



**Arbitration CAS 2013/A/3052 Miguel Sanchíz Jr. *et al.* v. Camilo Amado *et al.* & Comité Olímpico de Panamá (COP), award of 14 February 2014**

Panel: Mr José María Alonso Puig (Spain), President; Mr Dirk-Reiner Martens (Germany); Prof. Massimo Coccia (Italy)

*Handball*

*Election of the board of a National Olympic Committee*

*Direct applicability of the Olympic Charter over all NOCs*

*Exhaustion of the legal remedies available prior to the appeal*

*Timeliness of the filing of the statement of appeal according to Article R49 CAS Code*

1. The Olympic Charter is directly applicable and binding to all NOCs. The Olympic Charter applies with reference to a NOC's statutes when there is an inconsistency between the statutes and the Olympic Charter, where the statutes are contrary to the same.
2. The requirement for the exhaustion of legal remedies provided for in Article R47 of the CAS Code requires that an appellant first pursue any legal remedies that are "*available to him prior to the appeal*". However, such internal remedies, in order to act as condition precedent to the appeal, must give the appellant the possibility of effectively challenging the decision under appeal, giving access to a legal procedure where the appellant can defend his case. In line with well-established case law, the internal remedy must be readily and effectively available to the aggrieved party and it must grant access to a definite procedure.
3. The time-limits for the filing of the appeal can only start running once the appellant has, or is in a position to have, enough knowledge on the decision to exercise his right of appeal.

**1. THE PARTIES**

1. The Appellants are Mr. Miguel Sanchíz Jr., Mr. Fernando Samaniego, Mr. Franz Wever and the Panamanian Handball Federation.
2. Mr. Sanchíz, Mr. Samaniego and Mr. Wever are members of the Comité Olímpico de Panamá ("COP").
3. The Panamanian Handball Federation is the national federation governing handball in Panama.

4. Mr. Sanchíz, Mr. Samaniego, Mr. Wever and the Panamanian Handball Federation are collectively referred to as the “Appellants”.
5. The Respondents are Mr. Camilo Amado, Mr. Augusto Batista, Mr. Ricardo Sasso, Mr. Ildefonso Lee, Mr. Alan Baitel, Ms. Ludgardis Arrue, Mr. Pedro Chaluje, Mr. Marcos Ostrander, Mr. Luis Pereira and the COP.
6. Mr. Amado, Mr. Batista, Mr. Sasso, Mr. Lee, Mr. Baitel, Ms. Arrue, Mr. Chaluje, Mr. Ostrander and Mr. Pereira have been elected as members of the board of directors of the Comité Olímpico de Panama as elected under the decision contested in this arbitration.
7. The COP is the National Olympic Committee (“NOC”) of Panama.
8. Mr. Amado, Mr. Batista, Mr. Sasso, Mr. Lee, Mr. Baitel, Ms. Arrue, Mr. Chaluje, Mr. Ostrander, Mr. Pereira and the COP are collectively referred to as the “Respondents”.
9. The Appellants and the Respondents are referred to collectively as the “Parties”.

## **2. FACTUAL BACKGROUND**

10. The COP has been immersed in years of conflict regarding its governance. In order to normalize the situation, the International Olympic Committee (“IOC”) appointed a mission, comprised of Mr. Melitón Sánchez, IOC member for Panama and Dr. Andreu Camps, an external expert (the “Mission”).
11. On 13 March 2012, the President of the IOC sent a letter to Mr. Sanchíz, then President of the COP, noting that, considering the COP’s response on 19 July 2011 to issues raised by the IOC on 11 July 2011, no sanctions were to be imposed on the COP. However, the IOC stated that certain issues regarding the composition of the COP and, in particular, the non-participation of certain sports associations governing sports included in the Olympic programme, had to be addressed.
12. The Mission issued a first report on the governance of the COP after studying the COP in Panama from 18 April 2012 to 24 April 2012.
13. On 25 June 2012, members of the IOC and the COP held a meeting in relation to new steps to be taken in the election of the new board in December 2012.
14. On 24 August 2012, a General Assembly of the COP was held. In this General Assembly, electoral regulations for the election of the board members were approved (the “August Electoral Regulations”). The Mission issued a report on this General Assembly, questioning the way in which it was conducted.
15. On 22 October 2012, on the basis of the report issued by the Mission on the General Assembly of 24 August 2012, the IOC sent to the COP a road map to ensure “*compliance with the Olympic Charter*” (the “Road Map”). Amongst other issues, the Road Map established that:

*“It is requested that the composition of both the COP General Assembly in November 2012 and the Elective General Assembly in December 2012 includes solely the three following categories of obligatory members:*

- a. The IOC member in Panama, with one vote;*
- b. The national federations duly affiliated to the International Federations (IFs) governing sports on the Olympic Programme, with one vote each. The legitimate representatives of those federations will have to be the Presidents of those federations effectively recognised by the IFs concerned at the time when the COP General Assembly takes place (or, in exceptional circumstances where the President cannot attend, a delegate duly nominated (in writing) by the Executive Board of the said federation); and*
- c. The elected athletes’ representatives (fulfilling the conditions mentioned in Rule 28.1.3. of the Olympic Charter), with one vote each.*

*Note: After the COP elections in December, the COP will be free to once again include other “optional” members (as the possibility is given in Rule 28.2 of the Olympic Charter) provided however, that (i) the affiliation process is legally correct, clear and transparent and is formally accepted by the General Assembly (reduced to its minimum mandatory composition as mentioned above) and (ii) this does not challenge the voting majority for the national federations duly affiliated to the IFs governing sports on the Olympic programme in strict accordance with the Olympic charter”.*

16. On 25 October 2012, the board of the COP at the time, presided by Mr. Sanchíz, informed the IOC, amongst other comments, that certain issues in the suggested Road Map would be contrary to its approved statutes claiming that:  
  
*“[T]he Panama Olympic Committee considers that with respect to the road map presented to them requesting its implementation, we respectfully point out that some of its points are already considered in our approved Electoral rules and others are of irrefutable contradiction with the Statutes that governs us (...).”*
17. On 2 November 2012, the IOC sent a letter to Mr. Sanchíz, requiring that the COP comply with the Road Map. On 14 November 2012, various Panamanian federations governing sports on the Olympic programme (“Olympic Federations”) required the COP to comply with the Road Map and hold a General Assembly.
18. On 26 November 2012, the IOC sent to the COP a draft of the regulations that the IOC proposed should govern the elections to be held by the COP.
19. On 27 November 2012, the Vice-President and the Secretary of the COP (Mr. Samaniego and Mr. Wever, respectively) called an Elective General Assembly (“EGA”) for 30 November 2012, inviting the Olympic Federations, but excluding the COP Permanent Members and the non-Olympic sports associations, as established under the Road Map. The call to the EGA was not signed by the President of the COP, Mr. Sanchíz.
20. At the 30 November 2012 EGA, electoral regulations, as submitted by the IOC on 26 October 2012 in accordance with the Road Map, were approved (the “November Electoral Regulations”) and an EGA was set for 16 December 2012 at 16:00h. The 30 November EGA was constituted as an “Universal Meeting”. Against the 30 November EGA, various members

of the COP filed claims of invalidity before Panamanian national courts, the results of which are still outstanding.

21. On 10 December 2012, the IOC sent a letter to Mr. Sanchíz, Mr. Samaniego and Mr. Wever, in relation to certain information the IOC had received regarding intentions of Mr. Sanchíz and Mr. Wever to suspend the 16 December EGA and call another EGA. The IOC urged Mr. Sanchíz and Mr. Wever to expressly call the 16 December EGA before 11 December 2012, or the IOC would ask Mr. Melitón Sánchez (elected as president of the electoral committee at the 30 November EGA) to call the meeting.
22. On 11 December 2012, Mr. Meliton Sanchez invited the *“Presidents of the Federations and National Associations affiliated to the International Federations (IFs) that govern sports of the Olympic Program and the Olympic Athletes elected by the General Assembly of the COP”* to an EGA to be held on 16 December 2012 for the election of a new board of directors of the COP. On 16 December 2012, this EGA took place, at which the decision under appeal was adopted, electing a board of directors for the COP comprised of the following:
  - Camilo Amado, President
  - Augusto Batista, Vice-President
  - Ricardo Sasso, Secretary General
  - Ildefonso Lee, Sub-Secretary General
  - Allan Baitel, Treasurer
  - Lutgardis Arrue, Sub-Treasurer
  - Jorge Aued, Fiscal
  - Marcos Ostrander, First member
  - Luis Pereira, Second member
23. On 12 December 2012, Mr. Miguel Sanchíz Jr. called an Extraordinary General Assembly, inviting the *“Delegates of Federations and Olympic Sports Associations and Non Olympics Permanent members of the Panama Olympic Committee and Member of C.O.I.”* to an EGA to be held on 15 December 2012. At that EGA, a different board of directors was elected. This decision was forwarded to the IOC on 17 December 2012 by Mr. Wever. The board elected on the 15 December EGA was comprised of the following:
  - Miguel Sanchíz Jr., President
  - Fernando Samaniego, Vice-President
  - Franz Wever, Secretary General
  - Rolando Villaraz, Sub-Secretary General

- Ricardo Turner, Treasurer
  - Miguel Ramos, Sub-Treasurer
  - Ademir Montenegro, Fiscal
  - Rosa de Santamaría, First member
  - Carmina de Alemán, Second member
24. On 17 December 2012, the IOC published a press release recognizing the election results from the EGA held on 16 December 2012. On that same day the President of the IOC wrote to Mr. Amado regarding his election as President of the COP at the 16 December EGA.

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

25. On 7 January 2013, Mr. Antonio Rigozzi, as counsel on behalf of the Appellants, filed, pursuant to Article R48 of the Code of Sports-related Arbitration (the “Code”), a Statement of Appeal claiming for, *inter alia*, the declaration by the Panel that the election held on 16 December 2012 by the COP is null and void. The Appellants commented on the language of the arbitration, suggesting that it be English, whilst under the invoked arbitration agreement contained in the electoral regulations it was to be Spanish, and agreed to the constitution of a three-member Panel notwithstanding the fact that the arbitration agreement contained in the electoral regulations provided for the appointment of a sole arbitrator. The Appellants further requested a suspension of their time-limit to file their Appeal Brief pending a decision on the language.
26. On 10 January 2013, CAS acknowledged receipt of the Statement of Appeal, forwarding it to the Respondents. In the same letter, CAS requested the Respondents to comment on the language in which the arbitration should be conducted and whether the dispute should be submitted to a sole arbitrator or a three-member Panel. Also, CAS suspended the deadline to file the Appeal Brief as from 7 January 2013. Finally, the Parties were invited to comment on the possibility of submitting the dispute to CAS mediation as this possibility was envisioned by the arbitration agreement contained in the invoked electoral regulations.
27. On 21 January 2013, Mr. Henzer informed CAS of his appointment, together with Mr. Carrard, as representative of the Respondents. In response to the CAS communication of 10 January, the Respondents accepted that the arbitration be conducted in English. Further, the Respondents argued that the electoral regulations invoked by the Appellants were no longer in force, requesting that a three-member Panel be appointed, under the regulations the Respondents considered to be in force. The Respondents nominated Prof. Massimo Coccia as arbitrator. Further, the Respondents denied the possibility that the dispute be submitted to CAS mediation and advanced that they would challenge the admissibility of the appeal, thus reserving their right to request the Panel to render a preliminary award.
28. On 22 January 2013, the Appellants confirmed their agreement to the proceedings being conducted in English and also refused to submit the dispute to CAS mediation.

29. On 23 January 2013, the Appellants noted that their acceptance of a three-member Panel did not imply their acceptance of the new electoral regulations as alleged by the Respondents. The Appellants also argued on the lack of necessity of a preliminary award as requested by the Respondents.
30. On 25 January 2013, the Respondents replied to the Appellants' objections to a preliminary award.
31. On 29 January 2013, the Appellants informed CAS of their agreement with the Respondents to extend the time for the filing of the Appeal Brief until 11 February 2013.
32. On 31 January 2013, the Appellants nominated Dr. Dirk-Reiner Martens as arbitrator.
33. On 11 February 2013, Mr. Rigozzi, on behalf of the Appellants, filed the Appeal Brief.
34. On 18 February 2013, the Appellants requested CAS (i) that a short time limit be fixed for the Panel to decide on the request for provisional measures contained in the Appeal Brief; and (ii) to inform the Parties who had been appointed as President of the Panel.
35. On 20 February 2013, CAS invited the Respondents to express, within 10 days, their position in regard to the provisional measures requested by the Appellants, in accordance with Article R37 of the Code
36. On 26 February 2013, CAS informed the Parties that the Panel had been constituted as follows:
  - Mr. José María Alonso Puig, Attorney-at-law in Madrid/Spain (President of the Panel)
  - Dr. Dirk-Reiner Martens, Attorney-at-law in Munich/Germany (arbitrator appointed by the Appellants)
  - Prof. Massimo Coccia, Professor and Attorney-at-law in Rome/Italy (arbitrator appointed by the Respondents)
37. On 4 March 2013, the Respondents filed their position in regard to the provisional measures requested by the Appellants, raising, amongst other issues, objections to the Panel's jurisdiction.
38. On 11 March 2013, at the Respondents' request and in the light of the absence of an objection by the Appellants, CAS granted the Respondents an extension to file their Answer until 21 March 2013.
39. On 15 March 2013, CAS invited the Respondents to file, together with their Answer, a more detailed submission on their objection to jurisdiction. Upon the receipt of the Answer, the Appellants would, as also required by them, be given a deadline of 7 days to file their position regarding the Panel's jurisdiction.
40. On 18 March 2013, the Appellants requested that the Panel decide on the provisional measures before deciding on jurisdiction and that, in any case, an extension of the Appellants' deadline to submit their position on jurisdiction be granted.

41. On 21 March 2013, the Respondents filed their Answer and on 25 March 2013 the Appellants were invited to send their reply/comments to the Respondents' position on CAS jurisdiction.
42. On 9 April 2013, the Appellants requested that CAS order the Respondents to file a translation of certain documents filed with their Answer and that the deadline to present the Appellants' position on jurisdiction be suspended until said translations were provided.
43. On 10 April 2013, the Panel ordered the Respondents to file the required translations. On the same day, in response to the Panel's order, the Respondents requested that the Appellants also file a translation of all documentation provided.
44. Therefore, on 11 April 2013, the Panel requested the parties to reach an agreement on the issue and, if an agreement was not reached, to file a translation of all documentation provided on 19 April 2013.
45. On 18 April 2013, the Appellants informed CAS of an agreement reached by the Parties regarding translation of certain documents. On 19 April 2013, the Respondents confirmed this agreement.
46. On 19 April 2013, the Parties filed the agreed translations.
47. On 22 April 2013, CAS acknowledged receipt of the translations and granted the Appellants a 5-day deadline to file their position on jurisdiction.
48. On 29 April 2013, the Appellants informed CAS that the Parties had reached an agreement to extend the time limit for the filing of the Appellants' position on jurisdiction to 1 May 2013.
49. On 1 May 2013, the Appellants filed their position on jurisdiction and admissibility. Within their pleadings, the Appellants requested that an additional submission by the Parties be allowed by the Panel.
50. On 8 May 2013, CAS requested the parties to inform it on their preference for the holding of a hearing, should the Panel decide that it has jurisdiction, stating that the Panel would be available to hold the hearing on 24 May 2013. On 13 May 2013, the Respondents replied, noting that they would be unavailable on the required date and requesting information on the possible scope of said hearing. On that same day, the Appellants replied, also stating their unavailability for 24 May 2013, and requesting that before deciding such issues, the decision on provisional measures should be issued and the Appellants' request on a further round of submissions should be answered.
51. On 16 May 2013, the Panel issued the operative section of the order on provisional measures, deciding that it had *prima facie* jurisdiction, and providing that "[t]he Respondents are ordered to refrain from modifying the COP Statutes, pending the final resolution of the present arbitral proceedings by the CAS". The remaining provisional measures requested by the Appellants were rejected.
52. On 24 May 2013, the Respondents requested that the Parties be allowed to file final submissions and additional exhibits.

53. On 28 May 2013, CAS informed the Parties that Mr. Sebastián Mejía, attorney-at-law in Madrid, Spain, had been appointed as *ad-hoc* clerk in the matter.
54. On 11 June 2013, CAS delivered the grounds for the Panel's order on provisional measures.
55. On 17 June 2013, CAS informed the Parties that the Panel had decided to hold a hearing, requesting that the Parties inform of their availability on 8 and 9 July or, if they were unavailable, on 3 and 4 September 2013. On 19 June 2013, the Appellants informed the CAS that they would be unavailable during July, also noting their lack of availability for 3 and 4 September. The Appellants also reiterated their request for an additional round of submissions. On 20 June 2013, the Respondents informed the Panel that they would be unavailable to hold a hearing for the whole month of September, requesting that the CAS suggest other dates.
56. On 21 June 2013, CAS informed the Parties that they would be allowed to file a second round of submissions. Thus, the Appellants were invited to file a comprehensive written submission on their position regarding jurisdiction, admissibility and the merits of the dispute within 20 days. Upon receipt of the Appellants' submission, the Respondents were granted an equivalent deadline to file their submission.
57. On 11 July 2013, the Appellants, based on certain press articles that had come to their attention, requested that CAS adjust its order on provisional measures. Further, the Appellants noted that they would not be filing an additional submission as authorized by CAS on 21 June 2013. On 15 July 2013, CAS requested that the Respondents file their position on the Appellants' request by 18 July 2013, ordering the Appellants to provide translation of the press articles filed by the same date. Further, considering that the Appellants decided not to file any additional written submission, CAS invited the Respondents to file their additional written submission within 20 days.
58. On 17 July 2013, the Respondents requested that the time-limit to file their position on the Appellants' request for adjustment of the order on provisional measures start after the Appellants filed the translation of the press articles.
59. On 18 July 2013, CAS ordered that such time limit would start upon translation into English by the Appellants of the submitted press articles.
60. On 19 July 2013, the Appellants submitted the required translation.
61. On 22 July 2013, the Respondents filed their position regarding the adjustment of the order on provisional measures.
62. On 25 July 2013, CAS called the Parties to appear at the hearing, which was to be held on 31 October 2013. On 29 July 2013, both Parties confirmed their availability.
63. On 5 August 2013, the Respondents informed CAS that, upon agreement with the Appellants, the time limit to file their additional submission was extended to 8 August 2013.
64. On 8 August 2013, the Respondents filed their additional written submission.



65. On 19 September 2013, the Panel issued its second decision on provisional measures, rejecting the Appellants' request.
66. On 27 September 2013, Mr. Rigozzi and Ms. Brianna Quinn informed CAS that they would no longer be representing the Appellants, providing CAS with the Appellants' contact details.
67. On 30 September 2013, the Appellants filed a request for legal aid to ICAS.
68. On 3 October 2013, the Respondents noted that they would object to any request by the Appellants for the postponement of the hearing.
69. On 7 October 2013, the Respondents filed certain comments regarding the possible request for legal aid by the Appellants and their financial situation.
70. On 21 October 2013, CAS informed the Parties that the dates for the hearing remained unaltered, sending a copy of the Order of Procedure for the Parties to sign.
71. On 23 October 2013, the Appellants informed the CAS that they would not be signing the Order of Procedure, noting that on the same day they were sending their application for legal aid.
72. On 25 October 2013, the Respondents' sent to CAS a duly signed copy of the Order of Procedure.
73. On 28 October 2013, considering that the decision on legal aid was pending, CAS informed the Parties that the hearing, scheduled for 31 October 2013, was adjourned.
74. On 13 November 2013, the Respondents requested that alternative dates for the hearing be proposed and that the same be rescheduled as soon as possible.
75. On 25 November 2013, CAS proposed new possible hearing dates in January and February 2014.
76. On 29 November 2013, the Appellants were notified that their request for legal aid had been rejected by the ICAS President.
77. On that same day, the Appellants informed CAS that they would not agree to any of the proposed hearing dates as they were without legal assistance, claiming that the legal aid decision had not been yet notified.
78. On 16 December 2013, CAS informed the Parties that the Appellants' argument raised in their letter of 29 November did not justify any further adjournment of the hearing, as they had received the decision on legal aid on that same day. CAS thus proposed that the hearing be held on 8 or 10 January 2014, requesting that the Parties provide reasons for their unavailability should they have any objection.
79. On 16 December 2013, the Appellants requested that the hearing be suspended while they searched for funds that allowed them to continue with the proceedings. The Respondents indicated that they would be available on both dates suggested by the Panel.

80. On 20 December 2013, CAS informed the Parties that the hearing would be held on 10 January 2014. The Appellants were granted the possibility of attending the hearing by videoconference.
81. On 27 December 2013, the Appellants informed CAS that they would not be attending the hearing, even by videoconference.
82. On 6 January 2014, CAS sent the Parties an amended copy of the Order of Procedure for their signature. The Appellants refused to sign the Order of Procedure. On 8 January 2014, the Respondents filed a duly signed copy of the Order of Procedure.
83. The hearing took place on 10 January 2014. The Appellants did not attend the hearing. The Appellants however filed a final written submission on that date, titled:
- “PLEA CONCLUSIVE*  
*ELEMENTS THAT UNDERPIN THE APPEAL LODGED ON 7 JANUARY AND 11*  
*FEBRUARY 2013 BEFORE THE COURT OF SPORTS INITIATIVE (TAS/CAS) in*  
*Lausanne, Switzerland”*.
84. The Appellants’ submission was admitted to the file, as the Respondents did not object to its admissibility.

#### **4. OUTLINE OF THE PARTIES’ POSITIONS**

##### **A. The Appellants**

1. *Applicable Law*
85. The Appellants consider that the applicable law, pursuant to Article R58 of the Code, is Panamanian Law, as the COP is an association domiciled in Panama. The applicable regulations are also the statutes of the COP.
86. Pursuant to Panamanian Law 16/1995, the COP is an autonomous civil association which is regulated by its statutes. According to the Appellants, the applicable statutes are the statutes approved by the General Assembly of the COP on 7 February 2001 and approved by the IOC on 24 February 2002 (the “2002 Statutes”) and, as such, were accepted by the IOC Mission.
87. The Appellants also consider that the Olympic Charter can only prevail over the applicable statutes in the event of inconsistency. Since no inconsistency exists between the 2002 Statutes, approved by the IOC and considered valid by the IOC Mission, the 2002 Statutes and Panamanian Law are directly applicable to these proceedings.
88. In any case, the Appellants consider that the provision for the existence of Permanent Members in the COP is not contrary to the Olympic Charter, as article 28.2 of the same provides that NOCs may also include as members, besides those obligatory members provided for in article 28.1, “*nationals of the country liable to reinforce the effectiveness of the NOC or who have rendered distinguished services to the cause of sport and Olympism*” (i.e. the Permanent Members

of the COP). The Appellants argue that the IOC Mission did not raise any issue against the existence of permanent members, as can be seen from its reports. The presence of Permanent Members in the COP respects the Olympic Charter, as the voting majority still remains on the Olympic Federations affiliated to the COP.

89. The 2002 Statutes had a mistranslation issue, where under the English version Permanent Members had one vote, whilst in the Spanish version they had two votes. In any case, the IOC advised the COP to explain this issue to the General Assembly and ratify a new version containing the two votes for Permanent Members at least until the election process was finished. This was done in the 24 August 2012 General Assembly.
90. The Appellants also contest the Respondents' arguments that the applicable statutes are the statutes approved on 13 August 1970 (the "1970 Statutes"). The Appellants state that the IOC Mission reviewed the statutes that were being used (the 2002 Statutes) and considered them to be those that governed the COP, valid under the Olympic Charter and the Panamanian Sports Law. On the other hand, the Appellants argue that the IOC considered that the 1970 Statutes were not applicable, that they did not comply with the Olympic Charter or Panamanian Sports Law nor and they were not the statutes governing the COP. Furthermore, the Appellants consider that pursuant to Law 16/1995, the COP statutes do not need to be approved by the Ministry of Government and Justice as the Respondents' expert, Mr. Arturo Hoyos, argues.
91. Considering that the valid statutes are the 2002 Statutes, the Appellants claim that the November Electoral Regulations are null and void, as the 30 November EGA was invalidly held. At the end of the same, the Appellants claim that Mr. Franz Wever expressly noted that it had not been conducted in compliance with the provisions of the COP statutes (the 2002 Statutes) as neither Permanent Members nor Federations and Associations of non-Olympic sports had been allowed to participate. Thus, the only valid electoral regulations are the August Electoral Regulations.

## 2. *Jurisdiction and admissibility*

92. Regarding jurisdiction, the Appellants invoke article 22 of the August Electoral Regulations, under which:
  - "1- Pursuant to the provided in the Olympic Movement regulations, which are applied according to the provided in the Sports Act of Panama, the resolutions of the General Assembly may be resorted to jointly or individually, sole and exclusively before the General Assembly, in accordance to the exposed in Article 11 of this Ruling. Its resolutions shall be resorted to before the Sports Arbitration Court of Lausanne, within the term of 21 days following the last resolution of the General Assembly.
  - 2- The TAS must solve the resources submitted through the Sole Arbitrator system.
  - 3- For the resolution of the resources, shall apply: the current Electoral Ruling, the valid By-Laws of the COP, the Olympic Letter, and its Rules of Development and the valid regulation.
  - 4- The arbitration hearing, if necessary, shall be held in Panama and the arbitration will take place in Spanish.

- 5- *All the Members of the COP accept voluntarily and freely and once the internal resources have been reviewed, subject to TAS and expressly excludes any resource before any other jurisdiction and for it they must sign the express document subject to the TAS, for the resolution of the electoral process, as condition necessary to participate in the electoral process (Article 11 of the Bylaws of the Olympic Committee of Panama)*
  - 6- *Before beginning the arbitration process for the resolution of possible disputes posed, the TAS shall put at the parties in dispute service, the option of solving through the Mediation service provided in the TAS designating a Mediator for it.*
  - 7- *The claims and resources can only be filed by the interested parties, being considered as such, only those who result directly affected in their genuine rights or individual or collective interest, the resolution agreement or who could obtain a benefit from its review, and who are members of the General Assembly and who have participated in the same”.*
93. The Appellants deny the Respondents’ objections related to the (i) exhaustion of legal remedies and (ii) late filing of the appeal.
    - (i) Exhaustion of legal remedies
  94. Under Article R47 of the Code, appellants before the CAS must have “*exhausted the legal remedies available to [them] prior to the appeal, in accordance with the statutes or regulations of the said sports-related body*”. The Appellants, however, consider that the Respondents’ objections “[do] not adequately consider the practicalities of exhausting the so-called “internal-remedy” referred to in the Electoral Regulations”.
  95. Thus, the Appellants consider that the exhaustion of the internal legal remedies would have proven futile and impossible; pursuant to CAS jurisprudence, an internal remedy need only be exhausted when it is readily and effectively available and the reconsideration of a decision does not necessarily amount to an appealable decision.
  96. The Appellants cite CAS jurisprudence under which “*the internal remedy must be readily and effectively available to the aggrieved party and it must grant access to a definite procedure*” and that “*the internal legal order will provide effective remedies for the violations of its internal rules, and requires that final adjudication is timely*”.
  97. As a consequence, the Appellants argue that not having been invited to the 16 December EGA; not having been formally notified of the decision under appeal and considering that the Respondents do not consider the Appellants to be legitimate members of the COP, the exhaustion of the legal remedies before the plenary General Assembly as required by article 11 of the August Electoral Regulations was impossible.
  98. Therefore, the Appellants conclude that the CAS has jurisdiction, and argue that this would be applicable irrespective of whether the August Electoral Regulations or the November Electoral Regulations apply.

(ii) Late filing of the appeal

99. The Appellants first consider that this issue pertains to the merits of the dispute; hence, at this stage, they must merely establish that on a *prima facie* basis, the appeal has a reasonable chance to be declared timely.
100. If the Panel decides that the applicable electoral regulations are the August Electoral Regulations, the Appellants claim that there is no dispute and the appeal was filed within the 21-day time limit.
101. On the other hand, if the November Electoral Regulations apply, the Appellants consider that, in any case, the time limit provided only starts to run once the decision has been communicated to the Appellants, who have never received such communication. Further, the Appellants argue that the time limit was never triggered since the results of the 16 December EGA are null and void.
102. Although the Appellants raise no argument regarding the Respondents' allegations on their prayers for relief, they maintain such prayers for relief, which means that they do not accept the Respondents' objections.

3. *Merits of the dispute*

103. The Appellants argue that any General Assembly of the COP had to be called and held according to the 2002 Statutes, the only valid statutes at the time. Thus, the Appellants note that the 16 December EGA, where the decision under appeal was issued, was flawed because of diverse irregularities:
  - a) The EGA was incorrectly called by Mr. Melitón Sánchez as purported President of the Electoral Board, elected during the 30 November EGA. This means that it was incorrectly called as only the President of the COP is allowed to do so. The 2002 Statutes do not provide for an alternative way of calling an EGA. Even if considering that the November Electoral Regulations had been validly adopted, the 16 December EGA was invalidly called;
  - b) Furthermore, certain COP members with voting rights pursuant to the 2002 Statutes were not called to participate in the EGA. In this regard, the Panamanian Handball Federation was not even called. Also, members under articles 5.1.3 and 5.1.5 of the 2002 Statutes, i.e. the COP's Permanent Members and the sports associations for non-Olympic sports, were not allowed to participate or vote in the assembly.
104. The Appellants thus argue that the 16 December EGA was invalid and was not called or held in a democratic manner. The Appellants argue that pursuant to Panamanian Law, a General Assembly that was incorrectly called and conducted according to invalidly enacted regulations, depriving vote to certain of its members, is null and void.
105. Pursuant to CAS jurisprudence, the Appellants argue that associations are strictly governed according to their statutes, which they have approved to govern their internal affairs. Governance justifications cannot be used to breach the applicable regulations.

4. *Prayers for relief*

106. The Appellants thus request the following:

*“On the basis of the considerations set out in the Appellants’ Statement of Appeal and Appeal Brief, the Appellants respectfully request that the CAS issues an arbitral award:*

- (i) declaring that the 16 December EGA and all decisions taken therein are null and void;*
- (ii) declaring that any official act accomplished by the purported “nueva Junta Directiva” purportedly elected on 16 December 2012 are null and void;*
- (iii) declaring that the 30 November EGA and all decisions taken therein are null and void;*
- (iv) making any other declarations or orders that the Panel deems appropriate;*
- (v) condemning the Respondents to pay all the arbitration costs; and*
- (vi) ordering the Respondents to pay a substantial contribution towards the Appellants’ arbitration related costs”.*

**B. The Respondents**

1. *Applicable Law*

107. The Respondents, as the Appellants, aver that the applicable law is Panamanian Law, since the COP is an association domiciled in Panama. The Respondents are also in agreement with the Appellants that the Olympic Charter only prevails over the statutes in the event of inconsistency.
108. However, regarding the applicable statutes, the Respondents argue that the 2002 Statutes are invalid, and that the only valid statutes are the 1970 Statutes as modified in 2006.
109. The Respondents argue that recognition by the IOC as a constituent of the Olympic Movement is insufficient to validly constitute a NOC as the NOC must also comply with the rules of the country in which it is incorporated. In this regard, the Respondents claim that under Panamanian Law, the statutes of any association, including the COP, must be approved by the Ministry of Government and Justice in order to enter into force.
110. Therefore, not having been approved by the Ministry of Government and Justice, the 2002 Statutes (approved by the COP in 2012) are invalid. Furthermore, the version of the 2002 Statutes that the IOC had approved is not the same as the one ratified in August 2012: the ratified version provided for two votes for Permanent Members, whilst the version approved by the IOC provided for only one vote. Besides, the ratification in August 2012 is invalid as the EGA at which it was decided is null, having been called by illegitimate members of the COP (the election of the board of directors that called the meeting was annulled by Panamanian Courts). Furthermore, on that EGA certain COP members were deprived of their right to attend the meeting. In any case, the Respondents argue that the 2002 Statutes were contrary to the Olympic Charter, as the presence of the Permanent Members meant that

the national federations for Olympic sports did not have the voting majority required by the Olympic Charter.

111. On the other hand, the Respondents claim that the 1970 Statutes have been validly approved by the Ministry of Government and Justice. They thus consider them to be the only valid statutes, with the amendments to the same adopted in 2006. This was confirmed by the Ministry of Interior by statement dated 1 March 2013.
112. As a consequence of the above, the Respondents also claim that the 30 November EGA was validly called and held and, thus, the November Electoral Regulations, approved at such EGA and under which the 16 December EGA was held, were the only valid electoral regulations. At the end of the 30 November EGA, the Respondents note that all participants (including the Appellants) signed a document confirming the validity of the EGA.

## 2. *Jurisdiction and admissibility*

113. The Respondents raise two objections to the CAS jurisdiction and the admissibility of the Appeal: (i) that legal remedies have not been exhausted and (ii) that the appeal is late pursuant to the applicable arbitration clause. Furthermore, the Respondents argue that (iii) the prayers for relief in the Appellants' Appeal Brief, related to the 30 November EGA, are inadmissible as they are late, not having been included in the Appellants' Statement of Appeal.

### (i) Exhaustion of legal remedies

114. Under article 22.1 of the August Electoral Regulations invoked by the Appellants, before submitting a decision of the General Assembly to the CAS, an appellant must first challenge such decision before the General Assembly itself within a 21-day time limit:

*"1- Pursuant to the provided in the Olympic Movement regulations, which are applied according to the provided in the Sports Act of Panama, the resolutions of the General Assembly may be resorted to jointly or individually, sole and exclusively before the General Assembly, in accordance to the exposed in Article 11 of this Ruling. Its resolutions shall be resorted to before the Sports Arbitration Court of Lausanne, within the term of 21 days following the last resolution of the General Assembly".*

115. According to the Respondents, because the Appellants did not challenge the election of 16 December 2012 within the prescribed time limit, the internal legal remedies have not been exhausted and, thus, the CAS lacks jurisdiction pursuant to Article R47 of the Code.

### (ii) Late filing of the appeal

116. The Respondents argue that the August Electoral Regulations as invoked by the Appellants are not applicable, but that the November Electoral Regulations apply. Pursuant to article 14.1 of the same:

*“According to the principles governing the Olympic Movement, the CAS will be the sole and only competent jurisdiction to rule appeals which may be brought against the decision or decisions of the general assembly of the COP with respect to the results of the elections and as the following requirements:*

- a. Any decision adopted by the general assembly of the COP with respect to the results of the elections (once the internal remedies foreseen in section 13.9 of this regulation are exhausted) may be submitted exclusively to the CAS (Court of Arbitration for Sport in Lausanne-Switzerland) by way of an appeal which will definitively resolve the dispute in accordance with the code of sports-related Arbitration.*
- b. The time limit for the appeal is 7 days from the day following the adoption of the resolution of the general assembly which is under appeal.*
- c. Only the members of the COP (under this regulation) shall be entitled to lodge an appeal with CAS in accordance with the conditions specified above”.*

117. Under this article, the Appellants should have exhausted the stipulated legal remedies (in relation to the first objection mentioned above) and should have lodged their appeal before the CAS in the 7-day time limit provided, instead of doing so after its expiry. Therefore, the Respondents argue that the appeal is manifestly late and therefore inadmissible.

(iii) Appellants’ prayers for relief

118. The Respondents claim that the Appellants have amended their prayers for relief in their Appeal Brief from that provided in their Statement of Appeal. The Respondents argue that the Appellants have amended their prayers for relief in order to challenge not only the election of 16 December 2013, but also *“all decisions taken therein”* and that they now request that *“the 30 November General Assembly and all decisions taken therein are null and void”*. Pursuant to Article R56 of the Code, the Respondents claim that CAS has no jurisdiction to hear these claims as they are late, not having been put forward in the Statement of Appeal.

### 3. *Merits of the dispute*

119. Considering that the applicable statutes are the 1970 Statutes, the Respondents argue that the 30 November EGA, the electoral regulations approved therein (the November Electoral Regulations) and thus the 16 December EGA are all valid. As a consequence, the decision under appeal is also valid, having been approved by the 16 December EGA.

120. The Respondents argue that the Permanent Members, who were not convened to the 30 November EGA or to the 16 December EGA, had no right to attend them as the 1970 Statutes do not provide for their membership to the COP.

121. For the first time in many years, during the 30 November EGA, the composition of the General Assembly complied with the requisites of the Olympic Charter and the 1970 Statutes. The Respondents further claim that this was acknowledged by the Appellants themselves, who signed a written statement confirming the validity of the 30 November EGA and the decisions taken. The Respondents thus consider that the Appellants cannot, in good faith, claim that



the November Electoral Regulations are not applicable, as this would go against Panamanian Law and the fundamental principle of *venire contra factum proprium*.

122. Regarding the 16 December EGA, the Respondents contend the Appellants' allegations that it was improperly called. The 16 December EGA was called during the 30 November EGA and the Appellants, as participants in the same, cannot claim that they were unaware of its existence. This assembly, besides, was confirmed by the letter of Mr. Melitón Sánchez on 11 December 2012. Furthermore, the Respondents claim that it was held validly, with 20 national federations, the athlete's representatives and the IOC member. The 16 December EGA was constituted pursuant to the 1970 Statutes and, as such, the Permanent Members had no right to attend it.

4. *Prayers for relief*

123. The Respondents thus request the following:

*"The Respondents respectfully seek the following relief and orders:*

*As a preliminary matter:*

- I. *A preliminary decision on the jurisdiction of the Court of Arbitration for Sport be issued.*
- II. *The Court of Arbitration for Sport have no jurisdiction.*

*On the merits of the case:*

- III. *The Appeal filed by Miguel Sanchíz, Fernando Samaniego, Franz Wever and the Panamanian Handball Federation be dismissed.*
- IV. *The Respondents Camilo Amado, Augusto Batista, Ricardo Sasso, Ildefonso Lee, Allan Baitel, Ludgardis Arrue, Marcos Ostrander, Luis Pereira and the Olympic Committee of Panama are granted an award for costs".*

## 5. JURISDICTION, APPLICABLE LAW AND ADMISSIBILITY

### A. Jurisdiction

124. Under both the August Electoral Regulations and the November Electoral Regulations, CAS jurisdiction is provided; this fact not being disputed by the Parties. Indeed, both Parties agree that this Appeal is to be resolved by CAS, albeit the Respondents consider that internal remedies have not been exhausted and that the Appeal was late.
125. Article 22.1 of the August Electoral Regulations provides that:

*"Pursuant to the provided in the Olympic Movement regulations, which are applied according to the provided in the Sports Act of Panama, the resolutions of the General Assembly may be resorted to jointly or individually, sole and exclusively before the General Assembly, in accordance to the exposed in Article 11 of this Ruling. Its*

*resolutions shall be resorted to before the Sports Arbitration Court of Lausanne, within the term of 21 days following the last resolution of the General Assembly”.*

126. Article 14.1 of the November Electoral Regulations provides that:

*According to the principles governing the Olympic Movement, the CAS will be the sole and only competent jurisdiction to rule appeals which may be brought against the decision or decisions of the general assembly of the COP with respect to the results of the elections and as the following requirements:*

*a. Any decision adopted by the general assembly of the COP with respect to the results of the elections (once the internal remedies foreseen in section 13.9 of this regulation are exhausted) may be submitted exclusively to the CAS (Court of Arbitration for Sport in Lausanne-Switzerland) by way of an appeal which will definitively resolve the dispute in accordance with the code of sports-related Arbitration.*

127. The exhaustion of legal remedies and the timeliness of the Appeal are issues of admissibility and not of jurisdiction.
128. Therefore, the Panel finds that CAS has jurisdiction to hear the present dispute.

## **B. Applicable law**

129. Article R58 of the Code provides as follows:

*“The Panel shall decide the dispute according to the applicable regulations and 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”.*

130. The COP is the NOC of Panama. Therefore, the law of the country in which the association is domiciled is Panamanian Law. There is no dispute between the Parties in this regard. In particular, Law 16/1995 is considered as applicable by both Parties.
131. The Olympic Charter is directly applicable and binding to all NOCs, including the COP. The Parties, in any case, are in agreement that the Olympic Charter applies with reference to a NOC's statutes when there is an inconsistency between the statutes and the Olympic Charter, where the statutes are contrary to the same.
132. Regarding the issue of the applicable statutes, the Panel considers that the only applicable statutes are the 1970 Statutes, with the amendments made in 2006, as certified by the Panamanian Ministry of Interior on 1 March 2013.
133. The COP is a NOC, and thus a member of the Olympic Movement pursuant to the Olympic Charter. However, the COP is also an association that is under the rule of the laws of the country where it is domiciled, Panama in this case.
134. Following the expert evidence provided and the Parties' arguments, the Panel is convinced that under Panamanian Law, the COP's statutes have to be registered and approved as would be the case with any other association. The Appellants have not given any evidence that the 2002 Statutes have been validly approved by the Ministry of Government and Justice. Thus,

not being validly approved and registered, the 2002 Statutes are not applicable. The approval of the 2002 Statutes by the IOC, although being a necessary requirement, is insufficient to determine their applicability as they have to be also validly approved pursuant to Panamanian Law.

135. As a consequence, and as certified by the Panamanian Ministry of Interior, the only valid statutes are the 1970 Statutes as they are the only ones that have been approved and registered pursuant to Panamanian Law. The 1970 Statutes are therefore the applicable regulations to this Appeal, considering besides that they are not in contradiction with the Olympic Charter.
136. Although the analysis of the validity of the 30 November EGA is subject of the merits of the dispute, it must be advanced that the Panel considers that the November Electoral Regulations are valid and applicable to this dispute.

### **C. Admissibility**

#### *1. Exhaustion of legal remedies*

137. Article R47 of the Code provides that:

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

138. The Panel notes that the internal remedies provided in both the August Electoral Regulations and the November Electoral Regulations require that any decision of the General Assembly must be first appealed before the General Assembly itself. The existence of these internal remedies is not disputed by the Parties.
139. The requirement for the exhaustion of legal remedies provided for in Article R47 of the Code requires that an appellant first pursue any legal remedies that are *“available to him prior to the appeal”*. Considering the situation at hand, the Panel must conclude that the Appellants have not failed to exhaust any legal remedies, as those provided for in the electoral regulations were not available to them.
140. Indeed, the relevant statutes may require a party, before filing an appeal before the CAS, to exhaust other internal remedies provided in the statutes themselves. If an appellant fails to pursue such remedies, the appeal may be inadmissible. However, such internal remedies, in order to act as condition precedent to the appeal, must give the appellant the possibility of effectively challenging the decision under appeal, giving access to a legal procedure where the appellant can defend his case. As provided in CAS 2007/A/1373 and CAS 2003/O/466: *“the internal remedy must be readily and effectively available to the aggrieved party and it must grant access to a definite procedure”*.
141. At the hearing, the Respondents accepted that the Appellants did not have ready access to the internal remedies and, thus, withdrew this objection.

2. *Timeliness of the Appeal*

142. The November Electoral Regulations, which, as already noted, are valid and are the applicable electoral regulations, provide that the appeal before CAS, against any decision of the EGA, must be filed within 7 days. As a consequence, the Appeal, having been filed past that deadline, would have been late.
143. However, time-limits established for the filing of the appeal can only start running once the appellant has, or is in a position to have, enough knowledge on the decision to exercise his right of appeal. In this regard, the Panel has been provided with no evidence of the date when the Appellants had knowledge of the decision under appeal as it was not communicated in any way to them, and as they did not participate in the 16 December EGA. As a defense against admissibility of the Appeal, the Respondents had the burden of showing when the Appellants did have actual knowledge of the appealed decision; however, this burden has not been met.
144. As a consequence of the above, the Panel cannot declare that the Appeal is late and it thus holds that the Appeal is admissible.

3. *Appellants' prayers for relief*

145. As accepted by Respondents' counsel during the hearing, no explicit norm exists in the Code that orders prayers for relief to be inalterably defined in the Statement of Appeal. Furthermore, Article R56 of the Code provides that parties are not authorized to "*amend their requests (...) after the submission of the appeal brief*" (emphasis added).
146. In any case, the requests for the annulment of the 30 November EGA are intimately related to the essence of the dispute. The Panel thus considers that the Appellants' prayers for relief stated in its Appeal Brief are admissible in their entirety, and shall proceed to analyze them on their merits.

**6. MERITS**

**A. The 30 November EGA and the November Electoral Regulations**

147. The Panel is of the opinion that the 30 November EGA was validly called and held, pursuant to the applicable 1970 Statutes and in compliance with the Road Map.
148. On 27 November 2013, it is undisputed that the Appellants Mr. Wever and Mr. Samaniego, as Secretary General and Vice-President of the COP, called for a General Assembly to be held on 30 November 2013. Amongst other issues, the proposed agenda included the approval of the electoral regulations as proposed by the IOC (point 2) and the approval of the date for the EGA for the election of the board of directors for the term 2012-2016 (point 6).
149. The General Assembly was held, with the participation of all valid COP members pursuant to the 1970 Statutes. During the same, all of the participants (including the Appellants) agreed

that the assembly had been validly called in both time and form, and in case that was not the case, they declared their acceptance to the meeting being constituted as a “*Universal Meeting*”, which implicitly means that all members of the COP were present. Furthermore, the November Electoral Regulations appear to have been approved by unanimity on the minutes of the 30 November EGA as is the call for the 16 December EGA in order to elect a new board of directors.

150. The Appellants, having accepted the above-mentioned issues, as explicitly foreseen in the minutes of the 30 November EGA, are not entitled to claim that such meeting was invalidly called nor that the decisions that were reached in the same, to approve the November Electoral Regulations and to call for the 16 December EGA, are invalid.
151. Following on the above, the 30 November EGA and all decisions reached therein are valid pursuant to the applicable law and regulations.

#### **B. The 16 December EGA**

152. The Appellants claim that the 16 December EGA was invalidly called and that it was null as it did not include all members of the COP that had the right to attend.
153. Regarding the call for the meeting, as already noted, it was agreed in the 30 November EGA, which was valid and attended by the Appellants. Contrary to the Appellants’ claim, it was not called by Mr. Melitón Sánchez *via* its letter of 11 December 2012. Indeed, Mr. Sánchez explicitly states in such letter that: “*I write to you as President of the Electoral Board of the Panama Olympic Committee, appointed by unanimity in the Extraordinary General Assembly celebrated by the Committee last November 30 and in attention to the powers granted to me by the Electoral Rules and other congruent norms, I remind you that in that Assembly of the 30th, you called yourselves and, through unanimous agreement it was approved that the General Elective Assembly of the Panama Olympic Committee will take place next Sunday December 16, 13 hrs*”.
154. The 16 December EGA was thus correctly called, by unanimous decision of the General Assembly. Mr. Melitón Sánchez’s letter did not call the meeting, but reminded the members of the COP that it had been called. The reason behind such letter is not a decision by Mr. Melitón Sánchez to call the 16 December EGA, but the IOC’s letter dated 10 December 2012, issued in reply to the Appellants decision to call for an alternative EGA on 15 December 2012, despite the fact that they had attended the meeting that called for the 16 December EGA and approved such a calling.
155. The IOC’s 10 December 2012 letter initially allowed for Mr. Sanchíz, as President of the COP to send the letter. Only if Mr. Sanchíz failed to comply with the IOC’s instructions (that were limited to reminding the members of the COP of the meeting that had been called) was Mr. Sánchez instructed to send his letter, which he eventually did. As the IOC stated: “*the decision adopted by the COP General Assembly of past November 30, in regard to having the Elections General Assembly by next December 16, constitutes by itself a formal call (notice of meeting) for said Assembly Meeting*”.

156. As a consequence of the above, it must be concluded that the 16 December EGA was correctly called by unanimous decision of the COP's General Assembly.
157. In relation to the participation of the COP's members in the meeting, the 1970 Statutes do not foresee the presence of Permanent Members or of sports associations for non-Olympic sports. Furthermore, the 30 November EGA having been constituted as "*Universal Meeting*" determines that all of the valid members of the COP, present at the 30 November EGA, were appropriately called and notified of the 16 December EGA. Thus, the absence of the Permanent Members and the sports associations for non-Olympic sports does not jeopardize the validity of the decisions adopted in the 16 December EGA as, under the 1970 Statutes, they cannot be considered as members of the COP. The Panamanian Handball Federation cannot claim that it was incorrectly called to the 16 December EGA, as it participated in the 30 November EGA where, as already noted, the 16 December EGA was called by unanimity. If it did not attend the meeting, that is an issue subject to its own decision that does not affect the validity of the 16 December EGA.
158. As a consequence of the above, the Panel must conclude that the 16 December EGA was valid and, thus that all decisions adopted therein are valid as well, including the decision under appeal.
159. The Appeal must thus fail on its merits.

## ON THESE GROUNDS

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

1. The Court of Arbitration for Sport has jurisdiction to hear the appeal filed on 7 January 2013 by Mr. Miguel Sanchíz Jr., Mr. Fernando Samaniego, Mr. Franz Wever and the Panamanian Handball Federation.
2. The appeal filed on 7 January 2013 by Mr. Miguel Sanchíz Jr., Mr. Fernando Samaniego, Mr. Franz Wever and the Panamanian Handball Federation is deemed admissible.
3. The appeal filed on 7 January 2013 by Mr. Miguel Sanchíz Jr., Mr. Fernando Samaniego, Mr. Franz Wever and the Panamanian Handball Federation is rejected.
4. The order on provisional measures rendered on 16 May 2013 is lifted.
- (...)
7. All other motions or prayers for relief are dismissed.