



Arbitration CAS 2007/A/1319 Caner Doganeli & Turkish Boxing Federation v/ AIBA, award of 30 January 2008

Panel: Mr Martin Schimke (Germany), President; Mr Stephan Netzle (Switzerland); Mr Quentin Byrne-Sutton (Switzerland)

Boxing

Alleged financial irregularities against AIBA's officers

CAS Jurisdiction

Authority of the AIBA executive committee to make a decision removing the Secretary General of AIBA from his position

Absence of power of the AIBA to prevent a national federation to be represented by the representative of its choice at the AIBA Congress and any other AIBA events

1. Where an arbitration clause contained in the regulations of an IF requires no “decision” but rather a dispute, the CAS feels sufficiently authorized to co-decide on all of the submitted opinions, positions, and/or interpretations relating to the basic dispute. In this regard, CAS jurisdiction cannot be denied simply because one of the parties’ position/opinion relating to the dispute has been expressed in a separate “decision”. In this context, a subsidiary prayer for relief has to be construed as being made in connection with the appeal against the Decision. In such circumstances CAS has jurisdiction to entertain a subsidiary prayer for relief.
2. Where a situation of emergency has occurred and has been described as such by an audit and by the Ethics Commission’s report of the IF, the Executive Committee has the authority to decide on the suspension and removal of its Secretary General and member, provided that such decision is referred to the next Congress for approval.
3. In the absence of any rule on revocation of members of the Executive Committee in the AIBA Rules, the association may decide on a revocation not only for just motives (based on Article 65 al. 3 CC), but also, at any time, based on Article 65 al. 2 CC. The latter provision allows the association to remove an officer at any time and does not require that there be just motives for such removal. On this basis, the removal made by the Executive Committee to be referred to the Congress for approval does not violate the AIBA Rules or Swiss law.
4. A Federation is allowed to decide that it will be represented at Congresses and any other AIBA events, by its President, or any other representative of its choice no matter that the latter has been removed of his position as member of the AIBA executive committee, where this is established by the AIBA Rules.

Mr Caner Doganeli is an individual living in Ankara, Turkey. He is the President of the Turkish Boxing Federation and the former General Secretary of the International Boxing Federation.

The Turkish Boxing Federation is a member of the International Boxing Federation.

The International Boxing Federation (“AIBA”) is a Swiss-based association, whose members are national boxing associations.

The details set out below are a summary of the main relevant facts, as established by the Panel on the basis of the written submissions of the parties, the evidence produced, and the hearing held on 24 September 2007. Additional facts may be set out, where relevant, in connection with the legal discussion.

Mr Caner Doganeli has been a member of AIBA’s Executive Committee since 1990. Between 1994 and 1998, he was AIBA’s Vice President and Chairman of the AIBA Finance Commission. In 2002, Mr Doganeli was elected General Secretary of AIBA. He was re-elected General Secretary in 2006.

In November 2006, AIBA held a Congress, during which Mr Ching-Kuo Wu was elected President in replacement of Mr Anwar Chowdry, who had been the AIBA President for twenty years.

On 23 November 2007, AIBA mandated PricewaterhouseCoopers AG, Forensic Services (“PWC”) to assist in investigating certain allegations with regard to financial irregularities against former AIBA-President Chowdry, but also other officers of AIBA.

On 8 and 9 February 2007, the AIBA Executive Committee held a meeting during which PWC presented an audit report on the AIBA accounts from 2002 to 2006 (the “PWC Report”). The PWC Report listed a number of issues involving Mr Doganeli. The problems mainly related to accounting and financial matters.

The AIBA Executive Committee submitted the PWC Report to the AIBA Ethics Commission for further review and appropriate recommendations.

On 14 February 2007, Mr Ching-Kuo Wu, President of AIBA, wrote to Mr Doganeli as follows:

“At the AIBA Executive Committee meeting on February 9th, where you were present, the AIBA-contracted-auditor from PricewaterhouseCoopers reported their findings, some of which proved your participation in a number of financial irregularities as the Secretary General during the period of 2003-2006.

Based on the report, the Executive Committee approved the decision to ask the AIBA Ethics Commission for its further investigation on this matter. On February 12, the Ethics Commission reviewed the final audit report and sent its recommendation to me to order a provisional suspension until the Commission submits its final recommendation(s) in order for the Executive Committee to make its further decision. However, I would like to inform you that you have the full right to defend yourself to the Ethics Commission.

With reference to Article VI of the Articles of Association of AIBA, I hereby suspend you provisionally from all duties of AIBA Secretary General in effect immediately”.

On 20 February 2007, Mr Doganeli sent an e-mail to Mr Wu, presenting certain explanations and requesting that the Ethics Commission be established in rapid manner. On the same day, Mr Doganeli asked Mr François Carrard, Chairman of the AIBA Ethics Commission, to present his view on the financial issues raised by PWC.

On 20 February 2007, Mr Ho Kim, AIBA's Executive Director, sent the following e-mail to Mr Wu:

“Dear Mr. Wu,

Now you know why I send you an e-mail to pretend that all members of the Ethics Commission were already established. Doganeli knows current situation very well and indirectly attacks on this matter. This is why I was so keen to announce the existing members ASAP.

Now, we need to respond to him after we consult with Francois Carrard. Francois Carrard needs to send an e-mail to inform you that he has already found all members, however, he did not want to announce them until the 1st meeting. Until then, he should also mention that he has been working with the members in e-mail and telephones which the Ethics Commission normally does conduct their work through these ways.

I believe we will face some problems with Doganeli unless Mr. Carrard acts and responds concretely against Doganeli. As you are aware, Doganeli could be worse enemy once we give him a chance to attack us.

I have already left messages to Francois Carrard”.

On 16 April 2007, Mr Carrard replied to Mr Doganeli to inform him that the Ethics Commission would be meeting on 9 and 10 May 2007, and invited Mr Doganeli to attend and to present his own view. Mr Carrard also stated that Mr Doganeli was absolutely free to decide whether or not to attend the meeting, as the Ethics Commission was not a judicial body and had no power to take any decision.

Mr Doganeli attended the meeting of the Ethics Commission on 9 May 2007.

By letter to Mr Wu of 18 May 2007, Mr Doganeli presented additional arguments on the issues discussed at the meeting of the Ethics Commission. He also wrote to Mr Carrard on 31 May and 12 June 2007 with supplemental arguments and questions, in particular concerning the formation of the Ethics Commission.

On 11 June 2007, the Ethics Commission issued its report and recommendation (the “Ethics Commission Report”). Amongst others, the Ethics Commission Report contained the following statements:

“In addition, a special attention must be brought to those persons still holding offices within AIBA. Among them, the Commission considers that the credibility of AIBA could not be restored if its General Secretary, Mr. Caner Doganeli, were to retain his office. As recalled above, he was – together with AIBA's former President – one of the two individuals having overall financial responsibility within AIBA. [...] Without expressing any judgment as to the degree of guilt of Mr. Doganeli, the Commission considers that it would be particularly unacceptable for AIBA's future not to part with its most senior officer who, after the past president, assumed the highest level of institutional responsibility within AIBA's past administration. Therefore, the Commission has to recommend that Mr. Doganeli leave his office definitively”.

The Ethics Commission made several recommendations, including the following:

“RECOMMENDATION 1

The Commission recommends that AIBA immediately, irrevocably and definitely part with all officers, other individuals or entities responsible for or associated with, directly or indirectly, all irregularities ascertained by PwC and referred to in the PwC report. Such persons include the AIBA General Secretary, Mr. Caner Doganeli, without prejudice to any assessment of his personal conduct. [...]”.

On 14 June 2007, the AIBA Executive Committee held a meeting. Mr Doganeli attended this meeting and was informed that following the recommendations issued by the Ethics Commission, the AIBA Executive Committee had decided to part with him (the “Decision”).

On 19 June 2007, Mr Doganeli sent an e-mail to Mr Jacques Rogge, President of the International Olympic Committee, with a copy to several hundred members of the boxing community. In this message, Mr Doganeli made a detailed presentation of the facts of the matter and presented his position.

On 22 June 2007, Mr Doganeli sent a similar e-mail to Mr Ricardo Contreras, President of the AIBA Legal Commission with several questions concerning the Ethics Commission and its functioning. This message was also copied to several hundred members of the boxing community.

This Decision was confirmed in a letter of AIBA to Mr Doganeli dated 25 June 2007.

Additional e-mails, copied to the boxing community, were sent by Mr Doganeli to Mr Wu and to Mr Contreras on 2 July 2007.

On 6 July 2007, Mr Doganeli and the Turkish Boxing Federation appealed the decision of the Executive Committee of 14 June 2007 by filing a joint statement of appeal with CAS.

On 6 July 2007, the Appellants filed a Statement of Appeal against AIBA’s decision of 14 June 2007.

On 23 July 2007, the Respondent requested an extension of the time limit to file its Answer and requested that the issue of CAS’ jurisdiction should be subject to a preliminary ruling of the Panel.

By letter dated 8 August 2007, CAS postponed the Respondent’s deadline to file its Answer until 31 August 2007. It also stated that the answer should include all arguments related to CAS jurisdiction and to the merits of the case.

In its Answer, the Respondent requested an extension of the time limit for filing the exhibits, as the minutes of the Executive Committee meeting of 14 June 2007, which the Appellants requested, were not yet ready. The Respondent requested a second extension by fax dated 11 September 2007, and a third extension by fax dated 20 September 2007.

On 20 September 2007, the Respondent wrote to CAS that it had “*decided to renounce to invoke the lack of jurisdiction of CAS as well as the lack of arbitrability of the Appeal*”.

By letter dated 21 September 2007, the Appellants informed the CAS about a letter from AIBA to Mr Doganeli dated 27 August 2007 with the following content:

“This letter is to inform you of your illegibility to participate to any AIBA meetings, events and competitions, this due to the decision of AIBA Executive Committee held on June 14, 2007.

As you are aware, AIBA/EC approved the recommendation that “AIBA immediately, irrevocably and definitively part with all officers, other individuals or entities responsible for or associated with, directly or indirectly, all irregularities ascertained by PwC and referred to in the PwC report. Such persons include AIBA General Secretary, Mr. Caner Doganeli, without prejudice to any assessment of his personal conduct”. Therefore, following the decision of AIBA/EC, it is AIBA’s official position that you, as a person, cannot be allowed to be involved, in any capacity, in any of AIBA meetings, events and competitions, etc.”.

The Appellants submitted that this letter was communicated to Mr Doganeli only after the date of filing of both the Statement of Appeal and the Appeal Brief but should nevertheless be reviewed by the Panel. In addition, the Appellants should be allowed to file additional documents on the basis of Article R56, first half-sentence, of the Code. The Request of the Appellants reads as follows:

“We therefore formally request in addition to the prayers we have already filed that the panel also decide on the following subsidiary prayer, should the appeal be rejected:

The Turkish Boxing Federation is allowed to be represented by Mr. Caner Doganeli or any other representative of its choice at all and any AIBA event”.

The Panel held a hearing on 24 September 2007 at the CAS premises in Lausanne.

Each party had the opportunity to present its case, and the Panel heard detailed submissions from both parties. Mr François Carrard was heard as a witness. At the end of the hearing, the parties indicated that there might be a possibility of a settlement. The President of the Panel closed the hearing but reserved the possibility of holding a second hearing, depending on the outcome of the parties’ discussions.

By letters dated 27 September 2007, the parties informed the Panel that they had not been successful in reaching an agreement.

On 2 October 2007, the CAS Secretary General informed the parties that the Panel had decided to replace a possible second hearing by an additional exchange of written submissions with limited scope, to be filed by 10 October 2007, and that immediately after receipt of the parties’ submissions the Panel would deliberate and issue the holding of its award no later than 18 October 2007.

On 10 October 2007, both parties filed an additional written submission. In their brief, the Appellants made the following prayers for relief:

“Principally

- 1. The Decision issued on 14 June 2007 by the AIBA Executive Committee to remove Caner Doganeli from the position of Secretary General to AIBA is considered as null, respectively annulled.*
- 2. Caner Doganeli is reinstated in his position as Secretary General of AIBA until the next elections by the AIBA Congress.*

3. *AIBA is ordered to bear all the costs of this arbitration.*

4. *AIBA is ordered to pay to Caner Doganeli and to the Turkish Boxing Federation a contribution towards the latter's legal and other costs in an amount of CHF 40,000 (forty thousand Swiss francs) at least.*

Subsidiarily

5. *The Turkish Boxing Federation is allowed to be represented by Mr. Caner Doganeli or any other representative of its choice at all and any AIBA event”.*

The Respondent made the following prayer for relief:

“The International Boxing Association (AIBA) confirms the conclusions in its Answer of 31 August 2007. In addition, AIBA requests that the subsidiary prayer filed by Caner Doganeli and the Turkish Boxing Federation be dismissed”.

After having received the last written submissions of the parties, the Panel deliberated and now issues the present award, the operative part of which was served on the parties on 17 October 2007.

LAW

CAS Jurisdiction

1. Article XXXVIII of the Articles of Association provides the following:
“The Court of Arbitration for Sport is an independent court with its headquarters based in Switzerland. In the case of any dispute between the AIBA and any of its members, the National Federations, the Continental Bureaux or the sports Associations of the affiliated National Federations can appeal to the Court of Arbitration for Sport to settle the dispute”.
2. After having initially disputed CAS' jurisdiction in this matter as regards both Appellants, the Respondent stated in its answer on 20 September 2007 - without making any restriction of any kind- that it had renounced from pleading a lack of jurisdiction which was confirmed at the Hearing.
3. The jurisdiction of CAS to rule on the prayers for relief set out in the Appellants' appeal and in the Respondent's answer is therefore not disputed by the parties.
4. However, the Appellants submitted an additional, subsidiary prayer for relief in their letter of 21 September 2007 and in their written submission of 10 October 2007. The Respondent disputed CAS' jurisdiction over this additional prayer. The Panel must therefore determine whether it has jurisdiction in relation to the subsidiary prayer.
5. The first issue that must be resolved is whether the subsidiary prayer constituted a separate appeal against the Supplementary Decision issued by the Respondent on 10 October 2007 or

whether it related to the Appeal against the Decision, which is the subject of these proceedings.

6. The Panel finds that the subsidiary prayer is not to be considered a separate appeal against the Supplementary Decision of 10 October 2007. First, in their brief of 10 October 2007, the Appellants do not make any reference to this last decision. Second, it is likely that the Appellants did not even know about that Supplementary Decision when they filed their submission with the subsidiary prayer for relief. Indeed, the decision was only sent on 10 October 2007, by mail (registered), to the Appellant's counsel. The Appellants therefore became aware of this decision only after filing their brief, either when they received the letter, or when they received the Respondent's submission (as the decision of 10 October 2007 constitutes an exhibit to that submission). Third, the Appellants had already mentioned their new prayer in their letter of 21 September 2007, i.e., well before the decision of 10 October 2007.
7. As a consequence, the subsidiary prayer for relief has to be construed as being made in connection with the appeal against the Decision, which is the subject of these proceedings. In this respect, the Appellants expressly stated in their written submission of 10 October 2007 that they considered that the letter of the Respondent of 27 August 2007 could only constitute an interpretation of the Decision.
8. The Panel points out that the jurisdiction rule contained in Article XXXVIII of the Articles of Association – in contrast to the rules of other associations and Article R47 of the Code – requires no “decision” but rather a dispute. The Panel therefore feels sufficiently authorized to co-decide on all of the submitted opinions, positions, and/or interpretations (here Doganeli's attendance at the AIBA Congress) relating to the basic dispute (here Mr Doganeli's immediate removal). On the other hand, jurisdiction cannot be denied simply because one of the parties' position/opinion relating to the dispute has been expressed in a separate “decision”.
9. In the case at hand, the Respondents had already on 27 August 2007 expressed their opinion in unequivocal terms that the disputed dismissal of Mr Doganeli also meant that he would not be able to attend the AIBA Congress as a delegate of the Turkish Boxing Association. This was contested by the Appellants. But not until 10 October 2007 did the Respondents suddenly submit a corresponding “official” decision of the AIBA Executive Committee bearing the same date. And curiously enough, this decision was rendered within a few days in expedited and circulation proceedings and precisely on the day on which the deadline set by this Panel for submitting pleadings expired. Under these particular circumstances, the Panel does not consider it fair at this point to direct the Appellants with respect to a point that is already and clearly a matter in dispute, i.e. Doganeli's presence at the congress, to a different course of legal action.
10. Thus the Panel considers that it has jurisdiction to entertain this subsidiary prayer for relief, for the following reasons:

- The subsidiary prayer for relief could not be made at the time of filing of the appeal brief, as the issue it refers to only arose following the Respondent's letter of 27 August 2007.
- The Decision, as interpreted by the Respondent in its letter of 27 August 2007, has the effect of preventing the Turkish Boxing Federation from choosing Mr Doganeli as its delegate for AIBA's events, including the Congress. Since the designation of a National Association's delegate belongs to the National Association itself, the Turkish Boxing Federation – besides the delegate Doganeli – has a direct and legitimate interest in disputing the Decision.

11. It follows that CAS has jurisdiction to decide on all aspects of the present dispute.

Applicable law

12. As the seat of CAS is in Switzerland, this arbitration is subject to the rules of Swiss private international law ("LDIP") governing international arbitration. According to Article 187(1) LDIP, the arbitral tribunal decides in accordance with the law chosen by the parties or, in the absence of any such choice, in accordance with the rules with which the case has the closest connection.

13. According to Article R58 of the Code:

"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".

14. The AIBA Articles of Association do not designate an applicable law. Thus, in accordance with the foregoing provision, the Panel shall resolve the dispute in application of Swiss law, as the law of the country where the AIBA has its seat. The Panel will also apply the AIBA Articles of Association, in accordance with Article 60 ff. CC, in particular Article 63 CC.

Merits

15. The dispute first raises the issue of the validity of the Decision removing Mr Doganeli from his position as General Secretary of AIBA. This issue can be separated into the two following questions:

- Did the Executive Committee have the power to make a decision as to the removal of Mr Doganeli?
- In the affirmative, does the Decision comply with the Articles of Association and Swiss law?

16. The issue of the representation of the Turkish Boxing Federation by Mr Doganeli will be examined separately.

A. Powers of the Executive Committee

17. The Appellants consider that the Executive Committee does not have the power to remove one of its own members, who was elected by the Congress. In contrast, the Respondent submits that based on the Articles of Association, the Executive Committee does have such power, in cases of emergency.

18. According to Article 65 CC, the general assembly of an association (i.e., the Congress in the case of AIBA) has the power to appoint and dismiss the officers of the association, at any time. The question therefore arises whether, in AIBA, members of the Executive Committee can only be revoked by the Congress, or whether they may be suspended and/or revoked by the Executive Committee itself, through delegation of power.

19. Both parties acknowledge that the Articles of Association do not contain any rule specifically governing the suspension or removal of a member of the Executive Committee. In particular, Article XXXII, headed "Suspension/Discipline", only says: "[List of "criteria for suspension" to be drawn up for Referees and Judges and for Executive Committee and Commission members]". Article XXXI, headed "Disciplinary Action", does not cover suspension or removal of officers of the Respondent.

20. Due to the fact that there is no specific stipulation for the removal or the suspension of a member of the Executive Committee, the Appellants argued that the AIBA Articles of Association contain no legal basis for this. However, this conclusion is not compelling. In fact, as long as a special rule does not exist, the interpretation of other provisions, in particular those of corresponding general clauses may be the basis for a claim. It is therefore necessary to analyze further how AIBA's Articles of Association divide powers between the Congress and the Executive Committee.

21. Article III of the Articles of Association provides that "*The AIBA shall be governed by the Congress thereof*". According to Article VI, a meeting of the ordinary Congress shall be held at least every four years, unless a situation should arise which would prevent the free attendance of affiliated National Associations. Pursuant to Article V, in addition to the ordinary Congress, the association can hold extraordinary Congresses called by the Executive Committee, or following a request of at least 20% of the affiliated National Associations (comprising at least one Association from each continent). Extraordinary Congresses must be called within four months following the receipt of the request for an extraordinary Congress.

22. Article VI (A) of the Articles of Association provides that "*During the period between Congresses, the highest executive body of the AIBA shall be the Executive Committee [...]. In the intervals between Congresses, the Executive Committee and its Vice Presidents Bureau shall transact the business of the AIBA*". Article VI(C) sets out the "*Duties of the Executive Committee*" and lists twelve items

which are clearly of the competence of the Executive Committee. This list does not include the designation or revocation of the members of the Executive Committee. However, the Panel considers that the list contained in Article VI(C) is not exhaustive, as other powers of the Executive Committee not mentioned in this provision can be found elsewhere in the Articles of Association (see, e.g., Article VI (J), Article X).

23. In addition, Article VI(C)(1) contains the following general power:
“The Executive Committee shall observe the Articles and Rules and their interpretation and make decisions in case of emergency and where necessary to put such decisions into effect, such decisions and actions to be reported to the next Congress for approval”.
24. On the basis of its review of AIBA’s Articles of Association, in particular the provisions set out above, the Panel finds that although the Congress holds the supreme power of the association, the Executive Committee is the highest executive body of AIBA and has been given very broad powers to govern AIBA, which it shall exercise during the period between ordinary Congresses, which are held only every four years. The extended authority of the Executive Committee to transact the business of the AIBA is explicitly set out in Article VI (A), cited above.
25. The question arises whether the removal of a member of the Executive Committee elected by the Congress, can be considered to be within the powers – even broadly construed – of the Executive Committee to *“transact the business of the AIBA”*. This question does not need to be answered, for the following reason.
26. Article VI(C)(1) of the Articles of Association gives the authority to the Executive Committee to make decisions in cases of emergency and implement such decisions, provided such decisions and actions are reported to the next Congress for approval. This provision implies that the Executive Committee also has the power to make decisions and undertake actions which would normally not fall into its authority, provided (1) there is a case of emergency and (2) the matter is referred to the next Congress for approval.
27. In the Panel’s opinion, the requirement that the decisions taken by the Executive Committee on the basis of Article VI(C)(1) be referred to the next Congress for approval necessarily means that the authority granted to the Executive Committee includes decisions and actions which would normally be within the powers of the Congress.
28. This authority given to the Executive Committee by the Articles of Association in cases of emergency corresponds to the fact that the regular AIBA Congress is held only once every four years. Hence, the association could be paralyzed if such authority did not exist.
29. The Panel finds therefore that, based on Article VI(C)(1), the Executive Committee has the power to suspend or to remove a member of the Executive Committee, provided there is a situation of emergency and the decision is later referred to the next Congress for approval.

30. On the issue of emergency, the Panel finds, based on the evidence on record, in particular the PWC Report and the Ethics Commission Report, that the removal of Mr Doganeli was made in a situation of emergency, which was described by the Ethics Commission Report as follows: *“The facts established by PWC and the findings described in its report constitute a saga of bad or poor management, dereliction of duty, total lack of governance, greed, breach of rules and law, gross negligence and possibly criminal acts cascading down from the very top of AIBA’s former administration and involving not only past and present officers, but also a number of individuals and entities closely associated to the past AIBA administration”*. The Ethics Commission Report further stated: *“[...] a further major action of a different kind is absolutely necessary as a priority in order to restore AIBA’s credibility and set the ground for an impeccable administration. To that effect, AIBA must immediately part with all individuals and entities which have been involved in the facts ascertained by PWC in their report”*.
31. The Appellants have alleged that there was no urgency to remove Mr Doganeli from his position because the next AIBA Congress has already been scheduled for October 2007 in Chicago. The Panel holds that this conclusion is not compelling since the “New Start” recommended by PWC and the Ethic Commission and wanted by AIBA could justify immediate action. In any case, in the light of the clear recommendation made by the Ethics Commission (*“AIBA must immediately part without individuals”*), the Panel cannot discern any misuse of a discretionary power or any abuse in relation to the assessment of the element of “emergency” in the case at hand. The Panel must, however, simply review this.
32. On this basis, the Panel rules that the Executive Committee had the authority to decide on the suspension and removal of Mr Doganeli, provided that such decision was referred to the next Congress for approval. The Panel notes that the application of this procedure, which corresponds to the provisions of the Articles of Association, will not deprive the Congress of its right to decide on the composition of the Executive Committee, since the Congress may still decide not to approve the decision of the Executive Committee. It is therefore still the Congress which keeps the authority to make the final decision on that issue.

B. Merits of the Decision

33. The Panel must now examine whether the Executive Committee exercised its power in accordance with the applicable rules, i.e., the Articles of Association and Swiss law.
34. According to Article 65(2) CC, the officers of an association may be revoked at any time. This provision is not mandatory and the statutes of the association may provide otherwise. In the present case, however, the Articles of Association do not contain any different rule. In addition, Article 65(3) CC, which is a mandatory clause, provides that the general assembly can always revoke the officers for just motives.
35. In the present case, in the absence of any rule on revocation of members of the Executive Committee in the Articles of Association, the association may decide on a revocation not only for just motives (based on Article 65(3) CC), but also, at any time, based on Article 65(2) CC.

The latter provision allows the association to remove an officer at any time and does not require that there be just motives for such removal.

36. On this basis, the Panel finds that the removal of Mr Doganeli by the Executive Committee (to be referred to the Congress for approval as set out above) did not violate the Articles of Association or Swiss law. In this respect, the Panel notes that there is no allegation, nor evidence on record, to suggest that the decision was arbitrary or would constitute an abuse of the association's right to remove its officers.
37. Having found that AIBA was entitled to remove Mr Doganeli based on Article 65(2) CC, the Panel does not need to examine whether such removal needs to be based on just motives. It is therefore not necessary to assess Mr Doganeli's conduct. However, the Panel points out that, based on the findings set out in the PWC Report and the Ethics Commission Report (which is based on the PWC Report), AIBA had objective reasons to decide to part with Mr Doganeli, in order to restore AIBA's credibility and reputation.

C. *Representation of the Turkish Boxing Federation by Mr Doganeli*

38. In its letter of 27 August 2007, the Respondent stated that as a result of the Decision, Mr Doganeli was prevented from participating in any AIBA meetings, events and competitions, in any capacity (including as representative of the Turkish Boxing Federation). The question therefore arises whether the Respondent can, by the removal of Mr Doganeli from his position of General Secretary, prevent the Turkish Boxing Federation from sending its President, Mr Doganeli, to the AIBA Congress as representative.
39. Concerning representation of the National Associations at the Congress, Article III of the Articles of Association provides the following:

"D. Representation. The Congress shall consist of the President, the General Secretary, the Vice Presidents, the other Members of the Executive Committee and the delegates of the affiliated National Associations, all of whom shall be non-professionals. [...] Each affiliated National Association may be represented by not more than three delegates but shall be entitled to only one vote at the Congress. Every delegate and officer shall be a member of and authorized by the Association that he represents".
40. This provision makes clear that each National Association has the power to choose its own delegates, provided the conditions set out in the Articles of Association are respected (maximum number of delegates, minimum age, etc.). Therefore, as a rule, the Turkish Boxing Federation is allowed to decide that it will be represented at Congresses, including the 2007 Ordinary Congress, by its President, Mr Doganeli.
41. However, in the Decision, the Respondent stated that it had decided to *"immediately, irrevocably and definitively part with all officers, other individuals or entities responsible for or associated with, directly or indirectly, all irregularities ascertained by PwC and referred to in the PwC report. Such persons include AIBA General Secretary, Mr. Caner Doganeli, without prejudice to any assessment of his personal conduct"*. The

Panel considers that this decision does not have the effect of preventing the Turkish Boxing Federation from freely choosing its own delegates. Indeed:

- The Decision does not expressly state that Mr Doganeli is ineligible to represent the Turkish Boxing Federation.
 - The Decision is addressed to Mr Doganeli, whereas the power of a National Association to designate its delegates is vested in the National Association itself, in this case the Turkish Boxing Federation.
 - The Articles of Association (or Swiss law) contain no rule to the effect that the removal of Mr Doganeli from his position as General Secretary would render him ineligible as a delegate of the Turkish Boxing Federation. In the Panel's opinion, the removal of Mr Doganeli from his official function within AIBA is independent of his role as President of the Turkish Boxing Federation.
42. The Panel therefore rules that the Turkish Boxing Federation is entitled to be represented by Mr. Caner Doganeli or any other representative of its choice at the 2007 Congress and any other AIBA events.

The Court of Arbitration for Sport rules:

1. The decision of the AIBA Executive Committee of 14 June 2007 is confirmed, subject to ratification by the AIBA Congress.
 2. The Turkish Boxing Federation is entitled to be represented by Mr. Caner Doganeli or any other representative of its choice at the 2007 Congress and any other AIBA events.
- (...)
5. All other prayers for relief are dismissed.