



Arbitration CAS 2016/A/4831 Equatorial Guinea's Football Federation (FEGUIFUT) v. Confédération Africaine de Football (CAF) & Fédération Malienne de Football (FMF), award of 24 August 2017

Panel: Mr Michele Bernasconi (Switzerland), President; Mr Carlos del Campo Colás (Spain); Prof. Stavros Brekoulakis (Greece)

Football

Disciplinary sanction for registering contradictory information regarding the identity of a player

Standard of proof of "personal circumstance"

Condition of intent for the qualification of fraudulent behaviour

*Inclusion of violations of general provisions into an infringement of a *lex specialis**

1. The term "*personal circumstance*" set forth in art. 31 of the CAF Disciplinary Code is translated in the French version of the Code as "*intime conviction*", which is to be construed as equivalent to the standard of proof of "*comfortable satisfaction*". According to such standard, which is widely applied by CAS panels in disciplinary proceedings, the sanctioning authority must establish the disciplinary violation to the comfortable satisfaction of the judging body bearing in mind the seriousness of the allegation. It is a standard that is higher than the civil standard of "*balance of probability*" but lower than the criminal standard of "*proof beyond a reasonable doubt*".
2. According to Swiss law, fraud exists under the Swiss Criminal Code (art. 146) where any person who with a view to securing an unlawful gain for himself or another wilfully induces an erroneous belief in another person by false pretences or concealment of the truth, or wilfully reinforces an erroneous belief, and thus causes that person to act to the prejudice of his or another's financial interests. Likewise, as per art. 28 of the Swiss Code of Obligations (SCO), it is required that the party accused of acting fraudulently must have acted with intention. Pure negligence is not sufficient to apply art. 28 SCO.
3. Where a great part of the infringements of specific provisions of the CAF regulations imply somehow violations of its general principles (such as sportsmanship and integrity in the competition), taking into due account all circumstances and all the evidence submitted by the parties, the violations of these general provisions is to be subsumed within the infringement of the *lex specialis* and no further sanction shall be imposed based alone on the general provisions.

I. PARTIES

1. The *Equatorial Guinea's Football Federation* (hereinafter, the “FEGUIFUT” or the “Appellant”) is an association with its registered office in Malabo, Equatorial Guinea. The FEGUIFUT governs football within the Equatorial Guinean territory and is affiliated to the *Confédération Africaine de Football*.
2. The *Confédération Africaine de Football* (hereinafter, the “CAF” or the “First Respondent”) is an association with its registered office in El Cairo, Egypt. CAF governs football within the African continent and exercises regulatory, supervisory and disciplinary functions over the national associations, clubs, officials and players in Africa.
3. The *Fédération Malienne de Football* (hereinafter, the “FMF” or the “Second Respondent”) is an association with its registered office in Bamako, Mali. The FMF is the governing body of football within the Malian territory and is affiliated to the CAF.

II. FACTUAL BACKGROUND AND PROCEEDINGS BEFORE THE CAF BODIES

4. A summary of the most relevant facts and the background giving rise to the present dispute will be developed based on the parties’ written submissions, the evidence filed with such submissions, and the statements made by the parties and the evidence taken at the hearing held in the present case. Additional facts may be set out, where relevant, in connection with the legal discussion which follows. The Panel refers in the present Award only to the submissions and evidence it considers necessary to explain its reasoning. The Panel, however, has considered all the factual allegations, legal arguments, and evidence submitted by the parties during the present proceedings.
5. At the Preliminary Competition of the 2016 Africa Women Cup of Nations (hereinafter, the “WAFCON” or the “Competition”) the national teams of Mali and Equatorial Guinea played the following two matches on home and away basis (hereinafter, the “Matches”):
 - On 6 April 2016, the first leg match was played in Bamako which resulted in a tie (1-1).
 - On 10 April 2016, the second leg match, played in Malabo, ended 2-1 in favour of the FEGUIFUT.

Given the final joint result of the Matches (3-2 in favour of the FEGUIFUT), the latter qualified for the Competition.

6. On 11 April 2016, FIFA published a media release on its website, which stated that the FEGUIFUT used two passports containing different information for the player Camila do Carmo Nobre de Oliveira (hereinafter, the “Player”). Consequently, the FEGUIFUT was expelled from the 2020 Women’s Olympic Football Tournament. Furthermore, the Player was sanctioned with a ten-match suspension. The mentioned press-release (hereinafter, the “FIFA Media Release”), *inter alia*, reads as follows:

“Equatorial Guinea will not compete in the preliminary competition of the Women’s Olympic Football tournament 2020 following a decision taken by the FIFA Disciplinary Committee.

The Disciplinary Committee held the Equatorial Guinea Football Association liable for the use of forged or falsified documents. More precisely, it found evidence of the use of two passports with different dates of birth for the player Camila Maria do Carmo Nobre de Oliveira, who participated in several matches of the preliminary competition of the Women’s Olympic Football Tournament 2016. Two birth certificates containing divergent information regarding the player’s parental filiation were also provided.

In addition to the expulsion from the Women’s Olympic Football Tournament, 2020, (...) the player was sanctioned with a ten-match suspension, to be served in the next matches of the representative team of Equatorial Guinea for which she would be eligible. (...)

The decisions of the Disciplinary Committee were duly notified today”.

7. On 14 April 2016, the FMF informed the CAF about the FIFA Media Release since the Player had participated in the Matches against the FMF.
8. In light of the above, the CAF opened an investigation which revealed that:
 - For the WAFCON 2014, the FEGUIFUT registered in the CAF Competition Matching System (hereinafter “CMS”) a player under the name “Camila Maria Nobre de Carmo” with date of birth 7 October 1994; while,
 - For the WAFCON 2016, the FEGUIFUT registered a “new” player under the name “Camila do Carmo Nobre de Oliveira” with date of birth 10 June 1988 and with passport number F0202216 issued by the authorities of Guinea Equatorial on 3 September 2015.
9. On 18 May 2016, the CAF invited the FEGUIFUT to explain the contradictory information in relation to the Player.
10. The FEGUIFUT confirmed that both registrations were related to the same Player and explained that this situation was due to an administrative mistake provoked by the Equatoguinean authorities that had issued the Player’s first passport with a different name and a different date of birth. The FEGUIFUT also explained that this mistake was rectified in September 2015 with the issuance of the new passport.
11. On 4 August 2016, the CAF’s Commission for the Organisation of Women’s Football rendered a disciplinary decision against the FEGUIFUT (hereinafter, the “Disciplinary Decision”), in which it was stated that:
 - The FEGUIFUT should have informed CAF of the modification to the Player’s information (originally entered in 2014) when it registered the Player into the 2016 WAFCON, instead of making a new registration record for the Player.

- Therefore, the participation of the Player during the Matches was considered to be against the regulations.
 - The investigations and sanctions rendered by FIFA against the FEGUIFUT also prove the fraud that the latter committed in relation to the contradictory information regarding the identity of the Player.
 - According to Articles 43 and 44 of the Regulations of the WAFCON (hereinafter, the “Competition Regulations”), the female national team of Equatorial Guinea is disqualified from the 2016 WAFCON and is suspended from participating in the next two WAFCON competitions (*i.e.*, 2018 and 2020).
12. The FEGUIFUT filed an appeal before the CAF’s Appeal Committee (hereinafter, the “Appeal Committee”) against the Disciplinary Decision.
13. On 3 September 2016, a hearing took place at the CAF’s headquarters in El Cairo.
14. On the same day, the Appeal Committee confirmed the Disciplinary Decision. The operative part of its decision (hereinafter, the “Appealed Decision”), reads as follows¹:

“(…)

Déclarer régulier, en la forme, l’appel interjeté par la FEGUIFUT :

Sur le fond, confirme la décision du Comité d’organisation en ce qu’il a:

- *Disqualifié la Guinée Equatoriale de la CAN Féminine 2016*
- *Qualifié le Mali pour la phase finale de la CAN féminine 2016 en remplacement de la Guinée Equatoriale*
- *Suspendu la Guinée Equatoriale de la CAN Féminine 2018 et 2020.*

Les frais et débours relatifs à la procédure devant le Jury d’Appel de la CAF sont mis à la charge de l’appelante en application des dispositions de l’Article 58 du Code Disciplinaire de la CAF,

¹ Freely translated by the Panel as follows:

“(…)

To declare admissible, in the form, the appeal filed by the FEGUIFUT :

On the merits, to confirm the decision of the Organizing Committee:

- *To disqualify Equatorial Guinea from the WAFCON 2016*
- *To qualify Mali for the final phase of the WAFCON 2016 in replacement of Equatorial Guinea.*
- *To suspend Equatorial Guinea from the WAFCON 2018 and 2020.*

The costs and disbursements related to the proceedings before the CAF Appeal Committee shall be borne by the Appellant in accordance with Article 58 of the CAF Disciplinary Code.

This decision is notified to the Appellant and to the FEMAFOOT”.

La présente décision a été notifiée à l'appelante ainsi qu'à la FEMAFoot".

15. On 18 September 2016, the Appeal Committee notified the grounds of the Appealed Decision to the FEGUIFUT, which may be summarized as follows:
- The FEGUIFUT, despite being aware of the errors in the Player's passport since September 2015, failed to inform the CAF about them. Therefore, the FEGUIFUT intentionally concealed an anomaly concerning the identity of the Player while, simultaneously, benefitting from her services in its national team.
 - It cannot be reasonably sustained that the FEGUIFUT did not act deliberately, because it clearly understood – or at least ought to have presumed – the problems that the double identity of the Player would cause. It is thus clear that the FEGUIFUT acted with full knowledge of the facts and took the risk of registering the Player without alerting the CAF.
 - In consequence, the FEGUIFUT has privileged its sole interest in detriment of the principles of respect to the regulations and honesty to the sporting competition that governs the CAF.
 - The conduct of the FEGUIFUT violated Articles 37.4, 43 and 44 of the Competition Regulations, Article 82 of the CAF Disciplinary Code and Article 7 of the CAF Statutes and, thus, the Disciplinary Decision is confirmed.

III. PROCEEDINGS BEFORE THE COURT OF ARBITRATION FOR SPORT

16. On 28 September 2016, the FEGUIFUT filed a Statement of Appeal before the Court of Arbitration for Sport (hereinafter, the "CAS") against the Appealed Decision passed by the Appeal Committee on 3 September 2016. FEGUIFUT submitted the following requests for relief:

"(...) to accept this request presented within the time limit to appeal and admitting the STATEMENT OF APPEAL, against the APPEAL BOARD OF THE AFRICAN FOOTBALL CONFEDERATION'S (CAF) RESOLUTION, DATED 18TH SEPTEMBER 2016.

We also urge TO REVOKE THE DECISION OF THE ORGANIZING COMMITTEE OF THE AFRICAN FOOTBALL CONFEDERATION'S, dated AUGUST 4TH 2016, (...)

Moreover, in case that the decision shall not be revoked, our request would be:

- *To let be qualified both teams, Equatorial Guinea and Mali, to the Final Tournament of the CAN Feminine 2016".*

17. On 29 September 2016, in accordance with Article 48 para. 1 of the Code of Sports-related

Arbitration (hereinafter, the “Code”), the CAS Court Office invited the Appellant to complete some missing information in its Statement of Appeal.

18. On 6 October 2016, the Appellant completed the information requested by the CAS Court Office. Furthermore, on the same day, it requested that the case be handled in an expedited manner in accordance with Article R52 of the Code.

19. On 11 October 2016, the Appellant filed its Appeal Brief with the following requests for relief

“I SUBMIT TO THE COURT OF ARBITRATION FOR SPORT, asking to receive this writing, I ask to formalize DEMAND FOR SIMPLIFIED ARBITRATION PROCEDURE to kindly admit and in light of the exposed, revoke the Decision of the Appeals Board of the CAF 18th September 2016, by which the sanction of August 4th 2016 is confirmed and, therefore:

- *Allow Equatorial Guinea’s Football Feminine Team to participate in the Women’s CAN 2016.*
- *Lift the suspension of the participation of Equatorial Guinea’s Football Feminine Team and allow them to dispute next two editions (2018-2020).*
- *Return to FEGUIFUT the deposit of 3,000 \$ dollars made in the CAF”.*

20. Moreover, the Appellant proposed that the case be solved by a Sole Arbitrator but, if the matter was to be finally submitted to a three-member Panel, it would appoint Mr. Carlos del Campo Colás as arbitrator.

21. On 20 October 2016, the Appellant withdrew its request regarding the expedited procedure to be held in this case.

22. On 25 October 2016, the CAF objected to the Appellant’s proposal regarding the appointment of a Sole Arbitrator to solve the present dispute.

23. On 2 November 2016, the CAS Court Office informed the parties that the Deputy President of the CAS Appeals Arbitration Division had decided to submit the procedure to a three-member Panel and therefore the Respondents were invited to nominate an arbitrator from the list of CAS arbitrators.

24. On 8 November 2016, the First Respondent nominated Mr. Raymond Hack as an arbitrator and, consequently, the CAS Court Office invited the Second Respondent to advise whether it agreed with such a nomination or not.

25. On 15 November 2016, the First Respondent filed its Answer to the Appeal with the following requests for relief:

“1. [T]he decision issued by the CAF Appeal Board on 3 September 2016 is to be affirmed;

2. *The CAS will grant the Respondent's motion to dismiss the appeal of the Equatoguinean Football Federation;*
3. *The CAF is granted an Award for costs of 50.000 Swiss Francs”.*
26. On the same day, the CAS Court Office acknowledged that the Second Respondent remained silent with respect to the nomination of Mr. Hack and, therefore, such silence was considered an agreement with his nomination.
27. On 16 November 2016, the CAS Court Office acknowledged that Mr. Raymond Hack declined to serve as an arbitrator in this matter and, consequently, the Respondents were once again invited to jointly nominate an arbitrator from the list of CAS arbitrators.
28. From 19 November 2016 until 3 December 2016, the Competition took place without the participation of the FEGUIFUT.
29. On 29 November 2016, the CAS Court Office acknowledged that the Second Respondent did not file its answer to the appeal brief within the granted deadline and, in fact, no communications were received from this party. Furthermore, the CAS Court Office advised the parties that, pursuant to Article R56 of the Code, they were no longer authorized to supplement or amend their requests or their arguments, produce new exhibits, or specify further evidence in which they intended to rely. The parties were also invited to inform the CAS Court Office whether they preferred a hearing to be held in the present procedure or not. Lastly, the CAS Court Office acknowledged that the Respondents did not nominate an arbitrator within the given deadline and, in consequence, the President of the CAS Appeals Arbitration Division would proceed with the appointment *in lieu* of the Respondents.
30. On the same 29 November 2016, the First Respondent nominated Prof. Stavros Brekoulakis as arbitrator in the present case.
31. On 30 November 2016, the CAS Court Office invited the Appellant to advise by 1 December 2016 whether it agreed with the CAF's late nomination of an arbitrator or had any objection in this respect.
32. On 2 December 2016, the CAS Court Office acknowledged that the Appellant did not raise any objection to the First Respondent's late nomination of an arbitrator within the granted deadline and, therefore, invited the Second Respondent to confirm whether it agreed with Prof. Brekoulakis' nomination.
33. On 5 December 2016, the Appellant objected the First Respondent's late nomination of an arbitrator. However, the CAS Court Office rejected this objection because it was not filed within the time limit granted by the CAS letter of 30 November 2016.
34. On 7 December 2016, the CAS Court Office acknowledged that the Second Respondent did not object to the nomination of Prof. Stavros Brekoulakis as arbitrator.

35. On 12 December 2016, in accordance with Article R54 of the Code, the CAS Court Office informed the parties that the Panel appointed to settle the present dispute had been constituted as follows:

President: Mr Michele Bernasconi, attorney-at-law in Zurich, Switzerland.

Arbitrators: Mr Carlos del Campo Colás, attorney-at-law in Madrid, Spain.

Prof. Stavros Brekoulakis, professor of law in London, United Kingdom.

36. On 19 December 2016, the CAS Court Office informed the parties that the Panel had decided to hold a hearing on the present matter.

37. On 28 December 2016, the CAS Court Office informed the parties that the date of the hearing was set for 9 March 2017.

38. On 9 January and 19 January 2017 respectively, the Appellant and the First Respondent signed the Order of Procedure. However, despite being provided with the Order of Procedure for its signature, the Second Respondent did not return it within the granted deadline and the CAS Court Office did not receive any communication from this party.

39. On 8 March 2017, the CAS Court Office advised the parties that Mr. Roberto Nájera Reyes, attorney-at-law in Barcelona, Spain, would assist the Panel as *Ad hoc* Clerk.

40. The hearing of the present procedure took place in Lausanne, Switzerland, on 9 March 2017. At the hearing, the Appellant was represented by its in-house lawyer, Ms. Clara Bonkanka and by its external legal counsel, Mr. Mateo Castellá Bonet (who was assisted by a translator, Ms Ángeles Cardona). The First Respondent was represented by its lawyer, Mr. Stéphane Ceccaldi. No representatives attended on behalf of the Second Respondent. In addition, Mr. Antonio de Quesada, Counsel to the CAS, and Mr. Roberto Nájera Reyes, *Ad hoc* Clerk, assisted the Panel at the hearing.

41. At the outset of the hearing, both parties held a private meeting in order to reach an amicable resolution to the dispute; however, the counsel of the First Respondent stated that he did not have the authority to negotiate a settlement at that moment.

42. Furthermore, the Appellant and the First Respondent confirmed that they had no objections as to the constitution of the Panel and they did not object to the jurisdiction of the CAS.

43. At the hearing, the parties had the opportunity to present their case, to submit their arguments and to comment on the issues and questions raised by the Panel, and among them, on the provisions of CAF regulations mentioned in the Appealed Decision and on Article 45 of the Competition Regulations in particular. Further, the Panel asked the Appellant if it maintained all of its requests for relief because, in its Statement of Appeal, it had requested, *inter alia*, “to let

be qualified both teams, Equatorial Guinea and Mali, to the Final Tournament of the CAN Feminine 2016” and in its Appeal Brief it requested to “[a]llow Equatorial Guinea’s Football Team to participate in the Women’s CAN 2016”. The Appellant answered that, since the WAFCON 2016 had already concluded, it withdrew such latter request for relief and that the Panel only had to consider the following:

“(…)

- *Lift the suspension of the participation of Equatorial Guinea’s Football Feminine Team and allow them to dispute next two editions (2018-2020).*
- *Return to FEGUIFUT the deposit of 3,000 \$ dollars made in the CAF”.*

44. Before the relevant closing statements, the counsel of the Appellant informed the Panel that Mr. Iván William Molowe (DAF of the Equatorial Guinea’s Football Federation) had just arrived in Lausanne and requested that this gentleman be summoned at the hearing. The First Respondent did not object to the Appellant’s request and, thus, the Panel accepted to summon him as representative of the Appellant.
45. Moreover, in its closing statement, the Appellant requested the Panel to suspend the issuance of the award for at least one month in order to try to find an amicable settlement with the First Respondent. In turn, the counsel of the First Respondent reiterated that he did not have the authority to reach a settlement agreement with the Appellant and that he would have to talk with his client about the Appellant’s proposal. In view of the foregoing, the Panel decided to grant the First Respondent a deadline to advise whether it agreed with the suspension of the procedure or not.
46. Finally, at the end of the hearing, all the parties expressly declared that they did not have any objection with respect to the procedure and that their right to be heard had been fully respected.
47. On the same 9 March 2017, the CAS Court Office sent a letter requesting the First Respondent to inform by 16 March 2017, if it agreed to the suspension of the procedure or not.
48. On 20 March 2017, the Appellant reiterated its request for the suspension of the proceedings because it had *“opened direct negotiations with the CAF”*.
49. On the same day, the CAS Court Office requested the First Respondent to confirm whether it agreed with such suspension by 23 March 2017 or not.
50. On 31 March 2017, and in absence of any communication from the First Respondent, the CAS Court Office advised the parties that the Panel would proceed with the issuance of the award.

IV. SUMMARY OF THE PARTIES' SUBMISSIONS

51. The following summary of the parties' positions is illustrative only and does not necessarily comprise each and every contention put forward by the parties. The Panel, however, has carefully considered, for the purposes of the legal analysis which follows all the submissions made by the parties, even if there is no specific reference to those submissions in the following summary.

IV.1. The Appellant

52. The Appellant's submissions, in essence, may be summarized as follows:

a) Flaws in the CAF's proceedings

53. On 3 September 2016, when the CAF hearing took place in El Cairo, the FEGUIFUT stated that the regulations for the 2016 WAFCON were not published and were unknown to it. In fact, as it appears from the CAF's website, the Competition Regulations were only published on 19 September 2016 (*i.e.* after the Appealed Decision). In other words, the CAF conducted proceedings and sanctioned the FEGUIFUT based on regulations and sanctions unknown to the FEGUIFUT, leaving it in a total state of defenselessness.

54. Moreover, the CAF ascertains that the investigation started due to the protest of the FMF which, theoretically and in accordance with Article 41 of the Competition Regulations, had to file its protest within 48 hours after the match and to deposit USD 2,000. However, after requesting the relevant documents several times, the CAF failed to provide any information on this and the FMF did not appear in the disciplinary file. Therefore, the Panel shall establish the nullity of the disciplinary proceedings.

b) The errors committed by the FEGUIFUT

55. It is true that, in 2014, the FEGUIFUT registered the Player with a passport containing incorrect name and date of birth. However, this circumstance is not attributable to the FEGUIFUT but to the Equatoguinean authorities.

56. In September 2015, when the FEGUIFUT became aware of these mistakes, it requested the Equatoguinean authorities to correct them. Furthermore, also in September 2015, the FEGUIFUT informed FIFA about this situation and filed all the relevant documents that attested the errors contained in the Player's first passport. Therefore, the FEGUIFUT acknowledged before FIFA – as it acknowledges in these CAS proceedings – that it committed an error when it registered the Player with wrong information in her passport in 2014.

57. The FEGUIFUT was also wrong by not notifying the CAF of the errors in the Player's passport. However, this mistake was not intentional or deliberate. In fact, the FEGUIFUT did not know that it had to notify the CAF about such error. The FEGUIFUT honestly believed that, since the WAFCON 2016 was a new competition, it was unnecessary to inform the CAF about the

changes in the Player's information and that it was sufficient to register her with the correct passport in accordance with the Competition Regulations.

58. It is thus evident that there was neither bad faith nor any attempt of fraud because (i) the Player was registered with her valid passport, (ii) the WAFCON has only one category with no age-limit, and (iii) the changes in the Player's information neither represented any advantage for the FEGUIFUT nor damaged the FMF. The alleged advantage, in any case, could have been with respect to the 2014 WAFCON but not the 2016 competition.
59. Therefore, the Appealed Decision is incorrect when it framed FEGUIFUT's conduct as fraud and if the Panel considers that the FEGUIFUT committed any violation, it should be framed as an "administrative error" (as is provided in Article 45 of the Competition Regulations).

c) *The proper alignment of the Player in the Matches*

60. In accordance with the Competition Regulations, the FEGUIFUT sent the list of the 21 players called for the Matches and the CAF commissioner had the obligation to forbid the participation of any player who did not meet the standards. In fact, the CAF neither found any illegal situation with the Player nor warned the FEGUIFUT about any irregular situation. Therefore, the participation of the Player during the Matches was appropriate.
61. Furthermore, the FEGUIFUT was notified of the FIFA Disciplinary Committee's decision on 12 April; *i.e.* after the Matches. Thus, the Player was correctly aligned in the relevant matches and all arguments regarding the sanction imposed by FIFA cannot be taken into account in these proceedings.

IV.2. The First Respondent

62. The First Respondent's submissions, in essence, may be summarized as follows:

a) *Regarding the alleged flaws in the CAF's proceedings*

63. The Appellant cannot argue that it did not know about the Competition Regulations at the moment of the disciplinary proceedings, firstly because the regulations were in force since 28 October 2015 (as established in Article 112) and, secondly, because Article 11 of the Competition Regulations established a deadline to register the national association for their participation in the Competition which was duly complied with by the FEGUIFUT. In other words, if the Appellant's arguments were to be true, it would not have registered in the 2016 WAFCON.
64. In any case, if any flaws existed in the CAF's proceedings, the *de novo* power of the CAS procedure can heal them.

b) *The fraud committed by the FEGUIFUT*

65. The CAF discovered that the Player had two registrations containing different data in the CMS. After the relevant investigation, the CAF concluded that the FEGUIFUT deliberately registered the same Player under different identities in two successive WAFCON competitions. This situation created uncertainty because the CAF still cannot know which the valid passport – and information – of the Player is and, consequently, in accordance with Articles 36, 37, 43 and 44 of the Competition Regulations, the FEGUIFUT’s conduct is constitutive of fraud.
66. The CAF understands that fraud is “*cheating that goes beyond an error*”. In this sense, the FEGUIFUT’s bad faith is proven by the fact that FEGUIFUT registered the Player as a “new” person (*i.e.* as if she were another player), instead of correcting her data in her previous CMS record.
67. Furthermore, the FEGUIFUT’s intention of cheating is confirmed (or at the least can be legitimately inferred) because it received the notification of the FIFA Disciplinary Committee’s decision on 6 April 2016 (which sanctioned the FEGUIFUT for the same reason) and, instead of communicating this situation to the CAF (at least at this later stage), the FEGUIFUT remained silent. For sake of clarity, even assuming that the FEGUIFUT committed an “*honest mistake*” when it registered the Player for the Competition (*quod non*), it knew that there was a problem with the Player’s identity and thus had the obligation of informing the CAF on this, and it did not.
68. FIFA also decided that the FEGUIFUT committed fraud for the very same reasons analyzed for this case, and even though the FIFA Disciplinary Committee’s decision is related to a different competition, it is relevant to explain the FEGUIFUT’s repeated *modus operandi*.
69. The “benefit” is not a criterion to consider when determining whether “fraud” exists or not: once the intention of cheating is proven, it is irrelevant whether this represents an advantage or not. Nevertheless, it is assumed that when cheating occurs there is always a benefit for the one committing the fraud. In this case, for example, the FEGUIFUT could avoid the admission that they cheated in 2014 and avoid the consequences of that conduct.
70. The Appellant further blames the CAF commissioner for not being aware of the errors in the Player’s information and, thus, contends that her alignment in the Matches was proper, which is unacceptable. Firstly, according to Articles 36 and 37 of the Competition Regulations, the FEGUIFUT was liable to register the Player under her valid passport and was responsible for the integrity of the information contained therein. Secondly, in any case, the correct or incorrect alignment of the Player during the Matches is irrelevant because the conduct to be sanctioned is the deliberate registration of the same player under different identities, regardless of her correct or incorrect participation during the Matches.

c) *The applicable sanctions to the FEGUIFUT’s conduct*

71. In determination of the sanction, the Panel shall take into account that the CAF has the

responsibility – and the duty – to fight against the practices and cultural habits in Africa with regards to the registration of players under different identities and wrong information.

72. In this sense, the CAF strongly believes that the violation committed by the FEGUIFUT should be framed as “fraud” as provided in Article 43 of the Competition Regulations. Thus, the sanction provided in Article 44 of the Competition Regulations for this kind of cases shall apply:

“the convicted national association will be suspended from participation in the following two editions of the Women Africa Cup of Nations” (in our case, WAFCON 2018 and 2020).

73. Moreover, and with the intention not to allow the participation of the FEGUIFUT in the 2016 WAFCON, the CAF further relied on Article 40.13 of the Competition Regulations which provides that “[f]or any deliberate intention to defraud by falsifying official documents, the concerned association shall be suspended in accordance with the present regulations and the CAF disciplinary code”. In turn, Article 88 of the CAF Disciplinary Code provides the “exclusion” as a sanction for legal persons (defined as “the deprivation of the right of national associations and/or clubs from taking part in a current and/or future competition” in Article 104 of the CAF Disciplinary Code).
74. For this reason, the CAF decided to combine the sanctions, *i.e.* the exclusion from the Competition and the suspension from participating in the WAFCON 2018 and 2020. Needless to say that the combination of sanctions is possible according to Article 107 of the CAF Disciplinary Code which reads that “the sanctions provided for in the general and special parts of this code may be combined”.
75. For all the aforementioned, the Panel shall confirm the Appealed Decision.

IV.3. The Second Respondent

76. As it has been stated in section III of this Award, the FMF did not file any written submission or any communication before the CAS Court Office and did not attend the hearing.

V. JURISDICTION

77. Article R47 of the Code provides as follows:

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

An appeal may be filed with CAS against an award rendered by CAS acting as a first instance tribunal if such appeal has been expressly provided by the rules of the federation or sports-body concerned”.

78. Furthermore, Article 55 of the CAF Statutes read as follows:

“CAF authorises appeals to the Court of Arbitration for Sport; an independent arbitration tribunal based in Lausanne (Switzerland), to resolve any disputes between the CAF, national associations, members, leagues, clubs, players, officials and licensed match agents and licensed player’s agents”.

79. The jurisdiction of the CAS, which has not been disputed by any party, arises therefore out of Article 55 of the CAF Statutes, in connection with the above-mentioned Article R47 of the CAS Code, and is confirmed by the signature of the parties of the Order of Procedure.
80. Therefore, the Panel holds that the CAS has jurisdiction to rule on this case.

VI. ADMISSIBILITY

81. According to Article R49 of the Code, *“[i]n the absence of a time limit set in the statutes or regulations of the federation, association or sports-related body concerned, or in a previous agreement, the time limit for appeal shall be twenty-one days from the receipt of the decision appealed against”.*
82. The CAF Statutes provide a deadline for an appeal to the CAS in Article 55, para. 3, which reads as follows:

“Only CAS shall be empowered to adjudicate on appeals against any decisions or disciplinary sanctions taken in the last instance by any legal body of CAF or FIFA, a national association, league, or club. Any appeal must be filed with CAS within ten (10) days following the notification of the decision”.

83. The grounds of the Appealed Decision were communicated to the Appellant on 18 September 2016, and its Statement of Appeal was filed on 28 September 2016, *i.e.* within the time limit required both by the CAF Statutes in connection with Article R49 of the CAS Code.
84. Consequently, the Appeal filed by the Appellant is admissible.

VII. APPLICABLE LAW

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

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

86. In addition, Art. 55, para. 2 of the CAF Statutes establishes the following:

“The Code of Sports-related Arbitration shall govern the arbitration proceedings. With regard to substance, CAS shall apply the various regulations of CAF and FIFA or, if applicable, of national associations, members leagues and clubs, and, as last resort, Swiss law”.

87. At the hearing, the Panel asked the parties which would be the applicable law to resolve the present dispute. Both parties confirmed that the CAF regulations, in particular, the Competition Regulations, and, in general, the CAF Disciplinary Code and the CAF Statutes were applicable. Furthermore, they also agreed that, on a subsidiary basis, Swiss law would be also applicable.
88. Based on the aforementioned, the Panel finds that it must resolve the present dispute in accordance with the CAF Regulations (more specifically, the Competition Regulations, the CAF Disciplinary Code and the CAF Statutes) and, subsidiarily, Swiss Law.

VIII. MERITS

89. According to Article R57 of the Code, “[t]he Panel has full power to review the facts and the law. It may issue a new decision which replaces the decision challenged or annul the decision and refer the case back to the previous instance”.
90. The Panel has acknowledged that the Appellant requested to “revoke” the Appealed Decision in the sense explained in section III above, essentially relying on two main arguments: (i) the alleged procedural defects that occurred in the first instance proceedings and (ii) because the Appealed Decision incorrectly sanctioned the Appellant based on an alleged fraudulent behavior.
91. After analyzing the file, the Panel considers that to resolve the present dispute, the following issues shall be addressed:
- A. Whether procedural defects in the CAF’s proceedings took place or not and, what would the consequences of these flaws be, if any.
 - B. The potential infringements committed by the Appellant and the sanction to be imposed, if any.
- A. Existence or not of procedural defects in the CAF’s proceedings**
- i) Regarding the Appellant’s alleged lack of knowledge of the Competition Regulations*
92. The Appellant requested in its Appeal Brief that the Appealed Decision should be declared null and void because the Appeal Committee imposed a sanction “not supported by any regulation”. The Appellant further detailed at the hearing, that this argument was raised because the Competition Regulations were published by the CAF only on 19 September 2016 (*i.e.* after the Appealed Decision) and, consequently, Appellant could not know them and the correlative applicable sanctions. This, in the Appellant’s view, left it in a state of defenselessness.

93. The Panel notes in this respect that the regulations at stake entered into force on the 28 October 2015, as provided in Article 112 of Competition Regulations, which reads as follows (underline added):

“Article 112

The present Regulations have been adopted by the Executive Committee of CAF on 28th October 2015 and shall come into force immediately”.

94. After analyzing the arguments raised by the parties and the evidence taken, the Panel cannot share the Appellant’s view concerning its alleged lack of knowledge of the Competition Regulations. On the contrary, the Panel finds that there are elements leading to believe that the FEGUIFUT was aware of these regulations. Firstly, the Panel concurs with the CAF that the FEGUIFUT could not register in the Competition without having had knowledge of the Competition Regulations. Moreover, the Panel notes that in the “Memoire D’Appel” filed before the Appeal Committee, the Appellant never raised this issue; rather, this defense was advanced by the Appellant at a later stage. Additionally, the Appellant based its defense before the Appeal Committee on Articles 40 and 41 of the Competition Regulations. Lastly, it is to be also noted that the Appeal Brief is also quite revealing in this respect when the Appellant stated that *“ffollowing the indications of Art. 41 of Regulations Cup of Africa Women Nation’s, FEGUIFUT sent to the General Secretariat of the CAF a list of the 21 Players who were called to that meeting”*² (underline added).
95. All the above elements indicate, in the Panel’s opinion, that far from being unaware of the Competition Regulations, the Appellant had due knowledge of them prior to the beginning of the WAFCON 2016 and, thus, all the arguments and alleged consequences raised by the Appellant in this regard shall be rejected.

ii) Regarding the “missing protest” of the FMF

96. The Appellant has also claimed that the CAF did not provide the FMF “protest” and could not know if the FMF effectively filed the document complying with the requirements of Article 41 of the Competition Regulations.
97. The Panel has reviewed in this respect Article 41 of the Competition Regulations which reads as follows (emphasis added):

“Protests

A protest against the qualification of players who take part in competition matches must be made according to the following requirements:

41.1. It must be preceded by a nominal and motivated protest formulated before the match on the proper

² “Facts” Section, “Fifth” point, lit. a).

form of the match by the captain of the protesting team and communicated to the captain of the opposing team who will countersign it.

41.2 It must be confirmed by a registered letter or by a fax or email, sent to CAF Secretariat 48 hours after the match at the latest.

41.3 It must be accompanied by the payment of a protest right fixed to 2000 US\$ (two thousand US dollars). This amount will be returned to the protesting team if the protest is upheld".

98. In short, according to this provision, an association must meet three prerequisites to duly file a protest against the qualification of a Player: (i) to raise it before the match, (ii) to confirm it within 48 hours, and (iii) to pay an amount of USD 2,000.
99. In light of the evidence provided in the file, the Panel is not in a position to state that the FMF filed any "protest" before the Matches and, that the FMF's confirmation was filed within 48 hours after the Matches. However it is to be noticed that at that time, the FMF most probably did not have knowledge of the Player's situation as the FIFA Media Release came out on 11 April 2016 (*i.e.* after the Matches). Therefore, the Panel considers that it was not possible for the FMF to file a "protest" in terms of the rule invoked by the Appellant.
100. In the Panel's view, the communication sent by the FMF to the CAF on 14 April 2016 was to alert the latter about a FIFA decision that sanctioned the FEGUIFUT with fraud and to trigger a disciplinary investigation in this respect. Therefore, the Panel considers that the Appellant's communication was not a "protest" in terms of Article 41, but a communication in accordance either with Article 43 of the Competition Regulations or Article 43 of the Disciplinary Code, which read as follows:

- Article 43 of the Competition Regulations (underline added):

"If CAF is informed, no matter the source, that a fraud or a forgery was committed by any means and / or support whatsoever by one or more national team(s), an investigation will be opened".

- Article 43 of the CAF Disciplinary Code (underline added):

"COMMENCEMENT OF PROCEEDINGS

1. Disciplinary infringements are automatically prosecuted.

2. Any person or authority may report conduct that he or it considers incompatible with the Regulations of CAF to the legal bodies. Complaints shall be made in writing.

3. Match officials are obliged to expose in writing, in or attached to their official reports, infringements which have come to their notice" (underline added).

101. The Panel thus finds that the argument brought by the Appellant is untenable and shall be

therefore rejected.

102. In light of the above, the Panel concludes that there were no procedural flaws in the proceedings before the CAF and, therefore, the Appellant's request to annul the Appealed Decision based on these arguments shall be rejected.

B. The infringements of the FEGUIFUT and the sanction to be imposed.

103. With regard to this issue, the Panel shall firstly point out that in accordance with the evidence brought by the parties to these proceedings it is deemed proven that:

- For the WAFCON 2014, the FEGUIFUT registered the Player under a passport which contained incorrect information.
- In 2015, the FEGUIFUT attested that the Player's first passport contained errors.
- In light of it, also in 2015, the Equatoguinean authorities issued another passport for the Player which is deemed to be the current and valid one (at least, no proof has been brought to the contrary).
- For the WAFCON 2016, the FEGUIFUT registered the Player entering the new (correct) passport data in a new CMS record, instead of modifying the previous Player's record in CMS.

104. Taking the aforementioned facts into consideration, the CAF decided to sanction the FEGUIFUT on the basis of Articles 36, 37, 43 and 44 of the Competition Regulations, Article 82 of the CAF Disciplinary Code and Article 7 of the CAF Statutes.

105. This being said, the Panel shall analyze if the facts of the case are to be considered as a violation of any of the said regulations and, if this is the case, the Panel has to determine the correct consequences of such a violation.

106. In the determination of the aforementioned issues, the Panel shall take into account that:

- In accordance with Article 33 of the CAF Disciplinary Code "*[t]he onus of proof regarding disciplinary infringements rests on CAF*".
- With regard to the standard of proof, Article 31 of the CAF Disciplinary Code establishes that "*[t]he legal bodies will: (...) decide on the basis of their personal circumstance*". The Panel observes that the term "*personal circumstance*" is translated in the French version³ of the CAF Disciplinary Code as "*intime conviction*" which, in the repeated CAS jurisprudence, has been interpreted as "*comfortable satisfaction*". *Ad exemplum*, in CAS 2011/A/2426:

³ "Article 31. Les organes juridictionnels : (...) apprécient les preuves sur la base de leur *intime conviction*".

“87. The Panel notes that, under Article 97 FDC, the Panel has a wide margin of appreciation and may freely form its opinion after examining all the available evidence. The applicable standard of proof is the “personal conviction” of the Panel (in the French version “intime conviction”, but according to Article 143 para. 2 FDC the English version prevails).

88. The Panel is of the view that, in practical terms, this standard of proof of personal conviction coincides with the “comfortable satisfaction” standard widely applied by CAS panels in disciplinary proceedings. According to this standard of proof, the sanctioning authority must establish the disciplinary violation to the comfortable satisfaction of the judging body bearing in mind the seriousness of the allegation. It is a standard that is higher than the civil standard of “balance of probability” but lower than the criminal standard of “proof beyond a reasonable doubt” (cf. CAS 2010/A/2172; CAS 2011/A/2625, page 38 para. 53; CAS 2009/A/1920, para. 85)”.
- Article 115.4 of the CAF Disciplinary Code establishes that “when deciding the sanction, the legal body will take account of all of the circumstances of the case, in particular the age of the person sanctioned and his record”.

i) The alleged violations of Articles 36 and 37 of the Competition Regulations

107. Articles 36 and 37 of the Competition Regulations read as follows (underline added):

“Article 36

Each Association shall select its national representative team from players enjoying the citizenship of its country, qualified to participate in its national championship, subject to its jurisdiction and qualified for selection in conformity with the provisions of the regulations governing the application of the FIFA statutes. All players must present upon request, to the Secretariat of CAF or to the match commissioner, their valid passports.

Article 37

37.1. For each match, all the players of the host and visiting teams must present their valid passports.

(...)

37.4 Each Association is held responsible of the integrity of the information written in the player’s passports; namely the nationality, gender and date of birth”.

108. In short, pursuant to these rules, the players participating in the Competition shall present their valid passports and the national associations are responsible for the integrity of the information contained therein.

109. The CAF sustains that these rules have been herein infringed by the FEGUIFUT. However, the Panel is not of the same view. As it has been established, for the WAFCON 2016 the

Appellant registered the Player for the Competition with her current and valid passport. There is no evidence whatsoever contesting the integrity or the correctness of the information contained in this (second) passport of the Player.

110. In this respect, the Panel notes that the First Respondent has questioned the validity of the current passport by stating that if the first passport contained wrong information, it cannot be sure that the second passport is correct. In the Panel's opinion, this is not a valid argument. The Equatoguinean authorities have issued a new passport for the Player and it shall be considered as official and valid until proven otherwise. The CAF failed to substantiate its allegations and thus, in lack of any reliable evidence, its argument concerning a possible wrong content of the second, new passport of the Player shall be rejected.
111. The Panel wishes to underline that, in 2014, the FEGUIFUT indeed registered the Player under a passport which, undisputedly, contained wrong information. That use of a wrong passport could, possibly, at that time, be considered a violation of the WAFCON 2014 Regulations. However, this is first a matter of the past and second irrelevant herein as the CAF has accused the FEGUIFUT of breaching rules of the Competition Regulation (2016) applicable to its participation in the WAFCON 2016.
112. Therefore, given the fact that the CAF has not presented any convincing evidence that could put in question the validity of the second – and current – passport of the Player (or the correctness of the information contained therein), the Panel holds that the FEGUIFUT did not violate Articles 36 and 37 of the Competition Regulations when registering the Player using her new passport.

ii) The alleged violation of Article 43 of the Competition Regulations

113. The Panel shall continue its analysis with the alleged infringement of Article 43 of the Competition Regulations, which reads as follows:

“Article 43

If CAF is informed, no matter the source, that a fraud or a forgery was committed by any means and/or support whatsoever by one or more national team(s), an investigation will be opened”,

114. The sanction foreseen for this infringement is stipulated in Article 44 of the Competition Regulations in the following terms:

“Article 44

In case the alleged facts are true, the convicted national association will be suspended from participation in the following two editions of the Women Africa Cup of Nations”.

115. The Appealed Decision considers that the conduct of the FEGUIFUT is to be considered a “fraud” in the terms foreseen in Article 43 of the Competition Regulations.

116. The Panel shall thus analyze if the facts attributed to FEGUIFUT may be constitutive of fraud, and the first issue to be addressed by the Panel is precisely what a fraud is for the purposes of the Competition Regulations. In this respect the Panel wishes to highlight that no definition for “fraud” is provided in the applicable rules, *i.e.* neither in the Competition Regulations nor in the other CAF regulations. At the hearing, the Respondent sustained that fraud shall be defined as “*cheating beyond mistake*”, while the Appellant held that willful intent shall exist in the offender’s conduct.
117. In the absence of a specific definition of this concept in the CAF regulations, the Panel shall take other sources as a reference. Given that the parties have agreed that Swiss law is applicable to the present case on a subsidiary basis, the Panel found it appropriate to examine the concept of fraud under the Swiss law. The Panel notes that fraud is one of the offences foreseen in the Swiss Criminal Code, namely in Article 146, which reads as follows:

“Any person who with a view to securing an unlawful gain for himself or another wilfully induces an erroneous belief in another person by false pretences or concealment of the truth, or wilfully reinforces an erroneous belief, and thus causes that person to act to the prejudice of his or another’s financial interests, is liable to a custodial sentence not exceeding five years or to a monetary penalty”.

118. It shall not come as a surprise that the essential elements of the criminal law concept of fraud under Swiss Law (wilful intent, unlawful gain and correlative damage to the counterpart) are coincident with those of other legal systems and with the ones contained in the definitions of this concept provided in legal dictionaries. For instance, in Black’s Law Dictionary fraud is basically defined as “*some deceitful practice or willful device, resorted to with intent to deprive another of his right, or in some manner to do him an injury. As distinguished from negligence, it is always positive, intentional*”.
119. The concept of “fraud” is also used in Swiss contract law. Article 28 of the Swiss Code of Obligations reads as follows:

“Art. 28

1 A party induced to enter into a contract by the fraud of the other party is not bound by it even if his error is not fundamental.

2 A party who is the victim of fraud by a third party remains bound by the contract unless the other party knew or should have known of the fraud at the time the contract was concluded”.

120. Swiss jurisprudence relating to Article 28 of the Swiss Code of Obligations requires that the party accused of acting fraudulently must have acted with intention. Pure negligence is not sufficient to apply Article 28 of the Swiss Code of obligations.
121. Bearing the aforementioned in mind, the Panel, after having carefully analysed the conduct of FEGUIFUT, considers that:

- (i) The FEGUIFUT's alleged wilful intent has not been proven. Even assuming that the FEGUIFUT should have specifically informed the CAF about the mistake in the Player's passport, and failed to do so, the Panel does not see any deceitful intention in such a conduct. The Panel is satisfied that the Appellant presumed that the situation was "cured" when it registered the Player with the valid passport. Even if this presumption was incorrect, the Panel cannot conclude that the behaviour of Appellant can be interpreted as an expression of an intent to cheat.

The existence of the FIFA Disciplinary Committee's decision does not change the aforementioned conviction of the Panel. First, the Panel is not satisfied that FEGUIFUT was aware of the FIFA decision before the Matches since the FIFA Media Release was published the day after the second match, and it has not been proven that the decision was served to FEGUIFUT before this date. In fact, the document filed by the Respondent only proves that the facsimile notifying the FIFA decision was sent on 18 April 2016, *i.e.* after the Matches. In addition, the Panel has not been provided with any reliable information on whether the facts and the rules in the referred FIFA proceedings were similar as those applicable in the present procedure. Therefore, also the existence of the FIFA decision does not establish, in view of the Panel, the existence of a fraudulent behavior by Appellant in connection with the registration of the Player for the WAFCON competition.

- (ii) The CAF has not proven that the Appellant got any specific and clear benefit with its conduct, which took place in the frame of a non-age limit competition (the WAFCON). The CAF simply made presumptions as to this potential benefit obtained by FEGUIFUT, but the Panel is not satisfied that any of the alleged advantages could have ever taken place.

122. The Panel agrees that, as mentioned in the Appealed Decision, the conduct of the FEGUIFUT damaged "*la sincérité de la compétition sportive*". However this is not enough in the Panel's view to consider that the Appellant committed fraud in the terms foreseen in Article 43 of the Competitions Regulations. The Panel therefore is satisfied that FEGUIFUT did not violate this rule, which means that the sanction foreseen in Article 44 of the Competition Regulations shall not be imposed on the Appellant.

iii) The violation of Article 45 of the Competition Regulations, of Article 82 of the CAF Disciplinary Code and of Article 7 of the CAF Statutes

123. Even if the Panel is convinced that no breach of Article 43 of the Competition Regulations has taken place, this does not mean at all that the FEGUIFUT's conduct could not infringe other provisions and may therefore deserve a sanction.

124. In particular, the Panel is satisfied that FEGUIFUT violated Article 45 of the Competition Regulations, which reads as follows:

“For any administrative error in the registration of players, the national association concerned will be suspended from participation in the next edition of Women Africa Cup of Nations, and its team will be eliminated from the competition if the latter is still on going”.

125. It is clear for the Panel that FEGUIFUT’s explained conduct constitutes an administrative error in the registration of the Player. This error has been even accepted by FEGUIFUT at the hearing, so very few shall be further mentioned in this respect. The excuses that FEGUIFUT have raised to justify its conduct (basically stating that the problem with the Player’s passport was cured with the new registration and that nothing else had to be done) is of no avail. The Panel considers that the FEGUIFUT behaved improperly when it entered a new registration record for the Player in the CMS and when it did not disclose the Player’s situation to the CAF.
126. The consequence of this infringement is specifically foreseen in Article 45 of the Competition Regulations, and is the one to be applied herein: the suspension from participation in the next edition of the WAFCON and elimination in the ongoing competition.
127. Finally, with regard to the alleged violation of Article 82 of the CAF Disciplinary Code⁴ and Article 7 of the CAF Statutes⁵, the Panel shall emphasize that the scope of these rules is a general and wide; the rules refer to fundamental principles such as the respect to sportsmanship and integrity in the competition. A great part of the infringements of specific provisions of the Competition Regulations, the Disciplinary Code and the CAF regulations imply somehow a violation of these principles. In the case at stake, taking into due account all circumstances and all the evidence submitted by the parties, the Panel is of the view that the violation of these general provisions is to be subsumed within the infringement of the *lex specialis* (i.e. here Article 45 of the Competition Regulations). Thus, no further sanction shall be imposed to the FEGUIFUT on the basis alone of Article 82 of the CAF Disciplinary Code nor of Article 7 of the CAF Statutes.
128. In conclusion, the Panel partially upholds the Appeal and imposes on FEGUIFUT the sanction consisting of the exclusion from WAFCON 2016, an exclusion that has been implemented already, and the suspension from participating in the next edition of the WAFCON, i.e. the WAFCON 2018.
129. The Panel lastly rejects the Appellant’s request to “[r]eturn (...) the deposit of 3,000\$ dollars made in the CAF”. The Panel presumes that the Appellant refers to the deposit made in the appeal proceedings before the CAF, which in accordance with Article 58 of the CAF Disciplinary Code is returned if an appellant wins the case. The Appellant did not win the case before the CAF Appeal Committee and its appeal before the CAS has only been partially upheld. Accordingly, the Panel considers that the return of the deposit is not appropriate.

⁴ “National associations, clubs, officials and members, as well as their players, shall respect the principles of loyalty, integrity, sportsmanship and ethics”.

⁵ “1. Members of CAF shall have the following obligations: a) respect, and ensure that their own members respect, at all times unreservedly the principles of ethics and fair play enacted by CAF and FIFA, the principles of integrity and sportsmanship as well as the Statutes, regulations, decisions and directives of CAF and FIFA”.

130. Based on the above conclusion, the Panel is satisfied that all other or further motions or prayers for relief shall be dismissed.

ON THESE GROUNDS

The Court of Arbitration for Sport rules that:

1. The appeal filed by the Equatorial Guinea's Football Federation against the decision rendered by the Appeal Committee of the *Confédération Africaine de Football* (CAF) on 3 September 2016 is partially upheld.
2. The decision rendered by the Appeal Committee of the *Confédération Africaine de Football* (CAF) is confirmed with the exception of the following element:

The Equatorial Guinea's Football Federation is no longer suspended from the WAFCON 2020.

3. (...).
4. (...).
5. All other or further motions or prayers for relief are dismissed.