CAS 2025/A/11171 SAMUEL ETO'O FILS & FÉDÉRATION CAMEROUNAISE DE FOOTBALL V. CONFÉDÉRATION AFRICAINE DE FOOTBALL

VETTING AND ELIGIBILITY REVIEWS OF CANDIDATES SEEKING ELECTION TO SPORTS ORGANISATIONS

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ABSTRACT

This is an analysis of an appeal filed by a candidate seeking to be elected to the CAF Executive Committee against a decision passed by the CAF Executive Committee following a recommendation of the CAF Governance Committee, declaring him ineligible to stand for election on grounds of integrity. The appeal was upheld, with CAS holding that the mere fact that disciplinary or criminal sanctions have been imposed on a person seeking election to a sports organisation does not automatically disqualify that person. The sanctions must be (i) sufficiently established and (ii) sufficiently serious to justify that candidate's ineligibility for election.

KEYWORDS

CAS, disciplinary proceedings, appeal, eligibility, election, sanction, Executive Committee, Governance Committee, CAF Statutes.

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[1] This award was issued in French. The passages quoted in this article are contained in the award.

Summary: 1. Factual background. 1.1. The disciplinary and criminal sanctions allegedly imposed on the 1st Appellant. 1.2. The call for nomination of candidates for election to the CAF Executive Committee. 1.3. The Genius Sports integrity checks. 1.4. The CAF Governance Committee's hearing and resolution. 1.5. The CAF Executive Committee resolution. 2. Summary of the proceedings before CAS. 2.1. The Appellants' submissions. 2.2. The Respondent's submissions. 3. The Panel's adjudication and findings. 3.1. Admissibility of the appeal. 3.1.1. The CAF Governance Committee's "decision". 3.1.2. The CAF Executive Committee's round robin resolution. 3.2. The merits of the appeal: 3.2.1. On the "decision" of the governance committee. 3.2.2. On the CAF Executive Committee's decision. 3.2.2.1. Voting by WhatsApp. 3.2.2.2. On the alleged invalidity of votes that had not been submitted by handwritten signature. 3.2.2.3. On conflicted voters. 3.2.2.4. Whether the CAF Executive Committee resolution achieved a majority. 3.2.3. On Mr Eto'o's eligibility for election to the CAF Executive Committee. 4. CAS ruling. 5. Takeaways and implications.

1. FACTUAL BACKGROUND

1.1. THE DISCIPLINARY AND CRIMINAL SANCTIONS ALLEGEDLY IMPOSED ON THE 1ST APPELLANT

According to several articles and reports, on 20 June 2022, Mr Samuel Eto'o Fils ("the 1st Appellant" or "Mr Eto'o") appeared before a court in Barcelona and reached an agreement with the Spanish prosecution service, which had pursued him for tax fraud estimated at EUR 3,880,000. Mr Eto'o was reportedly fined and given a 22-month suspended prison sentence.

On 4 July 2024, Mr Eto'o was fined USD 200,000 by the Confederation of African Football ("CAF"[2]) Disciplinary Board ("the CAF Disciplinary Board Fine") for breaching the principles of ethics, integrity and sportsmanship enshrined in Article 2(3) of the CAF Statutes by having personally entered into an ambassadorial contract with a sports betting company under cover of the Fédération Camerounaise de Football ("the 2nd Appellant" or "FECAFOOT"[3]). This sanction was later set aside by the CAF Appeal Board on 19 February 2025 on the grounds that the matter fell under the jurisdiction of the yet-to-be-established CAF Ethics Committee.

On 26 September 2024, the FIFA Disciplinary Committee banned Mr Eto'o from attending Cameroon national team matches for six months for breaching Articles 13 and 14 of the FIFA Disciplinary Code ("the FIFA Disciplinary Committee Sanction"). It was alleged that he had verbally abused and intimidated referees during a FIFA U-20 Women's World Cup match while serving as FECAFOOT President. His appeal to the FIFA Appeal

2 The governing body for association football, beach soccer and futsal in Africa.
3 The governing body of football in Cameroon.

Committee was dismissed on 12 November 2024. He then appealed to the Court of Arbitration for Sport ("CAS"), which did not proceed with the matter because the original of the statement of appeal had not been submitted within the prescribed deadline.

1.2. THE CALL FOR NOMINATION OF CANDIDATES FOR ELECTION TO THE CAF EXECUTIVE COMMITTEE

On 10 October 2024, the CAF Secretariat informed its Member Associations that an Extraordinary General Assembly would be held on 12 March 2025 to elect the CAF President, a number of CAF Executive Committee members and CAF's representatives on the FIFA Council, whose terms were due to expire on 12 March 2025.

The notice requested Member Associations wishing to nominate candidates to submit their names to the CAF Secretariat, and stated that all candidates seeking to be elected to the CAF Executive Committee would be subject to eligibility and independence checks by the CAF Governance Committee in accordance with Article 44 of the CAF Statutes.

The 1 st Appellant submitted his candidacy for election to the CAF Executive Committee through FECAFOOT. He was thereafter requested to complete an eligibility questionnaire ("the Questionnaire"), which he did on 21 November 2024, disclosing:

- the CAF Disciplinary Board Fine and the FIFA Disciplinary Committee Sanction, which he said were subject to appeal proceedings; and
- that he had been accused but not convicted in tax proceedings in Spain.

1.3. THE GENIUS SPORTS INTEGRITY CHECKS

CAF engaged Genius Sports Integrity Services ("Genius Sports") to conduct integrity checks on all candidates, including Mr Eto'o. In December 2024, Genius Sports submitted a report on Mr Eto'o and flagged:

- a 2022 Spanish tax fraud conviction resulting in a 22-month suspended sentence. Genius Sports noted that it had not been able to conduct an official criminal record check owing to the lack of documentation, but stated that it was well documented that Mr Eto'o was convicted of tax fraud in Spain in 2022;
- the CAF Disciplinary Board Fine; and
- the FIFA Disciplinary Committee Sanction.

Genius Sports rated its overall assessment of Mr Eto'o as "Red".

1.4. THE CAF GOVERNANCE COMMITTEE'S HEARING AND RESOLUTION

On 24 January 2025, the CAF Governance Committee convened a hearing and invited Mr Eto'o to demonstrate that (a) the 2022 Spanish tax fraud conviction and (b) the FIFA Disciplinary Committee Sanction did not constitute grounds to disqualify his candidacy for the CAF Executive Committee elections.

Mr Eto'o addressed these matters during the hearing but also raised procedural concerns by referring to Article 44 of the CAF Statutes and asserting that candidate vetting should be conducted by a Review Sub-Committee established by the Governance Committee.

On the same day, the CAF Governance Committee issued a "*Consideration of eligibility by the CAF Governance Committee's Review Sub-Committee of candidates for election to the CAF Executive Committee at the 14th Extraordinary General Assembly of CAF, to be held on March 12, 2025*".

That document contained the heading "*Decision Concerning the Candidacy of Mr. Samuel Eto'o Fils*" and declared Mr Eto'o ineligible for the CAF Executive Committee elections on the following grounds:

> *"Analysis by the Governance Committee*
>
> ***Trust in investigatory Bodies**: The Committee reaffirmed its reliance on the Genius Sports Integrity Report, which identified the following red flags:*
> *A conviction for tax fraud in Spain (2022), leading to a 22-month suspended prison sentence.*
> *FIFA's disciplinary sanction for breaches of Articles 13 and 14 of its Disciplinary Code, resulting in a six-month suspension, which remains in effect.*
> *A $200,000 fine imposed by CAF in July 2024 for breaches of its ethics and integrity provisions.*
> ***Relevance of FIFA Sanction**: The FIFA suspension is directly relevant to Mr. Eto'o's eligibility, as it raises questions about his ability to meet the governance and ethical standards expected of a CAF Executive Committee member. The Committee emphasized that this sanction remains in force and cannot be disregarded.*
> ***Concerns About Tax Fraud**: The Committee viewed Mr Eto'o's tax fraud conviction as an integrity issue that reflects negatively on his suitability for a leadership role within CAF. The conviction underscores the importance of financial accountability, a key principle for governance in football administration.*
> *Implications of Overlooking Active Sanctions: Allowing Mr Eto'o to stand for election would:*
> *Undermine CAF's integrity framework by ignoring active sanctions.*
> *Set a precedent that diminishes the importance of ethics and governance in CAF's leadership.*
> ***Right to Be Heard**: Mr. Eto'o was afforded the opportunity to present his views and address the Committee's concerns. These submissions were thoroughly reviewed but found insufficient to counteract the issues raised in the Genius Sports Integrity Report.*

Resolution: *For the reasons stated above, the Governance Committee resolves that:*
The FIFA disciplinary sanction against Mr Eto'o is a decisive factor in assessing his eligibility and remains in force.
The Genius Sports Integrity Report provides credible evidence of integrity concerns, including the tax fraud conviction, which undermines Mr Eto'o's suitability for the role.
Permitting Mr Eto'o to contest the election would contradict CAF's commitment to governance, ethics, and integrity."

1.5. THE CAF EXECUTIVE COMMITTEE RESOLUTION

On 25 January 2025, the CAF Secretariat informed the CAF Executive Committee that "*the CAF Governance Committee, acting in accordance with Article 44 of the CAF Statutes had adopted a resolution on Friday, January 24, 2025, to recommend the names of the following individuals, who are eligible as candidates for the CAF EXCO.*" Mr Eto'o's name did not appear on this list of nine eligible candidates.

Consequently, the CAF Secretariat sent an email to the CAF Executive Committee members containing a link to a WhatsApp group and attached a Round Robin Resolution dated 25 January 2025 (the "Proposed Round Robin Resolution") requesting the members to indicate, by 12:00 (Cairo time) on 26 January 2025, whether they agreed or disagreed with the list of candidates recommended by the CAF Governance Committee.

As at 17:02 on 26 January 2025, 13 of the 23 CAF Executive Committee members had already voted on the Proposed Round Robin Resolution.

On 26 January 2025 at 21:54, the CAF Secretariat notified the agenda for the CAF Extraordinary General Assembly of 12 March 2025 to all CAF Member Associations and Zonal Unions within the 45-day time limit prescribed by Article 17 paragraph 13 of the CAF Statutes. Attached to the agenda, which was dated 24 January 2025 but communicated on 26 January 2025, was a list of the candidates nominated for election to the CAF Executive Committee.

On 27 January 2025, the CAF Executive Committee held a meeting during which it (i) acknowledged the votes that had been cast in relation to the Proposed Round Robin Resolution and (ii) acknowledged its acceptance of the list of eligible candidates as recommended by the CAF Governance Committee.

Later that day, FECAFOOT wrote to CAF requesting a copy of the CAF Executive Committee's resolution with a view to pursuing legal action regarding Mr Eto'o's rejected candidacy.

2. SUMMARY OF THE PROCEEDINGS BEFORE CAS

On 5 February 2025, the Appellants filed their statement of appeal and stated that their appeal was against "*the decisions rendered by the Executive Committee of the Confederation of African Football and, where applicable, its Governance Committee–to exclude the 1st Appellant from the CAF Executive Committee elections...*"

The Appellants requested CAS, *inter alia*, to:

- Declare null and void, or alternatively set aside, the decisions rendered by the CAF Executive Committee and the CAF Governance Committee, including the agenda for the CAF Extraordinary General Assembly, declaring Mr Eto'o ineligible for election to the CAF Executive Committee.
- Declare Mr Eto'o eligible for election to the CAF Executive Committee on 12 March 2025.
- Order CAF to include Mr Eto'o on the list of candidates eligible for election to the CAF Executive Committee and on the agenda of the CAF Extraordinary General Assembly of 12 March 2025.

On 27 February 2025, the Respondent filed its Answer and requested CAS to dismiss the appeal.

2.1. THE APPELLANTS' SUBMISSIONS

The Appellants argued, in summary:

2.1.1. On the CAF Governance Committee's decision:

Pursuant to Article 44 of the CAF Statutes, the CAF Governance Committee only has the power to recommend eligible candidates to the CAF Executive Committee. It therefore lacks the decision-making power or authority to rule on Mr Eto'o's eligibility.

Even if the CAF Governance Committee had such decision-making power, it ought to have established a review sub-committee to vet the eligibility of candidates pursuant to Article 44 of the CAF Statutes.

Mr Eto'o's right to be heard was violated in so far as the CAF Governance Committee's decision was based on the Genius Sports Report, a copy of which Mr Eto'o was unable to obtain from CAF.

2.1.2. On the CAF Executive Committee's decision:

The CAF Executive Committee adopted the Proposed Round Robin Resolution on 27 January 2025. Consequently, the agenda dated 24 January

2025 is invalid since it communicated a list of eligible candidates that had not yet been validly adopted.

The round robin vote was flawed because:

- The voting method had not been validated by CAF.
- Only a minority of the CAF Executive Committee members had cast their votes by handwritten signature by 12:00 (Cairo time) on 26 January 2025.
- Voting by WhatsApp ought not to be considered in light of the CAF Secretariat's letter setting out the voting procedure.
- Two of the CAF Executive Committee members who voted were also candidates for their own re-election and should have recused themselves.

2.1.3. On Mr Eto'o's eligibility

Several Executive Committee members have been subject to criminal or disciplinary sanctions. Mr Eto'o should therefore not be held to a higher standard of integrity.

The Governance Committee cannot introduce additional integrity criteria. It is limited to verifying that candidates are under the age of 70 and are bona fide members of their national association in accordance with Article 18 paragraph 9 of the CAF Statutes.

It is incumbent upon CAF to produce the judgment convicting Mr Eto'o of the alleged tax fraud.

The CAF Disciplinary Board Fine was set aside by the CAF Appeal Board.

The FIFA Disciplinary Committee Sanction was for a limited duration of six months, expiring on 26 March 2025. Declaring Mr Eto'o ineligible for election would be disproportionate, given that the FIFA sanction is not yet final.

2.2. THE RESPONDENT'S SUBMISSIONS

The Respondent argued, in summary:

2.2.1. On the Governance Committee's "decision"

The appeal is inadmissible because the CAF Governance Committee's recommendation did not constitute a decision and could therefore not be the subject of an appeal.

The Review Sub-Committee is part of the CAF Governance Committee, and it was the latter that proposed a resolution to the CAF Executive Committee.

Mr Eto'o addressed the Genius Sports Report during the CAF Governance Committee hearing. Any violation of the right to be heard would in any event be cured by the *de novo* proceedings before CAS.

2.2.2. On the decision of the CAF Executive Committee

By 17:02 on 26 January 2025, 13 of the 23 CAF Executive Committee members (a simple majority) had voted in favour of the Proposed Round Robin Resolution.

Even if the votes of the two members who were candidates for their own re-election were excluded, 11 valid votes would remain – still a majority.

Round robin voting is a long-established CAF practice, now codified in Article 22 paragraph 15 of the CAF Statutes.

2.2.3. On Mr Eto'o's eligibility

Although not expressly stipulated in the CAF Statutes, the integrity criteria have always been applied at all CAF levels without challenge.

Any criminal or disciplinary sanctions imposed on current CAF Executive Committee members are irrelevant since they have already been elected and are not subject to integrity checks.

Even though the alleged tax fraud took place 15 years ago, Mr Eto'o's conviction (even if contested) is recent (2022) and serious.

The FIFA Disciplinary Committee Sanction is final, the appeal against it having been dismissed by CAS.

Although set aside by the CAF Appeal Board, the CAF Disciplinary Board Fine can still be reviewed *de novo* by CAS to establish whether Mr Eto'o meets the integrity requirements to be declared eligible for the CAF elections.

In light of the allegations made against Mr Eto'o, the decision declaring him ineligible was neither arbitrary nor based on speculation. CAS exercises restraint in eligibility matters and should intervene only if it considers that the body conducting the integrity check could not reasonably have reached the conclusion it did.

3. THE PANEL'S ADJUDICATION AND FINDINGS

The matter was heard on 3 March 2025. CAS subsequently made the following findings:

3.1. ADMISSIBILITY OF THE APPEAL

3.1.1. The CAF Governance Committee's "decision"

The Panel found the appeal to be inadmissible in so far as it related to the CAF Governance Committee's recommendation, on the following grounds:

(i) Article 44 of the CAF Statutes provides that "*The Governance Committee shall deal with, and advise the Executive on, all CAF Governance matters, and shall establish a review sub-Committee, which conducts and recommends the outcome of the Eligibility review for a seat by any candidate to CAF Executive Committee (except for the seats of CAF President and FIFA Council Members who are mainly subjected to the rules defined in the FIFA Statutes and in the governance regulations of FIFA) and the independence reviews and shall further establish an Ethics sub-committee in conformity to CAF Ethics code.*"

(ii) *CAS 2021/A/7717, §71 et seq., and CAS 2021/A/7723, §102 et seq.*, have previously held that, in electoral matters, the CAF Governance Committee holds only recommendatory, as opposed to decision-making, powers unless the latter have been delegated to it by the CAF Executive Committee.

(iii) The CAF Governance Committee was therefore required to confine itself to issuing recommendations to the CAF Executive Committee, which in turn had power pursuant to Article 23 paragraphs 1 and 2 of the CAF Statutes to issue formal decisions on candidates eligible for election to the CAF Executive Committee.

(iv) The CAF Governance Committee therefore lacked power to issue a decision on Mr Eto'o's eligibility and its recommendation dated 24 January 2025 declaring Mr Eto'o ineligible for election did not constitute a decision within the meaning of Article R47 of the CAS Code.

3.1.2. The CAF Executive Committee's Round Robin Resolution

This was the only decision subject to appeal pursuant to Article R47 of the CAS Code since it constituted a decision of a federation, association or sports-related body, with the legal remedies available prior to an appeal having already been exhausted.

The Panel found the appeal against the CAF Executive Committee decision, which was notified to the Appellants on 26 and 27 January 2025 and appealed on 5 February 2025, to be admissible, since it was filed within the 21-day time limit prescribed under Article R49 of the CAS Code.

3.2. THE MERITS OF THE APPEAL

The Panel turned to the merits of the appeal and made the following findings:

3.2.1. On the "decision" of the Governance Committee

The Panel referred to the wording in the CAF Governance Committee's "decision" which stated that it had been issued by the "Review Sub-Committee" and noted that (i) the composition of the "Review Sub-Committee" was similar to that of the CAF Governance Committee and (ii) the "Review Sub-Committee" had not yet been established as required under Article 44 of the CAF Statutes.

Consequently, the Panel:

- recommended that CAF establish a Review Sub-Committee in order to separate its powers from those vested in the CAF Governance Committee.
- highlighted the different roles performed by the two bodies, with the Review Sub-Committee tasked with independently reviewing the eligibility of candidates seeking election to the CAF Executive Committee and submitting its recommendations to the CAF Executive Committee, while the CAF Governance Committee is responsible for advising and assisting the CAF Executive Committee on governance matters.
- stated that although the CAF Governance Committee's "decision" ought to have been a recommendation from the Review Sub-Committee, it could nonetheless be submitted to the CAF Executive Committee by the CAF Governance Committee. This is because the Review Sub-Committee emanates from the CAF Governance Committee and operates under the latter's responsibility and delegation.

The Panel added that:

- Members of the CAF Secretariat ought not to have attended the CAF Governance Committee hearing. Such practice could potentially undermine independence.
- Any violation of the Appellants' right to be heard with regard to the Genius Sports Report had been remedied by the *de novo* proceedings before CAS, as they had ample opportunity to review the Report.

3.2.2. On the CAF Executive Committee's decision

3.2.2.1. Voting by WhatsApp

The Panel referred to Article 22 paragraph 15 of the CAF Statutes, which provides that *"(...) In the event that the Executive Committee does not have a meeting, decisions may be passed through other written means of communication. Such decisions shall have immediate legal effect"* and held that:

- Although it does not strictly satisfy the handwritten signature requirement set out in Article 14 of the Swiss Code of Obligations ("SCO"), a WhatsApp exchange can constitute evidence to demonstrate that an agreement has been reached. Swiss courts accept emails, SMS, or other electronic messages as evidence to prove the existence of an agreement, provided that no strict written form is required by law.
- Article 1 of the SCO recognises the principle of freedom of contract pursuant to which parties are free to express their intent in any form, unless the law prescribes a specific form (Article 11 of the SCO). Thus, if no written form is required, an agreement may be concluded orally, in writing, or even through conduct implying consent.
- The voting procedures prescribed by the CAF Secretariat do not invalidate a vote taken via a WhatsApp group in which the members knowingly agreed to express their intent.

3.2.2.2. On the alleged invalidity of votes that had not been submitted by handwritten signature

On this issue, the Panel held that although the CAF Secretariat letter dated 25 January 2025 required the CAF Executive Committee members to indicate their agreement with the resolution by handwritten signature, it could not be inferred that any other method used to express their intent would automatically be null and void because:

- The Proposed Round Robin Resolution was circulated to the CAF Executive Committee members by WhatsApp. There is no indication that any member of the group objected to this *modus operandi*.
- Given that the CAF Executive Committee members tacitly approved this voting method, the fact that some members voted after the deadline set by the CAF Secretariat (12:00 Cairo time on 26 January 2025) was irrelevant.

3.2.2.3. On conflicted voters

The Panel held that the votes of the two CAF Executive Committee members who were themselves candidates for re-election should have been excluded.

3.2.2.4. Whether the CAF Executive Committee Resolution achieved a majority

The Panel held that the Proposed Round Robin Resolution was valid, having secured a majority of votes by 21:17 on 26 January 2025 excluding the two conflicted votes.

With regard to the CAF Secretariat, the Panel stated that the CAF Statutes required it to oversee the proper conduct of this process and to anticipate its various stages sufficiently to avoid presenting the CAF Executive Committee, or even the CAF Extraordinary General Assembly, with a *fait accompli* through the premature dispatch of an agenda containing a list of candidates that had not yet been approved at the time of drafting.

However, these procedural irregularities were insufficient to nullify the CAF Executive Committee decision or the agenda of the CAF Extraordinary General Assembly.

3.2.3. On Mr Eto'o's eligibility for election to the CAF Executive Committee

a) On Mr Eto'o's contention that a number of elected CAF Executive Committee members had allegedly been subject to criminal or disciplinary sanctions, the Panel stated that, as a general rule, a person standing for an executive position in any sports organisation must demonstrate a high level of integrity (*CAS 2011/A/2426, §129 and CAS 2016/A/4579, §86*) and cannot argue that other individuals already in office fail to meet this requirement.

b) The Panel dismissed Mr Eto'o's contention that the Governance Committee ought to have ignored the alleged criminal and disciplinary sanctions and confined itself to the eligibility criteria set out in the CAF Statutes by holding that Mr Eto'o had failed to raise this objection during the Governance Committee proceedings and had not requested that the review be limited to Article 18 of the CAF Statutes.

c) The Panel then asked itself whether the criminal or disciplinary sanctions imposed on Mr Eto'o were sufficiently established and serious to justify his ineligibility. It held as follows:

(i) CAS lacked "sufficient and conclusive evidence" to declare Mr Eto'o ineligible *proprio motu* given that the CAF Disciplinary Board Fine had been set aside by the CAF Appeal Board.

(ii) Mr Eto'o's conduct leading to the FIFA Disciplinary Committee Sanction was grave and justified a careful examination of his eligibility for an executive role at the highest level of African football. However, it would be disproportionate to declare him ineligible for election merely on the basis of the FIFA Disciplinary Committee Sanction because:

- The FIFA Disciplinary Committee Sanction (i) was confined to matches involving Cameroon's national teams, (ii) did not extend to the entire African continent, and (iii) was restricted in duration to six months. Therefore, declaring Mr Eto'o ineligible for election to the CAF Executive Committee would effectively give the FIFA Disciplinary Committee Sanction a geographical scope and duration beyond that intended by the FIFA Disciplinary Committee.
- It is difficult to conceive that a sanction imposed on a person under Article 6 paragraph 2(a) of the FIFA Disciplinary Code is intended to exclude that person *ad vitam aeternam* from any leadership role in football.
- Without downplaying the gravity of the offence, it would be difficult to require a candidate seeking election to the CAF Executive Committee, especially one who has enjoyed a long career as a footballer, coach, trainer, or club executive, never to have been subject to any disciplinary sanction.
- The FIFA Disciplinary Committee Sanction was due to expire on 26 March 2025, just two weeks after the CAF Extraordinary General Assembly elections.

(iii) With regard to the tax fraud case, CAS found that:

(a) CAF had failed to discharge its burden of producing a copy of the Spanish judgment allegedly sentencing Mr Eto'o to a suspended term of imprisonment.

(b) The alleged tax offence took place from 2006 to 2009, when Mr Eto'o was aged 25 to 28. Young inexperienced players can sometimes be victims of those around them with regard to the management of their career and finances. The CAF Governance Committee ought to have taken these circumstances into account before declaring Mr Eto'o ineligible.

In view of all the foregoing, the Panel referred to the following provisions of the CAF Statutes regarding elections:

a) Article 18 paragraph 7: *"After the above-mentioned deadline, all candidature nominations shall be final and shall be submitted to vote unless withdrawn by the candidate concerned..."*

b) Article 18 paragraph 8: *"CAF Secretariat shall communicate the names of the candidates to all National Associations along with the notice convening the meeting and the Agenda of the Assembly."*; and

c) Article 17 paragraph 1: *"The General Assembly shall be the supreme authority of CAF and shall define the general policy and implementation of the relevant decisions."*

The Panel held that:

I. The CAF Statutes intended to grant CAF's supreme body – the General Assembly – the power to determine whether Mr Eto'o deserves its confidence and is eligible to sit on the Executive Committee.

II. The Governance Committee, the Executive Committee and the CAF Secretariat support the General Assembly at the administrative, executive, and operational levels. Their powers should not extend beyond this support, nor should they be authorised to substitute themselves, in whole or in part, for the powers conferred upon the General Assembly.

4. CAS RULING

CAS therefore ruled that:

I. The appeal filed by Mr Eto'o against the CAF Executive Committee decision dated 25 January 2025 is upheld.

II. The CAF Executive Committee decision dated 25 January 2025 is set aside in so far as it excludes Mr Eto'o's name from the list of candidates eligible for election to the CAF Executive Committee.

III. Mr Eto'o's name shall be reinstated on the list of candidates for election to the Executive Committee at the CAF Extraordinary General Assembly of 12 March 2025.

5. TAKEAWAYS AND IMPLICATIONS

This award established a number of precedents in relation to CAF Executive Committee elections and, to a large extent, to elections conducted by sports organisations generally.

1. First and foremost, it reiterated that under the current CAF Statutes (2024 edition):
   - the CAF Governance Committee lacks the power to decide on the eligibility of candidates seeking election to the CAF Executive Committee unless such powers have been delegated to it by the CAF Executive Committee.
   - the CAF Governance Committee should confine itself to issuing recommendations to the CAF Executive Committee, which in turn has power pursuant to Article 23 paragraphs 1 and 2 of the CAF Statutes to issue formal decisions on the eligibility of candidates seeking election to the CAF Executive Committee.
   - the Review Sub-Committee is tasked with independently reviewing the eligibility of candidates seeking election to the CAF Executive Committee and submitting its recommendations to the CAF Executive Committee, while the CAF Governance Committee is responsible for advising and assisting the CAF Executive Committee on governance matters. Nevertheless, the CAF Governance Committee can still submit a recommendation made by the Review Sub-Committee to the CAF Executive Committee because the Review Sub-Committee emanates from the CAF Governance Committee and operates under the latter's responsibility and delegation.
   - a recommendation issued by the CAF Governance Committee does not constitute a decision within the meaning of Article R47 of the CAS Code.
2. Secondly, it reiterated that any current Executive Committee member who has also submitted his or her candidacy for election should recuse himself or herself from the decision-making process on grounds of conflict of interest.
3. Thirdly, the award validated decisions taken by the CAF Executive Committee through a WhatsApp vote by referring to Article 22 paragraph 15 of the CAF Statutes, especially if the members of the WhatsApp group give their express or implied consent to the procedure.
4. Fourthly, the mere fact that disciplinary or criminal sanctions have been imposed on a candidate seeking election to a sports organisation does not automatically disqualify that candidate. The sanctions must (i) be sufficiently established and (ii) be sufficiently serious to justify that candidate's ineligibility for election. To this end:
   a) A sanction (such as a fine) that has subsequently been set aside by an appellate body is insufficient and inconclusive as a basis for declaring a candidate ineligible *proprio motu*.

b) Whereas verbally abusing and intimidating referees constitutes a grave offence, a sanction imposed for such conduct on a candidate seeking elective office in a sports organisation does not, in itself, disqualify that candidate. A body tasked with assessing a candidate's eligibility must look at:

   i. The geographical scope of the sanction. For example, if the sanction is confined to a certain region or continent, it cannot be extended to other regions or continents not covered by it.

   ii. The duration of the sanction. If a candidate has been banned by a judicial body for a period far shorter than the term of office for which he is seeking to be elected, then the body assessing that candidate's suitability to hold an elective office should do so in a manner which will not declare the candidate ineligible beyond the period intended by the judicial body.

   iii. A candidate whose ban is due to expire two weeks after an impending election is likely to be deemed eligible to stand for that election.

c) A disciplinary sanction imposed on a natural person under Article 6 paragraph 2(a) of the FIFA Disciplinary Code is highly unlikely to be viewed as intending to exclude that person *ad vitam aeternam* from any leadership role in football.

d) Allegations such as tax fraud must be corroborated by substantial evidence to enable a body to make a fully informed assessment of the scope and severity of the allegations, and subsequent sanctions, if any.

e) A body tasked with reviewing the eligibility of a candidate who is alleged to have evaded tax during his time as a practising athlete/player should take into account factors such as the age and inexperience of that athlete/player, as young athletes sometimes fall victim to poor advice and financial mismanagement.