

**CAS 2024/A/10977 Falah Hassan Jassim v. National Olympic Committee of Iraq**

**ARBITRAL AWARD**

**delivered by the**

**COURT OF ARBITRATION FOR SPORT**

**sitting in the following composition:**

President: Mr Mario Vigna, Attorney-at-law in Rome, Italy  
Arbitrators: Mr Jeffrey G. Benz, Attorney-at-law and Barrister in London, United Kingdom  
Mr Bernhard Welten, Attorney-at-law in Bern, Switzerland

**in the arbitration between**

**Falah Hassan Jassim, Iraq**

Represented by Mr Paolo Torchetti, Attorney-at-law in Valencia, Spain

**Appellant**

**and**

**National Olympic Committee of Iraq, Iraq**

Represented by Mr Nezar Ahmed, Attorney-at-law in Chesterfield, USA

**Respondent**

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## **I. PARTIES**

1. Mr Falah Hassan Jassim (“Mr Jassim” or the “Appellant”) is a football executive of Iraqi nationality. He had been elected Chairperson of the Administrative Board of Al-Zawraa Sport Club (the “Club”) on 27 August 2022.
2. The National Olympic Committee of Iraq (the “NOCI” or the “Respondent”) serves as the governing body for recognised Olympic sports for Iraq, with headquarters in Baghdad, Iraq.
3. The Appellant and the Respondent are jointly referred to as the “Parties”.

## **II. INTRODUCTION**

4. This appeal is brought by the Appellant against the decision of the Iraqi Sports Arbitration and Settlement Centre (the “ISSAC”) of 14 October 2024 (the “Appealed Decision”), which confirmed NOCI’s administrative order dissolving the Club’s Administrative Board (the “Administrative Board”), chaired by the Appellant and previously elected on 27 August 2022 (the “Elections”) for the 2022–2026 term.
5. The Appellant requests that the Appealed Decision be vacated and that the Panel issue an award recognising the validity of the Elections, thereby reinstating the Appellant and the other members of the Administrative Board.

## **III. FACTUAL BACKGROUND**

6. The following is a summary of the relevant facts and allegations derived from the Parties’ written submissions, supporting documentation and pleadings adduced at the hearing. Additional facts and allegations found in the Parties’ written submissions and evidence may be set out, where appropriate, in connection with the legal discussion that follows. While the Panel has carefully reviewed all factual, legal and evidentiary submissions, it refers in its Award only to those it considers necessary to explain its reasoning.
7. Save where stated differently, the direct quotes found in the factual background that follows all stem from the English translation of the Arabic originals filed by the Appellant (and not contested by the Respondent).
8. On 7 August 2022, the NOCI issued its administrative order No. 300, whereby it appointed a committee “*to manage the Club’s office in the Olympic Committee*” (the “NOCI Club Office”) composed of the following individuals: Prof. Asst. Dr. Allaa Jaber About (“Dr About”); Major General Mahdi Shawai Mrehei and Prof. Mustafa Jabbar Allak. Although the English translation of the administrative order filed by the Appellant mentioned the date of 7 August 2021, at the hearing both Parties agreed that the correct year was 2022 (see *infra* at para. 81).

9. On 22 August 2022, the Club sent a letter to the NOCI Club Office, stating in particular as follows:
- “We would like to inform you of the holding of the club elections to elect a new Administrative Body on 27/Aug/2022 at 5 p.m. at the Haunting Club – Baghdad Hall. Please send a representative of your esteemed committee to attend the election conference”*
10. On 27 August 2022, the Elections took place. Notably, the General Assembly of the Club elected its Administrative Board for the 2022-2026 term.
11. On 1 September 2022, the Administrative Board convened for the first time, with Mr Jassim being appointed as President of said Board.
12. On 2 September 2022, the Club sent a letter to the NOCI Club Office, stating in particular the following (emphasis in the original):
- “We attach all the priorities related to our club’s elections that took place on 2022/8/27 at the Iraqi Hunting Club with the minutes of meeting No. (1) for the year 2022 [...]*
- Attachments*
- *List of names of the General Assembly*
  - *Minutes of the election of the Administrative board*
  - *Minutes of the meeting of the Administrative board*
  - *Other priorities related to the elections”*
13. On 14 November 2022, the Club sent a letter to the NOCI Club Office inquiring about the absence of a NOCI representative from the Elections.
14. On 15 November 2022, Dr Aboud signed a letter that was sent to the Club on behalf of the NOCI Club Office (the “15 November Letter”), in which he responded to the Club’s inquiry, stating in particular the following:
- “we would like to inform you that our Sports Clubs Office started its work on the same day as the elections, and we were unable to send a representative to attend the elections, noting that the electoral procedures were in accordance with the Clubs Law No. 18 of 1986 and its amendments No. 37 of 1988, which were audited by us and were broadcast on the official Iraqi satellite channels.”*
15. On 21 May 2023, the NOCI sent its letter No. 729 to all its departments and offices, stating the following: *“It has been decided that you are obligated not to address ministries, governmental and non-governmental entities, official departments and semi-official departments through your departments or offices except exclusively through the National Olympic Committee of Iraq. Otherwise, the violator shall bear all legal consequences arising from this and we do not approve these correspondences”*.

16. On 24 August 2023 and 11 September 2023, the Al-Kadhimiya Court of First Instance of the Supreme Judicial Council and the Baghdad Court of Appeal, respectively, rejected three separate claims brought by members of the Club seeking the invalidation of the results of the Elections.
17. On 1 April 2024, an application was filed before the ISSAC by Mr Ameer Rahim Jasim (member of the Club) against the Club and the NOCI, requesting the annulment of the results of the Elections.
18. On 30 April 2024, the Iraqi Youth and Sports Committee (the “YSC”) issued its letters Nos. 234 and 235 to the NOCI, respectively requesting: (i) the complete file concerning the Elections; and (ii) confirmation of the authenticity of certain letters related to said Elections.
19. On 13 May 2024, the NOCI issued its administrative order No. A/604, whereby it constituted an investigation committee (the “Investigation Committee”) tasked with examining the issues referred to it by the YSC.
20. On 22 May 2024, a meeting of the Investigation Committee took place. In said meeting, the following conclusion was reached:

*“... the procedures taken by (Dr. Alaa Jaber Abboud) in issuing Letter No. (86) on 11/05/2022 and signed by him are considered beyond the powers granted to him, as the Olympic Committee of Iraq only deals with correspondence and letters except through the General Secretariat or the President of the Olympic Committee exclusively or whoever is referred by an official letter). The investigation committee reached the following recommendations:*

*1- Mr. (Dr. Alaa Jaber Abboud) a member of the General Assembly and a former member of the Clubs Office by issuing Letter No. (86) on (15/11/2022) and signing this letter is considered an administrative violation and is beyond the powers granted to him.*

*2- Council of Representatives of Iraq notification/ the Youth and Sports Committee of the decision of the above-mentioned investigative committee.*

*3- Anyone harmed by the decision of the Investigative Committee may resort to the courts to prove its harm) and after notifying the Council of Representatives of Iraq /Youth and Sports Committee of the recommendations of the Investigative Committee in the letter to the Iraqi National Olympic Committees. No. (1152) on 13/05/2024, the Youth and Sports Committee in the Council of Representatives of Iraq took over the referral of the documents of the matter. including recommendations of The Investigative Committee and the National Olympic Committee letters to the Iraqi Sports Settlement and Arbitration Center to consider it and take the necessary measures in its letter No. (246) on 03/06/2024.”*

21. On 9 June 2024, the ISSAC rendered its decision in proceedings No. 6/arbitration/2024 concerning the application submitted by Mr Ameer Rahim Jasim, a member of the Club's general assembly. The ISSAC found in particular the following:
  - (i) The 15 November Letter *“was issued by an unauthorized person, and the contents of this letter are absolutely null and void and have no effect as it was issued by someone without the right to do so”*;
  - (ii) Due to (i) above, the NOCI has not properly reviewed the results of the Elections and the Club did not abide by Article 11 (Second) of the of the Iraqi Sports Clubs Law No. 18 of 1986, as amended in 1988 (the “Sports Clubs Law”) under which *“the club shall send a copy of the decisions of the Administrative Committee to the Olympic Committee and to the relevant sports federations within a week from the date of the meeting for the purpose of reviewing it”*. Furthermore, the Club incurred in a violation of Article 9 (Third) of the Sports Clubs Law, as the Elections *“were not held under the supervision of a representative of the Olympic Committee. And that broadcasting the elections via television channels does not obviate the need for the presence of a representative of the Olympic Committee”*;
  - (iii) The ISSAC does not have the power to dissolve the Administrative Board and appoint an interim committee, as it is within the competence of NOCI and expects NOCI to intervene;
  - (iv) In any case, the ISSAC cannot decide the matter as it *“was previously decided upon under the decision of the esteemed Federal Court of Cassation No. (9518 / Civil Body / 2023) on 17/10/2023”* and, therefore, the claim must be dismissed.
22. On the same day, the head of the ISSAC sent a letter to the YSC, informing it of the invalidity of the Letter and thus that the NOCI should dissolve the Administrative Board and establish an interim administrative body in accordance with Article 14 of the Sports Clubs Law.
23. On 10 June 2024, the YSC sent a letter to the NOCI instructing it *“to dissolve the administrative body of AL ZAWRA’A SPORT CLUB and form a temporary body based on the provisions of Article (14) of the Sports Clubs Law No. (18) of 1988 and its amendments”*.
24. On 27 June 2024, the executive committee of the NOCI, following up on its meeting of 26 June 2024, adopted a resolution to dissolve the Administrative Board.
25. On 3 July 2024, NOCI issued Administrative Order No. A/963 (the “First Dissolution Order”), *“to dissolve the Administrative Body of AL ZAWRA’A SPORT CLUB and appoint a Temporary Administrative Body (the “First Interim Committee”) from the Messrs. whose names are listed below, provided that elections are held to choose the new administrative body within a maximum period of three months”*.
26. On 11 July 2024, the NOCI sent a letter to the Club's bank informing it of the names of the members of the First Interim Committee.

27. On 16 July 2024, the Appellant, in his capacity as Chairman of the Administrative Board and “*in addition to his job*”, lodged an appeal before the ISSAC Appeal Committee against the NOCI, requesting the annulment of the First Dissolution Order and the underlying resolution of the executive committee of the NOCI.
28. On an unspecified date (which, according to the Respondent, can be traced to August 2024), the Investigation Committee issued a report (the “IC Report”), which *inter alia* recommended the NOCI to:
- “1. Dissolve the governing body of Al-Zawraa Sports Club and form an interim administrative committee based on Article (14/First) of the Sports Clubs Law No. (18) of 1986 as amended by Law No. (37) of 1988 due to the failure to implement the provisions of the law. This decision is based on Article (14/First/1) of the above-mentioned law and the failure of Al- Zawraa Sports Club to adhere to the proper procedures for the elections as stipulated in Article (9/Third) of the Sports Clubs Law No. (18) of 1986 which requires that the election of governing body members be conducted under the supervision of a representative of the Olympic Committee. This is also supported by the contents of the letter from the Iraqi Sports Settlement and Arbitration Centre, No. (32) dated on 6/9/2024.”*
29. On 13 August 2024, the ISSAC Appeal Committee rendered its decision No. 13/appeal/2024 in the claim filed by the Appellant against the First Dissolution Order.
30. The ISSAC ruled in favour of the Appellant and nullified said Order. In fact, it found that the NOCI can dissolve an administrative body only in the six cases described under Article 14 of the Sports Clubs Law. In this case, however, the NOCI issued the First Dissolution Order solely relying on the IC Report and “*without adopting the advanced legal perspective*”; therefore, its decision must be set aside. The operative part of said decision reads as follows:
- “Based on the above and the reasons outlined, the arbitration body decided the following:*
- First, To annul the administrative order issued by the National Olympic Committee numbered (A/963) dated (3/Jul/2024), which approved the dissolution of the administrative body of AL ZAWRA’A SPORT CLUB and the appointment of a provisional committee to manage the club’s affairs until elections are held.*
- Second, To invalidate the decision of the Executive Office of the Iraqi National Olympic Committee made in its thirty-fifth session held on (26/6/2024), which approved the dissolution of the administrative body of AL ZAWRA’A SPORT CLUB based on the decision of the investigative committee formed under the administrative order numbered (A/604) dated (13/5/2024).*
- Third, to charge the party seeking arbitration with the fees and expenses.”*
31. On 18 August 2024, the legal affairs department of the NOCI issued its memorandum No. 619, providing its legal opinion on the decision of the ISSAC Appeal Committee. Said memorandum reiterated the violations and irregularities in the Elections, as also found by the ISSAC in its decision of 9 June 2024 (see *supra* at para. 21). Accordingly,

it recommended referring the matter to the NOCI's executive committee for the following decision:

*“1) Dissolution of the governing body of Al Zawraa Sports Club and the appointment of a temporary administrative governing body to manage the club with the requirement to conduct elections for a new governing body within a period not exceeding three months from the date of dissolution in accordance with the provisions of Article (14/First/1, 2 and 6) of the Sports Clubs Law.*

*2) Taking legal action against Dr. (Alaa Jaber Aboud) for exceeding his authority and signing external letters without official authorization from the Head of the National Olympic Committee of Iraq.”*

32. On 21 August 2024, the Executive Committee of the NOCI, following its meeting of 19 August 2024, adopted a resolution to dissolve the Administrative Board.
33. On 29 August 2024, the NOCI issued the Administrative Order No. A/1351 (the “Second Dissolution Order”), *“to dissolve the Administrative Body of AL ZAWRA’A SPORT CLUB and appoint an interim administrative committee (the “Second Interim Committee”) from the Messers [sic] whose names are listed below, provided to hold the elections to choose the new administrative committee within the maximum period of three months”*.
34. The Second Dissolution Order stated that the Second Interim Committee would be formed of the following individuals: (i) Mr Mohammed Muthanna Yassir, as President; (ii) Mr Yaqoup Hussein Salim, as Vice-President; (iii) Mr Gaith Abdulghani Abdulwahid, as Secretary; (iv) Mr Saad Abdulaheem Abdulkareem, as Financial Secretary; (v) Messrs Mahmoud Kareem Abdulhadi, Dawood Salman Shauopi and Laith Hussein Shuhaib, as members.
35. On 17 September 2024, the Appellant, in his capacity as Chairman of the Administrative Board at the time and *“in addition to his position”* lodged an appeal before the ISSAC against NOCI, represented by his lawyer, Mr Muhammad Haider Hassoun, requesting the annulment of the Second Dissolution Order and of the underlying resolution of NOCI's Executive Committee.
36. On 14 October 2024, the ISSAC rendered its decision, rejecting the Appellant's appeal against the Second Dissolution Order (the “Appealed Decision”).
37. The operative part of the Appealed Decision reads as follows:

*“Based on the reasons mentioned and stated above, the arbitration panel decided the following:*

*First: Rejecting the appeal of the arbitration applicant Falah Hassan Jassim / Chairman of the Administrative Body of Al-Zawraa Sports Club in addition to his position and upholding the decision issued by the Executive Office of the Iraqi National Olympic Committee taken in its thirty-sixth session held on (19/8/2024), which includes dissolving the administrative body of Al-Zawraa Sports Club and forming a temporary administrative body, provided that elections are held to choose*

*the new administrative body within a maximum period of three months in accordance with the provisions of Article (14 / First) of the Sports Clubs Law in force.*

*Second: Charging the appellant of the arbitration appeal with the fees and expenses of the arbitration appeal.”*

38. The ISSAC in the Appealed Decision found in particular the following:
- (i) The Elections were held in violation of Article 9 (Third) and Article 11 (Second) of the Sports Clubs Law and, thereafter, *“the Executive Office of the Olympic Committee has exercised its powers granted to it in accordance with the provisions of the law”*.
  - (ii) The 15 November Letter was incorrect and invalid because Dr Abboud i.e. the person sending it on behalf of the NOCI Clubs Office, was not authorised to do so, *“especially since he was working at the headquarters of the Clubs Office located outside the building of the Iraqi National Olympic Committee at that time, which made it impossible for the Olympic Committee to communicate with the aforementioned office and exercise its role in monitoring and supervising its work”*.
  - (iii) In light of the above findings, the Second Dissolution Order must stand and *“[t]he dissolved administrative body must hand over everything it owes [sic] to the temporary administrative body that is appointed by the Iraqi National Olympic Committee in order to enable it to perform its legally assigned task”*.
39. On 17 October 2024, the Execution Department of the Iraqi Ministry of Justice issued an *“Implementation Notification Memorandum”* in which it requested that the Appellant, as Chairman of the Administrative Body and *“in addition to his job”*, voluntarily enforce the Appealed Decision by proceeding with the dissolution of the Administrative Body and the formation of an interim committee.
40. On the same day, the NOCI sent a letter to, *inter alia*, the *“Trade Bank of Iraq”* and the Ministry of Transport, informing them that the Second Interim Committee had been formed and requesting them to *“take the necessary action and approve their signatures”*.
41. On 4 November 2024, the Al Karkh Implementation Directorate issued a document concerning the implementation of the Second Dissolution Order and specifying that there had been an attempt to force said implementation but that *“upon arriving at the new location in the Al-Jaifer area section/208, the club headquarters were found closed and there were no employees or the administrative body of the club”*. In any case, according to the document:
- “the debtor’s attorney, Mohammed Haider Hassoun attended [...] The head of the new administrative body, Mr. Mohammed Muthanna Yas, and the members: Laith Hussein Shahib and Mahmoud Karim Abdul Hadi, attended. In the presence of these parties, the executor handed over the club’s administrative body to the temporary administrative body. [...] The conclusion of the report was understood by those present. Responsibility was placed on the new administrative body, and the representative of the Olympic Committee was notified, and the temporary body’s response was to accept that”*.

42. On 2 December 2024, NOCI dissolved the Second Interim Committee and constituted a new interim body (the “Third Interim Committee”) to oversee the Club’s affairs, with its mandate set to expire on 2 March 2025.
43. On 12 March 2025, NOCI dissolved the Third Interim Committee and appointed a new interim body to oversee the Club’s affairs, with its mandate set to expire on 11 June 2025.

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

44. On 1 November 2024, in accordance with Articles R47 and R48 of the Code of Sports-related Arbitration (2023 edition) (the “CAS Code”), the Appellant filed a Statement of Appeal with the Court of Arbitration for Sport (the “CAS”) against the Respondent with respect to the Appealed Decision.
45. In the first page of the Statement of Appeal, both Mr Jassim and the Al-Zawraa Club were indicated as parties versus the Iraqi National Olympic Committee.
46. In the second pages of the Statement of Appeal, the Appellant was identified in plural form as follows (original emphasis):
  - “**A. THE APPELLANT**
  1. *Mr. Falah Hassan Jassim is an Iraqi football executive and the current president of and chairman of Al-Zawraa sports club (the “Appellants”).*
  2. *Attached as Annex 1 is the power of attorney authorizing Mr. Paolo Torchetti to represent the Appellants in this matter”.*
47. From page 4 onwards of the Statement of Appeal, the Appellant was identified in the singular form instead, in the person of Mr Jassim. Besides, on page 6, the Statement of Appeal was signed by Mr Paolo Torchetti exclusively “*for Mr. Falah Hassan Jassim*”.
48. On 9 November 2024, in accordance with Article R37 of the CAS Code, the Appellant filed a request for provisional measures. In said submission, the Appellant was always identified exclusively as Mr Jassim, and the relevant term “Appellant” was always used in the singular form. Conversely, the Club was mentioned for illustrative purposes only and never as a party to these proceedings.
49. On 18 November 2024, the Appellant filed his Appeal Brief pursuant to Article R51 of the CAS Code. In the Appeal Brief, Mr Jassim was again identified as the sole Appellant, while the Club was excluded from the definition of “Appellant”.
50. On 20 November 2024, the Respondent filed its comments on the Appellant’s request for provisional measures, in accordance with Article R37 of the CAS Code.
51. On 11 December 2024, the President of the CAS Appeals Arbitration Division issued an Order on Provisional Measures, dismissing the Appellant’s request for provisional measures.

52. On 14 January 2025, the Respondent filed its Answer in accordance with Article R55 of the CAS Code.
53. On 15 January 2025, the Appellant sent a letter to the CAS Court Office requesting that the Respondent be ordered to produce:
- “all documents in relation to the election of the Clubs board of directors having taken place within the since and after the dissolution of the board of directors, including but not limited to:*
- (i) all agenda documents and the dates calling the election, including documents that demonstrate when the agenda was sent to the membership;*
  - (ii) minutes of that elective congress determining quorum and voting record; and*
  - (iii) the actual decision issued by the Club and/or the Iraqi National Olympic Committee regarding the elections of the board of directors”.*
54. In his letter, the Appellant pointed out the following: *“If these documents are not provided, for whatever reasons, that the Panel make an adverse inference that the final elections did not take place within the three-month requirement”.*
55. On 20 January 2025, the Respondent objected to the Appellant’s request for production of documents, arguing that (i) they are irrelevant; and (ii) if they exist, they are (a) in the custody of the Club, which is not a party to the proceedings and in any case (b) not in the Respondent’s possession.
56. In the same communication, the Respondent clarified that *“the current interim committee in charge of the Club was appointed on 2 December 2024. Therefore, pursuant to the Iraqi Sport Club law, its 90-day mandate to organize new elections expires on 2 March 2025. If the current interim committee fails to organize such elections on or before 2 March 2025, the Iraqi Sport Club law obligates the Respondent to remove the current interim committee from office and appoint a new interim committee which will have a mandate of 90 days from the day of appointment to organize these elections. The Iraqi Sport Club law does not grant the Respondent power to compel the interim committee to organize these elections. Said law only grants the Respondent the power to dissolve the interim committee and appoint another interim committee if it fails to organize new elections within the 90-day mandate”.*
57. On 21 January 2025, the CAS Court Office informed the Parties that the Panel appointed to adjudicate the matter would consist of Mr Mario Vigna as President, Mr Jeffrey G. Benz, nominated by the Appellant, and Mr Bernhard Welten, nominated by the Respondent.
58. On 21 January 2025, the Respondent challenged the appointment of Mr Mario Vigna.
59. On 29 January 2025, Mr Mario Vigna submitted his comments with respect to said challenge.
60. On the same day, the CAS Court Office invited the Respondent to confirm whether it wished to maintain its challenge against said appointment.

61. On 5 February 2025, the Respondent maintained its challenge regarding Mr Mario Vigna's appointment.
62. On 6 March 2025, the Challenge Commission of the Board of the International Council of Arbitration for Sport issued a decision dismissing the Respondent's challenge to the appointment of Mr Mario Vigna as President.
63. On 13 March 2025, the Appellant requested the admission of new documents into the case file, namely NOCI's administrative order No. 447/1 dated 12 March 2025 dissolving the Third Interim Committee (see *supra* para. 43).
64. On 18 March 2025, the Respondent objected to the admissibility of said document as it is "*irrelevant to the case at hand*".
65. On 20 March 2025, on behalf of the Panel, the Parties were advised in particular as follows:
  - (i) The Appellant's request of 13 March 2025 for admitting new evidence was admitted under Article R56 of the CAS Code on the basis of "*exceptional circumstances*", noting that "*the documents were not available when the Appeal Brief and Answer were filed*";
  - (ii) The Appellant's request of 15 January 2025 for production of documents was rejected, with reasons to be provided in the final Award;
  - (iii) The Appellant was invited to produce "*an English translation of exhibit 4 to the Appeal Brief by 28 March 2025*".
66. On 25 March 2025, the Appellant filed the requested translation of exhibit 4 to the Appeal Brief.
67. On 12 May 2025, the CAS Court Office provided the Parties with an Order of Procedure, which was duly signed and returned by the Appellant on 12 May 2025 and by the Respondent on 15 May 2025.
68. On 16 May 2025, on behalf of the Panel, the Parties were provided with the hearing schedule.
69. On 22 May 2025, the Appellant sent an application to the CAS Court Office requesting the admission of new evidence to the case file, as follows:
  - (i) The NOCI administrative order of 7 August 2021 (*rectius* 2022) forming the NOCI Club Office and appointing three individuals (including Dr Aboud) to manage its affairs (the "Club Office Order");
  - (ii) Letters dated 28 November 2022, 9 January 2023 and 13 February 2023 signed by Dr Aboud on behalf of the NOCI Club Office, regarding the validity of the elections of three football clubs.
70. On the same date, the CAS Court Office advised the Parties that "*Given the proximity of the hearing, the Respondent will be given the opportunity to comment on the admissibility*

*and the substance of the documents produced by the Appellant at the outset of the hearing”.*

71. On 23 May 2025, a hearing was held via video conference. In addition to the Panel and Mr Fabien Cagneux, CAS Managing Counsel, the following individuals were in attendance:
- (i) For the Appellant:
    - Mr Jassim, the Appellant;
    - Mr Ali M.H. Emelee, Club Administrator (exclusively as observer and Arabic-speaking assistant for both the Appellant and Mr Paolo Torchetti);
    - Mr Paolo Torchetti, legal counsel;
    - Mr Rabeea Amir Salih, translator;
  - (ii) For the Respondent:
    - Mr Nezar Ahmed, legal counsel;
    - Mr Sadiq Yawar Safar, translator.
72. The Panel heard oral evidence from the following individuals, who were subjected to examination and cross-examination as well as to questions from the Panel:
- (i) Mr Jassim, the Appellant (as a party to the proceedings);
  - (ii) Mr Shakir Mohammed Oudah Al-Gburi, former Secretary General of the Club (witness called by the Appellant);
  - (iii) Mr Rafid Hamdan Dagher, former member of the Administrative Board (witness called by the Appellant);
  - (iv) Mr Haitham Abdulhameed, General Secretary of the NOCI (witness called by the Respondent);
  - (v) Mr Mustafa Jabbar Alag, Head of the NOCI Club Office (witness called by the Respondent); and
  - (vi) Mr Ihab Talib Jasim, Head of the NOCI legal affairs department (witness called by the Respondent).
73. At the onset of the hearing, the Panel provided the Respondent with an opportunity to comment on the admissibility and the substance of the documents filed by the Appellant on 22 May 2025 (see *supra* para. 69). The Respondent requested leave of the Panel to provide detailed comments at a later stage, which was granted, noting that the Appellant did not object to such post-hearing submission.
74. Furthermore, the President of the Panel explicitly requested the Appellant to clarify his position on the alleged failure to summon the Club in these appeal proceedings (as raised by the Respondent, see *infra*, para. 98(i)).

75. During the hearing, in particular, the Parties raised the following arguments and requests:
- (i) Operative part of the Award. The Appellant requested the Panel to provide the operative part of the Award on an expedited basis, which was objected by the Respondent.
  - (ii) Respondent's evidentiary requests. The Respondent requested that the Appellant be ordered to produce proof that the Club:
    - Sent the letters referred to in Annexes 2-5 of the Appeal Brief.
    - Received the 15 November Letter from Dr About.
  - (iii) Failure to summon the Club.
    - (a) The Appellant clarified that he did not summon the Club in these proceedings as his requests for relief were aimed at vacating the Appealed Decision and, consequently, the Second Dissolution Order. Therefore, the presence of the Club as Respondent was unnecessary, as the Appellant's requests for relief would only affect NOCI and setting aside the Appealed Decision would not require the Club to take any further action.
    - (b) The Respondent countered by arguing that the Appellant's failure to summon the Club restricted the scope of the Panel's review and jeopardized the Club's right to be heard, as the latter had a direct and actual interest in the outcome of these appeal proceedings and would be affected by the Award (see also *infra*, para. 98(i)).
76. After their closing pleadings and before the conclusion of the hearing, both Parties confirmed their satisfaction with the manner in which the Panel had conducted the hearing and raised no procedural objections, except for a reservation raised by the Appellant, who stated that he “*reserved his right to be heard was met depending on whether or not the Panel renders the operative part of the award*”.
77. On 26 May 2025, the Respondent was invited to file its comments “*both on the admissibility and the substance of the documents submitted by the Appellant on 22 May 2025*” (see *supra* at para. 73).
78. On 2 June 2025, the Respondent filed its comments together with nine exhibits, as follows:
- (i) Consenting to the admission of Appellant's evidence sub (i) (see *supra* at para. 69) provided that: (a) either the Appellant resubmitted a correct translation of the Club Office Order reflecting the correct date of issuance or the Panel would consider the date of issuance to be 7 August 2022; and (b) the Respondent's comments on the Club Office Order would be admitted into the case file in their entirety;
  - (ii) Objecting to the admissibility of the Appellant's evidence sub (ii) (see *supra* at para. 69) as said letters are “*forged documents submitted by the Appellant in order to misguide the Panel*” and in any event, “*irrelevant to the decision to be passed by the Panel in this matter*”;
  - (iii) Requesting the CAS “*to file criminal complaints with the Swiss competent authorities (i) against Appellant for producing false documents in order to obtain*

*an unlawful advantage for himself and made use of them in order to deceive and (ii) against Appellant and his witnesses for committing perjury”.*

79. On 5 June 2025, the Respondent sent an application to the CAS Court Office requesting the following:
- (i) Reopening of the evidentiary phase of the proceedings;
  - (ii) Admission of new evidence to the case file, namely the minutes of the meeting of the Club’s General Assembly on 5 June 2025.
80. On 10 June 2025, the Appellant was invited to comment on the Respondent’s requests of 5 June 2025.
81. On 11 June 2025, the CAS Court Office sent a letter to the Parties on behalf of the Panel with regard to the Respondent’s letter dated 2 June 2025, advising in particular as follows:
- (i) The Club Office Order was admitted into the case file, it being noted that, as clarified during the hearing, the correct date of issuance was 7 August 2022, not 7 August 2021;
  - (ii) The Appellant was invited to file his comments in response to the Respondent’s letter of 2 June 2025, subject to specified limitations in order to have him stay within the scope of the right to comment that had been previously afforded to the Respondent;
  - (iii) No authorisation from the Panel was required for the Respondent to pursue criminal proceedings: the Respondent was and remained free to initiate any criminal proceedings it deemed appropriate independently of these proceedings;
  - (iv) Both Parties were reminded of the confidentiality of the proceedings and requested to refrain from making public statements thereon.
82. On 18 June 2025, the Appellant provided his comments on the Respondent’s requests in both its letters of 2 and 5 June 2025, as follows:
- (i) Objecting to the Respondent’s requests of its letter dated 5 June 2025 as *“the Respondent has not satisfied R56 of the CAS Code”*;
  - (ii) Requesting that, in the alternative, if such evidence and the facts relating to the Club’s Extraordinary General Assembly of 5 June 2025 were admitted, the appeal be upheld;
  - (iii) Indicating his intention to appeal the decision adopted at the Club’s Extraordinary General Assembly of 5 June 2025 before the ISSAC;
  - (iv) Denying the Respondent’s allegations in its letter of 2 June 2025 that the evidence submitted by the Appellant on 22 May 2025 was *“forged”* and *“irrelevant”*.
83. On 21 July 2025, the Respondent sent a letter to the CAS Court Office requesting the admission of further evidence to the case file, as follows:
- (i) Minutes of the meeting of the Club’s General Assembly of 18 July 2025;
  - (ii) NOCI’s administrative order of 20 July 2025.

84. In the same letter, the Respondent argued that *“the present appeal must be dismissed for lack of legal interest because the Appellant’s requests for relief are not helpful in pursuing his final goals”*.
85. On 4 August 2025, on behalf of the Panel, the Appellant was invited to:
- (i) Comment on the Respondent’s letter of 21 July 2025;
  - (ii) Submit *“evidence and/or information regarding the status of an appeal (if any)”* he may have lodged against the resolutions adopted at the Club’s Extraordinary General Assembly of 5 June 2025.
86. On 11 August 2025, the Appellant provided his comments (together with five exhibits) on the Respondent’s application, as follows:
- (i) Arguing that he retains legal interest in the present proceedings, as the Panel may annul the Appealed Decision and the Second Dissolution Order, thereby restoring the previous Administrative Board. Resultantly, *“he retains legal interest in the sense that he would return to his position as President of the Club”*;
  - (ii) Objecting to the admissibility of evidence set out in the Respondent’s 21 July 2025 letter as *“these documents are not relevant to the appeal”*;
  - (iii) Providing evidence of appeals lodged before the ISSAC against the resolutions adopted at: (a) the Club’s Extraordinary General Assembly of 5 June 2025; (b) the meeting of the Club’s General Assembly of 18 July 2025.
87. On 27 August 2025, the CAS Court Office invited the Appellant to pay a supplementary advance of costs.
88. On 28 August 2025, the Appellant requested the reduction of said costs.
89. On 29 August 2025, the CAS Court Office denied the Appellant’s request as *“the initial advance of costs may not cover the payment of the Arbitrators’ fees and the CAS administrative costs”*. In the same communication, the Appellant was invited to pay said costs. Moreover, the Parties were further reminded of the confidentiality of the proceedings and warned against disclosing any information thereon to third parties.
90. On 15 September 2025, the Appellant submitted proof of payment of the supplementary advance of costs.
91. On 30 September 2025, the CAS Court Office acknowledged that, under the proof of payment submitted by the Appellant on 15 September, the CAS Financial Department could not identify the payment made by the Appellant, and therefore requested the latter to contact his bank without delay in relation to said matter.
92. On 16 October 2025, the Appellant sent a letter to the CAS Court Office, requesting the admission of a new *“development”* into the case file, namely information concerning the designation of NOCI’s President, Mr Meften, as a *“sanctioned individual”*. On the same day, the CAS Court Office acknowledged receipt of the payment of the supplementary advance of costs by the Appellant.

93. On 24 October 2025, the Respondent filed its comments on the Appellant's request.
94. On 3 November 2025, the CAS Court Office informed the Parties of the following Panel's determinations:
- (i) admission into the case file of the "*Letters dated 28 November 2022, 9 January 2023 and 13 February 2023, sent allegedly by Dr Alaa Jaber Aboud on behalf of the NOCI Club Office to three Iraqi clubs, validating their respective elections*" (Annexes 1-3 to the Appellant's letter dated 22 May 2025);
  - (ii) rejection of the Appellant's request to admit new information and evidence pursuant to his letter dated 16 October 2025;
  - (iii) rejection of the Respondent's requests made: (a) at the hearing; (b) with letter dated 2 June 2025; (c) with letter dated 5 June 2025; (d) with letter dated 21 July 2025;
  - (iv) closure of the evidentiary proceedings.

## V. SUBMISSIONS OF THE PARTIES

### A. The Appellant

95. The Appellant, in his Appeal Brief, requested the following reliefs:

- 1. To accept this appeal against the Decision.*
- 2. To vacate the Decision of the 14 October 2024.*
- 3. To issue an award that specifically recognizes the validity of the elections of 27 August 2022 reinstating the Appellant and the board of directors.*
- 4. Independently of the type of the decision to be issued, the Appellant requests that the Panel:*
  - a. fix a sum of 10,000 CHF to be paid by the Respondent to the Appellant to contribute to the payment of his legal fees and costs; and*
  - b. order the Respondent to pay the entirety of the administration costs and fees."*

96. The Appellant's submissions, in essence, may be summarised as follows:

- (i) NOCI's actions to nullify the Elections violate the doctrine of estoppel:
  - (a) Having previously confirmed in 2022 that the Elections were conducted in accordance with the applicable regulations, the NOCI should be estopped from now taking the opposite position.
  - (b) When the Club enquired about the absence of a NOCI representative during said Elections, NOCI explained such absence – in the 15 November Letter – by stating that the NOCI Club Office had begun its work on the same day as the Elections. Moreover, it confirmed that this absence was not an issue, as the Elections complied with the Sports Clubs Law and the results were audited via television broadcast.

- (c) By previously endorsing said Elections, the Appellant and the rest of the Administrative Board were under the legitimate expectation that they retained their four-year mandate as of 27 August 2022. NOCI's subsequent contrary stance violates the legal doctrines of *venire contra factum proprium* and estoppel.
- (ii) There is no statutory basis to dissolve the Administrative Board:
- (a) There are specific circumstances under the Sports Clubs Law providing for the dissolution of an Iraqi club's administrative board; however, none of them exist in the present case and, accordingly, NOCI acted against the principle of *nulla poena sine lege*:
- Article 14 (First) of the Sports Clubs Law enumerates six specific conditions under which a club's administrative board can be dissolved.
  - Specifically, in the present case, the Elections were invalidated due to the absence of a NOCI representative at said Elections. However, this ground is not listed in said provision, nor were any other violations identified. On the contrary, the Club complied with its duty to notify NOCI of the time, date, place, and results of the Elections, as required under the Sports Clubs Law.
- (b) The ISSAC further relied on the finding that the 15 November Letter was not sent or signed by an authorised NOCI official and is null and void. However, this reasoning lacks credibility, as the 15 November Letter was relied upon by both the Club and the Appellant, and the two-year lapse between the Elections and the Administrative Board's dissolution further undermines any claim of invalidity. Given the evidence before the Panel, there is no sufficient basis to conclude that the 15 November Letter was sent without authority and, in any event, this is not a valid legal ground to dissolve the Administrative Board under the Sports Clubs Law. By acting on such a basis, the NOCI and ISSAC acted beyond their legislative authority, contrary to prior ISSAC and Iraqi court decisions, which have consistently held that dissolution is only permitted under the circumstances enumerated in Article 14 of the Sports Clubs Law.
- (c) Per the Sports Clubs Law, elections for a permanent administrative board were required to be conducted within three months of the dissolution of the Administrative Board. Instead, NOCI appointed several interim committees every three months, in clear violation of the aforementioned requirement.
- (iii) NOCI's actions violate the principles of independence and impartiality:
- (a) Violations under the Olympic Charter and FIFA Statutes:
- As a member of the International Olympic Committee, NOCI is bound by the Olympic Charter to preserve its autonomy and resist political or external pressures. Similarly, since the Club falls under the authority of the Iraqi Football Association (the "IFA") and ultimately FIFA, it must remain independent, free from third-party interference, as stipulated under FIFA Statutes.

- By dissolving the Club's Administrative Board, the NOCI effectively usurped the IFA's role and acted without authority, violating the principles of independence under the Olympic Charter and FIFA Statutes.
  - NOCI's actions were heavily influenced by political actors, most notably Mr Moshen Al-Saeedi, a Member of Parliament and Chair of the YSC, who intervened repeatedly through letters, directives, and personal visits to the ISSAC. Other political actors include individuals with direct governmental ties, such as Mr Yaqoub Hussein Salem from the Ministry of Transport, who was appointed to positions within the Club's interim board while simultaneously issuing adverse decisions and correspondence against the Club.
- (b) The ISSAC, which affirmed the dissolution of the Administrative Board in the Appealed Decision, also lacks independence from NOCI. Not only is the ISSAC established by NOCI, but its arbitrators are also selected and approved almost entirely by NOCI, with minimal judicial oversight. This structural dependence, combined with the absence of input from other stakeholders, undermines ISSAC's impartiality in disputes involving NOCI.

## **B. The Respondent**

97. The Respondent, in its Answer, requested the following reliefs:

- “1) Dismissing and rejecting the present appeal in its entirety.*
- 2) Condemning Appellant to pay the cost of the arbitration in its entirety.*
- 3) Condemning Appellant to pay the Respondent a contribution towards its legal fees and other expenses incurred in connection with these proceedings in the amount of CHF 30'000.00.”*

98. The Respondent's submissions, in essence, may be summarised as follows:

- (i) The Appellant needed to name the Club as a Respondent:
  - (a) The Appellant's failure to name the Club as a party restricts the Panel's scope of review in these proceedings. The Club is directly and materially affected by the outcome of this case and therefore has the right to present its position in the dispute.
  - (b) The power to manage the Club's affairs has already been transferred from the Administrative Board to the interim committee(s). Thus, any decision in favour of the Appellant involving his reinstatement as President of the Administrative Board would require transferring power back to the Appellant. However, this is not possible without the Club being a Respondent in these proceedings.
  - (c) As per CAS jurisprudence, the scope of an appeal is limited where a materially affected party is not named as a party to the arbitration proceeding, as the Panel cannot issue an award affecting the rights of third parties not

included as respondents. Consequently, the relief sought by the Appellant cannot be granted.

- (ii) The Appellant lacks sufficient legal interest:
  - (a) The Second Dissolution Order, confirmed in the Appealed Decision, removed all ten members of the Administrative Board and appointed an interim committee in its place. The other nine members of the Administrative Body did not appeal said decision and are not parties to the present arbitration. As a result, the Appealed Decision is final and binding on them, and they cannot be reinstated as members of the Administrative Board.
  - (b) Even if the Appellant alone were reinstated, he would not have the power to run the Club's affairs, as an administrative board must comprise at least five members pursuant to the Sports Clubs Law. Reinstating the Appellant alone would thus leave him unable to exercise any authority, rendering the requested reliefs ineffective.
- (iii) The NOCI issued the Second Dissolution Order in full compliance with the ISSAC's Decision of 9 June 2024, which is final:
  - (a) The invalidity of the Elections was actually determined by ISSAC's Decision of 9 June 2024, which was not challenged and is final and binding.
  - (b) By filing an appeal solely against the Appealed Decision, the Appellant is precluded from expanding the scope of the present proceedings to ISSAC's earlier decision without effectively filing a new appeal. Therefore, ISSAC's Decision of 9 June 2024 is outside the purview of the present proceedings.
  - (c) In its decision of 9 June 2024, ISSAC ruled that the Elections were invalid. Consequently, ISSAC ordered NOCI to assume its legally prescribed tasks entrusted to it, remove the Administrative Board from office and appoint a new interim committee. Since these rulings and the underlying findings were never challenged, they are binding and beyond the limits of review of the Appealed Decision.
  - (d) Being subject to Iraqi law, NOCI was legally bound to implement ISSAC's Decision of 9 June 2024, which was done by issuing the Second Dissolution Order. Consequently, NOCI acted within its authority and in accordance with the law.
  - (e) Even if the ISSAC had not ordered the NOCI to remove the Administrative Board and appoint an interim committee, the NOCI's actions remain justified. ISSAC's findings establish multiple violations of the Sports Clubs Law, resulting in the Administrative Board losing its legitimacy to act and lacking the quorum necessary to conduct official business. The Sports Clubs Law empowers the NOCI to remove any administrative board under such circumstances, a conclusion further supported by the findings in the IC Report and the memorandum issued by the NOCI's Legal Affairs Department. Notably, the Administrative Board, which had managed the Club since 2010, had organised the Elections in which it was re-elected, thereby perpetuating the statutory breaches.

(iv) Arguments in response to the Appellant's submissions:

- (a) The doctrine of estoppel does not apply: the Appellant's contention that the NOCI's previous recognition of the validity of the 2022 elections precludes it from subsequently challenging them should be rejected for several reasons:
- The Club's letter of 22 August 2022 was never received by the NOCI, as it was addressed to the newly created NOCI Clubs Office, which was neither operational at the time nor authorised to handle official correspondence.
  - The failure of NOCI to send a representative was attributable to the Club and its Administrative Board, which unlawfully proceeded with the elections without postponement, despite the legal requirement that NOCI supervise them.
  - Since ISSAC's decision of 9 June 2024 declared the relevant Letter as well as the elections invalid, NOCI is not estopped from removing the Administrative Board from office.
  - The doctrine of estoppel cannot apply where the elections were judicially declared null and void, with binding effect on the parties.
- (b) The alleged lack of independence of the ISSAC: Any allegations against ISSAC's independence are irrelevant, as under Article R57 of the CAS Code, the Panel hears the case *de novo*, thereby curing any alleged defects in the lower-level proceedings.

## VI. JURISDICTION

99. Article R47 of the CAS Code reads as follows:

*“An appeal against the decision of a federation, association or sports-related body may be filed with CAS if the statutes or regulations of the said body so provide or if the parties have concluded a specific arbitration agreement and if the Appellant has exhausted the legal remedies available to it prior to the appeal, in accordance with the statutes or regulations of that body”.*

100. The Appellant relies on Article 42 of the ISSAC Procedural Rules, which states:

*“Any decision taken by the Centre may be submitted exclusively by appeal to the Court of Arbitration for Sport in Lausanne, Switzerland, which will resolve the dispute definitively in accordance with the Arbitration Act on Sports. The appeal period is 21 days after receipt of the decision on the appeal”.*

101. While the Respondent did not dispute the jurisdiction of the CAS and confirmed it by signing the Order of Procedure, it clarified that said provision is not from the ISSAC Procedural Rules, but rather from an outdated version of Article 42 of the NOCI Statutes that was repealed in 2024.

102. Instead, the Respondent considers that the jurisdiction of the CAS is based on Article 42 (11) of the Second Amendment No. (1) of 2024 of the NOCI Statutes, which reads as follows (in the English translation of the Arabic original filed by the Respondent):

*“The litigated parties shall have the right to appeal the decisions issued by the arbitrators, mediators or the Board of Directors of the ISSAC to the Court of Arbitration for Sport in Lausanne, Switzerland, which will resolve the dispute definitely in accordance with the Code of Sports-Related Arbitration. The time-limit for appeal is 21 days after notification of the decision concerning the appeal.”*

103. The Appellant did not dispute this clarification.

104. As a consequence, and given that the wording of both texts is substantively identical in conferring a right of appeal to CAS, the Panel considers it appropriate to proceed on the basis of Article 42 (11) of the Second Amendment No. (1) of 2024 of the NOCI Statutes as the legal basis for CAS jurisdiction.

105. In light of the above, the CAS has jurisdiction to decide the present dispute.

## **VII. ADMISSIBILITY**

106. Article R49 of the CAS Code reads as follows:

*“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 twenty-one days from the receipt of the decision appealed against. The Division President shall not initiate a procedure if the statement of appeal is, on its face, late and shall so notify the person who filed the document”.*

107. The Appealed Decision was issued on 14 October 2024. The Appellant lodged his appeal on 1 November 2024, within the 21 days prescribed under Article 42 (11) of the Second Amendment No. (1) of 2024 of the NOCI Statutes (see *supra* para. 102).

108. The appeal complied with all other requirements of Article R48 of the CAS Code.

109. It follows that the appeal is admissible.

## **VIII. APPLICABLE LAW**

110. Article R58 of the CAS Code reads as follows:

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

111. The Appellant relies on the fact that the Club is affiliated with the Iraqi Football Association, which in turn is a member of the *Fédération Internationale de Football Association* (“FIFA”), to argue that the IFA Statutes and FIFA Statutes apply to the dispute.
112. He also adds that there are “*specific Iraqi regulations*” applicable to sports clubs in general, namely the Sports Clubs Law of 1986 and its 1988 amendments.
113. Lastly, he concludes that the Respondent is a member of the International Olympic Committee and is bound by the Olympic Charter.
114. The Respondent contends that the regulations of the NOCI are primarily applicable to the substance of the case, with Iraqi law applying subsidiarily.
115. The Panel is of the view that the IFA Statutes and FIFA Statutes are irrelevant to the present case, as neither IFA nor FIFA are in any way involved in this decision and thus their Statutes cannot form part of the “applicable regulations” for the purpose of Article R58 of the CAS Code.
116. That said, the Panel observes that, in the matter at hand: (i) the case concerns a decision of the ISSAC, which in turn stemmed from an appeal against the Second Dissolution Order, an administrative order issued by NOCI; (ii) the appeal was related to compliance with the applicable procedures concerning the elections of an administrative board within an Iraqi sports club and consequently “specific Iraqi regulations” like mainly the Sports Clubs Law of 1986 and its 1988 amendments are applicable; (iii) both Parties in their submissions referred to provisions of this Sports Clubs Law.
117. In light of all the above, the Panel concludes that the “applicable regulations” are the “specific Iraqi regulations”, especially the provisions of the Sports Clubs Law of 1986 and its 1988 amendments. There are no specific internal regulations of the NOCI referred to by the Parties.

## **IX. PRELIMINARY ISSUES**

118. After the Parties filed the Appeal Brief and the Answer, they each put forward some requests to obtain either (i) the production of documents from the other party pursuant to Article R44.3 of the CAS Code or (ii) the authorisation to submit some documents under Article R56 of the CAS Code.
119. While the Panel has already explained the grounds for granting or rejecting many of said requests during the course of the proceedings, the Panel reserved to clarify the reasons behind its decision on other requests in this Award, as shown below.
120. Save for the requests *sub A.i* and *A.iii* below, the outcome of the Panel’s decision on the other evidentiary requests was communicated to the Parties through the CAS Court Office letter of 3 November 2025 (see *supra* at para. 94).

121. On a preliminary note, the Panel wishes to point out that the (numerous) evidentiary requests submitted by the Parties, along with extensive submissions, related *inter alia* to several facts that took place after the Appealed Decision had been issued.
122. In this respect, the Panel took into account:
- (i) The necessity to avoid unduly widening its scope of review, which, per constant CAS jurisprudence, is limited by the objective and subjective scope of the decision being appealed against (see *ex multis* CAS 2021/A/7975);
  - (ii) The will to respect the Parties' right to be heard while, at the same time, abiding by the provisions of Article R56 of the CAS Code and avoiding unrestrained submissions filed after the written phase and the hearing on the mere pretext that the facts only took place at a later point in time.
123. Accordingly, save for expressly authorised submissions, it consistently rejected all evidentiary requests related to documents or circumstances that took place after the date of the hearing on 23 May 2025.

#### **A. The Appellant's evidentiary requests**

##### *i. The Appellant's request for document production of 15 January 2025*

124. On 15 January 2025, the Appellant requested that the Respondent be ordered to produce documents proving that the Second Interim Board held the elections of a new board within a period of three months after the dissolution of the Administrative Board, in compliance with the Sports Clubs Law (see *supra* paras. 53 and 54). He pointed out that said documents were likely to exist, in the possession of the Respondent and relevant to the case, considering the following:
- (i) Likely to exist: the Sports Clubs Law requires elections within three months of a board's dissolution, and three months have passed after the Appealed Decision confirmed the Second Dissolution Order. Failure to produce the requested documents justifies an adverse inference;
  - (ii) Custody with NOCI: the NOCI supervises general assemblies, oversees elections, and appoints interim boards under the Sports Clubs Law. In the present case, the NOCI dissolved the Administrative Board and appointed the Second Interim Committee; therefore, it must be in possession of documents concerning the elections held within the following three months;
  - (iii) Relevance: said documents are relevant as: (a) the appeal challenges the lawfulness of NOCI's dissolution of the Administrative Board; and (b) evidence of permanent elections or the absence thereof would further confirm whether the statutory requirements for said dissolution were respected.
125. The Respondent argued against these requests as the requested documents:
- (i) Are irrelevant to the case at hand;
  - (ii) If existent, are under the custody of the Club, which is not a party to the present arbitration;

- (iii) If existent, are not in the possession of the NOCI.
126. Subsequently, the CAS Court Office, on behalf of the Panel, informed the Parties that the request for production of documents submitted by the Appellant had been rejected (see *supra* para. 65), for the reasons set out below.
127. The Panel is mindful that under Article R44.3 of the CAS Code, which also applies to appeal proceedings, a party seeking the production of documents “*shall demonstrate that such documents are likely to exist and to be relevant*” (see CAS 2019/A/6533, para. 80; CAS 2017/A/5336, para. 87).
128. In the present case, the Panel found that the Appellant did not abide by the aforementioned requirements.
129. In fact, the Appellant merely assumed that new elections had taken place three months following the Appealed Decision but provided no evidence in support of this assumption, other than the implied necessity to comply with the Sports Clubs Law. As a consequence, the Appellant did not satisfy the requirement to demonstrate that the requested documents are “likely to exist”.
130. In any event, even if said requirement had been met, the Panel considered that the requested documents were irrelevant to the present case. In fact, they concerned the management of the Club following the dissolution of its Administrative Board, whereas the focus of these proceedings lies in the elections of said Administrative Board in 2022 and the validity of its dissolution by NOCI roughly two years later. The (new) facts that followed the Second Dissolution Order and the Appealed Decision were unrelated to the legal and factual issues that the Panel must decide.
131. Finally, the Panel noted that the Respondent expressly denied having the requested documents in its possession, and the Appellant did not advance compelling arguments to suggest otherwise. On the contrary, it is more likely that such documents, if they exist, would be held by the Club itself, which, as noted below, is not a party to these proceedings.
132. For these reasons, the Panel rejected the Appellant’s request for production of said documents.
- ii. The Appellant’s request to file new evidence per his letter of 22 May 2025*
133. On 22 May 2025, the Appellant submitted some new documents and requested that they be admitted into the case file.
134. The admission of one of said documents, namely the Club Office Letter, was granted since it was not opposed by the Respondent (see *supra* at para. 78(i)).
135. The other documents, namely the letters dated 28 November 2022, 9 January 2023 and 13 February 2023 signed by Dr Aboud on behalf of the NOCI Club Office, regarding the validity of the elections of three football clubs (see *supra* at para. 69(ii)) were admitted into the case file for the reasons laid down below.

136. First, the Panel noted that the request was made by the Appellant before the hearing, with a clear view to rebut the arguments raised by the Respondent in its Answer. In fact, all said letters were aimed at establishing that Dr Aboud did have the power to represent NOCI, as “*he continued to act in that position after the elections of August 2022 and [...] he had authority to do so after August 2022*”.
137. Second, in any case, the Panel took into account the Appellant’s argument that those letters came into his possession only “*recently*” and after the deadline for submitting the Appeal Brief had already expired, a circumstance that was not expressly contested by the Respondent.
138. In light of all the above, the Panel concluded that the Appellant’s request met the threshold of “*exceptional circumstances*” required under Article R56 of the CAS Code and therefore granted it.
- iii. The Appellant’s request for issuance of the Operative Part of the Award ahead of the grounds*
139. At the hearing, the Appellant requested that the Panel communicate the operative part of the Award prior to the delivery of the reasons thereof and on an urgent basis.
140. The Panel is cognisant that, under Article R59 (3) of the CAS Code, it has the power to decide, in its discretion, to notify the operative part of the award ahead of the grounds.
141. That said, the Panel notes that the circumstances of the present case did not warrant the issuance of the operative part of the Award straight after the hearing, considering that:
- (i) The Appellant did not convincingly substantiate the “urgent” reasons for proceeding with issuing the operative part of the Award;
  - (ii) When the request was made, the Panel still needed to hear the Respondent’s comments on the Appellant’s evidentiary request of 22 May 2025. As the request was filed only one day before the hearing and in order to respect the Respondent’s right to be heard, it was reasonable for the Panel to wait for the Respondent’s submissions in that respect. Moreover, after said comments were filed (on 2 June 2025, see *supra* at para. 78) several evidentiary requests, additional submissions and comments were filed by the Parties (see *supra* at paras. 79-86 and 92-94), requiring continued analysis by the Panel and making it impossible to proceed with the issuance of a final decision in short terms.
142. As a consequence, and to fully respect the right to be heard of both Parties, the Panel determined to issue the complete final Award at once, with its grounds.
- iv. The Appellant’s request to admit new information and evidence per his letter dated 16 October 2025*
143. On 16 October 2025, the Appellant requested that new information and evidence be admitted into the case file concerning, in particular, alleged sanctions imposed on NOCI’s President Mr Meften and the establishment of a committee in Iraq to investigate the matter.

144. The Respondent objected to said request.
145. The Panel did not grant the admission of said evidence, as the Appellant failed to invoke any exceptional circumstance that would justify it pursuant to Article R56 of the CAS Code.
146. Furthermore, in any case, the Panel considered that the proposed evidence was entirely irrelevant to the matter at hand, as it concerned accusations raised against the Respondent's President more than one year after the Appealed Decision had been issued, and the Appellant did not show any connection between the accusations against Mr Meften and the outcome of the Appealed Decision.

**B. The Respondent's evidentiary requests**

*i. The Respondent's request for document production during the hearing*

147. As recalled in the CAS Court Office letter of 3 November 2025, during the hearing, the Respondent requested that the Appellant be asked to produce receipts of:
  - (i) "letters referred to in Annexes 2-5 of the Appeal Brief";
  - (ii) "letter allegedly sent by Dr Aboud to the Club dated 15 November 2022".

148. The request was rejected.

149. In fact, the Panel noted that the requests referred to documents that were annexed to the Appellant's Appeal Brief and, accordingly, the Respondent could and should have presented any evidentiary request related thereto in its Answer.

*ii. The Respondent's request to admit documents per its letter dated 2 June 2025*

150. On 26 May 2025 (see *supra* at para. 77), after the hearing, the Respondent was granted the opportunity to comment on the Appellant's request for production of new documents filed on 22 May 2025.
151. For that reason, the Respondent filed a submission on 2 June 2025, which included new evidence (namely exhibits R-7 to R-15).
152. The Panel analysed each exhibit and determined whether or not it was admissible (i) beginning from the assumption that the Respondent had been authorised to file comments, if any, strictly limited to the "admissibility and substance" of the Appellant's submission of 22 May 2025 and in any case (ii) taking into account the caveats illustrated *supra* at paras. 122- 123.
153. On that note, the Panel determined the following:
  - (i) Exhibit R-7 was not admitted into the case file. The Panel observed that the document dated back to 2018 and was merely aimed at demonstrating that the previous elections of the Club's administrative board were held in July 2018 and therefore, when the new elections were convened and held in August 2022, said

administrative body was not in force anymore and did not have the power to call new elections. However, although the fact took place before the issuance of the Appealed Decision, said circumstance was not part of the Appellant's submission of 22 May 2025 and is outside the scope of the Panel's instructions of 26 May 2025.

- (ii) Exhibits R-8 to R-13 were admitted into the case file. The Panel noted that all said documents were aimed at proving the forgery of the exhibits filed by the Appellant on 22 May 2025, thereby falling within the Panel's instructions of 26 May 2025.
- (iii) Exhibit R-14 was not admitted into the case file. The Panel found that the document did not strictly pertain to the scope of the Appellant's submission of 22 May 2025 as, rather, it was related to exhibits that were already annexed to the Appeal Brief. As a consequence, although it is a letter that dates past the expiry of the deadline to file the Answer, it is outside the scope of the Panel's instructions and contains a request that could and should have been made before submitting the Answer.
- (iv) Exhibit R-15 was not admitted into the case file. The Panel acknowledged that it was mere jurisprudence of the Iraqi Courts, submitted to demonstrate that the Appellant committed perjury at the hearing. However, it also considered that it was evidence that had nothing to do with the Appellant's submission of 22 May 2025 and thus exceeded the scope of the Panel's instructions of 26 May 2025.

*iii. The Respondent's evidentiary requests of 5 June and 18 July 2025*

- 154. On 5 June and 18 July 2025, without either an express authorisation from the Panel or the agreement of the Appellant, the Respondent filed some evidentiary requests related to events dating after the issuance of the Appealed Decision and even after the date of the hearing in these proceedings.
- 155. In light of the above, the only "exceptional circumstance" that might, theoretically, have justified the admission of said requests under Article R56 of the CAS Code was the fact that, admittedly, they concerned events that were not known to the Respondent when it filed its Answer.
- 156. However, the Panel noted that the aforementioned argument must be entertained with caution, as the facts becoming known or available to the Parties only after the filing of the written submissions may, at times, refer to circumstances that had not yet taken place at the time when the decision being appealed against was made. Relatedly, they may run the risk of unduly widening the scope of a panel's review.
- 157. This is exactly what would have happened in the present case, as the Respondent's requests concerned decisions made by the Club's General Assembly well after the Appealed Decision was issued
- 158. Accordingly, all said requests were rejected.

**X. MERITS**

- 159. The Appellant requests that the Appealed Decision be vacated and that the Panel issue an award recognising the validity of the Elections, thereby reinstating the Appellant and the other members of the Administrative Board.

160. In support of this request, the Appellant submits, *inter alia*, that the Elections were previously endorsed by the NOCI, which now adopts a contradictory stance and that, in any event, there was no statutory basis for the NOCI's decision to dissolve the Administrative Board.
161. The Respondent, while contesting all the Appellant's arguments, also raised a preliminary objection, contending that the Appellant failed to name the Club as a Respondent in these proceedings, and this fact alone should lead to the dismissal of the appeal.
162. Therefore, before delving into the other substantive issues of the case, the Panel must determine whether the Club can be considered a party to these proceedings and, if not, whether said circumstance has any bearing on the outcome of the case and the consequences on the Appellant's appeal, thereby entailing the dismissal of the appeal.
163. In this respect, according to the Respondent, the Club is directly and materially affected by the outcome of this case since, should the Panel uphold the appeal, the Club would be required to dissolve any newly elected administrative board and reinstate the former one led by the Appellant.
164. For said reason, in the Respondent's view, the Club's right to be heard would be violated as, according to CAS jurisprudence, whenever a materially affected party is not summoned in the proceedings, the scope of the Panel's review is reduced and the relief sought by the appellant cannot be granted (see *supra* at para. 98(i)).
165. At the hearing, upon express request by the President of the Panel, the Appellant countered the Respondent's argument and contended that summoning the Club in this case was unnecessary, as it would not be affected by the outcome of these proceedings, since they merely concerned the Appealed Decision and the Second Dissolution Order, without any material effect on the Club (see *supra* at para. 75(iii)).
166. On this point, the Panel preliminarily observes that, in the proceedings before the ISSAC in the first instance, the "*Applicant*" therein is identified as "*Falah Hassan Jassim/Chairman of the Administrative Board of Al-Zawraa Sports Club in addition to his position*".
167. The Panel is of the view that, at that point in time, Mr Jassim acted before the ISSAC to challenge the Second Dissolution Order both in his personal capacity, as a member of the Administrative Board affected by said Order, and in a representative capacity on behalf of the Club. In particular:
  - (i) Mr Jassim was clearly indicated as a representative of the Club, and the expression "*in addition to his position*" can only be understood as indicating a dual standing, namely as an individual office holder and as a legal representative of the Club, which was itself directly affected by the challenged administrative measure;
  - (ii) The Administrative Board was still in charge of managing the Club's affairs, as there had not yet been a formal handing over of powers to the Second Interim Committee. In fact, the Appealed Decision mentions the necessity for a handover (see *supra* at para. 38(iii)) and only subsequently, before the Al Karkh

Implementation Directorate (see *supra* at para. 41), the Second Interim Committee was officially put in charge of the Club's affairs;

- (iii) The Second Dissolution Order directly and materially affected the Club, as it entailed the dissolution of its managing body and the necessity to proceed with appointing a new one.
168. However, at the hearing before the Panel, the Appellant expressly stated that the Club's involvement in these proceedings was unnecessary. Furthermore, even in the case the Appellant had not addressed this issue at the hearing, the Panel would have concluded that the Club was not involved as a party in these proceedings, since:
- (i) It was undisputably not summoned as a Respondent;
  - (ii) It cannot be considered as an appellant represented by Mr Jassim, as in the Appellant's written submissions and at the hearing, though with some ambiguities at the beginning, the Appellant was then unequivocally identified as Mr Jassim acting solely in his personal capacity (see *supra* at paras. 45-47, 49).
169. Having established that the Club is not a party to these proceedings, despite being directly concerned by the challenged measures, the Panel must determine whether the Respondent can validly be sued alone and, if not, the legal consequences of the Appellant's failure to summon the Club.
170. As a first point, the Panel notes that the Administrative Board presided by the Appellant is no longer in charge of the Club (see in particular *supra* at para. 41).
171. That said, through his prayers for relief (see *supra* at para. 95), the Appellant requested the Panel to vacate the Appealed Decision and, consequently to:
- (i) Recognise the validity of the Elections;
  - (ii) Reinstate the Appellant and the other members of the Administrative Board.
172. The Panel is unanimously of the view that the aforementioned requests have a direct, immediate and unavoidable impact on the Club and on the other members of the Administrative Board as well, since granting the appeal would necessarily require the transfer of governance powers back to the Administrative Board and the displacement of the body currently managing the Club's affairs.
173. In other words, any award granting the relief sought by the Appellant would therefore impose binding obligations on the Club or on the entity currently managing its affairs, in particular the obligation to relinquish control and to hand over the Club's administration to the reinstated Administrative Board. In the Panel's view, such obligations cannot be validly imposed on an entity like the Club that is not a party to the arbitration.
174. In this respect, the Panel notes that, according to CAS jurisprudence:
- (i) A party has standing to be sued if it is personally obliged by the dispute right at stake, and a CAS panel must assess if a party "*stands to be sufficiently affected by the matter at hand in order to qualify as a proper respondent within the meaning of the law*" (CAS 2017/A/5227, para. 35).

- (ii) “no order for relief can be granted which affects the rights and legitimate interests of absent third parties” (CAS 2020/A/7061, para. 125; see also, *ex multis*, CAS 2019/A/6334 and CAS 2016/A/4642).
  - (iii) Failure to summon a party with a material and direct interest in the dispute results in the dismissal of the appeal (see, *ex multis*, CAS 2023/A/9611; CAS 2021/A/8225; CAS 2021/A/8140; CAS 2020/A/6713).
175. In keeping with those precedents, the Panel observes the following.
176. On a first note, it is worth pointing out that the NOCI does, *per se*, have standing to be sued in this case, since it was a party in the proceedings before the ISSAC in the first instance as the issuer of the Second Administrative Order, which would be at stake in these proceedings as well, if the Appellant’s appeal were upheld. Therefore, it does have a material interest in the appeal and would be affected by the outcome thereof.
177. That said, the Panel is compelled to conclude that the Club must be regarded as a necessary party to these proceedings, since:
- (i) It participated in the proceedings in the first instance, represented by Mr Jassim “*in addition to his position*”;
  - (ii) It would be directly and materially affected by the outcome of these proceedings, as the request is aimed at setting aside the Appealed Decision and nullifying the Second Dissolution Order, thereby reinstating the Administrative Board as managing the Club’s affairs, and this effect cannot be obtained without involving the current management of the Club and ordering it to hand everything over (and back) to the Administrative Board;
  - (iii) Any award granting the relief sought would necessarily affect the Club’s legal position and impose obligations upon it, which is impermissible in the absence of its participation in the proceedings.
178. In light of the above, the Panel is barred from granting the requested relief in the absence of the Club, as doing so would affect the rights and obligations of an entity that has not been heard and is not a formal party to the proceedings.
179. The Panel therefore concludes that, in the absence of the Club, the Respondent alone lacks standing to be sued in relation to the relief sought, since the dispute cannot be adjudicated without the participation of all entities whose legal sphere would be directly affected by the award.
180. Accordingly, the appeal must be dismissed.
181. The above conclusions render it unnecessary for the Panel to address any other requests made by the Parties. Consequently, all other or further claims or requests submitted by the Parties are hereby dismissed.
182. As a final remark, while the Panel is mindful of the limits of its mandate and notes that it was not in a position to examine the substantive merits of the dispute, it cannot fail to

observe the procedural uncertainty that has characterised the present case. In particular, it is noteworthy that almost two years after the elections in question – and after several challenges concerning their validity had already been dismissed – a different outcome was reached by the ISSAC, notwithstanding the absence of any defined limitation period or clear procedural consolidation of the parties concerned. Such an approach inevitably undermines legal certainty and has generated significant confusion as to the status of the Club's governing bodies, a result that sits uneasily with the fundamental principles of stability and predictability that should govern the organisation of sport.

## **XI. COSTS**

(...)

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## **ON THESE GROUNDS**

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

1. The appeal filed on 1 November 2024 by Mr Falah Hassan Jassim against the National Olympic Committee of Iraq with respect to the decision issued by the Iraqi Sports Settlement and Arbitration Centre on 14 October 2024 is dismissed.
2. The decision rendered by the Iraqi Sports Settlement and Arbitration Centre on 14 October 2024 stands.
3. (...).
4. (...).
5. All other and further motions or prayers for relief are dismissed.

Seat of arbitration: Lausanne, Switzerland

Date: 3 March 2026

## **THE COURT OF ARBITRATION FOR SPORT**

Mario Vigna  
President of the Panel

Jeffrey G. Benz  
Arbitrator

Bernhard Welten  
Arbitrator