period of ineligibility

from holding any position within World Aquatics and/or Continental Organisation and/or World Aquatics Member, as well as a fine of USD 50,000. This sanction was imposed for violations of provisions identical and very similar to those at issue in the present case, namely Articles 5.1, 5.2, 5.3 and 9.9 of the Integrity Code. Therefore, the sanction imposed on the Appellant is proportionate. The Appealed Decision shall thus be confirmed.

3. Brief Rebuttal of Appellant's arguments

132. The Respondent argues that the Appellant's attempt to justify his conduct is unworthy of a former president of a national federation. His unfounded allegations underscore the desperate nature of the appeal and represent an effort to divert the Panel's attention from the core issues, namely the discrimination and abuse of power in violation of the Constitution and the Integrity Code. While the AQIU has already addressed and dismissed these arguments, the Appellant merely repeats a confusing patchwork of claims that should be rejected in their entirety, the Respondent nonetheless briefly addresses the following erroneous allegations in order to set the record straight:

a) Alleged procedural deficiencies and the de novo power of CAS

133. In accordance with constant CAS jurisprudence, the *de novo* power of a CAS Panel to review a matter cures any procedural mistakes that may have been committed by the previous instance. Nonetheless, the Respondent submits that:
- Regarding the alleged violation of the right to be heard and to a fair trial for not holding a hearing, the Appellant ignores that Article 29.1 of the Integrity Code dictates that it is at the panel's discretion to decide whether a hearing shall be held or not. In fact, the Appellant had multiple opportunities to present his position before the AQIU and submitted comprehensive materials, including a 52-page submission with 67 exhibits. Consequently, the AQIU did not deem necessary to convene an oral hearing, as it was sufficiently informed. Thus, the Appellant's rights to be heard and to a fair trial were fully respected.
 - Regarding the alleged violation of the right to a fair process due to the non-nomination of a three-member panel, according to Article 25.1 of the Integrity Code, the Chair of the AQIU has discretionary power to determine the composition of the panel. Indeed, the provision of Article 25 on which the Appellant relies contains no language supporting such an entitlement to a three-member panel. Indeed, it would have been contrary to the Appellant's own stated interests to nominate a panel of three members because in his Appeal Brief he stresses for a "timely resolution" of the matter, and a single-member panel is inherently more time efficient.
 - Regarding the alleged violation of the right to be heard and to a fair trial due to the reliance on the Whistleblower Report, it is submitted that according to the CAS jurisprudence mentioned by the Appellant, with reference to jurisprudence of the Swiss Federal Tribunal, written statements allowed under the applicable procedural rule must be considered even if anonymous (CAS 2011/A/2384 & CAS 2011/A/2386, para. 27). Pursuant to Article 31.2 of the Integrity Code, facts shall be established by any reliable means. The panel shall at its own discretion determine

the admissibility, relevance, materiality and weight of the evidence offered. In fact, the climate of fear within the KSF must be considered. According to jurisprudence of CAS and the Swiss Federal Tribunal, the acceptance of the anonymous written statement was permissible and necessary to ensure the integrity of the proceedings. The panel's reliance on such evidence did not infringe upon any procedural right of the Appellant.

- Regarding the alleged violation of the Appellant's right due to the exhibits submitted by the CECO, it is submitted that this is a baseless allegation. This rests on an unfounded conspiracy theory "*according to which CECO's representatives were allegedly coordinating and conspiring in minute detail to promote X.'s participation in Doha 2024 and Paris 2024, hereby purportedly interfering in the governance of the KSF*". The Respondent adds that the Appellant "*fails to identify which specific rights were allegedly violated and offers no credible evidence whatsoever to support his narrative*".
- Regarding the alleged violation of Article 31 of the Integrity Code due to not meeting the standard of proof of "comfortable satisfaction" because the applicable standard is explicitly that of the "balance of probabilities", the Appellant failed to articulate how or why this standard was allegedly not satisfied in the present matter. In fact, the standard of "comfortable satisfaction" imposes a significantly higher evidentiary threshold than the "balance of probabilities". The latter, being the governing standard here, requires that the panel be persuaded that the facts are more likely than not to be true. The Adjudicatory Body of the AQIU considered all evidence provided and reached its conclusion, based on the balance of probabilities as the applicable standard of proof in the present case.
- Regarding the alleged violation of the principle of procedural coherence due to the misidentification of the competent body, it is submitted that the Appellant argues that the AQIU referred to him as the President of the "Kosovo Aquatic Sports Federation" instead as President of the KSF. This argument is wholly without merit. Such a minor mistake is irrelevant and bears no substantive or procedural consequence whatsoever. Undoubtedly, the Appellant was continuously and fully represented by legal counsel, who could have clarified this minimal inaccuracy instantaneously, had it been of any relevance.
- Regarding the alleged procedural violation due to the misidentification of the relevant subject of proceedings, it is argued by the Appellant that the Appealed Decision failed to identify the correct individual responsible for breaching the Integrity Code, asserting that the decision to exclude both athletes from Doha 2024 and the Paris 2024 OG was taken by the KSF as a body, and not by the Appellant alone. This assertion is factually unfounded. The Appellant himself made discriminatory remarks regarding X.'s origin, authored and signed the threatening email dated 4 January 2024, and orchestrated the exclusion of Y. despite being the athlete with the most AQUA Points to enable his own daughter's participation in the Paris 2024 OG. These actions were not collective acts of a governing body but a deliberate unilateral conduct in abuse of his position.
- Regarding the alleged structural deficiencies and lack of legal coherence in the Appealed Decision, this contention is entirely unfounded. The Appealed Decision succinctly addresses all relevant factual and evidentiary issues. The fact that the Appellant's submission before the AQIU exceeded 50 pages (and the Appeal Brief

exceeded 100 pages), filled with constant repetition does not implicate that the Appealed Decision must be equal in length. Brevity does not equate to deficiency. The omission of explicit references to every exhibit or specific passage of the Appellant's submissions does not imply that they were disregarded. The record demonstrates that the AQIU considered in an objective way the totality of the evidence and arguments presented – it was under no obligation to list each document in its reasoning.

- Regarding the alleged violation of due process because the AQIU exceeded the scope of the charges in the case referral, the Respondent notes that this allegation ignores Article 32.2 of the Integrity Code which provides that the AQIU is not bound by the relief sought or the factual allegations advanced by the parties. It possesses full authority to review both the facts and the law in their entirety. Its scope of review is neither confined nor restricted to the allegations and charges initially presented by the CECO. Therefore, no breach of due process was made.

b) Alleged erroneous and incomplete establishment of the facts and misapplication of substant law

134. The Respondent notes that the Appellant cannot argue that he did not discriminate against X. neither with respect to Doha 2024 or the Paris 2024 OG, as he held no position within the KSF at the relevant time. First, the Appellant indisputably falls within the scope of the Integrity Code as a Covered Person with respect to the violations under consideration. Second, he discriminated against X. using national rules and regulations as pretext against him.
135. Regarding the Appellant's letter of 4 January 2024 to the Respondent, and as considered by the Adjudicatory Body, the tone and context of the email go beyond a mere informative communication as the emphasis on the potential suspension and loss of membership in the KSF exerts pressure on X. This could not be excused by the Appellant's lack of fluency in English. In fact, the phrase "*I hope and I am convinced that we will have a great cooperation in the future, and not further proceed with jurisdictions procedures*", reflects a modus operandi rooted in the belief that misconduct should remain concealed within the "family" of the KSF, rather than being subjected to external scrutiny.
136. Furthermore, the Appellant cannot argue that the exclusion of Y. was not intended to favor Ms Zeqiri for the following reasons. First, the Appellant deliberately manipulated the selection process in order to ensure the participation of his daughter in the Paris 2024 OG. Second, the fact that the Executive Board of the KSF upheld the complaints of Mr Gashi and Mr Besart Shala is not relevant in light of the climate of intimidation within KSF. The Respondent notes to the Panel that the current President of the Executive Board is none other than Ms Rita Zeqiri, the Appellant's other daughter. This context underscores the compromised nature of any internal endorsement of the Appellant's conduct.
137. Finally, regarding the absence of a complaint submitted to the AQIU against the Appellant by X. or Y., the Respondent highlights that Article 19.1 of the Integrity Code provides that any person may file a report of an alleged violation of the Integrity Code

to the AQIU, without excluding anonymous reports or requiring the reporting person to disclose his or her identity. Moreover, Article 17.1 of the Integrity Code vests the AQIU with full authority to enforce the Integrity Code, including the power to investigate, prosecute, and adjudicate potential violations. Hence, the AQIU was entitled to pursue and investigate the anonymous report. More and above, X.'s CAS Award cited by the Appellant addressed only the issue of jurisdiction (i.e. the appeal filed by X.). Contrary to the Appellant's misrepresentation, the CAS made no findings on the merits and did not declare that a violation occurred. Accordingly, *res iudicata* applies solely to the jurisdictional determination in that case and has no bearing on the substantive matters at issue here.

c) The Appellant's erroneous arguments in his Second Appeal brief

138. First, the Respondent argues that the Appellant's allegation that it is trying to delay the process must be firmly rejected because the Respondent sought extensions to file its Answer solely to properly analyze the extensive Appeal Brief and numerous exhibits filed by the Appellant. On that note, the Respondent submits that its Answer did not expand the accusations, but instead accurately proved the Appellant's violations supporting the Appealed Decision and rebutted the Appeal Brief's erroneous allegations. In any event, the provided evidence is entirely admissible due to the CAS Panel's de novo powers of review.
139. Second, contrary to what the Appellant states, the Respondent has never maintained that the Whistleblower Report was submitted through the reporting system available on the Respondent's website. It was submitted by email, as stated in the Respondent's letter to CAS dated 17 September 2025. Indeed, an email is one of many possible means to report a potential violation of the Integrity Code with the AQIU. In fact, Article 19.1 of the Integrity Code does not prescribe any specific form for filing a complaint. The report was duly followed up by an investigation by the AQIU, establishing that the Appellant indeed committed the reported Integrity Code violations.
140. The Respondent strongly objects to the Appellant's allegation that it would have erased the sender's name or even falsified the entire Whistleblower Report to "fabricate" a case against the Appellant. There can be no doubt about the admissibility of the evidence submitted by the Respondent, including the report of the anonymous Board Member. Considering that both CAS and Swiss Federal Tribunal jurisprudence admit anonymous written statements as evidence, the Appellant's allegation that the report would be "fictitious" just because of the anonymity, and that it should thus be disregarded, is simply unacceptable.
141. Third, if the Respondent has submitted clear evidence of the Appellant's violations of the Integrity Code in these proceedings, this is to demonstrate the proportionate decision imposed by the AQIU. Alleging that this is offensive or that the arguments presented are allegedly false (quod non) does not change this.
142. Finally, the applicability of the Integrity Code on the Appellant's conduct has been demonstrated. The fact that the Appellant was officially elected on 23 December 2023 as President of the KSF does not change this fact.

D. The Respondent's request for relief

143. In view of the foregoing, in its request for relief set out in its Second Answer, the Respondent requests the CAS to decide the following:

“(i) To reject the appeal of Appellant in the proceedings CAS 2025/A/11534 Agron Zeqiri v. World Aquatics in its entirety and to confirm the Appealed Decision.

“(ii) In any event, to order Appellant to pay an amount of at least CHF 20'000 as contribution to the costs and expenses incurred by World Aquatics.”

VI. JURISDICTION OF THE CAS

144. Article R47 of the CAS Code states that:

“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.”

145. According to Article 31 of the World Aquatics Constitution (2023):

“31.1 World Aquatics recognises the Court of Arbitration for Sport (CAS), with seat in Lausanne, Switzerland, as exclusive court to resolve any kind of disputes between World Aquatics, World Aquatics Members, members of World Aquatics Members, Continental Organisations, National Aquatics bodies, Athletes, Officials and any person or organisation subject to this Constitution and/or any World Aquatics rule or regulation.

31.2 Provided no internal legal remedy is available, any appeal against a final decision of World Aquatics shall be submitted to the exclusive jurisdiction of CAS within twenty-one (21) Days from the date of the decision being appealed. Unless otherwise specified in the applicable World Aquatics Rules, an appeal shall not have suspensive effect: subject to any other decision by CAS, the decision being appealed shall therefore remain in full force. World Aquatics is entitled to file an appeal to CAS against any final and binding decision of a body of World Aquatics.

31.3 The CAS shall resolve any dispute in accordance with the Code of Sports-related Arbitration (the ‘CAS Code’), this Constitution, the applicable World Aquatics Rules and subsidiarily Swiss law

[..].”

146. Furthermore, Article 35 of the Integrity Code of World Aquatics states that:

- “35.1 *Only final decisions of the Adjudicatory Body determining that an Integrity Code Violation has been committed may be appealed by any Party to the proceedings in question. Any such appeal shall be filed exclusively to the CAS.*
- 35.2 *To be admissible, an appeal to CAS must be filed with the CAS within twenty-one (21) calendar days of the appealing Party’s receipt of the written reasoned decision in question by email. A copy of the appeal shall be served at the same time on the other Part(ies). Only the notification by email of the full Decision is relevant for the purposes of calculating the time limit to appeal in CAS. The appeal shall comply with the applicable rules and requirements of the CAS Code of Sports-related Arbitration.*
- 35.3 *An appeal to CAS shall not have any suspensive effect. Accordingly, pending the resolution of the appeal by the CAS, the decision being appealed (including any sanction(s) imposed) will remain in full force and effect (unless the CAS orders otherwise).*
- 35.4 *The appeal proceedings before CAS shall be conducted in English and the procedure will be governed by the procedural rules of the CAS Code of Sports-related Arbitration. The substantive issues on appeal will be governed by this Integrity Code (and any other applicable World Aquatics Regulations and/or guidelines) and subsidiarily by Swiss law.”*

147. The Appellant’s right to appeal stems from the aforementioned articles, since the Appealed Decision constitutes a final decision of the Adjudicatory Body of the AQIU. Moreover, the Respondent did not contest the jurisdiction of the CAS, which was also by the signature of the Order of Procedure.

148. Therefore, it follows that the CAS has jurisdiction to hear this dispute.

VII. SCOPE OF REVIEW OF THE CAS

149. Regarding the scope of review, Article R57 of the CAS Code expressly provides that: “*the Panel has full power to review the facts and the law. It may issue a new decision which replaces the decision challenged or annul the decision and refer the case back to the previous instance*”.

150. Therefore, the Panel shall rule *de novo*, examining all the facts and legal arguments presented before it.

151. The Panel further notes the Respondent’s reservations regarding the Appellant’s request for relief number 3 to be reinstated with his “*full rights, including the right to stand for election and participate in any official capacity within the Kosovo Swimming Federation (KSF) and World Aquatics*” and and number 5 for moral and financial damages. The Respondent argues that the Panel lacks jurisdiction over these requests because “[a]ccording to CAS jurisprudence, for example CAS 2016/A/4839, a Panel dealing with an Appeal Arbitration Procedure would be acting in violation of its

jurisdiction and its competence if it were to award (moral or financial) damages, as requested by Appellant.”

152. Under the applicable disciplinary rules, the Panel’s jurisdiction is confined to a full review of the Appealed Decision, which permits it to uphold, dismiss, or issue a new decision within the scope of the previous decision. Inasmuch as the Appealed Decision did not address, let alone adjudicate, any claim for being reinstated in his full rights and any claim for compensation or damages, one could argue that such claims cannot be entertained by the Panel in the present appeal proceedings. However, the Panel considers that the claims (i) for retrieving his full rights within the KSF is intrinsically related to his request to overturn the Appealed Decision (and would actually be an automatic consequence of such decision) and (ii) for damages brought by Mr Zeqiri is also closely related to his request to overturn the Appealed Decision. In both cases, it would be procedurally inefficient not to address these requests in the current proceeding (see CAS 2022/A/9016, para. 84-89). Indeed, that would mean that Mr Zeqiri would need to commence new proceedings before the CAS to have another panel examine these two claims, with the present Panel’s decision already in place. This is obviously not optimal in terms of procedural efficiency.
153. Moreover, this Panel notes that Mr Zeqiri’s claims in that respect only arose from the Appealed Decision and accordingly could not have been dealt with at the time.
154. These elements, together with the principle of the *de novo* review, advocate for asserting jurisdiction over the claims exposed in the requests for relief 3 and 5 of the Appellant.

VIII. ADMISSIBILITY OF THE APPEAL

155. In addition to Article 31 of the Constitution and Article 35 of the Integrity Code (quoted above at paras 145 and 146), the Panel notes that Article R49 of the CAS Code provides that:

“In 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 21 days from the receipt of the disputed decision appealed against [...]”.
156. The Panel recalls that the Statement of Appeal, which was filed on 17 June 2025, complied with the requirements of Article 31 of the Constitution, Article 35 of the Integrity, and Articles R47 and R49 of the CAS Code.
157. Furthermore, Article R64.1 of the CAS Code states that:

“Upon filing of the request/statement of appeal, the Claimant/Appellant shall pay a nonrefundable Court Office fee of Swiss francs 1,000, without which the CAS shall not proceed. The Panel shall take such fee into account when assessing the final amount of costs.”

158. On 12 June 2025, the CAS Court Office received a wire transfer fee of 1,000 CHF paid by the Appellant.
159. It follows from the above that the appeal is admissible.

IX. APPLICABLE LAW

A. Applicable law and regulations

160. Article R58 of the CAS Code provides as follows:

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

161. The Appellant does not directly discuss or contest the law applicable to the Appeal.
162. However, the Respondent submits that based on Article 31 of the Constitution and Article 35 of the Integrity Code read in conjunction with Article R58 of the CAS Code, this dispute shall be adjudicated based on the applicable Rules and Regulations of World Aquatics (the “Rules and Regulations”) and, subsidiarily, Swiss Law.
163. In light of the above, the Panel concludes that the Rules and Regulations are applicable to the dispute, notably the Constitution and the Integrity Code. Moreover, since World Aquatics is domiciled in Lausanne, Switzerland, and that the AQIU Adjudicatory Body is also domiciled in the same city, the Panel holds that Swiss law shall apply on a subsidiary basis.

B. Relevant provisions

164. In light of the Parties’ submissions, the Panel highlights that the following provisions are material to the current proceedings:

1. The World Aquatics Constitution

165. Article 3 of the Constitution enshrines the principle of non-discrimination and other fundamental values that form the ethical and structural foundation of Aquatics:

“For the good of Aquatics and all Athletes, World Aquatics shall ensure that all Aquatics are governed, organised, developed and managed in accordance with the principles of democracy, right to equality, and no discrimination between any race, skin colour, gender, religion, sexual orientation, language, political or other opinion, national or social origin, property, birth, disability or any other reason, neutrality, transparency, accountability, fairplay, inclusion, sportsmanship and clean sport.

Above all, Athletes are the central focus of World Aquatics' mission."

166. These core values are further concretized in the objectives of World Aquatics pursuant to Article 4 of the Constitution:

"The objectives of World Aquatics are:

- a) [...];*
- b) to provide fair and clean sport and protect the integrity of Aquatics;*
- c) to promote safe Aquatics and the protection of Athletes from all forms of harassment and abuse;*
- d) to encourage participation in Aquatics at all levels through-out the world, regardless of age, gender or race, and support activities aiming at ensuring that Aquatics and swimming skills in general are promoted in all countries and are accessible to individuals from all ages, gender, different backgrounds and capacities;*
- e) [...]."*

2. The World Aquatics Integrity Code

167. Regarding the applicability of the Integrity Code, Article 4.1(a) is relevant to these proceedings as it defines one category of "Covered Persons" to which the Appellant belongs:

"This Integrity Code applies automatically to the following natural and legal Covered Persons: a) persons who are or are seeking to become (whether by election or appointment or otherwise) World Aquatics Officials or Other Officials; [...]."

168. This definition is repeated in "Chapter A – Introduction" of the Integrity Code. Furthermore, the latter indicates that the term "World Aquatics Officials" has the following meaning:

"World Aquatics Officials: Any person elected or appointed to any position within World Aquatics, a Continental Organisation or a World Aquatics Member, including but not limited to:

The President, Vice-Presidents, Bureau members, Honorary Life Presidents, Immediate Past President, Treasurer, and any candidates for election to the Bureau; and [...]."

169. The Integrity Code equally applies to "Other Officials", which are defined as follows:

"Other Officials are: members of the Bureau and/or executive bodies, committees, units, panels and advisory boards of Continental Organisations/World Aquatics Members, Continental Organisation/World Aquatics Member team or delegation members (or

other persons accredited to attend any Event on behalf of any Continental Organisation/World Aquatics Member)

- persons who act, or are entitled to act, for or on behalf of World Aquatics, Continental Organisations and/or World Aquatics Members, including (without limitation), staff, consultants, agents and advisors; [...].”

170. The purpose of the Integrity Code is set out in Article 1 which emphasizes the importance of sporting merit. To fulfil its objectives, Article 5 establishes which duties of good conduct any “Covered Persons” must respect. Articles 5.1, 5.2, 5.3 and 5.6 are pertinent to the proceedings and read as follows:

“5.1 Covered Persons must always act honestly, fairly, impartially and in accordance with the highest ethical standards of integrity and transparency.

5.2 Covered Persons must avoid any conduct that is inconsistent with or that undermines in any way the objectives of this Integrity Code.

5.3 Covered Persons must avoid acts or omissions that give the appearance of impropriety, or that disparage World Aquatics, or that bring (or have the potential to bring) World Aquatics, Aquatics and/or sport generally into disrepute.

5.6 Covered Persons must avoid any act of discrimination against anyone on the basis of race, skin colour, gender, religion, sexual orientation, language, political or other opinion, national or social origin, property, birth, disability or any other ground.”

171. Finally, Article 9.9 is also relevant to the proceedings as it discusses the obligation of “Covered Persons” to refrain from the abuse of power:

“9.9 Covered Persons must not abuse their position within Aquatics in any way, especially for their own aims or objectives.”

3. The applicable evidentiary rules

172. Article 31 of the Integrity Code which discusses the burden and standard of proof, and the admissibility of evidence is pertinent to this case and reads as follows:

“31.1 The AQIU will have the burden of establishing that an Integrity Code Violation has been committed. The standard of proof will be the balance of probabilities.

31.2 Facts shall be established by any reliable means. The Panel shall at its own discretion determine the admissibility, relevance, materiality and weight of the evidence offered.

31.3 The principle of strict liability applies. Therefore, violations are punishable regardless of whether they have been committed intentionally, recklessly, and/or negligently.

31.4 The Adjudicatory Body may draw an adverse inference against any Covered Person who (a) fails to comply with any request for information, documentation or assistance; (b) fails to appear in front of the Adjudicatory Body; or (c) fails to answer any question(s) in the hearing.

31.5 In order to establish an Integrity Code Violation against a legal person, such as a World Aquatics Member or a Continental Organisation, it shall be sufficient to establish that one of the representative and/or employees and/or delegates and/or members of the legal person committed the Integrity Code Violation.”

4. The applicable sanctions

173. As per Article 33.1 of the Integrity Code, the sanctions that can be imposed for an Integrity Code Violation range from a reprimand to a suspension.

174. Pursuant to Article 33.3 of the Integrity Code, aggravating factors that are relevant to this case may include:

- “a) the age or experience or position of trust or authority of the Covered Person; [...]*
- b) any finding that the Covered Person violated more than one Article of this Integrity Code or violated the same Article more than once; [...]*
- c) any finding that the Covered Person’s violation affected or had the potential to affect the course or outcome of an Event; [...].”*

175. Article 33.4 of the Integrity Code includes a non-exhaustive list mitigating factors:

- “a) the youth or inexperience of the Covered Person and/or any finding that there was taken advantage of them by more experienced or more senior Covered Persons;*
- b) the Covered Person’s good previous disciplinary record;*
- c) any finding that the Covered Person did not receive or expect to receive any significant Benefit as a result of the violation(s);*
- d) any finding that the Covered Person’s violation(s) did not affect or have the potential to affect the course or outcome of an Event;*
- e) the Covered Person’s timely admission of a violation when confronted with the alleged violation(es);*
- f) the Covered Person’s cooperative behaviour during the course of the AQIU’s investigation and/or the proceedings before the Adjudicatory Body, such as providing information requested on a timely and complete basis, and/or volunteering information;*
- g) the Covered Person’s provision of Substantial Assistance (provided that the extent of the mitigation will depend mainly on the extent to which the Substantial*

Assistance enabled the AQIU or other relevant authority to establish other violations of this Integrity Code or other applicable laws or regulations); and

h) the Covered Person displaying remorse (including, for example, by agreeing to take part in integrity educational programmes organised by the World Aquatics). ”

X. MERITS

176. From the outset, the Panel observes that certain aspects of the case record remain opaque, and the absence of any witnesses from World Aquatics has not assisted the Panel in clarifying these matters or dispelling the attendant uncertainties regarding the involvement of World Aquatics in the athlete selection process within the KSF.
177. Specifically, the record, and in particular X.’s testimony, demonstrates that his acquisition of the Kosovar citizenship and all steps that followed were taken solely for the purpose of obtaining a selection to the Paris 2024 OG that he was not able to secure in the US, his own country of birth, through the mechanism offered by the Universality Rules, without any genuine intent from the athlete to have any relation with Kosovo, its swimming clubs or federation. The hearing has also shown, through the testimony of Mr Besar Shala, that such participation was at the detriment of Kosovar athletes and their trainers, who genuinely thought they could benefit from Universality places, such as Mr Gashi, and has therefore created legitimate questioning with respect to the use of these rules in that context.
178. The Panel equally observes that the AQIU decision demonstrates several shortcomings in its reasoning and fails to demonstrate that the Parties’ arguments and evidence were identified, engaged with, and weighed in an adequate manner. In his submissions, the Appellant thoroughly criticizes the previous proceedings before the AQIU. However, in accordance with Article R57 and the constant CAS jurisprudence, the Panel simply holds that these accusations are irrelevant given the de novo power accorded to it. In this regard, the Panel has full power to review the facts and the law of the case. Its review of the matter shall therefore cure any procedural irregularities that may have been committed by the previous instance, i.e. by the AQIU.
179. Taking into account the Parties’ submissions, the Panel considers that, in this Appeal, it must address and clarify certain preliminary issues (A) before addressing the violations of the Integrity Code (B) and the applicable sanction (C).

A. Preliminary Findings of the Panel

1. The Burden and Standard of Proof

180. The Panel shall first turn to the question of the burden and standard of proof in these proceedings. It recalls that the Appellant submits that the applicable standard in integrity proceedings is that of “comfortable satisfaction,” and not of “balance of probabilities” as contended by the Respondent. On this issue, the Panel notes that Article 31 of the Integrity Code provides that “[t]he AQIU will have the burden of establishing that an

Integrity Code Violation has been committed. The standard of proof will be the balance of probabilities.”

181. In light of the above, the Panel regrets that this question was so thoroughly debated by the Parties, given the clear language of the Integrity Code. That said, the Panel shall assess whether the AQIU has discharged its burden of proving the alleged violations according to the “balance of probabilities” standard, rather than applying the higher threshold of comfortable satisfaction advocated by the Appellant.

2. The Applicability of the Integrity Code to the Appellant

182. Regarding the applicability of the Integrity Code to the Appellant, the Panel recalls that Article 4.1 provides that it “*applies automatically to the following natural and legal Covered Persons: (a) persons who are, or are seeking to become (whether by election or appointment or otherwise) World Aquatics Officials or Other Officials*”.
183. Furthermore, the term “World Aquatics Officials” is defined in the Integrity Code as “[a]ny person elected or appointed to any position within World Aquatics, a Continental Organisation or a World Aquatics Member, including but not limited to: The President, Vice-Presidents, Bureau members, Honorary Life Presidents, Immediate Past President, Treasurer, and any candidates for election to the Bureau”. Moreover, the Integrity Code defines “Other Officials” to include, inter alia, “*members of the Bureau and/or executive bodies, committees, units, panels and advisory boards of Continental Organisations/World Aquatics Members*” as well as “*persons who act, or are entitled to act, for or on behalf of World Aquatics, Continental Organisations and/or World Aquatics Members*”.
184. The central question is thus whether the Appellant qualifies as a “Covered Person” within the meaning of Article 4.1 of the Integrity Code, such that the latter applies to his alleged discriminatory and improper conduct.
185. The Panel highlights that the Appellant was duly elected President of the KSF, a World Aquatics Member, on 23 December 2023. As President of a World Aquatics Member, he falls squarely within the definition of a “World Aquatics Official” under the Integrity Code from the day he got elected till he resigned on 14 September 2024. In other words, the Panel concludes that from 23 December 2023 till 14 September 2024, his status as a “World Aquatics Official” is beyond dispute, given his election as President of the KSF, and therefore he was a Covered Person.
186. The same conclusion cannot be directly reached for the period prior to the Appellant’s election on 23 December 2023. Prior to his election, the Appellant contends that he held no official position within the KSF and therefore cannot be regarded as a “Covered Person” in respect of any conduct predating that date. Nonetheless, the Panel is not persuaded by this argument. The evidence on file demonstrates that, by no later than 15 December 2023, the Appellant was seeking the position of KSF President, and his candidacy was formally submitted on 18 December 2023. Article 4.1 (a) of the Integrity Code expressly extends its scope to persons who are “*seeking to become*” officials, whether “*by election or appointment or otherwise*”. The use of the phrase “*or otherwise*”

indicates a deliberate breadth of coverage that is not confined to formal appointments or elections.

187. With this in background, the Panel also notes that the case record shows that the minutes of the KSF Emergency Board Meeting of 9 December 2023 clearly record the Appellant's presence and identify him as a "FNK representative," reflecting his active and engaged participation in KSF affairs. The Panel is not convinced that this was a clerical error and finds that Mr Haxhimusa's letter, issued on 16 June 2025, i.e. 18 months after the 9 December 2023 meeting, cannot be given ample weight to dismiss the Appellant's apparent influence over the KSF prior to his election.
188. Under these circumstances, on a balance of probabilities, the Panel finds that the Appellant acted for or on behalf of the KSF, thereby also satisfying the definition of an "Other Official" and then as a candidate for an official position under the Integrity Code. Thus, the Appellant qualifies as a "Covered Person" under the Integrity Code at all times material to the present proceedings. Prior to his formal election on 23 December 2023, he was, at the very least, a person "seeking to become" a World Aquatics Official and, by virtue of his documented involvement in KSF governance, also an "Other Official" who acted for or on behalf of a World Aquatics Member.
189. Accordingly, and in line with the Respondent's contentions, the Panel is convinced that, even prior to his election and at least as from 9 December 2023, the Appellant was a "Covered Person" under the Integrity Code. His conduct is thus covered by the latter.

3. The Selection Process for Doha 2024

a) X.'s Situation

190. The Panel notes that the evidence on the record reveals a pattern of interventions in support of X.'s candidacy for Doha 2024.:
- First, in early December 2023, Mr Zeqiri received phone calls from Mr Nowicki and other officials, asking him to find a way to add X. to the Kosovar team for Doha 2024. Although this assertion only appears in the Appellant's submission with no documentary evidence, the majority of the Panel finds it quite convincing giving the circumstances presented by the Parties around this matter and taking into consideration that neither World Aquatics nor Mr Nowicki have testified to the contrary.
 - Second, the minutes of the Emergency Board Meeting of 9 December 2023 highlight that, on 8 December 2023, Mr Neuburger contacted Mr Zeqiri via Zoom and requested the expedited inclusion of X. in the Kosovo team for Doha 2024. The Panel notes that this contact was made notwithstanding the fact that Mr Zeqiri held no official position within the KSF at that time.
 - Third, on 27 January 2024, during the Electoral Congress of European Aquatics in Athens, Mr Neuburger met with Mr Zeqiri to discuss X.'s inclusion on the Kosovo team. The Panel finds this information convincing, given the statements of Mr Veton Telaku, Secretary General of KSF, and Mr Vasil Velkov, President of the Swimming Federation of North Macedonia, who acted as translator in the meeting,

and the absence of any testimony to the contrary by the protagonists at World Aquatics.

- Finally, the Panel further notes the Appellant's contention – uncontested by the Respondent – that both X. and Mr Neuburger attended Princeton University, a coincidence that, according to the majority of the Panel, sheds serious doubt on the nature and extent of the support afforded to X. by World Aquatics officials.
191. Furthermore, the Panel notes that, pursuant to the official summons for Doha 2024, the final deadline for the registration of individual athletes via the GMS system was 12 December 2023. On 7 December 2023, the KSF Selector and Professional Council issued letters proposing Mr Gashi (701 AQUA Points) and Ms Zeqiri (682 AQUA Points). Regarding this issue, the Appellant contends that the registration of these names was completed before the 12 December 2023 deadline, making it procedurally impossible to substitute the submitted entries. The Panel notes that nothing on record corroborates that registration was made before the 12 December 2023 deadline other than the 7 December 2023 letters mentioned above. Nonetheless, on a balance of probabilities, the Panel is inclined to accept the Appellant's contention.
192. In any event, the Panel considers that this procedural point to be of secondary importance. The central question is not whether the registration deadline had passed, but whether X. was, at the material time, eligible to represent Kosovo as a swimmer in international competition. It is to this question that the Panel now turns.
193. The Panel finds that X. did not fulfil the applicable Residency Requirement which are required to represent Kosovo in Doha 2024. Indeed, the relevant chronology as to his naturalisation is as follows:
- On 16 October 2023, X. acquired citizenship of Kosovo.
 - On 8 December 2023, X. submitted his KSF membership request and his request to participate in Doha 2024. On the same date, Mr Neuburger contacted Mr Zeqiri via Zoom requesting X.'s expedited inclusion.
 - On 9 December 2023, the KSF Executive Board held an Emergency Board Meeting where it approved his membership application but rejected his request to participate in Doha 2024 on the grounds that he had not fulfilled the selection criteria and that the GMS registration system had already been closed for athlete submissions.
194. In view of the above, the Panel recalls that Rule 3, Article 3.1.1 of the World Aquatics Competition Regulations provides that an athlete who has acquired citizenship through naturalization shall be eligible to compete in international competition only if he/she has maintained "*uninterrupted residence in the Country for at least three years prior to his/her first International Competition.*" Having acquired Kosovo citizenship only on 16 October 2023 and residing in the United States, X. manifestly could not satisfy this three-year residency requirement at the time of Doha 2024 (or the Paris 2024 OG). Furthermore, Article 18 of the Regulation on the Kosovo Swimming Representation requires that an athlete who previously held the citizenship of another country must have been resident in Kosovo for at least one year prior to first representing Kosovo – a condition X. likewise did not meet.

195. The Panel observes that X. himself appeared to be aware of this limitation, having stated in a communication dated 25 March 2023 with Mr Hamiti: *“I just saw that FINA said a Kosovar can represent after minimum 3 years of receiving the citizenship... is there any way I can represent Kosovo before 3 years or not?”*. Furthermore, during the hearing, X. mentioned that he was under the impression that this limitation was usually waived for university students – acknowledging that he was fully aware of this Residency Requirement.
196. Accordingly, the Panel concludes that KSF’s decision to reject X.’s request to participate in Doha 2024 was consistent with the applicable regulatory framework. It may have been feasible for the KSF to make an exception to the rule, but the Panel finds that the refusal to make an exception is no indication that one athlete received unmerited favourable treatment over another. Therefore, the Panel finds no irregularities in the male selection process for Doha 2024.

b) Y.’s Situation

197. The Panel now turns to the question of whether Y. was improperly excluded from Doha 2024. On this issue, the Parties do not agree on the pertinence of whether the AQUA points criteria shall concern solely an Olympic discipline for athlete participation in Doha 2024. In this regard, contrary to the Respondent’s view, the Appellant argues that according to the Doha 2024 summons, athletes were entitled to participate in all swimming disciplines for 50-meter pools. Hence, according to the Appellant, they include both Olympic and non-Olympic disciplines.
198. With this in background, as a preliminary matter, the Panel considers it necessary to examine the applicable rules governing the Doha 2024 selection process, i.e. the summons, which constitutes the governing document for entries and qualifications to the championship. Upon verification of said summons, it seems to the Panel that it contains no specific standalone provision broadly requiring that athletes must hold the highest AQUA Points in an Olympic discipline as a condition for participation. The Panel observes that the programme of events for swimming at Doha 2024, as set out at page 9 of the summons, accepts the following disciplines: Freestyle (50m through 1500m), Backstroke (50m, 100m, 200m), Breaststroke (50m, 100m, 200m), Butterfly (50m, 100m, 200m), and Individual Medley (200m, 400m). It is therefore evident that the 50m Backstroke, i.e. Ms Zeqiris’ entry discipline, was a valid and accepted competition discipline for the purposes of Doha 2024.
199. The Panel is therefore of the opinion that, based on the summons for Doha 2024, athletes were entitled to participate in all swimming disciplines, including non-Olympic disciplines such as the 50m Backstroke, and that there was no rule granting priority to Olympic disciplines over non-Olympic disciplines in terms of qualification.
200. Turning to the AQUA Points of Ms Zeqiri and Y., the Panel observes that according to the Respondent’s Exhibit R-11 (Doha 2024 qualification rankings), Ms Zeqiri held 682 AQUA Points in the Women’s 50m Backstroke, while Y. held 628 AQUA Points in the Women’s 50m Freestyle. The Panel further notes that, with respect to Y.’s performance in the 50m Backstroke discipline specifically, a discrepancy exists between the Parties’

evidence. The Appellant's exhibits record Y. at 668 AQUA Points in the 50m Backstroke, whereas the Respondent's exhibits record her at 658 AQUA Points in the same event. The Panel finds that this discrepancy, or clerical error, is immaterial to the outcome, as Ms Zeqiri's 682 AQUA Points in the 50m Backstroke exceed both figures attributed to Y. in that event.

201. Accordingly, the Panel finds that, if the debate concerning the distinction between Olympic and non-Olympic disciplines is set aside as not determinative for the purposes of participation eligibility at Doha 2024 as per the summons of that competition, Ms Zeqiri qualifies for selection as she held the highest AQUA Points, i.e. 682 points, in the 50m Backstroke. The KSF Selector and Professional Council, having proposed Ms Zeqiri on 7 December 2023 on the basis of her 682 AQUA Points, acted in conformity with the applicable competition programme for Doha 2024 as set forth in the summons. The selection of Ms Zeqiri was subsequently accepted by World Aquatics, which confirmed her entry in the entry list for the 50m Backstroke event at Doha 2024.
202. In light of the foregoing, the Panel concludes that, on the evidence presented before it, the selection of Ms Zeqiri, over Y., for Doha 2024 was consistent with the applicable regulatory framework governing the World Aquatics Championships and was supported by Ms Zeqiri's superior AQUA Points in a discipline expressly included in the Doha 2024 championship programme. The Panel therefore finds no basis to conclude that Y.'s non-selection for Doha 2024 was tainted with any irregularities or discrimination.

4. The Selection Process for the Paris 2024 OG

a) X.'s Situation

203. The Panel now turns to the circumstances surrounding the selection of X. for the Paris 2024 OG, and the corresponding exclusion of Mr Gashi, who had been nominated by the KSF.
204. In this regard, the Panel recalls the following order of events:
- On 2 May 2024, World Aquatics sent an official communication to the KSF requesting that it submits, via the GMS system, the names of the athletes proposed to represent Kosovo at the Paris 2024 OG. That communication expressly indicated that nominations were to be jointly validated by the National Olympic Committee and the National Federation.
 - On 22 June 2024, the KSF, acting in accordance with the applicable selection rules and the recommendations of its Selector and Professional Council, chose the athletes coached by Mr Shala, namely Mr Gashi (701 AQUA Points) and Y. (695 AQUA Point). Their names were duly submitted through the GMS system on that date.
 - On 24 June 2024, the KSF formally notified the KOS NOC of this decision and requested that the nominations be processed in accordance with the applicable legal provisions.

205. Notwithstanding the KSF's formal nominations, the Panel notes that the KOS NOC ultimately entered the name of X. as the male swimmer for the Paris 2024 OG. The factual record before the Panel establishes and highlights the following sequence of events:
- On 27 June 2024, the World Aquatics Executive Director, Mr Nowicki, wrote to the KSF explaining that National Olympic Committees were obliged to enter the athletes who had achieved the highest AQUA Points table score in any individual Olympic event, and that according to the Universality Rules, the highest-ranked male athlete was X.
 - On 28 June 2024, Mr Zeqiri sent a letter to the KOS NOC, copying World Aquatics stating that Mr Nowicki's letter conflicted with both local and international legislation and argued that X. was not eligible to participate in the Paris 2024 OG because he had not competed in national competitions. Additionally, he noted that he did not meet the Residency Requirement criteria.
 - On 4 July 2024, World Aquatics wrote to the KOS NOC stating that, under the Universality Rules, the highest-ranked male athlete, based upon the AQUA Points was X.
 - On 9 July 2024, as reflected in a press article, the KOS NOC stated that according to a document shared with the media by the KOS NOC, FINA, i.e. World Aquatics, had sent them an email indicating that the two swimmers with the most accumulated points were X. and Y. In said press article, the KOS NOC confirmed that it had no "*opportunity or reason*" to change World Aquatics' proposals and confirmed X.'s name on the list of the Kosovo Olympic team on 3 July 2024, i.e. a week following World Aquatics' correspondence.
206. The Panel identifies from the evidence in the record a number of irregularities attending X.'s selection for the Paris 2024 OG, which it sets out as follows:
- First, as addressed in the preceding section of this Award, X. did not satisfy the applicable Residency Requirement.
 - Second, X. was never proposed by the KSF Selector or Professional Council to the KSF Executive Board for consideration as required under the KSF's established selection process.
 - Third, X. was not a registered member of any licensed swimming club in Kosovo as of the relevant date. Although he purported to be affiliated with the [...] swimming club, his name did not appear on the list of licensed sportsmen that this club submitted to the KSF for the Licensing Commission at the Ministry of Culture, Youth and Sports.
 - Fourth, it appears from the case record that on 2 July 2024, i.e. one day before the KOS NOC confirmed X.'s name following World Aquatics' letter dated 27 June 2024, X.'s profile was still not included in the World Aquatics database for Kosovo.
 - Fifth, on 4 July 2024, the KSF sent a formal written request to the KOS NOC seeking disclosure of the decision by which the KOS NOC had chosen to send X. to the Paris 2024 OG. According to the case file, the KOS NOC did not respond to this request.

207. Against this background, the Panel does not consider it inappropriate for the KSF to nominate Mr Gashi, rather than X., for participation in the Paris 2024 OG.
208. The Panel concludes that X. was sent to the Paris 2024 OG despite the KSF's decision to send Mr Gashi, although nominations were to be jointly validated.
209. In addition to the exclusion of Mr Gashi, the Panel notes that the KOS NOC also excluded the coach Mr Shala, who had been selected by the KSF as the official coach for the Paris 2024 OG on the basis of having accumulated the highest AQUA points among coaches in Kosovo, and replaced him with Mr Haliti, again without the KSF's confirmation. The testimony adduced at the hearing demonstrated the serious and lasting impact that this decision had on Mr Shala's career and wellbeing.
210. On a final note, the majority of the Panel highlights that the abolition, in April 2024, of Rule D3 should also cast some doubt on the selection process of the Paris 2024 OG. While the Appellant contends that this rule change was specifically designed to favor X., the Panel notes this change seems to have been applied globally to all athletes and was not confined to the case of Kosovo. The Panel therefore expressly refrains from any finding that Rule D3 was amended to benefit X., as there is insufficient evidence before it to support such a conclusion. In any event, the Panel did not base its reasoning on the abolition of Rule D3 nor did it draw any bad inference from this circumstance.
211. To conclude on this section, the foregoing findings establish that X.'s nomination for the Paris 2024 OG had inherent procedural irregularities.

b) Y.'s Situation

212. The Panel now turns to the question regarding the exclusion of Y. from the Paris 2024 OG. In this regard, given the applicability of the Universality Rules at this junction, i.e. requiring participation in either Fukuoka 2023 and Doha 2024, the Panel needs to first address Y.'s exclusion from Fukuoka 2023 and Doha 2024.
- Fukuoka 2023: in July 2023, the KSF entered Ms Zeqiri, having scored 682 AQUA Points in the 50m Backstroke compared to the 628 AQUA Points scored by Y. in the 50m Freestyle. Thus, this selection was made in line with the applicable rules.
 - Doha 2024: Ms Zeqiri held 682 AQUA Points in the 50m Backstroke event and was selected by the KSF for Doha 2024. This selection was made in accordance with the summons for Doha 2024, which permitted qualification in any of the disciplines included in the official championship program, including the 50m Backstroke. The KSF completed the registration of athletes in the GMS system prior to the 12 December 2023 deadline established by World Aquatics.
213. Therefore, at this junction, Y. had not competed in Fukuoka 2023 or in Doha 2024. Accordingly, at that stage, Y. could not satisfy the eligibility criterion under point (iv) of Article D.3 of the Universality Rules, which required participation in either Fukuoka 2023 or Doha 2024 to qualify for the Paris 2024 OG.

214. However, the Panel observes that in April 2024, World Aquatics abolished Rule D3. Consequently, the prior requirement that athletes must have competed in Fukuoka 2023 or Doha 2024 was eliminated. Following this rule change, Y. obtained the highest AQUA Points among female athletes from Kosovo in the 50m Freestyle event, with 695 AQUA points. The Panel notes that it appears from the case file that, on 22 June 2024, the KSF unanimously decided to nominate Y., together with Mr Gashi as discussed above [see, Section IX, A, 4(a)], as Kosovo's representatives for the Paris 2024 OG.
215. In this regard, the Panel takes particular note that the Appellant, Mr Zeqiri, voted in favour of Y.'s nomination and signed the corresponding decision, with the result that his daughter, Ms Zeqiri, was not nominated by him. The names of Y. and Mr Gashi were duly submitted through the GMS system. In light of these circumstances, the Panel finds that the allegation of discriminatory conduct by the Appellant towards Y. in relation to the Paris 2024 OG nomination process is not established. In other words, the Panel finds no basis to conclude that Y.'s initial non-selection for the Paris 2024 OG was tainted with any irregularities or discrimination from the Appellant or the KSF.

5. Further Clarifications Pertinent to the Appellant's conduct

216. Before concluding this section on the Panel's preliminary findings and before turning to the Integrity Code violations, the Panel shall address below certain contested and disputed elements of the case record which will serve as basis for its decisions on the violations of the Integrity Code.
- KSF Email dated 4 January 2024
217. The Panel has thoroughly examined the email sent by the Appellant, on behalf of the KSF, to X. on 4 January 2024. In the email, the Appellant informed him that, as a new member of the KSF, he was expected to respect the Constitution of the Federation, and that decisions rendered by KSF must first be appealed internally in accordance with Articles 38 and 42 of the KSF Constitution, rather than through CAS proceedings. The most contested section of the email by the Parties stated: "*if a member of KSF does not respect the constitution might be suspended and not being a member of the KSF*".
218. The Panel notes that this language is rather administrative in character, informing X. of standard procedural requirements applicable to all KSF members. The email also expressed hope for "*great cooperation in the future*", which the Panel considers indicative of an overall non-threatening tone. The Panel thus finds that the characterization of this communication as threatening or discriminatory is not sufficiently supported by the content and tone of the document. Therefore, the Panel is of the opinion that the email constitutes administrative guidance to a new member regarding constitutional compliance obligations, in the context of a procedure that has been commenced by the latter in breach of said rules, rather than evidence of discrimination.

- Press Conference Invitation dated 5 July 2024

219. Secondly, the Panel has carefully reviewed the press conference invitation dated 5 July 2024, which references a “Sports Scandal” concerning the nomination of X. for the Paris 2024 OG. The Panel observes that while the language employed is most certainly critical of the selection process, there is no evidential record establishing that Mr Zeqiri or any KSF official referred to X.’s ethnicity or labelled him as “Serb” or “Russian” during the press conference as alleged. During the hearing, X. also mentioned that he did not even attend such conference and cannot confirm the extent of these allegations or that he has been the victim of such discrimination or insults.
220. In this regard, the Panel observes that the allegation of ethnic labelling originates from a media article quoting Mr Hamiti, head of swimming club Ilirida. This article does not attribute any discriminatory statement to Mr Zeqiri or KSF officials. Therefore, the Panel finds it hard to fully depend on it to confirm the allegations made on this front. Accordingly, the Panel accepts the Appellant’s submission that this exhibit constitutes an unattributed general assertion insufficient to establish discriminatory conduct to him. Furthermore, the declarations of all Executive Board members of the KSF confirm that no such statements were made, which comforts the Panel’s comprehension of the issue.
221. In conclusion, the Panel finds that no clear discriminatory conduct has been established through the press conference materials presented in the record.

- Whistleblower Report dated 5 July 2024

222. Thirdly, and given the debates between the Parties on this topic, the Panel feels that it must independently assess the evidentiary weight of the Whistleblower Report dated 5 July 2024. Indeed, while anonymous reports may be admissible under the applicable procedural rules, the Panel notes that their evidentiary weight must be assessed with appropriate caution.
223. In this regard, following a thorough analysis of the case file, the Panel notes that while the Whistleblower Report may have constituted a justified trigger for initiating an investigation, it cannot serve as the sole evidentiary foundation for a finding of discrimination against the Appellant. Furthermore, the Panel finds that the declarations of all KSF Board members, dated 21 October 2024, confirm that none of them submitted the report. The Panel considers this rebuttal evidence quite significant in its reasoning so as not to give the Whistleblower Report any extra evidentiary weight than it deserves.

- Debate on the Number of Athletes Nominated by National Federations Under the Universality Rules

224. Finally, the Panel addresses the debated argument that National Federations possess discretion to nominate up to four athletes for Championships, such as Fukuoka 2023 and Doha 2024 – and not only two athletes as decided by KSF at the time. Indeed, upon verification of the case file, it seems that National Federations were merely permitted to enter a minimum of four athletes – two male and two female. However, the regulations did not mandate such entries; rather, the preliminary entry deadline of 7 November 2023

for Doha 2024 simply required National Federations to confirm the maximum number of competitors they intended to register.

225. The Panel finds that KSF's decision to nominate only two athletes – one male and one female – fell within the permissible scope of its discretion under the applicable rules. While such choices may be subject to scrutiny and are difficult to understand in the present circumstances, they do not, in themselves, constitute a violation of the regulations governing athlete selection for World Championships. In other words, as highlighted during the hearing and reiterated in the closing remarks, National Federations are afforded broad discretion to send up to four athletes to the Championships. Accordingly, the KSF did not act in violation of any rule by selecting only two athletes, as this falls within its discretionary powers.
226. While the Panel may question the appropriateness of the KSF's choice, the decision was in any event formally taken by the KSF under the presidency of Mr Halili. Although the Panel has found that the Appellant qualifies as a "Covered Person" by virtue of his involvement in KSF affairs and his candidacy for the presidency, personal responsibility for a violation of the Integrity Code requires more than mere presence or informal influence – it requires that the conduct in question be attributable to the individual concerned. On the evidence before it, the Panel is not satisfied that the Appellant personally directed, manipulated, or improperly influenced the selection decisions taken on 9 December 2023. The decision does not appear, on its face, to be abusive or in breach of any applicable rule, and the Panel therefore considers it inappropriate to hold the Appellant personally liable for that decision.

B. Violations of the Integrity Code

227. In line with the above-mentioned conclusions, the Panel now turns to the violations of Articles 5.1, 5.2, 5.3, 5.6 and 9.9 of the Integrity Code. As set forth in Section IX (A) above, the Panel has conducted a comprehensive review of the factual record and has made certain preliminary findings that are directly dispositive of the alleged Integrity Code violations. The Panel shall now apply those findings to each of the charged provisions.
- Article 5.1 of the Integrity Code
228. The AQIU concluded that the Appellant violated Article 5.1 of the Integrity Code because he excluded the highest ranked athletes, X. and Y., from Doha 2024, while being aware that this would impact their participation in the Paris 2024 OG. The AQIU noted that Y.'s exclusion from Doha 2024 paved the way for the Appellant's daughter to participate in Paris 2024.
229. However, the Panel has found that Ms Zeqiri was, in fact, the highest-ranked female athlete based on her AQUA Points in the 50m Backstroke, a discipline expressly included in the Doha 2024 programme. The Panel has further found that X. did not satisfy the applicable Residency Requirement to qualify for the Kosovar team participating in Doha 2024.

230. Accordingly, the Panel concludes that the Appellant's conduct with respect to the Doha 2024 selection process does not constitute a failure to act honestly, fairly, or impartially within the meaning of Article 5.1 of the Integrity Code. The allegation that the Appellant sought to favour his daughter's participation in the Paris 2024 OG is not supported by the evidence, particularly in light of the Panel's finding that the Appellant voted in favour of Y.'s nomination for that event after the abolition of Rule D3.
231. The Panel therefore finds that no violation of Article 5.1 of the Integrity Code has been established on the balance of probabilities.
- Article 5.2 of the Integrity Code
232. The AQIU concluded that the Appellant violated Article 5.2 of the Integrity Code because he favoured his daughter and threatened other athletes, notably X. and Y., which had the potential to undermine public confidence in the Integrity of Aquatics.
233. However, the Panel has found no credible evidence that the Appellant threatened any athlete, let alone X. and Y. The email of 4 January 2024, although it could have been formulated differently, was administrative in character, and the Panel is not persuaded that it constitutes a threat to X. Furthermore, the allegation that the Appellant favoured his daughter is contradicted by the Panel's finding that Ms Zeqiri's selection for Doha 2024 was consistent with the applicable rules and that her disqualification from the Paris 2024 OG selection was also consistent with the rules, namely the abolition of Rule D3 that led to the selection of Y.
234. The Panel therefore finds that no violation of Article 5.2 of the Integrity Code has been established on the balance of probabilities.
- Article 5.3 of the Integrity Code
235. The AQIU concluded that the Appellant violated Article 5.3 of the Integrity Code because his actions favoured his daughter and created an appearance of impropriety. For the reasons set forth above, the Panel has found that Ms Zeqiri's selection for Doha 2024 was based on her superior AQUA Points in the 50m Backstroke discipline and was consistent with the Doha 2024 summons. While the circumstance that only one female athlete was selected may give rise to questions, the Panel's examination of the underlying selection criteria establishes that the decision was not irregular.
236. The Panel therefore finds that no violation of Article 5.3 of the Integrity Code has been established on the balance of probabilities.
- Article 5.6 of the Integrity Code
237. The AQIU concluded that the Appellant violated Article 5.6 of the Integrity Code because of his actions, notably for calling for the press conference against X., for orchestrating a media campaign against him according to the Whistleblower Report and for engaging in discriminatory conduct against X. based on his ethnic background.

238. Nonetheless, after having carefully examined the evidentiary record, the Panel found that the allegation of ethnic discrimination is not formally established. The allegation that the Appellant made discriminatory remarks during the press conference originates from a media article quoting a third party, Mr Hamiti, and does not attribute any such statement directly to the Appellant. Furthermore, the sworn declarations of all KSF Executive Board members confirm that no discriminatory statements were made. The Whistleblower Report, while properly considered, cannot alone establish the alleged discrimination in the absence of corroborating evidence. Additionally, the Panel recalls that it has found that X.'s exclusion from Doha 2024 was based on his failure to satisfy the applicable Residency Requirement, not on any discriminatory grounds.
239. The Panel therefore finds that no violation of Article 5.6 of the Integrity Code has been established on a balance of probabilities.
- Article 9.9 of the Integrity Code
240. The Panel recalls that the AQIU concluded that the Appellant violated Article 9.9 of the Integrity Code because he excluded X. and Y. from Doha 2024, all while attempting to hinder their qualification for the Paris 2024 OG, and by simultaneously seeking to secure the participation of his daughter in that same event. These actions were in direct breach of Article 9.9, which prohibits the use of one's position to influence decision-making processes for personal gain or to the detriment of others.
241. For the reasons fully set out above, the Panel has found that the selection decisions for Doha 2024 were consistent with the applicable regulatory framework. Although the Appellant qualifies as a "Covered Person" for jurisdictional purposes, the evidence does not establish that he personally directed or manipulated the selection decisions for Doha 2024, which were formally taken by the KSF Executive Board under the presidency of Mr Halili prior to the Appellant's election on 23 December 2023. Finally, the Appellant voted in favour of Y.'s nomination for the Paris 2024 OG following the abolition of Rule D3. On this basis, the Panel concludes that the allegation of abuse of position is not formally established.
242. The Panel therefore finds that no violation of Article 9.9 of the Integrity Code has been established on the balance of probabilities.
243. In summation, the Panel concludes that the Respondent has not discharged its burden of establishing, on a balance of probabilities, that the Appellant violated Articles 5.1, 5.2, 5.3, 5.6, or 9.9 of the Integrity Code.
244. The Panel has conducted a comprehensive de novo review of the facts and the law and has found that the selection decisions at issue were, in substance, consistent with the applicable regulatory framework. The Panel has further found that the allegations of threatening conduct and ethnic discrimination, which it has analysed carefully, are not supported by sufficient evidence. While the Panel acknowledges certain grey zones in the factual record, related to the conduct of the Appellant and the KSF in their decision not to send four athletes to Doha 2024, and with respect to the conduct of the Respondent, in its unfettered support to the candidacy of X., a US citizen having recently

and purposefully acquired the Kosovar citizenship for him to benefit from the Universality places crafted to benefit Kosovar athletes, a posture at odds with the philosophy of these rules, the Panel is persuaded, on a balance of probabilities, that the Appellant did not engage in the misconduct alleged by the Respondent.

245. Accordingly, the alleged violations of the Integrity Code are not established, and the Appealed Decision must be set aside.
246. For the avoidance of doubt, the setting aside of the Appealed Decision necessarily encompasses the reservation contained in paragraph 111 thereof, by which the AQIU purported to reserve the right to reopen proceedings against the Appellant in the event that additional information emerged regarding an alleged breach of his provisional suspension. In the Panel's view, such a conditional reservation is incompatible with the principles of finality and legal certainty, and cannot survive the annulment of the decision in which it was contained. Accordingly, the Respondent may not rely on that reservation to initiate new proceedings against the Appellant on the same matter.

C. Applicable Sanction

247. The Appealed Decision imposed on the Appellant a four-year period of ineligibility from holding any position within World Aquatics and/or any Continental Organisation and/or any World Aquatics Member, together with a fine of USD 25,000.
248. In light of the Panel's reasoning, conclusions and findings, in accordance with Article 33 of the Integrity Code, and having carefully analysed the Parties arguments, it concludes that the Respondent has failed to establish, on a balance of probabilities, that the Appellant committed any violation of the Integrity Code. The entire foundation upon which the sanction was predicated – namely, the finding that the Appellant violated Articles 5.1, 5.2, 5.3, 5.6, and 9.9 of the Integrity Code – has been found to be unsubstantiated.
249. Consequently, the four-year period of ineligibility and the fine of USD 25,000 imposed on the Appellant cannot be upheld. A sanction presupposes a finding of wrongdoing. In the absence of any established violation, there is no legal or factual basis upon which a sanction may stand. The Appellant did not commit any infringement of the World Aquatics Integrity Code and shall therefore recover his full rights with respect to the KSF and World Aquatics.
250. The Panel therefore sets aside and overturns the sanction in its entirety.

D. Damages

251. The Panel recalls that, under Swiss law as consistently applied in CAS jurisprudence, a party seeking an award of damages must establish three cumulative elements: (i) the existence of damage; (ii) a causal link between the unlawful conduct and the damage; and (iii) the quantum of that damage (CAS 2018/A/5751). The burden of proving each of these elements rests with the Appellant, who must establish not merely that some harm was sustained in the abstract, but that it was actually suffered and is capable of

quantification. An abstract or unsubstantiated reference to “financial” or “moral” damages, unsupported by evidence or concrete calculations, is insufficient to discharge that burden.

252. In the present case, the Appellant claimed moral and financial damages allegedly arising from the proceedings and from the Appealed Decision, asserting that these had caused him harm to his reputation, professional standing, and psychological well-being, and had resulted in legal costs and medical expenses. However, the Panel observes that the Appellant did not substantiate this head of claim with any documentary or other probative evidence demonstrating that such losses were actually suffered, nor did he provide any concrete calculation or other reliable methodology enabling the Panel to quantify any alleged pecuniary or non-pecuniary loss. In the absence of any evidence supporting the factual bases invoked and in the absence of any concrete submissions as to quantum, the Panel cannot award damages on the basis of mere assertions.
253. Accordingly, the Appellant’s claim for damages is dismissed in its entirety on the grounds that it is unsubstantiated in the absence of any evidence or quantification.

XI. COSTS

(...)

ON THESE GROUNDS

The Court of Arbitration for Sport rules that:

1. The appeal filed by Mr Agron Zeqiri on 17 June 2025 against the decision issued by the Aquatics Integrity Unit on 28 May 2025 is partially upheld.
2. The decision issued by the Aquatics Integrity Unit on 28 May 2025 is set aside.
3. The request for moral and financial damages filed by Mr Agron Zeqiri is dismissed.
4. All other claims are rejected.
5. (...).
6. (...).
7. All other motions or prayers for relief are dismissed.

Seat of arbitration: Lausanne, Switzerland

Date: 7 September 2026

THE COURT OF ARBITRATION FOR SPORT

Mrs Carine Dupeyron
President of the Panel

Dr Despina Mavromati
Arbitrator

Mr Manfred Peter Nan
Arbitrator