



**Arbitration CAS 2011/A/2473 Al-Shabab Club v. Saudi Arabian Football Federation (SAFF), award of 23 February 2012**

Panel: Mr Stuart McInnes (United Kingdom), President; Mr Michele Bernasconi (Switzerland); Mr José Juan Pintó (Spain)

*Football*

*Suspension of a player*

*Automatic carrying over to national level of the suspensions imposed in the AFC club competitions*

*Contra proferentem interpretation principle*

*Doctrine of estoppel*

1. According to Article 38 (2)(c) of the Asian Football Confederation (AFC) Disciplinary Code, the suspensions imposed on players, or any other person, in the framework of the AFC competitions are to be applied to the club's next match in its national competition, once such club is either eliminated from the AFC competition in question or that such competition has ended.
2. The *contra proferentem* interpretation principle generally is applicable only if there is ambiguity and no clear meaning can be drawn from an interpretation based on the letter and the spirit of the law. If the provision at issue is not ambiguous, the *contra proferentem* principle is not applicable.
3. The doctrine of estoppel is defined as a general principle of law firmly established in common law and known in other legal systems even though under a different heading (e.g. reliance in good faith, *venire contra factum proprium*) that arises when one makes a statement or admission that induces another person to believe something and that results in that person's reasonable and detrimental reliance on the belief. If, in view of the imprecise content of its request, a club contributed to the general confusion of the parties, it cannot rely on the equally imprecise wording of the national federation's answer to justify an estoppel precluding the latter from sanctioning the former.

Al-Shabab Club ("the Club" or "the Appellant") is a professional football club affiliated to the Saudi Arabian Federation.

The Saudi Arabian Federation ("the Federation" or "the Respondent") is the national football association of Saudi Arabia. It is affiliated with the Asian Football Confederation (AFC) and the Fédération Internationale de Football Association (FIFA).

On 26 March 2010, the AFC Executive Committee amended Article 38(2)(c) of the AFC Disciplinary Code concerning the carrying over of sanctions rendered by the AFC:

*Article 38 – Carrying over match suspensions*

1. *As a general rule, every match suspension (of players and other persons) is carried over from one stage to the next in the same competition.*
2. *Unless otherwise decided by a judicial body, match suspensions in relation to an expulsion pronounced on a player outside of a competition (separate match[es] or not served during the competition for which they were intended (elimination or the last match in the competition) ) are carried over as follows:*
  - a) *AFC competitions for representative teams shall be carried over to the representative team's subsequent official match;*
  - b) *AFC competitions subject to an age limit: carried over to the representative team's next official match in the same age group. Where the suspension cannot be served in the same age group, it shall be carried over to the next highest age category;*
  - c) *AFC club competitions shall be carried over to the club's subsequent official match;*
  - d) *Friendly matches shall be carried over to the representative teams' subsequent friendly match;*
  - e) *Competitions in which teams have been chosen in accordance with certain criteria (cultural, geographical, historical etc): if the regulations of these competitions refer to the AFC regulations for disciplinary sanctions, the suspension is carried over to the representative team's next official match.*

On 6 and 20 April and 3 May 2010, the AFC issued three circular letters addressed to its Member Associations in order to clarify and help the interpretation of the above-mentioned new provision of its Disciplinary Code.

On 19 April 2011, Mr Al Saaran, a player of the Club (“the Player”), spat at an opponent during an AFC Champions League game.

On 5 May 2011, the AFC Disciplinary Committee suspended the Player for six games following the events which occurred during the above-mentioned game of the AFC Champions League.

On 13 May 2011, the Appellant sent an “urgent” letter to the Respondent which read as follows:

*“Referring to the decision of AFC Disciplinary Committee to suspend player/ Abdulaziz Nasser Al Saaran (6) matches as of 20/4/2011, you are kindly requested to review this matter and to initiate your instructions to promptly provide us with information on whether there is an interference of this decision with the local competition? And is the player eligible to participate in the club's matches of the local competitions without any influence on the decision of AFC Disciplinary Committee? However, the club is scheduled to play a match against Al Ittihad Club on Sunday 12/6/1432 corresponding to 15/5/2011”.*

The letter was received on 14 May 2011 and a reply signed by Mr. Faisal O. Al Abdulhadi, SAFF's General Secretary at the relevant time, on 15 May, to confirm that the Player was indeed eligible for the local football competition:

*“Greetings,*

*In reference to your letter number 12/1/1 dated 14/5/2011 which includes your inquiry concerning the status of player/Abdulaziz Nasser Al Saaran who was sanctioned by AFC for six officials matches as of 20/4/2011 within ACL 2011, does the player has to be suspended at national competitions.*

*Therefore, I would like to inform you that the player is eligible to play at national competitions due to difference of the competition and the supervision organization, and there is no interference in between the national competitions and the international participation.*

*This is for your information and action”.*

The Player played in the match against Al Ittihad on 15 May 2011 and also the following match against Al Faisaly on 20 May 2011.

On 24 May 2011, the Appellant was eliminated from the AFC Champions League by which date the Player had not completed the suspension imposed on him by the AFC Disciplinary Committee.

On 29 May the Player took part in the first leg of a two-leg quarter finals match of the King’s Cup Championship competition against Al Ahli. After the match a protest was filed by Al Ahli with the Respondent in view of the Appellant’s fielding of the, suspended, Player.

On May 30 2011, the Respondent wrote to the AFC seeking clarification of whether the outstanding suspension was to be served by the Player in national competitions subsequent to the Appellant’s elimination of the AFC CL.

On 1 June 2011, the Respondent issued a press release confirming that a protest was made by Al Ahli, acknowledging the allegation made by the Appellant in relation to the 15 May letter and stating what steps were being taken internally by the Respondent to investigate this allegation made by the Appellant.

On 6 June 2011 following the protest filed by Al Ahli, the SAFF Technical Committee issued a decision, confirming the Appellant’s forfeiture of the Match with a forfeit score of 3-0.

On the same day, the Respondent sent a letter to the AFC General Secretary, seeking the AFC’s legal opinion with regard to facts and legal questions related to the case. In its answer, the AFC declined to answer questions related to facts but confirmed, in particular, that suspensions issued by the AFC in the framework of AFC competitions were carried over once the suspended player’s club was eliminated from said competition or that such competition came to an end.

On 11 June 2011, following an appeal from the Appellant, the SAFF Appeals Committee upheld the decision of the Technical Committee.

On the same day, the second leg game of the quarter finals of the Competition against the club Al-Ahli was played and won by the Appellant with a score of 1:0. The Appellant was nevertheless eliminated from the King’s Cup Championship, on aggregate.

On 14 June 2011, the Appellant filed an appeal with CAS against the SAFF Appeals Committee decision of 11 June 2011 (“the Decision”) and requested, *inter alia*, urgent provisional measures to be adopted by the President of the CAS Appeals Division.

The Appellant also requested an expedited procedure, however, the Parties did not reach an agreement in this respect.

On 17 June 2011, the Deputy President of the Appeals Arbitration Division dismissed the Appellant’s application for provisional and conservatory measures.

Following numerous submissions by the Parties with regard to the challenged jurisdiction of CAS, the Parties signed an Arbitration Agreement on 24 August 2011. The Arbitration Agreement was filed with CAS on 2 September 2011.

On 12 September 2011, after consultation with the Parties, a notice of the formation of the Panel was sent to the Parties.

On 15 November 2011, the Respondent filed its Answer.

On 22 November 2011, the Appellant filed its Reply, which was followed, on 1 December 2011 by the Respondent’s Rejoinder.

On 1 December 2011, the Respondent signed and agreed the Order of Procedure issued by the Panel on 22 November 2011. On this document, the Respondent endorsed a handwritten note stating that in the assessment of the Costs, the specific agreement made in the Arbitration Agreement should be taken into account.

The Procedural Order was further signed and agreed by the Appellant on 29 November 2011.

A hearing was held on 9 December 2011 at the CAS Headquarters in Lausanne, Switzerland.

The Panel heard evidence by teleconference from the following persons:

- Mr Nasser Abdullah Alsaadi, employee of SAFF;
- Mr Mohamed Shatta, General Secretary of the Club.

The Appellant requested that a recent translation of the letter dated 15 May 2011, made by an independent translator, be filed. As there was no objection on the part of the Respondent, the Panel accepted the document in the case file.

The Parties were then afforded the opportunity to present their cases, submit their arguments and to answer the questions posed by the Panel. After the Parties’ final submissions, the Panel closed the Hearing and reserved its final award. The Panel took into consideration in its discussion and subsequent deliberation all the evidence and the arguments presented by the Parties even if they have not been summarised herein.

Neither during nor after the Hearing did the Parties raise with the Panel any objection as to the respect of their right to be heard and to be treated equally in these arbitration proceedings.

## LAW

### Jurisdiction of the CAS and scope of the Arbitration Agreement

1. As mentioned before, the jurisdiction of CAS in the present case was initially contested by the Respondent. The Parties finally reached an agreement to submit the appeal filed by the Appellant to CAS.
2. The main terms of the Arbitration Agreement signed by the Parties are the following:

*The Appellant and the Respondent in order to avoid a preliminary dispute as to whether the CAS had jurisdiction to hear the appeal, hereby agree that the dispute summarized above shall be submitted to the Court of Arbitration for Sport based and pursuant to this ad hoc arbitration agreement pursuant to the following provisions:*

*2-1 The Dispute will be submitted exclusively to The Court of Arbitration for Sport (CAS) in Lausanne, Switzerland, and settled with a final award.*

*(...)*

*2-5 The jurisdiction of the Panel shall be limited to the issue of whether the appealed decision correctly held that the Player had participated in the Match illegally. For the avoidance of doubt, the parties agree that the result of the Match is final and that the Panel will not have the power to change the result or to rematch the competition of the respective match.*

*2-6 Should the Panel confirms correctness of the Technical Committee's Decision which is supported by the Appeal Committee that player's participation is a violation to the relevant applicable rules, the Appellant shall bear the entirety of the arbitration costs and shall pay to the Respondent the flat amount of € 200'000 Euros as contribution to the Respondent's costs for the arbitration and any other damages incurred by the Respondent, without any further claims or consequences.*

*2-7 Should the Panel confirms the incorrectness of the Technical Committee's Decision which is supported by the Appeal Committee that player's participation is a violation to the relevant applicable rules, the Respondent shall bear the entirety of the arbitration costs and shall pay to the Appellant the flat amount of € 200'000 Euros as contribution to the Appellant's costs for the arbitration and any other damages incurred by the Appellant, as well as suitable compensation mutually agreed upon between the parties without any further claims or consequences.*

3. In view of the content of such Arbitration Agreement, the Panel deems that the present dispute shall remain conducted under the rules of CAS Code related to the Appeal Arbitration Procedure.

## Applicable Law

4. Article R58 of the CAS Code states the following:

*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.*

5. In the present case, the “applicable regulations” are the rules and regulations from SAFF.
6. The Panel wishes to emphasize that considering the pyramidal structure of football's administration, SAFF is a member of FIFA and of AFC and is therefore bound by these entities' regulations, which is undisputed by the Parties. In particular, AFC regulations shall be applicable in the context of the participations of clubs of Member Associations in the continental competitions, i.e. the competitions organised by AFC like for instance the AFC Champions League.

## Merits

7. The main issues to be decided upon are:

- (a) Are the suspensions imposed by the AFC automatically carried over to national level?
- (b) Can the Appellant rely on its absence of fault and good faith to escape sanction?
- (c) Did SAFF authorize the player to take part in national competitions?

- A. *Are the suspensions imposed by the AFC automatically carried over to national level?*

8. Article 38 (2)(c) of AFC Disciplinary Code, which was amended on 26 March 2010, reads as follows:

*Unless otherwise decided by a judicial body, match suspensions in relation to an expulsion pronounced on a player outside of a competition (separate match(es)) or not served during the competition for which they were intended (elimination or last match in the competition) are carried over as follows:*

*(...)*

*c) AFC club competitions shall be carried over to the club's subsequent official match.*

*(...).*

9. As stated above, the provision triggered queries from several Member Associations. In order to clarify the situation, the AFC issued three circular letters, addressed to all AFC Member Associations, explaining the interpretation to be given to the provision.

In its letter dated 6 April 2010, the AFC stated the following:

*As such any match suspensions on a player (or persons other than players) which is in relation to an expulsion pronounced outside of a competition (separate matches) or not served during the competition for which they were intended, shall be carried over to the club's next official matches which, are not confined only to AFC competitions (emphasis added).*

In a second letter dated 20 April 2010, the AFC gave the following further clarification regarding the term of "the club's subsequent official match" in the context of such provision of the AFC Disciplinary Code:

1. *According to the AFC Code, the definition of "official match" is: "a match organised under the auspices of a football organisation for all of the teams or clubs in its sphere of operation; the score has an effect on the rights of participation in other competitions unless the regulations in question stipulate otherwise".*

*As such the official match in this case is understood as either in a club's competition organised by FIFA, by the concerned confederation or by the concerned national association.*

2. *Further, with regard to the interpretation of "the club's subsequent official match" we wish to clarify that the player/official shall serve the suspension(s) at club level, with which ever club the player/official is registered for, be it in the same Member Association and/or new association.*

In a third letter dated 3 May 2010, the AFC gave further clarification to its Member Associations, in particular stating that:

2. *For the AFC Champions League 2010 and AFC Cup 2010, article 38 par. 2 (c) before amendment, which we produce verbatim hereunder for your ease of reference, shall be applied:*

*"AFC Club competition shall be carried over to the club's subsequent official match in an AFC competition".*

*Article 38 par.2 (c):*

3. *AFC will incorporate the amendment of article 38 par. 2 (c) into the Regulations of the AFC club competitions which commence after 26.3.2010 for your ease of reference and will inform MAs of match suspensions which are not served during the AFC club competition for which they were intended (elimination or the last match in the competition) which are carried over to domestic competitions for your necessary actions.*

10. The Panel concludes that there is no doubt that, according to Article 38 (2)(c) of the AFC Disciplinary Code, and in view of the above-mentioned circular letters, the suspensions imposed on players, or any other person, in the framework of the AFC competitions are to be applied to the club's next match in its national competition, once such club is either eliminated from the AFC competition in question or that such competition has ended.
11. The Appellant also asserts that "any ambiguity as to whether the suspension imposed by AFC was applicable at national level (outside AFC's sphere of competence), in the absence of any rule in the Saudi Regulations and in view of the clear statement issued by the SAFF on 15 May 2011 confirming that it was not the case, shall be interpreted in favour of the Appellant", relying on the *contra proferentem* interpretation principle.

12. According to CAS case law, the *contra proferentem* interpretation principle generally is applicable “only if there is ambiguity and no clear meaning can be drawn from an interpretation based on the letter and the spirit of the law” (CAS 2003/A/461, 471 & 473). As the Panel concluded above that Article 38 (2)(c) of the AFC Disciplinary code is not ambiguous, it deems that the *contra proferentem* principle is not applicable to the case at hand.
13. Furthermore, the Appellant submits that the SAFF Competition Regulations expressly provide that sanctions adopted by FIFA or AFC are not automatically carried over at national level. In support of this argument, the Appellant quotes Articles 32 (4) and 32 (5) of these rules, which read the following:
  - 32.4 *Sanctions taken against players, officials or technicians shall be connected with competitions and championships that happen under the supervision of the federation.*
  - 32.5 *Sanctions taken against players, officials or technicians at regional or provincial level shall not be connected with competitions and championships that happen under the supervision of the federation (...).*
14. The Panel cannot follow the Appellant’s interpretation of these rules as it is clear that their meaning does not conflict with the rationale and the mechanism of Article 38 of the AFC Disciplinary Code.
15. The Appellant, further asserts that the sanctions imposed by the AFC are not directly and automatically applicable to the Members Associations, but require formal action by the concerned association as a pre-requisite to their implementation. In support of such argument, the Appellant refers (i) to the AFC circular letters to its Member Associations, and (ii) to CAS case law (CAS 2008/A/1588 & 1629; CAS 2008/A/1575 & 1627; CAS 2008/A/1576 & 1628), which allegedly states that international associations have exclusive competence at international level and that national association have exclusive competence at national level.
16. With respect to AFC circular letters, the Appellant submits that they impose certain duties to the AFC with regard to communication between the AFC and the Member Associations and that formal action of Member Associations has to be taken in order to implement the sanctions.
17. In this regard, the Appellant quotes the following sentences of the circular letters:

*“In implementation of this Article, AFC will inform the respective Member Association from time to time of the list of player/official registered with the club(s) from the respective Member Association in AFC club competitions who shall serve the suspension in the club’s subsequent official match at domestic level. The Member Association shall then take the necessary action(s) by cooperating with AFC in ensuring that the suspension (s) is served by the relevant player/official at the club’s competition organized by your Member Association or for informing the new Member Association of the player/official for implementation of sanctions”* (emphasis added)

(AFC letter dated 20 April 2010)

and:

*“AFC will incorporate the amendment of article 38 par. 2 (c) into the Regulations of the AFC club competitions which commence after 26.3 2010 for your ease of reference and will inform MAs of match suspensions which are not served during the AFC club competition for which they were intended (elimination or the last match in the competition) which are carried over to domestic competitions for your necessary actions” (emphasis added)*

(AFC letter dated 3 May 2010).

18. With regard to the monitoring of the sanctions imposed by the AFC, the Respondent submits that the duties of communication described in the circular letters are only based on the necessity to have good cooperation between AFC and its Member Associations in order to ease the implementation of sanctions.
19. In support of this argument, the Respondent further quotes Article 35 of the AFC Disciplinary Code, which reads as follows:

*Records of cautions, expulsions and match suspensions are stored in the central computer system of AFC. The Disciplinary Committee secretary confirms them in writing to the Member Association or club concerned or, in the case of final competitions, to the head of the delegation concerned.*

*This communication serves only as confirmation: sanctions (cautions, expulsions, automatic match suspensions) have an immediate effect on subsequent matches even if the letter of confirmation reaches the Member Association, club or head of delegation concerned later (emphasis added).*
20. The Panel is of the opinion that a reading of Article 35 of the AFC Disciplinary Code together with the circular letters makes it clear that the AFC should communicate all the necessary information, in particular with regard to the suspended players at AFC level, to its Member Associations, but that such duty cannot be considered as a prerequisite to the direct and automatic application of sanctions imposed by the AFC at national level. It is clear to the Panel that the goal of such provision is only to ensure good recording and communication of the sanctions imposed at AFC level but that such recording and communication does not have any effect on the implementation of the sanctions.
21. The Appellant further asserts that a “proper action” is required from the Member Associations in order for the sanctions imposed at the AFC level to be implemented at national level. In this regard, the Appellant states in its Reply, referring to the circular letter dated 20 April 2010, that *“the AFC shall inform member associations of the list of players who shall serve the suspension in the club’s subsequent match at domestic level, and that the national member associations shall then take the necessary action to ensure that the suspension is served at the competition organised by the Member Association”*.
22. In order to assess the real meaning of the circular letter dated 20 April 2011, the Panel considers it necessary to construe the wording literally. As seen above, with regard to the “necessary action” referred to by the Appellant in this context, the circular letter dated 20 April 2010 states that *“AFC will inform the respective Member Association from time to time of the list of player/official registered with the club(s) from the respective Member Association in AFC club competitions who shall serve the suspension in the club’s subsequent official match at domestic level. The Member Association shall then take the necessary action(s) by cooperating with AFC in ensuring that the suspension(s) is served by the relevant player/official at the club’s competition organized by your Member Association (...)”*.

23. Reading Article 35 of the Disciplinary Code in conjunction with the circular letter convinces the Panel that no action is required from the Member Associations in order to implement AFC sanctions, such sanction "*have an immediate effect on subsequent matches*".
  24. The Panel's belief is that the assertion made by the Appellant, that CAS case law has established that the AFC has exclusive competence at continental level and SAFF has exclusive competence at national level is unsubstantiated. The case law cited related to football players sanctioned by their national federation for doping offences. The CAS panels in those cases had to determine which anti-doping rules were applicable to the players. Where international federations have anti-doping rules which need to be implemented at national level in order to apply to players involved in national competitions, the applicable rules are those of the national federations.
  25. The Panel deems that this case is totally different as the sanction against the Player was taken by the international federation applying its own rules, which provides that under certain circumstances the sanction had automatically to be applied at national level.
  26. In view of the above, the Panel is of the opinion that AFC decisions to suspend a player in the framework of an AFC competition are automatically carried over at national level, when the players' club is eliminated from the ongoing competition or when such competition is over and the player has not served the (entire) sanction within the framework of the international competition yet.
- B. *Can the Appellant rely on its absence of fault and good faith to escape sanction?*
27. The Appellant seeks to argue the legal principle *nulla poena sine culpa* is applicable to the case at hand.
  28. In any event, the Appellant acknowledges that it was aware of the amendment of Article 38(2)(c) of the AFC Disciplinary Code at the time and acknowledged receipt of the three circular letters clarifying the provision and that it attended an AFC workshop in Kuala Lumpur during which the question of the amendment of the provision was addressed in detail.
  29. The Appellant further states that it was because of all these various communications that it requested clarification from the SAFF regarding the status of the sanctioned player.
  30. The Panel deems that a literal interpretation of Article 38(2)(c) and the meaning of the circular letters is clear and did not warrant further explanation, The Panel also noted that the provision was in force and the explanatory letters circulated for in excess of one year prior to the matters in issue in the present case.
  31. The Panel concludes that the Appellant was at fault because it knew, or ought to have known, that there had been an amendment of Article 38(2)(c) and that such amendment would lead to the immediate and automatic application of sanctions taken at the AFC level to be carried over

to national competitions, if the player's club was eliminated from a AFC competition or if such competition came to an end.

C. *Did SAFF authorize the player to take part in national competitions?*

32. The Appellant further argues that the sanction imposed by the AFC is unsustainable in view of the principle of estoppel, or prohibition of *venire contra factum proprium*, on the basis that it acted in good faith when the Player was fielded in the Al Ahli match on 29 May having relied on the on the information provided by SAFF in its letter dated 15 May 2011.
33. According to CAS jurisprudence (see per ex. CAS OG 02/006), the doctrine of estoppel is defined as a general principle of law *"firmly established in common law and known in other legal systems even though under a different heading (e.g. reliance in good faith, venire contra factum proprium) (...) that arises when one makes a statement or admission that induces another person to believe something and that results in that person's reasonable and detrimental reliance on the belief (...)"*.
34. The Appellant bases its argument on the fact that the Respondent changed its position in the course of the events at stake and imposed *"a very serious sanction on the Appellant for having done what it has been unequivocally allowed to do"*, which according to the Appellant constitutes a clear case of estoppel.
35. The Respondent's position is that its letter dated 15 May 2011 cannot be interpreted as *"a general authorisation to play in national competitions irrespective of the possibility that the suspension imposed by the AFC could not be served in its entirety due to the early elimination from the relevant AFC competition"*, and that therefore it cannot be argued that it adopted a contradictory behaviour when it sanctioned the Club for having fielded the Player in a national competition.
36. The Panel considered the wording of the Appellant's *"urgent"* letter dated 13 May 2011 in which it was requested that, following the AFC's decision to suspend the Player, the Respondent clarify *"if there is any interlock of this decision with the local competitions and whether the player has the right to participate in the Club local football competitions without being affected by the decision of the Discipline Committee of the Asian Football Federations, knowing that the club has a match with Aletihad [sic] Club on Sunday 15/05/2011"*.
37. In evidence given at the hearing Mr Shatta on behalf of the Appellant and Mr Alsaadi on behalf of the Respondent, confirmed that on 15 May 2011, a telephone conversation was held between them, during which Mr Shatta on behalf of the Appellant urged the Respondent to provide it with written confirmation on the status and eligibility of the of the Player, as the Club was playing a national match on the same day and intended to include the Player in the squad.
38. The letter, which was sent by the Respondent on the same day, following that telephone conversation, reads as follows: *"[P]lease be informed that the said football player has the right to participate in the local football competition as there is a difference between the competition and the supervisory body, and as there is no interlock between the local competitions and the external participations"*.

39. The Panel notes that the wording of both letters was unclear and contributed to the general confusion of the Parties.
40. The Panel is of the opinion that the Appellant cannot rely on the wording of the Respondent's letter of 15 May to justify an estoppel precluding the Respondent from sanctioning the Club after fielding of the Player in the Al Ahli game and further considers that in view of its imprecise content, the Appellant's letter could not be properly construed as a request for confirmation or authorisation to field the Player in all future national competitions, irrespective of the Club's elimination of the AFC Champions League.
41. In view of the above, the Panel deems that the principle of estoppel is not applicable to the case at hand.
42. The Panel wishes to make clear that in coming to this conclusion, it is satisfied that there is no evidence that the Appellant was in anyway intending or reckless as to breach of the AFC rules in fielding the Player in the Al Ahli match. The Panel is also of the view that the conduct of the Respondent contributed to such confusion existing between the Parties with regard the eligibility status of the Player to play in national competitions when a pending AFC sanction had not been fully served. The Panel believes that such confusion has been the catalyst to costly and time consuming proceedings.

### **Conclusion**

43. On the basis of the foregoing, the Panel concludes that:
  - Article 38(2)(c) of the AFC Disciplinary Code implies that sanctions taken at the AFC, in particular suspension of player, are automatically and directly applicable at national level.
  - The SAFF's letter to the Club dated 15 May 2011 cannot be interpreted as a general authorisation to field the Player in all subsequent matches of the Club, irrespective of the Club's status in the AFC Champions League.
  - The principle of estoppel is not applicable to the case at hand.
  - The decision rendered on 11 June 2011 by the AFC Appeals Committee shall be upheld.

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

1. The appeal filed by Al-Shabab Club against the decision issued on 11 June 2011 by the Saudi Arabian Football Federation Appeals Committee is dismissed.

(...)

4. All other prayers for relief and requests are rejected.