



Arbitration CAS 2015/A/4311 Musa Hassan Bility v. Fédération Internationale de Football Association (FIFA), award of 15 February 2016

Panel: Mr Hendrik Kesler (The Netherlands), President; Mr Muchadeyi Masunda (Zimbabwe); Mr Bernhard Heusler (Switzerland)

Football

Admission of a candidacy for the election for the office of FIFA Presidency

Competence of a federation's ad hoc electoral body to delegate investigative duties to a third party

Determination of the applicable standard to pass the integrity check for the office of FIFA presidency

Entitlement of the FIFA ad hoc electoral body not to admit a candidate not passing the integrity check

- 1. On the basis of the applicable regulatory framework, the investigatory body of the FIFA Ethics Committee is in charge of conducting an integrity check of the candidates for the election for the office of FIFA Presidency. On the basis of this integrity check, it is subsequently for the FIFA *Ad hoc* Electoral Committee to decide whether a candidate for the office of FIFA President would be admitted. Furthermore, on the basis of the FIFA Code of Ethics, said investigatory body is competent to delegate investigatory duties to third parties in complex cases i.e. where the information on the basis of which the FIFA *Ad-hoc* Electoral Committee could decide whether a candidate should pass the integrity check is not easily accessible and where the integrity check has to be conducted within a short time frame.**
- 2. No specific standard for an integrity check is provided in the various regulations of FIFA. A person may well fail to pass the integrity check even though not formally having been found guilty of violating the FIFA Code of Ethics. An integrity check is rather an abstract test as to whether a person, based on the information available, is perceived to be a person of integrity for the function at stake. The function to be exercised is relevant in setting the standard for passing an integrity check. A higher level of integrity should be expected from a candidate for the office of FIFA President in comparison with a candidate for a lower FIFA function in the management or administration of FIFA. As such, the level of integrity expected from a candidate for the office of FIFA President is particularly elevated. Therefore, the standard of an impeccable integrity record is the appropriate standard in this respect.**
- 3. Considering the very high standards of integrity that are demanded from the office of FIFA Presidency, the fact that (i) a candidate for the election for the office of FIFA Presidency was involved in a multitude of proceedings, (ii) one of the candidate's company was found liable for evading taxes, (3) the candidate made an incorrect statement regarding a final and binding conviction which should have been indicated on the "Declaration of Integrity for persons Subject to the Integrity Check" submitted**

to FIFA, are factors that can reasonably lead FIFA not to admit such candidate for the office of FIFA President.

I. PARTIES

1. Mr Musa Hassan Bility (hereinafter: the “Appellant” or the “Candidate”) is the President of the Liberia Football Association (hereinafter: the “LFA”) and Vice-President of the West African Football Union. The Appellant is of Liberian descent.
2. The Fédération Internationale de Football Association (hereinafter: the “Respondent” or “FIFA”) is an association under Swiss law and has its registered office in Zurich, Switzerland. FIFA is the governing body of international football at worldwide level. It exercises regulatory, supervisory and disciplinary functions over continental federations, national associations, clubs, officials and football players worldwide.

II. FACTUAL BACKGROUND

A. Background Facts

3. Below is a summary of the main relevant facts, as established on the basis of the parties’ written submissions and the evidence examined in the course of the present appeal arbitration proceedings and during the hearing. This background is set out for the sole purpose of providing a synopsis of the matter in dispute.
4. On 23 October 2015, the LFA informed Mr Markus Kattner, the Acting General Secretary of FIFA, about the candidacy of the Appellant to run for FIFA presidency, including a copy of his passport, a CV and five letters from national football associations supporting the candidacy of the Appellant.
5. On 3 November 2015, Dr Cornel Borbély, the Chairman of the Investigatory Chamber of the FIFA Ethics Committee, informed the Appellant as follows:

“[...] We kindly inform you that all of the candidates for the office of FIFA President must undergo an integrity check to be conducted by the Investigatory Chamber of the FIFA Ethics Committee in accordance with art. 13 par. 2 of the Standing Orders of the Congress and art. 15 par. 1 of the Electoral Regulations for the FIFA Presidency.

In addition, and for the sake of fairness, an independent international investigative services company specialising in integrity checks, has prepared reports on each candidate for the office of FIFA President.

In view of the above, you will find attached a declaration of integrity, which we ask you to complete as well as an integrity report, for your review and comments. In addition, we request that you provide us with the details of any

current criminal proceedings against you or any past criminal proceedings against you that have resulted in a dismissal or a conviction.

The completed declaration of integrity, the comments on the integrity report and the information about any criminal proceedings against you should be returned to FIFA by email no later than 5 November 2015 at 12pm Zurich time. [...]

6. Enclosed to FIFA's letter dated 3 November 2015, was a memorandum prepared by the Mintz Group (hereinafter: the "Mintz Report"), which *"focused on identifying risk-relevant information relating to Bility, including any legal, regulatory, financial, and ethical or other potential issues"* and *"was limited to public records information"*.
7. On 5 November 2015, the Appellant responded to the Mintz Report stating, *inter alia*, that he had not been convicted by a final decision of any intentional indictable offence or of any offence corresponding to a violation of the rules of conduct set out in part II section 5 of the FIFA Code of Ethics. The Appellant declared that the allegations made in the Mintz Report were unfounded, false and misleading.
8. On 12 November 2015, the FIFA Ad-hoc Electoral Committee issued its decision (hereinafter: the "Appealed Decision"), signed by Mr Domenico Scala, the Chairman of the FIFA Ad-hoc Electoral Committee, determining the following:

"The FIFA Ad-hoc Electoral Committee received your candidature for the office of FIFA President, which was submitted in due time and form. Thereupon, and as provided by article 8 par. 1 (e) of the Electoral Regulations for the FIFA Presidency (hereinafter: Electoral Regulations), the Committee instructed the Investigatory Chamber of the FIFA Ethics Committee to carry out an integrity check.

In this context, you provided the Investigatory Chamber with a completed self-declaration of integrity. Such self-declaration was forwarded to the FIFA Ad-hoc Electoral Committee by the Investigatory Chamber of the FIFA Ethics Committee. In addition, the Investigatory Chamber of the FIFA Ethics Committee also forwarded to the Ad-hoc Electoral Committee information concerning any ongoing or past criminal proceedings (and reason for dismissal, if applicable) and a detailed report prepared by an independent international investigative services company, which focused on identifying risk-relevant information relating to the subjects, including any legal, regulatory, financial, and ethical or other potential issues. You were also provided with this report and submitted your statement to the report on 5 November 2015.

The FIFA Ad-hoc Electoral Committee has the duty of deciding on the admission of your candidature (cf. art. 8 par. 1 (d) of the Electoral Regulations). In this respect, the FIFA Ad-hoc Electoral Committee took note of the above-mentioned documentation provided by the Investigatory Chamber.

In particular, the Committee took note of your statement that you had not previously been convicted by a final decision of any intentional indictable offence or of any offence corresponding to a violation of the rules of conduct set out in part II section 5 of the FIFA Code of Ethics and that you were never convicted by any sports governing body. You added that a suspension pronounced by the Confédération Africaine de Football (CAF) was inconsistent with the FIFA Code of Ethics and predicated upon an act of the Liberia Football Association.

However, according to the above-mentioned report, you were involved in several legal proceedings before state authorities as well as before a sports governing body. In particular, the Committee took note of a conviction of your company for tax evasion. You yourself were also banned for six months by CAF for an infringement of

confidentiality obligations. In addition, the Committee took note of a criminal indictment which was dismissed on the grounds that the Government had failed to proceed with the prosecution for two consecutive terms of court as well as of various civil proceedings, of which at least two ended, according to the aforementioned report, in default judgments.

Based on these findings and in particular the multitude of proceedings that were led against you (and of which some resulted in convictions or other decisions by state authorities and sports governing bodies), the Committee came to the conclusion and decided that you cannot be admitted as a candidate for the election for the office of FIFA President in 2016”.

III. PROCEEDINGS BEFORE THE COURT OF ARBITRATION FOR SPORT

9. On 30 November 2015, the Appellant lodged a Statement of Appeal with the Court of Arbitration for Sport (hereinafter: the “CAS”) in accordance with Article R48 of the CAS Code of Sports-related Arbitration (hereinafter: the “CAS Code”). In this submission, the Appellant nominated Mr Muchadeyi Ashton Masunda, Attorney-at-Law in Harare, Zimbabwe, as arbitrator. He applied for a stay of execution of the Appealed Decision and requested the arbitration proceedings to be conducted in an expedited manner.
10. On 2 December 2015, FIFA informed the CAS Court Office that it did not object to the Appellant’s request that the arbitration procedure would be expedited in accordance with Article R52 of the CAS Code.
11. Also on 2 December 2015, the CAS Court Office, noting that FIFA did not object to conduct the arbitration proceedings in an expedited fashion, suggested, on behalf of the President of the CAS Appeals Arbitration Division, the following expedited calendar, granting both parties a deadline to agree or to suggest another calendar:
 - Respondent to nominate an arbitrator by 7 December 2015.
 - Appeal brief to be filed by 9 December 2015.
 - Answer to be filed by 18 December 2015.
 - Hearing, if any, to be held between 28 and 30 December 2015.
 - Operative part of the award to be rendered by 31 December 2015.

In addition, the Appellant was invited to confirm that in view of the agreement of FIFA to an expedited procedure, there is no need to decide on his request for a stay of the decision against which he had lodged an appeal.

12. On 7 December 2015, in accordance with the procedural calendar, FIFA nominated Mr Bernhard Heusler, Attorney-at-Law in Basel, Switzerland, as arbitrator.
13. Also on 7 December 2015, in accordance with the procedural calendar, the Appellant filed his Appeal Brief in accordance with Article R51 of the CAS Code. This document contained a statement of the facts and legal arguments and the Appellant requested the hearing to be held

in public in accordance with Article R57.2 of the CAS Code. The Appellant challenged the Appealed Decision, submitting the following requests for relief:

- a. An interim order staying the execution of the Respondent's decision dated 12th November 2015 which would allow the Appellant herein to continue campaigning and contesting for the position of FIFA President 2016 elections that are scheduled for February 2016, pending the hearing and determination of this appeal;*
- b. A final declaration that the Appellant's integrity is not challenged and that he can vie for the position of FIFA President 2016 which he had applied for.*
- c. An appropriate compensation for the harm caused to the Appellant by the Respondent's actions in as far as his reputation is concerned.*
- d. The legal costs incurred by the Appellant in this appeal".*

14. On 10 December 2015, FIFA informed the CAS Court Office to object to a potential hearing to be held in public.
15. Also on 10 December 2015, the CAS Court Office informed the parties that in the light of FIFA's objection to a hearing being held in public, no public hearing would take place pursuant to Article R57 of the CAS Code.
16. On 15 December 2015, in accordance with Article R54 of the CAS Code, and on behalf of the President of the CAS Appeal Arbitration Division, the CAS Court Office informed the parties that the Panel appointed to decide the present matter was constituted as follows:
 - Mr Hendrik Willem Kesler, Attorney-at-Law in Enschede, the Netherlands, as President;
 - Mr Muchadeyi Ashton Masunda, Attorney-at-Law in Harare, Zimbabwe; and
 - Mr Bernhard Heusler, Attorney-at-Law in Basel, Switzerland, as arbitrators.
17. On 18 December 2015, in accordance with the procedural calendar and Article R55 of the CAS Code, FIFA filed its Answer in respect of the Appellant's appeal. FIFA requested CAS to decide as follows:
 - 1. Dismissing all of the Appellant's requests in their entirety.*
 - 2. Confirming the Decision under appeal.*
 - 3. Condemning the Appellant to pay all the costs of the present arbitration.*
 - 4. Condemning the Appellant to pay FIFA a compensation for the costs incurred by FIFA before the Court of Arbitration for Sport, to be determined by the Court of Arbitration for Sport".*
18. On 21 December 2015, the Appellant and FIFA informed the CAS Court Office of the persons attending the hearing.

19. On 23 December 2015, a hearing was held in Lausanne, Switzerland. At the outset of the hearing, both parties confirmed that they had no objection to the constitution and composition of the Panel.
20. In addition to the Panel, Mr Antonio De Quesada, Counsel to the CAS, and Mr Dennis Koolaard, *Ad hoc* Clerk, the following persons attended the hearing:

For the Appellant:

- Mr Musa Hassan Bility, the Appellant;
- Mr Edwin Melvin Snowe, the Appellant's Campaign Director;
- Ms Nicole K. Nyamai, Counsel;
- Mr Sètondji R. Adjovi, Counsel

For FIFA:

- Mr Antonio Rigozzi, Counsel
- Ms Romana Weber, FIFA Corporate Legal Department

21. The Panel heard evidence from Mr Musa Hassan Bility.
22. Mr Bility was invited by the President of the Panel to tell the truth subject to the sanctions of perjury. All parties and the Panel had the opportunity to examine and cross-examine Mr Bility. The parties then had ample opportunity to present their case, submit their arguments and answer the questions posed by the Panel.
23. Before the hearing was concluded, all parties expressly stated that they did not have any objection with the procedure adopted by the Panel and that their right to be heard had been respected.
24. The Panel confirms that it carefully took into account in its decision all of the submissions, evidence and arguments presented by the parties, even if they have not been specifically summarised or referred to in the present arbitral award.
25. On 31 December 2015, the operative part of the award was communicated to the parties by facsimile in accordance with the expedited procedural calendar.
26. On 5 January 2016, the Appellant acknowledged receipt of the operative part of the arbitral award and brought new information to the attention of the Panel. The Appellant submitted documents with which it was provided in preparation for the FIFA Congress scheduled for 26 February 2016, whereby it is suggested to delete article 13 of the FIFA Standing Orders of the Congress on integrity checks. The Appellant maintains that this reinforces his argument that "*there was a targeting in how the rule was implemented*".

IV. SUBMISSIONS OF THE PARTIES

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

- The Appellant maintains that the FIFA Ad-hoc Electoral Committee solely relied on baseless and unsubstantiated contents and information contained in the Mintz Report.
- The Appellant argues that integrity checks are to be conducted by the Investigatory Chamber of the FIFA Ethics Committee, but that the check was conducted by a company known as the Mintz Group and that none of the FIFA organs made any assessment of the report before drawing any conclusion. Nowhere in the FIFA Statutes, the FIFA Standing Orders of the Congress, the FIFA Organisation Regulations, the FIFA Code of Ethics or any other FIFA instrument is it provided that the Investigatory Chamber of the FIFA Ethics Committee may delegate its duties to third parties. The Appellant submits that any decision taken on the basis of the Mintz Report must be overturned by the CAS.
- As to the scope of the Mintz Report, the Appellant maintains that, as specifically stated in the Mintz Report, that the research is limited only to the information which it could find in the public domain and that it was not able to establish the authenticity of the sources of the information gathered nor to assess the reliability of that information. The Appellant submits that the FIFA Ad-hoc Electoral Committee was wrong in solely relying on the Mintz Report without giving scrutiny to establish its authenticity, reliability and truthfulness. The standard to be applied should have been one of comfortable satisfaction instead of taking the information in the Mintz Report as established and drawing conclusions from it which affect the interests of the Appellant.
- As to the merits of the Mintz Report, the Appellant submits that he did not violate any of the FIFA rules provided under Part II Section 5 of the FIFA Code of Ethics. The Appellant admitted that he had been involved in various legal disputes, but argues that he has never been convicted or found guilty by any court. The burden of proof is therefore on FIFA to comfortably satisfy the CAS that the allegations contained in the Mintz Report are true. To find disciplinary responsibility, FIFA must show that the Appellant, by his actions or omissions, violated a rule under the FIFA regulations. The Appellant also addresses the individual proceedings in which he was involved and concludes that he has never been convicted or found guilty and that FIFA can therefore not dismiss him from the race for the position of FIFA President.

28. FIFA's submissions, in essence, may be summarised as follows:

- FIFA maintains that, pursuant to article 66(3) of the FIFA Code of Ethics, the chief of investigation may, in complex cases, request the Chairman of the Investigatory Chamber of FIFA to engage third parties – under the leadership of the chief of the investigation – with investigative duties. The Mintz Group was, based on its experience and know-how, in a very good position to prepare a well-founded report. In addition, the Appellant was already informed that a report would be prepared by an “*independent international investigative services company specializing in integrity checks*”, but the Appellant did not object to this in his

declaration of integrity, nor in his comments submitted to the Investigatory Chamber of the FIFA Ethics Committee.

- As to the Appellant's argument that FIFA failed to establish that the information in the Mintz Report is not reliable and authentic, FIFA submits that it lies within the nature of investigations by private entities which do not benefit from coercive investigative powers that investigations mainly have to be based on information to be found in the public domain. The Mintz Report however mentions where the information was found and provided sources as attachments to the report, allowing the FIFA Ad-hoc Electoral Committee to decide within its margin of discretion whether the respective contents can be considered as reliable or not, just like it did with the Appellant's response to the Mintz Report.
- FIFA maintains that it is not the task of the FIFA Ad-hoc Electoral Committee to decide whether the Appellant has committed a violation of the FIFA Code of Ethics. Rather, its role is to determine whether the candidates have an impeccable integrity record to be admitted as a candidate for the election for the office of FIFA President. The analysis is neither disciplinary nor criminal. The FIFA Ad-hoc Electoral Committee is not obliged to a strict proof of the allegations contained in the report, but only has to decide whether based on the information available, a potential candidate is deemed to be a person of integrity. To this end, the FIFA Ad-hoc Electoral Committee obviously evaluates the reliability of the information but is not required to make a ruling on whether or not an offence was actually committed, let alone to impose the relevant sanction. Based on a careful assessment of the findings included in the report dated 30 October 2015, the FIFA Ad-hoc Electoral Committee had serious doubts as to whether all applicable laws and regulations had always been respected by the Appellant as well as to whether the Appellant had always acted in an ethical manner and with integrity. The FIFA Ad-hoc Electoral Committee correctly found that the Appellant did not fulfil the standards that are expected from a candidate for the office of FIFA President.
- FIFA also delved into the merits of certain allegations mentioned in the Mintz Report. In particular, FIFA finds that the Appealed Decision should be confirmed by the CAS on the simple ground that it is undisputed that the Appellant was sanctioned with a 6-month ban by the CAF for a violation of confidentiality, which the Appellant never denied.

V. JURISDICTION

29. The jurisdiction of the CAS, which is not disputed, derives from article 8(2) of the FIFA Electoral Regulations for the FIFA Presidency (edition 2014) as it determines that "[t]he decisions of the Ad-hoc Electoral Committee may be appealed against directly with the Court of Arbitration for Sport" and Article R47 of the CAS Code.
30. It follows that the CAS has jurisdiction to adjudicate on and decide the present dispute.

VI. ADMISSIBILITY

31. The appeal was filed within the 21 days set by article 67(1) of the FIFA Statutes. The appeal complied with all other requirements of Article R48 of the CAS Code, including the payment of the CAS Court Office fee.
32. It follows that the appeal is admissible.

VII. APPLICABLE LAW

33. Article R58 of the CAS Code provides the following:

“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 application of which the Panel deems appropriate. In the latter case, the Panel shall give reasons for its decision”.

34. The Appellant maintains that the FIFA Statutes and regulations, and additionally Swiss law, are applicable to this appeal.
35. FIFA maintains that the FIFA Statutes and regulations and, subsidiarily, Swiss law apply to the present arbitration. FIFA particularly emphasises that, in addition to the FIFA Statutes and the FIFA Standing Orders of the Congress, the FIFA Code of Ethics (edition 2012), the FIFA Electoral Regulations for FIFA Presidency (edition 2014) and the FIFA Organisational Regulations (edition 2013) are applicable.
36. The Panel is therefore happy to accept the primary application of the various regulations of FIFA and, subsidiarily, Swiss law, should the need arise to fill a possible gap in the various regulations of FIFA.

VIII. PRELIMINARY ISSUE

37. In respect of the Appellant’s letter dated 5 January 2016, the Panel is of the view that such letter cannot be taken into account by the Panel in the adjudication of the matter at hand.
38. Since the Panel issued the operative part of its arbitral award in the matter at hand on 31 December 2015, the Panel exhausted its mandate to make a final determination on the matters submitted to it. After such date, all that was left for the Panel was to hand down the reasons for its decision of 31 December 2015 and the Appellant’s letter dated 5 January 2016 was not considered in such decision.
39. Consequently, the Appellant’s letter dated 5 January 2016 is not admitted to the case file and is not considered by the Panel.

IX. MERITS

A. The Main Issues

40. As a result of the above, the main issues to be resolved by the Panel are:

- a. Was the FIFA *Ad hoc* Electoral Committee competent to delegate investigative duties in respect of the Appellant's integrity check to a third party?
- b. What standard is to be applied in conducting an integrity check for the office of FIFA President?
- c. Could the FIFA *Ad hoc* Electoral Committee reasonably come to the conclusion that the Appellant could not be admitted as a candidate in the elections for the office of FIFA president in 2016?

a) *Was the FIFA Ad hoc Electoral Committee competent to delegate investigative duties in respect of the Appellant's integrity check to a third party?*

41. The Appellant maintains that, pursuant to article 13(1) and (2) of the FIFA Standing Orders of the Congress, the Investigatory Chamber of the FIFA Ethics Committee was supposed to conduct an integrity check on the Appellant. However, the Appellant argues that the integrity check was not conducted by this body, but by the Mintz Group and that no FIFA body made an assessment of the Mintz Report before drawing any conclusion. The Appellant argues that none of the FIFA regulations or the FIFA Statutes allows the Investigatory Chamber of the FIFA Ethics Committee to delegate its duties to third parties, neither directly nor impliedly.

42. FIFA relies on article 13(1) and (2) of the FIFA Standing Orders of the Congress in maintaining that candidates for the office of FIFA President shall be subjected to an integrity check, to be conducted by the Investigatory Chamber of the FIFA Ethics Committee. According to article 15(1) of the FIFA Electoral Regulations for the FIFA Presidency, the *Ad-hoc* Electoral Committee shall forward the proposed candidatures to the Investigatory Chamber of the FIFA Ethics Committee to carry out the integrity check. Pursuant to article 8(1)(e) of the FIFA Electoral Regulations for the FIFA Presidency, integrity checks have to be carried out within 10 days and shall be sent by the Investigatory Chamber of the FIFA Ethics Committee to the FIFA *Ad-hoc* Electoral Committee. Finally, according to article 66(3) of the FIFA Code of Ethics, the chief of the investigation may, in complex cases, request the Chairman of the Investigatory Chamber to engage third parties – under the leadership of the chief of the investigation – with investigative duties.

43. Furthermore, FIFA argues that the Appellant was informed that the reports on each candidate for the office of FIFA President were prepared by an independent international investigative services company specialising in integrity checks, but the Appellant did not object thereto.

44. The Panel observes that the following provisions of the various regulations of FIFA are relevant in this respect:

Article 13(1) and (2) of the FIFA Standing Orders of the Congress:

- “1. The candidates for the offices of the President, the vice-presidents, the female member and the other members of the Executive Committee, the chairman, deputy chairman and members of the Audit and Compliance Committee and the chairman, deputy chairman and members of the judicial bodies shall be subjected to an integrity check prior to their election.
2. The integrity check for the candidates for the offices of the President, the female member of the Executive Committee, the chairman, deputy chairman and members of the Audit and Compliance Committee and the chairman, deputy chairman and members of the judicial bodies shall be conducted by the investigatory chamber of the Ethics Committee”.

Article 1(1) of Annexe 1 of the FIFA Organisation Regulations:

- “1. The declaration of integrity serves as the basis of the integrity check, which is performed by the investigatory chamber of the Ethics Committee or the Audit and Compliance Committee, in relation to specific offices as specified in the statutes and regulations of FIFA”.

Article 8(1)(d) and (e) and article 15(1) and (2) of the FIFA Electoral Regulations for the FIFA Presidency:

“In addition to its role of supervising the electoral process, the Ad-hoc Electoral Committee’s duties shall also include, in particular:

[...]

- d) Admitting and declaring candidatures. In this regard, the Ad-hoc Electoral Committee shall assess whether a candidate for the office of FIFA President meets the profile specifications provided for by art. 13 of the present regulations and art. 24 par. 1 of the FIFA Statutes.*
- e) Instructing the investigatory chamber of the Ethics Committee to carry out the integrity check, which is to be done within ten days.*

The integrity check carried out by the investigatory chamber of the Ethics Committee shall be sent to the Ad-hoc Electoral Committee”.

Article 15(1) and (2) of the FIFA Electoral Regulations for the FIFA Presidency:

- “1. Upon receipt of the proposed candidature, the Ad-hoc Electoral Committee shall forward the proposed candidatures to the investigatory chamber of the Ethics Committee to carry out the integrity check within the deadline specified in art. 8 par. 1(e) of the present regulations.
2. The Ad-hoc Electoral Committee shall announce the candidature upon receipt of the integrity check carried out by the investigatory chamber of the Ethics Committee”.

Article 65 of the FIFA Code of Ethics:

“The chairman of the investigatory chamber shall lead the investigation proceedings himself as the chief of the investigation, or shall assign this role to the deputy chairman or a member of the investigatory chamber. This person shall be designated the chief of the investigation”.

Article 66(3) of the FIFA Code of Ethics

“3. In complex cases, the chief of the investigation may request the chairman of the investigatory chamber to engage third parties – under the leadership of the chief of the investigation – with investigative duties. The inquiries to be made by such third parties must be clearly defined. If the chairman is acting as the chief of the investigation, he shall decide by himself”.

45. On the basis of the regulatory framework set out above, the Panel is satisfied that the Investigatory Chamber of the FIFA Ethics Committee was in charge of conducting the Appellant’s integrity check. On the basis of this integrity check, it was subsequently for the FIFA *Ad hoc* Electoral Committee to decide whether the Appellant’s candidacy for the office of FIFA President would be admitted.
46. The Panel finds that, on the basis of article 66(3) of the FIFA Code of Ethics, the Investigatory Chamber of the FIFA Ethics Committee was competent to delegate investigatory duties to third parties in complex cases.
47. The Panel finds that the matter at hand was indeed a complex case, particularly in the light of the fact that the information on the basis of which the FIFA *Ad-hoc* Electoral Committee could decide whether the Appellant should pass the integrity check was not easily accessible, because the integrity check had to be finalised within 10 days and because there were several other candidates vying for the office of FIFA President which also had to be conducted within this rather short time frame.
48. The Panel observes that the following statement is made on the cover page of the Mintz Report:
“This memorandum summarises the results of our Phase One background investigation of FIFA presidential candidate Musa Hassan Bility (also known as Musa Hassan A. Bility, M. Hassan A. Bility and Hassan Bility) pursuant to your request and at your direction to assist you in your due-diligence process”.
49. The Mintz Report also mentions, *inter alia*, the following on page 24 and 25 of the report:
“This investigation is based on the framework agreement agreed in October 2015. This Phase One investigation covered the following public records and media research to determine the public profile and identify any risk relevant and reputational issues concerning the candidate, as well as researching the candidate’s “stewardship” of his companies and organisations.

LITIGATION

[...]

REGULATIONS

[...]

STEWARDSHIP

[...]

INTERNATIONAL WATCHLISTS

[...]

NEWS COVERAGE

[...]”.

50. On the basis of these statements, the Panel is satisfied that the Mintz Group acted under the leadership and in accordance with the instructions from FIFA and was therefore duly authorised to assist the Investigatory Chamber of the FIFA Ethics Committee to conduct the integrity check in respect of the Appellant.
51. The Panel finds that the Appellant’s argument that no FIFA body made an assessment of the Mintz Report is incorrect. The Panel deems it important that the Mintz Report only enumerated events related to the Appellant in the areas that were covered by the integrity check, but did not make a recommendation or decision as to whether the Appellant should fail or pass the integrity check. As such, the only logical conclusion is that the FIFA *Ad hoc* Electoral Committee examined the Mintz Report, as well as the Appellant’s comments in respect of such report, and made its own independent assessment of the available information and decided that the Appellant did not pass the integrity check and could not therefore be admitted as a candidate for the office of FIFA President. The Investigatory Chamber of the FIFA Ethics Committee did thus not delegate its decision-making authority to the Mintz Group, but only investigative duties, which is in line with article 66(3) of the FIFA Code of Ethics.
52. Consequently, the Panel finds that the FIFA *Ad hoc* Electoral Committee was competent to delegate investigative duties in respect of the Appellant’s integrity check to a third party.
 - b) *What standard is to be applied in conducting an integrity check for the office of FIFA President?*
53. The Panel notes that both parties agree that no specific standard for an integrity check is provided in the various regulations of FIFA. The parties have different views as to the requisite standard to be applied by the FIFA *Ad-hoc* Electoral Committee to determine whether a person can be admitted as a candidate for the elections of the office of FIFA President.
54. The Appellant submits that specific FIFA rules and regulations need to be violated in order for a candidate for the office of FIFA President to fail the integrity check, that “*his conduct and character is wanting*” or that he would need to have violated the FIFA Code of Ethics. At the hearing, the Appellant suggested that the standard would have to be “*the status or nature of not being corrupt*”.

55. FIFA on the other hand disagrees with the standard suggested by the Appellant. FIFA refers to part II Section 5 of the FIFA Code of Ethics, based on which persons who are bound by the FIFA Code of Ethics are obliged to respect all applicable laws and regulations, shall show commitment to an ethical attitude and shall behave in a dignified manner and act in complete credibility and integrity. Furthermore, FIFA maintains that it is not the task of the FIFA *Ad-hoc* Electoral Committee to decide whether the Appellant has committed a violation of the FIFA Code of Ethics. Rather, its role is “*to determine whether the candidates have an impeccable integrity record to be admitted as a candidate for the election for the office of FIFA President*”. The FIFA *Ad-hoc* Electoral Committee is not obliged to a strict proof of the allegations contained in the report, but “*only has to decide whether based on the information available, a potential candidate is deemed to be a person of integrity*”. To this end, the FIFA *Ad-hoc* Electoral Committee obviously evaluates the reliability of the information but is not required to make a ruling on whether or not an offence was actually committed, let alone to impose the relevant sanction. FIFA added that, in any event, the purpose of conducting the integrity check was not designed to prevent the Appellant from running for FIFA President.
56. The Panel observes that article 13(2) and (3) of the FIFA Code of Ethics determine the following:
- “2. *Persons bound by this Code are obliged to respect all applicable laws and regulations as well as FIFA’s regulatory framework to the extent applicable to them.*
 3. *Persons bound by this Code shall show commitment to an ethical attitude. They shall behave in a dignified manner and act with complete credibility and integrity*”.
57. The Panel finds that the Appellant’s understanding of the integrity check conducted on him is incorrect. A direct violation of the FIFA Code of Ethics would be subjected to an individual investigation under the FIFA Code of Ethics or the FIFA Disciplinary Code and could be a direct reason as to why a person would not pass the integrity check, but this is no prerequisite. A person may well fail to pass the integrity check even though not formally having been found guilty of violating the FIFA Code of Ethics. In the view of the Panel, an integrity check is rather an abstract test as to whether a person, based on the information available, is perceived to be a person of integrity for the function at stake.
58. Therefore, the Panel agrees with FIFA that the function to be exercised is relevant in setting the standard for passing an integrity check. A higher level of integrity should be expected from a candidate for the office of FIFA President in comparison with a candidate for a lower FIFA function in the management or administration of FIFA. As such, the level of integrity expected from a candidate for the office of FIFA President is particularly elevated.
59. In this respect, the Panel adheres to the reasoning of another CAS panel, where it was stated that “*officials as highly ranked as the Appellant [who was a member of the FIFA Executive Committee at the time] must under any circumstance appear as completely honest and beyond any suspicion. In the absence of such clean and transparent appearance by top football officials, there would be serious doubts in the mind of the football stakeholders and of the public at large as to the rectitude and integrity of football*

organizations as a whole. This public distrust would rapidly extend to the general perception of the authenticity of the sporting results and would destroy the essence of the sport” (CAS 2011/A/2426, §129).

60. As argued by FIFA, the Panel agrees that the standard of integrity required from the FIFA President is even higher than the standard of integrity required from members of the FIFA Executive Board.
61. In setting such a standard, the Panel takes note of the following comment in the Mintz Report regarding so-called PEPs (politically exposed persons):

“While there is no one definition for a PEP, the Financial Action Task Force (“FATF”) has issued guidelines to help define it: Politically Exposed Persons “are or have been entrusted with prominent public functions in a foreign country, for example Heads of State or of government, senior politicians, senior government, judicial or military officials, senior executives of state owned corporations or important political party officials. Business relationships with family members or close associates of PEPs involve reputational risks similar to those with PEPs themselves. The definition is not intended to cover middle ranking or more junior individuals in the foregoing categories”. Because PEPs may represent a higher risk of corruption by virtue of the positions they hold, the FATF guidelines suggest that financial institutions apply enhanced due diligence in connection with any transactions involving PEPs”.
62. Although the function of a FIFA President is formally a private function and not a public one, the Panel finds that a FIFA President is certainly to be regarded as a PEP as he exercises a highly political function and because his decisions and behaviour are subjected to meticulous worldwide scrutiny from the press, public institutions and football fans alike. In this respect, the Panel finds that it cannot be left unmentioned that FIFA has recently been exposed to multiple allegations of unethical behaviour on the part of certain senior officials and members of staff. Against this background, the Panel deems it understandable and imperative that a high level of integrity is expected from the next FIFA President and finds the standard of an impeccable integrity record, as mentioned by FIFA, to be an appropriate standard in this respect.
63. In the view of the Panel, this does not mean that any allegation would be sufficient for the FIFA *Ad-hoc* Electoral Committee not to admit someone as a candidate for the office of FIFA President because this would be tantamount to an arbitrary integrity check whereby the FIFA *Ad-hoc* Electoral Committee would in practice be free to admit or deny candidates as it wishes. Therefore, the allegations at the basis of the refusal must be of a certain severity and should not be based on mere speculation.
64. Finally, the Panel deems it important to add that it shall give a certain deference to the FIFA *Ad-hoc* Electoral Committee in deciding whether a person is a suitable candidate for the office of FIFA President and that such decision shall only be overturned if the Panel is of the view that the FIFA *Ad-hoc* Electoral Committee could not reasonably have come to the conclusion reached.
65. Consequently, the Panel finds that, for a candidate to pass the integrity check for the office of FIFA President, the standard to be applied should be one of an impeccable integrity record.

c) *Could the FIFA Ad hoc Electoral Committee reasonably come to the conclusion that the Appellant could not be admitted as a candidate in the elections for the office of FIFA president in 2016?*

66. The Appellant refers to the following quote from the Mintz Report:

“Our reviews included searches of multiple online directories and business databases; comprehensive searches of English-language media databases for risk-relevant information; searches of Liberian litigation and regulatory databases; and checks of global-risk compliance databases for government prohibited, sanctioned or barred individuals and entities. Our research in this phase was limited to public records information; we have not made enquiries with sources or conducted in-person interviews or records checks”.

67. On this basis, the Appellant maintains that the FIFA *Ad-hoc* Electoral Committee was wrong in solely relying on the information provided in the Mintz Report and deciding without scrutinising the information in respect of its authenticity, reliability and truthfulness.

68. FIFA argues that it lies within the nature of investigations by private entities which do not benefit from coercive investigative powers that investigations mainly have to be based on information to be found in the public domain and submits that the Mintz Report contained several references to public sources and attached 45 exhibits to its report.

69. The Panel finds that, as FIFA indeed lacks the benefit of using coercive investigative powers to conduct investigations in the context of an integrity check in respect of the Appellant, FIFA rightly only relied on publicly available information. In the light of this, the Panel finds that the approach taken by FIFA, *i.e.* hiring a third party company with acknowledged experience in the field of integrity checks and using such report as the basis for deciding whether the Appellant passed the integrity check is by no means inappropriate.

70. The Panel observes that, in the Appealed Decision, the FIFA *Ad-hoc* Electoral Committee in particular considered the following in substantiating its decision:

“[A]ccording to the [Mintz Report], you were involved in several legal proceedings before state authorities as well as before a sports governing body. In particular, the Committee took note of a conviction of your company for tax evasion. You yourself were also banned for six months by CAF for an infringement of confidentiality obligations. In addition, the Committee took note of a criminal indictment which was dismissed on the grounds that the Government had failed to proceed with the prosecution for two consecutive terms of court as well as of various civil proceedings, of which at least two ended, according to the aforementioned report, in default judgments”.

71. In view of the fact that specific reference was made to certain proceedings by the FIFA *Ad-hoc* Electoral Committee in order to justify the outcome of the Appealed Decision, the Panel will particularly focus its analysis on the proceedings referred to in the Appealed Decision.

72. The Appellant submits the following in respect of these proceedings:

As to the court clearance of 9 October 2015, the Appellant maintains that “[t]he true position of the matter is that on the 9th October 2015, the honourable Justice Peter W. Gbeneweleh made a ruling following

a Motion by the Appellant herein to dismiss the matter for lack of prosecution. The court ruled that the motion to dismiss the indictment was granted and that the indictment was thereby dismissed without prejudice to the State”.

[...]

With regard to the allegation that in July 2012, the Government of Liberia sued [the Appellant] for tax evasion in Tax Court at the Temple of Justice in Monrovia, the Appellant admits to the same and submits that the matter was settled in court and that his company was found liable. It is important however that the principle of corporate veil be respected and upheld. The corporate veil is a legal principle that distinguishes a company as a distinct albeit artificial person separate from its owners, investors or members. The strict principle of independent corporate existence is applied and the courts will regard the company as separate from its members and the veil will not be pierced. By alleging that the Appellant was charged in court for tax evasion for his company is wrong and misleading information. [FIFA] should therefore not be seen to be promoting the lifting and/ or piercing of the corporate veil with the intention of finding responsibility and liability on the part of the Appellant who is distinct from the legal entity of his company. [FIFA] is put to strict proof for a contrary position.

[...] *[W]ith regard to the claim of being banned for six (6) months by the Confederation of African Football (CAF), the Appellant admits to being banned for six months and that it was in retaliation for his opposition to advocate for changes in CAF through a letter dated 2nd May 2013. The Appellant submits that the ban was shortly thereafter lifted by CAF before the six months lapsed through a letter dated 23rd September 2013. In this regard, the Appellant insists that the report did not do full justice to him. Indeed, he appealed against the ban but was invited by the President of the CAF to withdraw his appeal with the promise of a lifting of the ban, in order to avoid a legal battle; which he did in a spirit of fraternity within the African football family. It is not fair to use that challenged ban against him now and an honest report ought to present the totality of the circumstances”.*

73. FIFA submits the following in respect of these proceedings:

“With specific regard to the above mentioned court’s clearance dated 9 October 2015 regarding the criminal indictment, such indictment was not dismissed on the merits, but merely on a technicality due to a procedural negligence by the prosecution, which failed to proceed with the trial within the relevant time limit. It is important to note that the court’s clearance explicitly notes that the indictment was dismissed without prejudice to the Liberian State and that “the dismissal of an indictment is not a bar to subsequent prosecution by the State”. Therefore, FIFA considers that the FIFA Ad-hoc Electoral Committee was perfectly right in being unconvinced that the allegations raised were unfounded.

[...]

Furthermore it is undisputed that the Appellant’s company Srimex Enterprise was found guilty in July 2012 regarding tax evasion to the prejudice of the Liberian State. While, technically, the case was brought against Srimex Enterprise, the Appellant in his capacity as the owner of this company, failed to his responsibility to for ensure [sic] that applicable laws were complied with. The fact that he himself or his companies were, on various occasions, sued for tax evasion, clearly demonstrates that the Appellant did not take the necessary measures to ensure that taxes were paid as it was required by law, in particular taking into account that the Appellant had already been confronted with similar allegations in the past could not have been ignored that he was under an obligation to oversee the correct paying of taxes must be overseen within his companies [sic].

In this regard, and while the tax clearance certificate states that the Appellant's company Srimex had obtained a 90-day tax clearance certificate on 7 November 2015 and 8 May 2015, respectively, it does not address allegations regarding tax evasion previous to November 2014, which were addressed in the [Mintz Report].

FIFA also contends that "it is undisputed that the Appellant was sanctioned with a 6 month-ban by the CAF. The Appellant's claims as to why he withdrew his appeal against said ban are not substantiated and in any event irrelevant. For a third party observer the withdrawal of an appeal inherently contains an acceptance of the original decision and the Appellant must live with the consequences of such acceptance. FIFA further agrees with the FIFA Ad-hoc Electoral Committee that the ban was pronounced based on a violation of confidentiality (which the Appellant never denied, which constitutes a violation of Article 16 of the FIFA Code of Ethics). It is of the utmost importance that the FIFA President can be trusted to keep all information made available to him because of his position confidential at all times. Accordingly, a finding of a breach of confidentiality constitutes a sufficiently serious matter to constitute a self-standing ground to refuse to admit the Appellant's application to stand as a candidate for the FIFA presidency.

[...]

In his Declaration of Integrity the Appellant claimed that he had "never been convicted by any sports governing body for action which amount to violations of the rules of conduct set out part II section 5 of the FIFA Code of Ethics". Despite the Appellant's attempted explanations, such statement is inaccurate on its face in particular in light of the reasoning of the decision of the CAF Disciplinary Board of 2 May 2013, which found him to have contravened "universal ethics of sports governance".

74. FIFA further submits that it must be noted and reiterated that the decision that the Appellant could not be admitted as a candidate for the office of FIFA President was not based on one single allegation, claim or decision, but on the multitude of proceedings in which the Appellant was involved. Even assuming that some of these proceedings may have been unfounded, it is highly unlikely that none of them had any merit. Based on the information available and the statements of the Appellant, it is clear that at least some of the proceedings and decisions taken in such context against the Appellant were justified. In any event the fact that the Appellant settled various proceedings in court, confirm that the Appellant himself accepted responsibility for his actions.
75. Before starting its analysis as to whether the above circumstances are sufficient for the FIFA Ad-hoc Electoral Committee to decide not to admit the Appellant as a candidate for the office of FIFA President, the Panel wishes to reiterate a statement made in the Mintz Report in respect of PEPs:
"Business relationships with family members or close associates of PEPs involve reputational risks similar to those with PEPs themselves".
76. The Panel adheres to this statement and finds that it not only applies to family members or close associates of the Appellant but, indeed, also to companies of the Appellant. The Panel considers it undeniable that if one of the Appellant's companies is found liable for evading taxes, this necessarily leads to reputational damage of the owner of such company as well. The Appellant might not have been directly responsible for evading taxes based on the principle of the corporate veil invoked by the Appellant. However, it does entail that such finding has

consequences for the public perception in respect of the Appellant's integrity and is therefore relevant for the outcome of the integrity check conducted by FIFA.

77. Therefore, the Panel considers it important that Srimex Enterprise, a company of the Appellant, was found guilty of evading taxes, a fact that remained undisputed by the Appellant and was even expressly confirmed.
78. Furthermore, the Panel considers it important that the CAF Disciplinary Committee imposed a suspension of 6 months on the Appellant from taking part in any football related activity. The CAF Disciplinary Committee reasoned as follows:
- “1. *The President Mr. Musa Hassan A Bility, on behalf of the Liberian Football Association, was in possession of and utilized the CAF Executive Committee Meeting Minutes of September 01st 2012 for his own needs without having obtained permission to have and utilize such Minutes, from the CAF Secretariat.*
 2. *That possession and use of such Minutes is a clear contravention of the universal ethics of corporate governance, as well as a contravention of the fundamental principles of the Olympic movement contained in its objects, and is further a contravention of the ethics provisions contained in the FIFA Code of Ethics.*
 3. *That the failure of the President on behalf of the Liberian Football Association to disclose the manner and/or persons by which such information (the Minutes of the Executive Meeting of September 01st 2012) were obtained, enhances the view of the Disciplinary Committee that such documentation and information was not obtained through the CAF Secretariat, and was utilized in a manner which could be construed as being unethical and contrary to corporate governance procedures”.*
79. The Panel observes that the Appellant allegedly lodged an appeal against such decision, but that it was clarified during the hearing before the CAS that the appeal was abandoned (as opposed to formally withdrawn) because the President of CAF would have offered the Appellant to lift the last part of his suspension if he would not pursue his appeal.
80. Although this explanation is not entirely without merit, as the CAF President, by letter dated 23 September 2013, indeed decided to lift the last part of the Appellant's suspension, the Panel finds it important that the decision of the CAF Disciplinary Committee became final and binding and obtained the *res judicata* effect due to the fact that the Appellant abandoned his appeal. The Appellant also did not provide any proof of an agreement between himself and the President of the CAF. The Panel is therefore prevented from reviewing the merits of the case and, as a consequence, the fact remains that the Appellant was found guilty of possessing and using confidential documents, which was considered to be a breach of his confidentiality obligations.
81. In this respect, the Panel also considers it important that the Appellant concluded in his Appeal Brief before the CAS that he *“has never at any given time been convicted or found guilty by any final court order and/or decision or football association as alleged in the integrity report of 30th October 2015”*.
82. In the light of the findings above, the Panel considers such statement to be incorrect. The Appellant may well be of the view that the decision of the CAF Disciplinary Committee was

incorrect, but this does not take away the fact that there is a final and binding conviction and that the Appellant should have indicated this on the “*Declaration of Integrity for Persons Subject to the Integrity Check*” that he submitted to FIFA. In any event, should the Appellant have desired to contest the outcome of the disciplinary proceedings before the CAF Disciplinary Committee, he should have challenged the decision and pursued such challenge. One cannot blow hot and cold at the same time.

83. The very first question of the declaration the Appellant was requested to fill out reads as follows:

“1. I have not previously been convicted by a final decision of any intentional indictable offence or of any offence corresponding to a violation of the rules of conduct set out in part II section 5 of the FIFA Code of Ethics. If you have been previously convicted of any such offense, please specify:”

84. The Appellant proceeded to answer this question as follows:

“I have not been convicted of any such offense”.

85. The Panel observes that article 16 of the FIFA Code of Ethics forms part of part II section 5 of the FIFA Code of Ethics is titled “*Confidentiality*” and reads as follows:

- “1. Depending on their function, information of a confidential nature divulged to persons bound by this Code while performing their duties shall be treated as confidential or secret by them as an expression of loyalty, if the information is given with the understanding or communication of confidentiality and is consistent with the FIFA principles.*
- 2. The obligation to respect confidentiality survives the termination of any relationship which makes a person subject to this Code”.*

86. The Panel finds that the decision of the CAF Disciplinary Committee is certainly a decision in respect of a breach of confidentiality obligations and, thus, should have been disclosed by the Appellant on his declaration.

87. Finally, the Appellant also made a comparison between himself and certain current members of the FIFA Executive Committee and argued that it was unfair that the latter did not have to pass an integrity check, but that he did. The Appellant also argues that it is unfair that other persons currently running for FIFA President passed the integrity check although allegations jeopardising their integrity have been made as well. The Panel understands that the Appellant considers this to be a violation of the principle of equality.

88. The Panel finds that the first issue is a consequence of the fact that the integrity check for the office of FIFA Presidency was only introduced in the 2012 version of the FIFA Standing Orders of the Congress and that new members of the FIFA Executive Committee were only subjected to an integrity check since the implementation of the 2013 version of the FIFA Standing Orders of Congress. As such, any comparison between the past and the present would be flawed as the conditions applicable were different. In addition, the Panel finds that it is limited to make an assessment of the integrity check conducted on the Appellant and that it is not incumbent on

the Panel to speculate as to whether some of the currently serving FIFA officials would pass the same integrity check as the one conducted on the Appellant.

89. The Panel also finds that it cannot make any comparison between the situation of the Appellant and the other candidates for the office of FIFA President that passed the integrity check since no detailed information was provided to the Panel about the allegations in respect of the other candidates in such a way that it would cast doubt about whether the integrity check was conducted arbitrarily to the disadvantage of the Appellant. Also, the Panel does not have any reply of the other candidates at its disposal and is therefore not in position to verify if such allegations are not based on mere speculation.
90. Consequently, the Panel, on the basis of all the information at its disposal, finds that the FIFA *Ad-hoc* Electoral Committee could reasonably come to the conclusion not to admit the Appellant as a candidate in the election for the office of FIFA President in 2016. The Panel however deems it important to emphasise that the outcome of the present arbitral proceedings shall not be interpreted as a ruling that the Panel perceives the Appellant as being corrupt, dishonest or not a person of integrity, but rather that the Appellant is one of the first persons subjected to the winds of change blowing through the FIFA administration and failed to meet the very high standards of integrity that are currently demanded from the office of FIFA Presidency in order to clean the image of the worldwide governing body of football.

B. Conclusion

91. Based on the foregoing, and after taking due consideration of all the evidence produced and all arguments made, the Panel finds that:
 - i. The FIFA *Ad hoc* Electoral Committee was competent to delegate investigative duties in respect of the Appellant's integrity check to a third party.
 - ii. For a candidate to pass the integrity check for the office of FIFA President, the standard to be applied should be one of an impeccable integrity record.
 - iii. The FIFA *Ad-hoc* Electoral Committee could reasonably come to the conclusion not to admit the Appellant as a candidate in the election for the office of FIFA President in 2016.
92. Any further claims or requests for relief are dismissed.

ON THESE GROUNDS

The Court of Arbitration for Sport rules that:

1. The appeal filed on 30 November 2015 by Mr Musa Hassan Bility against the decision rendered by the FIFA *Ad hoc* Electoral Committee on 12 November 2015 is dismissed.
2. The decision rendered by the FIFA *Ad hoc* Electoral Committee on 12 November 2015 is confirmed.
3. (...).
4. (...).
5. All other motions or prayers for relief are dismissed.