



Arbitration CAS 2014/A/3576 George Yerolimpos v. World Karate Federation (WKF), award of 12 February 2015

Panel: Prof. Michael Geistlinger (Austria), President; Mr Jean-Philippe Rochat (Switzerland); Mr José María Alonso Puig (Spain)

Karate

Disciplinary sanction against one of its members by an International Federation

Exhaustion of internal legal remedies and CAS jurisdiction

Where all internal legal remedies available to an appellant have not been exhausted, CAS has no jurisdiction to hear an appeal against a disciplinary decision taken by a first instance decision.

I. THE PARTIES

- 1.1. Mr George Yerolimpos (hereinafter referred to as the “Appellant”) is a former member of the Executive Committee of both the World Karate Federation and the European Karate Federation (hereinafter referred to as “EKF”). He is also an Executive director of SportAccord World Games. He served as Secretary General of the World Karate Federation and of the EKF between 1997 and 2013. He also holds the position of the Honorary President of the Hellenic Karate Federation (hereinafter referred to as “HKF”) and is a member of the Hellenic Olympic Committee (hereinafter referred to as “HOC”).
- 1.2. The World Karate Federation (hereinafter referred to as “WKF” and the “Respondent”) is the world federation governing the sport of karate with its seat in Madrid (Spain). Mr Antonio Espinos, a citizen of Spain, is currently president of the WKF and has been re-elected for a further term on 4 November 2014. He is also president of the EKF.

II. FACTS

- 2.1. On 2 August 2013, following the circulation of emails considered to be defamatory to WKF members and officials, the WKF President provisionally suspended the Appellant from his function as WKF Secretary General. On 14 August 2013, the WKF Executive Committee decided by 16 votes to 1 to permanently remove the Appellant from his position as WKF Secretary General. On 30 October 2013, the WKF Disciplinary Tribunal suspended the Appellant for 6 months from 30 October 2013 of his membership of the WKF and its Executive Committee for having violating his duty of loyalty and other disciplinary issues, after

the Appellant had sent an email to the WKF President requesting financial information and informed the WKF membership of such action.

- 2.2. On 6 November 2013, the Executive Committee of the WKF unanimously decided to request the Chairman of the WKF Disciplinary and Legal Commission (hereinafter referred to as “DLC”) to initiate disciplinary proceedings against the Appellant. A Disciplinary Tribunal was constituted on 27 January 2014 (hereinafter referred to as “WKF DT”) in order to determine whether facts related to the return of the WKF domain at and after the end of the Appellant’s function as WKF Secretary General, but still member of the WKF Executive Committee, amounted to a violation of the WKF Statutes and WKF Disciplinary and Legal Rules (hereinafter referred to as “WKF DLR”). This procedure ended on 25 April 2014 by the WKF DT having found the Appellant guilty of violation of art 9 WKF Statutes by having registered the official WKF domain name under his own name and having failed to return the material belonging to the WKF thereby having intentionally caused prejudice to the WKF and the sport of karate by affecting the main means of the WKF’s communication. The WKF DT imposed a sanction of one year suspension of the Appellant’s membership to the WKF and to the WKF Executive Committee. The WKF DT considered this sanction as appropriate and proportional taking into regard inter alia that the Appellant *“had recently been suspended for violating the WKF regulations and that this constitutes a second offence against the interests of the WKF”*.
- 2.3. While these disciplinary proceedings took place, the Appellant had appealed the first WKF suspension decision dated 30 October 2013 to the WKF Appeal Tribunal (hereinafter referred to as “WKF AT”) on 8 November 2013. On 6 February 2014, the WKF AT confirmed the six months’ suspension imposed by the WKF DT. On 26 February 2014, the Appellant appealed to CAS and on 1 April 2014 requested provisional and conservatory measures. This request sought the relief that the Appellant will be allowed to take part at the EKF Executive Committee meeting and EKF Congress in Tampere, Finland, on 30 April 2014. By Order dated 25 April 2014, the CAS Panel relied on the fact that the Respondent expressly had stated in its observations dated 14 April 2014 that *“the Appellant will be allowed to attend the next EKF EC meeting and EKF Congress”* and that, therefore, *“his prayers for relief filed with the Application are moot”* (emphasized by the respective CAS Panel). Thus, the Appellant’s application for provisional and conservatory measures was rejected. The fact that on the same day (25 April 2014), the WKF DT imposed a second suspension with immediate effect undermined this CAS decision and caused the fact, that the Appellant could not take part at the EKF Executive Committee meeting and EKF Congress.
- 2.4. On 27 April 2014, the Appellant submitted an appeal to CAS from the decision of the WKF DT dated 25 April 2014 and on 5 May 2014 appealed to the WKF AT for *“precautionary reasons only, because the Appellant, for the reasons set out in his submissions before CAS which will be supplemented in the future, does not recognise the DLC Appeals Tribunal as an independent or effective internal remedy, particularly based on his previous experience before this body, which conducted a completely biased and flawed process in the matter 1/2013 involving the Appellant”*. On 16 May 2014, the Appellant upon request of the Respondent confirmed that he did not request a stay of the WKF proceedings until the CAS has decided on its jurisdiction to hear the present matter.

III. WRITTEN PROCEEDINGS BEFORE THE CAS AND EVENTS DURING THESE PROCEEDINGS

- 3.1. The Statement of Appeal of 27 April 2014 according to the Appellant includes only submissions “*meant to satisfy the requirements of Article R48 and R37 of the CAS Code*”. Art R48 of the Code rules on the Statement of Appeal, Art R37 on Provisional and Conservatory Measures. The Statement of Appeal, in fact, included a request for Provisional and Conservatory Measures, for Stay of the Execution of the WKF DT decision as well as a request on production of documents and consolidation of the current proceedings with the proceedings between the same parties in CAS 2014/A/3516.
- 3.2. On 28 April 2014, the Respondent submitted Observations on the Appellant’s Application to Stay the Execution of the WKF DT decision of 25 April 2014.
- 3.3. On the same day the operative part of the Order on Provisional Measures issued by the President of the CAS Appeals Arbitration Division was communicated to the parties. On 29 April 2014, the Respondent objected to the production of documents as requested by the Appellant. On 1 May 2014, the CAS Council informed the parties that it will be up to the Panel to rule on the Appellant’s request for production of documents.
- 3.4. The full Order on Provisional Measures, with grounds, was sent to the parties on 2 May 2014. The CAS dismissed the application to stay the execution of the decision and for provisional measures. The CAS also dismissed the application for consolidation. The costs of the order were to be determined in the final award or in any other final disposition of this arbitration.
- 3.5. At para 4.9 of this Order of 2 May 2014, the President of the CAS Appeals Arbitration Division held that “*...even though the jurisdiction of the CAS and the admissibility of the appeal appear doubtful, in particular in view of the fact that the Appellant had previously appealed before the WKF Appeal Tribunal against a decision of the WKF Disciplinary Tribunal, it is not clear that the CAS does not have jurisdiction or that the appeal is inadmissible. The President of the CAS Appeals Arbitration Division therefore decides that it will be for the Panel to render a decision in this respect*”.
- 3.6. On 20 May 2014, the Respondent sent a letter to the CAS arguing with reasons to be discussed below at paras 4.15 – 4.18 that the appeal is premature and thus non-admissible.
- 3.7. On 23 May 2014, the Appellant confirmed his appeal irrespective of the arguments of the Respondent raised in its letter to the CAS of 20 May 2014 and submitted his reasons for doing so. The reasons will be discussed together with the reasons given in the Statement of Appeal below at paras 4.2 – 4.13.
- 3.8. By letter dated 23 May 2014, the CAS Counsel confirmed that the deadline for the Appellant to file his appeal brief was suspended pending decisions by the Panel on the admissibility of the appeal and the request for production of documents.

- 3.9. By letter dated 3 July 2014, the Appellant urged the formation of a Panel to decide the case and reported that the WKF Disciplinary and Legal Commission has not progressed this case to any substantial extent in the last two months.
- 3.10. By letter dated 3 July 2014, the CAS Counsel pursuant to art R54 of the Code notified the formation of the Panel composed of Prof. Michael Geistlinger, Mr Jean-Philippe Rochat and Mr José-María Alonso Puig.
- 3.11. By letter dated 15 July 2014, the Respondent reported an alleged breach of confidentiality. By letter dated 16 July 2014, the Appellant denied such breach of confidentiality.
- 3.12. By decision of 21 July 2014, the WKF AT dismissed the appeal of 5 May 2014 (see para 2.4 above) and confirmed the Appellant having violated art 9 para 2 WKF Statutes holding that the Appellant “acted clearly against his role as WKF Executive Committee member by intentionally causing prejudice to the WKF and the sport of karate by affecting the main means of communication of the Federation”. The sanction of one year suspension, thus, was confirmed.
- 3.13. On 23 July 2014, the Appellant filed a Statement of Appeal to CAS, including a request for disclosure of documents. This case was registered as case CAS 2014/A/3671. The parties agreed to have the same Panel dealing with this case and have a decision issued on jurisdiction and admissibility on both cases at the same time as well as on the disclosure of documents first.

IV. SUBMISSIONS OF THE PARTIES AS TO THE JURISDICTION OF CAS

- 4.1. The Appellant focusses in his Statement of Appeal on the issue of jurisdiction of the CAS and reserved his arguments as to the merits to the Appeal Brief. The deadline to file the Appeal Brief was suspended pending decision by the Panel on the admissibility of the appeal. The President of the CAS Appeals Arbitration Division raised doubts as to admissibility of the appeal. Since the decision on the request of production of documents requires first admissibility of the appeal, the following presentation of submissions of the parties is limited as to the jurisdiction of CAS.

a. The Appellant

- 4.2. The Appellant bases the jurisdiction of CAS on art R47 of the Code, art 21.12 of the WKF Statutes and arts 3 and 15 of the WKF DLR as adopted on 1 June 2005.
- 4.3. Art R47 of the Code reads 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 him prior to the appeal, in accordance with the statutes or regulations of the body.”

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

- 4.4. Art 21.12 of the WKF Statutes reads as follows:

“Affiliated members and Individuals shall commit themselves to accept no authority other than the one of the WKF. An appeal before the Court of Arbitration for Sport (TAS/CAS) is only possible after having exhausted all the internal resources foreseen in the WKF Statutes”.

- 4.5. Art 3 and 15 of the WKF DLR 2005 read as follows:

“ARTICLE 3

The DLC will act in disciplinary matters either as” should read: (t) “its own initiative or upon request of the Executive Committee or of a third party. In this latter case, the Chair will decide upon the acceptability of the request. The decision taken can be appealed exclusively before the TAS/CAS”.

“ARTICLE 15

The decisions of the DT are final. Those concerned can, within twenty-one days after receiving the notification receipt, appeal to the Tribunal of Arbitration for Sport (TAS). The appeal will not suspend the DT decision, except when the latter decides so”.

- 4.6. The Appellant emphasizes that the WKF DLR version 2005 do not provide for other internal legal remedies to be exhausted according to art R47 of the CAS Code and that the deadline of 21 days has been met by having submitted the appeal to CAS on 16 May 2014. The Appellant anticipates that the Respondent will argue – what the Respondent in fact does – that in 2008 the WKF DLR have been amended and under this amended version the Appellant has not exhausted all internal legal remedies available to him, since they introduced a second instance, the WKF AT.

- 4.7. Art 15 of the 2008 version of the WKF DLR reads as follows:

“The decisions of the DT are taken in first instance. Those concerned can, within 10 (ten) days after receiving the notification receipt, appeal to the Appeal Tribunal. The appeal will not suspend the DT decision, except when the latter decides so”.

- 4.8. Art 15 of the 2008 version of the WKF DLR must further be read together with art 33 WKF DLR which is as follows:

“The decision taken in last instance by the Appeal Tribunal may be appealed before the TAS / CAS during the 21 (twenty one) days that follow the notification of the decision”.

- 4.9. The Appellant holds that the 2008 WKF DLR version, “however, was never proposed, discussed or adopted in any of the meetings of the WKF administrative bodies in 2008 or in any other year” (emphasized by the Appellant). As Secretary General during the relevant period he is unaware of any such amendment. The Appellant holds that the Respondent could not prove the existence of such

amended rules, also not in the pending procedure CAS 2014/A/3516. The Appellant points at CAS 2005/A/971 (at para 6.1.2), which shows in his opinion that according to CAS jurisprudence in cases of a dispute over the existence of an internal remedy the sports-governing body bears the burden of proof. As means of evidence the Respondent could only provide the text of the alleged 2008 WKF DLR on an undated document signed by hand by 15 out of the 22 of the 2008 composition of the WKF Executive Committee. In the opinion of the Appellant this document as such does not provide any information on the date and on the author of the decision.

- 4.10. The Appellant reports that there was only one meeting of the WKF EC in 2008. It took place on 12 and 15 November 2008 in Tokyo. The meeting minutes do not show that any amendments to the existing WKF DLR have been adopted. Further to that one signature on the document has been set by an Executive Committee member who was absent from the Tokyo meeting. The Appellant raises the question why the document has not been signed by all the 21 WKF Executive Committee members that were present in Tokyo, including himself. All his respective arguments, raised already during the procedure CAS 2014/A/3516, have not been answered by the Respondent.
- 4.11. In the alternative that the Panel finds that the 2008 WKF DLR are valid and do apply, the Appellant argues that the requirement of the exhaustion of the federation's remedies does not apply at the matter at stake, because their exhaustion cannot be reasonably required from the Appellant. Relying on Swiss, CAS and ECHR case law, the Appellant holds that the internal remedies shall be exhausted only to the extent that they are effective. In his case the Respondent's disciplinary bodies acted in order to politically eliminate and exclude the Appellant from all WKF and EKF activities.
- 4.12. The Appellant undertakes to adduce evidence for this argument by reporting that the two expert reports that were mentioned in the challenged decision were not sent to him, but were instead offered to be disclosed under conditions blatantly violating his right to be heard. Further to that the challenged decision was notified to the Appellant only a few hours after the CAS had rendered its Order on Provisional Measures in the matter CAS 2014/A/3516. By having done so, the Respondent by careful planning undermined the CAS Panel's expectation that the Appellant will be entitled to attend the EKF Executive Committee and EKF Congress meetings in Tampere. Additional arguments are seen in the fact that all communications from the WKF DT were coming through the WKF headquarters' email addresses which according to the Appellant are controlled by the WKF President and his staff as well as by the fact that neither the WKF nor the WKF DT objected to the Appellant's statement that he would directly appeal to CAS in case the WKF DT proceeded with "*the bogus disciplinary proceeding*". In addition, the Appellant mentions the testimony of a former Greek karate referee to the HKF that he had received information that there was an organised plan to eliminate the Appellant from karate through disciplinary procedures. As a result the Appellant holds that the WKF DT lacked impartiality and objectivity and, therefore, cannot be considered to be an effective remedy for the protection of his legal rights. Further to that, the Respondent in the opinion of the Appellant is intentionally delaying the progress of the proceedings before the WKF AT and threatening additional proceedings against the Appellant.

4.13. The Appellant refers to the decision of the CAS Ad-hoc division for the London 2012 Olympic Games, JO 12/008, where the CAS at paras 5.7 – 5.10 had ruled that the respective federation (UIPM) was incapable of handling the given case within a reasonable deadline envisaging that the (second) hearing date in an athlete's matter was delayed to two days before the opening of the Games and that the UIPM Court of Arbitration had shown not to be independent from the UIPM, since the UIPM had cancelled a first hearing date without having consulted the court or the parties. The parties in this case wanted to use the internal remedies, but these were made inefficient by the federation itself. The Appellant holds that this CAS ruling is to be applied also to his case, because the WKF DT has a 3-month deadline to take a decision, which deadline would eliminate the Appellant's chances to participate in numerous WKF and EKF activities, including the submission of a candidature to the WKF Executive Committee elections. The elections will take place between 5 and 9 November 2014, candidatures must be submitted 4 months in advance. In addition there is no separation of powers between the WKF administration and its judicial body, the WKF itself making its own bodies inefficient by the administration possessing and processing the disciplinary case file. The requirement of exhaustion of the internal remedies would result in a de facto denial of justice.

b. The Respondent

4.14. The Respondent in its Observations on the Appellant's Application to Stay the Execution of the WKF Disciplinary Tribunal Decision of 25 April 2014, calls the Appellant's allegations as to the jurisdiction of CAS irrelevant and considers it indisputable that the CAS lacks jurisdiction, because the 2008 version of the WKF DLR is the current and applicable version. It was duly approved by the WKF Executive Committee on 31 December 2008 based on art 13.11 lit e WKF Statutes. This provision reads as follows:

"The Executive Committee shall lead, manage and administer WKF activity, draw up programmes in accordance with the directives approved by the Congress and assure that they are enacted.

Mainly it shall:

...

Approve and amend Rules and Regulations".

4.15. The Respondent reserves his respective rights, but observes that the Appellant has to demonstrate that the 2008 version of the WKF DLR was a fake, which he did not. Besides, the Appellant had relied on the application of the 2008 WKF DLR by appealing the WKF DT decision to the WKF parallel. In the Respondent's view it *"is therefore contradictory and inconsistent for the Appellant to maintain that the WKF DLR 2008 are not applicable, while he has explicitly requested their application in his appeal to the AT and thereby explicitly acknowledged their applicability. The Appellant cannot venire contra factum proprium"*.

4.16. As to whether the WKF internal legal remedies are effective, the Respondent holds that the Appellant cannot validly object to the WKF AT's effectiveness in the present procedure after having acknowledged the WKF AT as a valid internal legal remedy in the CAS 2014/A/3516

matter and in the present matter. The Respondent emphasizes that the WKF AT in the first procedure had complied with all its obligations, notably the deadline for issuance of its decision and the guarantees of due process. There are no valid reasons why the WKF AT will not act in the same diligent manner in the present dispute.

- 4.17. In the opinion of the Respondent, the Appellant may well request from the WKF AT the stay of the sanction imposed. The Respondent holds that such an application would be dealt with and decided upon with all due negligence and swiftness.
- 4.18. As a result the Respondent considers the Appellant's appeal premature and that CAS lacks jurisdiction to hear the present dispute.

V. CAS JURISDICTION

- 5.1. The Panel finds the arguments brought forward by the Appellant in favour of the jurisdiction of CAS not convincing.
- 5.2. The Appellant's allegation that the 2008 version of the WKF DLR does not validly exist has to be proven by the Appellant. The CAS decision CAS 2005/A/971 RBF v/IBF at para 6.1.2, invoked by the Appellant, does not support his opinion of reverting the burden of proof. In the respective case the jurisdiction of CAS was to be based on the clause "*Any such dispute shall be referred to the Court of Arbitration unless otherwise agreed by the Parties*". The Sole Arbitrator held that neither of the parties had pleaded the existence of such agreement. This clause, having been the only applicable rule in that procedure did not ask for exhaustion of legal remedies. Thus, the party arguing such requirement – in that case the Respondent – had to prove it.
- 5.3. In the present dispute, the Appellant is arguing the invalidity of the 2008 version of the WKF DLR and at the same time is showing a document bearing the signatures of a majority of the then members of the WKF Executive Committee confirming that the document, indeed, had been adopted as amendment to the 2005 version of these rules. The document does not intend to replace minutes and is not referring to the minutes of the Tokyo Executive Committee meeting. The Respondent specifies that the document was signed on 31 December 2008. The document itself does not say when and at which meeting in 2008, the 2008 version of the WKF DLR has been adopted. Art 13.20 of the WKF Statutes allows for taking of the necessary decisions by exchange of faxes or emails, if for any reason a meeting of the Executive Committee cannot take place. Side to side with at least one ordinary session per year, also extraordinary sessions of the Executive Committee are possible upon justified request of the majority of the Executive Committee members (art 13.12 WKF Statutes).
- 5.4. Thus, even if the Tokyo WKF Executive Committee meeting minutes of 12 and 15 November 2008 in item 3.1 mention that the minutes of the EC meeting in Istanbul were unanimously approved and in item 15 that the "*next regular EC meeting will be held at the Junior & Cadet Championships in Rabat, Morocco in November 2009*", the Appellant did not produce any evidence that there was no extraordinary meeting of the Executive Committee in 2008 or that no Executive Committee decision has been taken by exchange of faxes or emails in 2008, apart

from the Tokyo meeting. The Panel regrets that there is no provision in the WKF Statutes ruling on any obligation to include such decision in the minutes of the next following ordinary Executive Committee meeting. Art 13.23 of the WKF Statutes simply provides that the “*minutes of all meetings and other proceedings of the Executive Committee are established under the authority of the President. ...*”. Given this broad margin of discretion, the Panel does not see any legitimate ground to put in doubt what 15 out of 22 members of the 2008 composition of the WKF Executive Committee have confirmed by their signatures. Given the fact, that an Executive Committee decision is valid, if a simple majority has voted in favour (see art 13.21 WKF Statutes), the Panel considers it mere speculation why not all 22 members of the Executive Committee have confirmed the validity of the 2008 version of the WKF DLR on the date mentioned by the Respondent.

- 5.5. As a result, the Panel concludes that the 2008 version of the WKF DLR is valid. It follows from its arts 15 read together with 33 and with art 21.12 WKF Statutes that only a last instance decision by the WKF AT may be appealed to CAS.

- 5.6. The Appellant in the alternative holds that the exhaustion of internal remedies cannot be reasonably required from him, because they are ineffective, do not guarantee impartiality, objectivity and his legal rights, and come equal to a de facto denial of justice, the procedure being politically motivated and run by the administration being not separated from the judiciary. The Panel finds these arguments not sufficiently substantiated, even if it wishes to note that the CAS Order on Request for Provisional and Conservatory Measures dated 25 April 2014 in the case CAS 2014/A/3516 has been undermined by the Respondent. The Panel in that case had relied on an explicit statement of the Respondent which was not fulfilled by him. This Panel, when holding that the internal remedies are effective, relies on the statement of the Respondent at para 25 of its Observations on the Appellant’s Application to Stay the Execution of the WKF Disciplinary Tribunal Decision of 25 April 2014 dated 28 April 2014, where the Respondent says: “*It shall be further underlined that pursuant to the WKF DLR, nothing prevents the Appellant from requesting from the AT the stay of the sanction imposed in the second decision. Although the AT is a body fully independent from WKF’s President and Executive Committee, the Respondent is convinced that should Mr Yerolimpos file an application for provisional measures before such instance, such an application would be treated and decided upon in accordance with the required diligence and swiftness*”. Diligence of a judicial body in the present context in the opinion of the Panel cannot be understood differently than assuring that a disciplinary proceedings must not serve to avoid democratic elections. Swiftness applied by a judicial body in the matter at stake in the view of the Panel cannot be understood in any other manner than making sure that the deadlines for submitting candidacies for the forthcoming WKF elections and participation at these elections can be met.

- 5.7. The Panel finds that it is rather typical for international sports federations that the administration also assists the judiciary in the communication process with the parties. Budgetary constraints very often hinder to provide judicial bodies in international sports federations with their own judicial administration. The Appellant in the opinion of the Panel did not provide any evidence for an interference of the President of the WKF or his staff into the respective correspondence. The Panel also does not see any obligation of the WKF to comment on the Appellant’s announcement directly to appeal to CAS. The statement of Mr Christou, quoted by the Appellant, gives evidence only that he did not want to harm the image

of the HKF, that he in his opinion did not show unsportsmanlike behaviour and did not violate internal rules and regulations and that with the regard of dissemination of real events by a group of persons listed in this statement and also by the conduct of the Appellant in Mr Christou's opinion no defamation of the HKF did take place. The statement does not disclose any "organised plan" to eliminate the Appellant from karate.

- 5.8. In the opinion of the Panel, the arguments drawn by the Appellant from the decision JO 12/008 dealing with a case of participation or not of an athlete at the Olympic Games, which were to be opened in two days from a postponed hearing of the second instance within the respective federation, thereafter requiring further appeal to CAS, cannot be applied to the Appellant's case. The factual grounds – participation of an athlete at imminent Olympic Games vs personal participation of an Executive Committee member of an international sports federation at an annual meeting of this body – as well as the legal reasons – problems of recruitment of the members of an internal arbitration court and their availabilities in the very last moment before the opening of the Olympic Games and postponement of a hearing of the last internal instance before allowing for an appeal to CAS vs three months deadline for decision of the second instance starting from five and a half months before the Executive Committee elections in an international sports federation are too different in order to allow for conclusion by analogy.
- 5.9. The Panel does not see any evidence which allows to follow the Appellant's opinion that the WKF is intentionally delaying the progress of the proceedings before the WKF AT and for new threats of the Respondent. At the same time the Panel also sees no valid argument in the Respondent's holding that the fact that the Appellant approached the WKF AT is to consider as *venire contra factum proprium*. Due diligence of an attorney in the case at stake in the opinion of the Panel required to appeal to the WKF AT even if the Appellant was convinced not receiving justice from there.
- 5.10. It follows from the foregoing reasoning that the Panel finds that CAS has no jurisdiction to decide the present case.

ON THESE GROUNDS

The Court of Arbitration for Sport hereby rules:

1. CAS has no jurisdiction to hear the appeal filed by Mr George Yerolimpos on 28 April 2014 against the decision of the Disciplinary Tribunal of the World Karate Federation of 25 April 2014.
- (...).