

LEGAL ORDER

TITLE I- GENERALITIES –PRINCIPLES – SCOPE OF APPLICATION

I- GENERALITIES

Article 1

On the basis of the Statutes of the African Handball Confederation (CAHB), a legal order was created and is composed of a Competition Management, a Jury of appeal, an arbitration Commission and an Arbitral Tribunal.

This legal order is compulsory for all the member federations, their sub-divisions and their members.

Article 2

Federations have got their own legal structures that manage the disputes on the basis of this Legal Order but only if they fall within their competence. It is the competent legal structure of CAHB that can be addressed in third instance to make an appeal against the decisions of the member federations.

The legal bodies of the member federations must send to CAHB a copy of the decisions pronounced by the legal bodies of the affiliated federations (including a short summary of the discussions and the motivations of the decisions).

II- PRINCIPLES

Article 3 :

The legal bodies of CAHB are the independent structures appointed by the Council, on the proposal of the Executive Committee. They are exclusively submitted to the provisions of CAHB Statutes and Regulations.

The legal bodies of CAHB cannot refuse to judge a contentious on the pretext of the absence or the obscurity of CAHB legal arsenal. In such a case, the legal bodies must show jurisprudence. The decisions taken in those conditions do not create new law.

Article 4

The legal bodies of CAHB act only on referral. They do not carry out any proceedings on their own behalf.

III- SCOPE OF APPLICATION

Article 5

The players, the officials, clubs and federations exclusively fall within the sports of the statutory legal bodies in case of disputes about the statutes, the orders regulations and bodies of CAHB.

Article 6

The decisions of the legal bodies of CAHB are imposed to all the concerned federations.

Article 7

The decisions of the legal bodies of CAHB and those of the national members cannot be contested before a national jurisdiction of the member countries of CAHB.

TITLE II – CAHB’S LEGAL BODIES

I- COMPETITION MANAGEMENT AND JURY OF APPEAL

Article 8

Disputes which occur in the framework of CAHB events (qualifying tournaments for the Olympic Games, African Games, Cups and Africa Nations Championships) fall within the respective competence of the Competition Management and the Jury of Appeal.

Article 9

COMPOSITION OF THE COMPETITION MANAGEMENT

The Competition Management is composed of a President and some members appointed by the Council of CAHB before each event. They all have the decision-making authority. They cannot belong to the federations who are involved in the dispute.

Article 10

COMPOSITION OF THE JURY OF APPEAL

According to the Article 99 of the General Regulations the Jury of Appeal is composed by one of the Vice-President of CAHB, CAHB’ Secretary General and the President of the Zone in which the event is taking place.

Article 11

COMPETENCE OF THE COMPETITION MANAGEMENT

The Competition Management deals in first instance with the protests and reserves which were introduced in the framework of CAHB’s competitions and which are against some decisions, some facts and some incidents which occur before, during, after and out of the matches. It has to discuss on a possible disciplinary measure:

- When there is an act of violence by a player or an official during the match, also out of the court and he has been punished by a suspension;
- When a report was presented by a technical delegate of CAHB because the referees did not punished the non-respect of the provisions of the regulations despite notification (see. regulation relating to the substitution area point 8);

It also has got competence for the requests and claims concerning:

- ✓ The participation of the suspended/non authorized players to play ;
- ✓ The participation of any official suspended or not who is authorized to take part in a match or a competition
- ✓ The allocation of points for one match in case of violation of the rules which has got a significant influence on the match;
- ✓ Cases of doping ;
- ✓ Failure to comply with the rules of sport ethics
- ✓ Unsportsmanlike conduct out of the matches such as the non-participation of a team in the opening or closing and remittance of cup, medals, other prizes.

- ✓ Intentional circumvention to the rules of good sporting behavior and to the good morals (property damages etc.).

Article 12: **COMPETENCE OF THE JURY OF APPEAL**

The Jury of appeal deals with the appeal against some decisions of the Competition Management. It takes the final decision in the framework of CAHB competition and its decision is not subject to appeal.

However, the Jury can submit some decisions to the Arbitral Tribunal for additional information and decision.

Article 13 **RULES APPLICABLE BY THE COMPETITION MANAGEMENT AND THE JURY APPEAL**

The Competition Management and the Jury of Appeal must follow the principles of decisions below:

- ∅ The referees' decisions are unquestionable.
- ∅ A match can be partially or completely replayed following to violations to the rules or unjustified measures by the referees, timekeepers, scorekeepers, Technical Delegates and officials only if the legal body referred, judges that the consequences of those violations or those measures have got significant influence on the match.

Article 14 **METHOD OF REFERRAL OF THE COMPETITION MANAGEMENT AND THE JURY OF APPEAL**

The Competition Management and the Jury of Appeal can respectively be referred by any licenced or accredited physical person of a club or a national team during the competition during which the contested fact occurred, by individuals, clubs or member federations.

The protests must be written and introduced one hour at the latest after the end of the match.

Article 15 **AMOUNT OF THE FEES OF CONSIGNMENT OF THE RECOURSES**

Any recourse to those legal bodies causes the payment to CAHB by the applicant of the following amounts:

- ∅ Protests (100 Euros)
- ∅ Appeal (500 Euros)

The fees must be paid at the time of introduction of the recourse.

Article 16 **CASE OF THE REIMBURSEMENT OF THE CONSIGNMENT FEES**

In case of rejection or withdrawal of an appeal, the fees go to CAHB. If there is a positive response, the fees will be reimbursed to the applicant.

Article 17 **TIME LIMIT IN WHICH THE COMPETITION MANAGEMENT AND THE JURY OF APPEAL MUST DECIDE**

The Competition Management must pronounce the decision and the sanction at 9:00 am at the latest the day following the match.

The Appeal must be written and introduced at 10:00 am at the latest the same day.
The Jury must pronounce the decision and the sanction at 12 o'clock the same day.

Article 18

The discussions of the Competition Management and the Jury of Appeal are in principle done orally.

On the request of the Competition Management or the Jury of Appeal, the persons who are involved in the problem can be listened.

The decisions must be sent to the interested parties.

II- ARBITRATION COMMISSION AND THE ARBITRAL TRIBUNAL

Article 19 **SCOPE OF COMPETENCE OF THE ARBITRATION COMMISSION AND OF ARBITRAL TRIBUNAL**

The disputes which occur between zones, member federations, clubs and between them and CAHB fall within the authority of the Arbitration Commission and the Arbitral Tribunal.

Article 20 **COMPOSITION OF THE ARBITRATION COMMISSION**

The Arbitration Commission is composed of one President and of 10 members among whom four persons are appointed in addition to the President who have got the decision-making right and who cannot belong to any concerned federation.

Article 21 **COMPOSITION OF THE ARBITRAL TRIBUNAL**

The Arbitral Tribunal is composed of one President and of 10 members among whom four persons are appointed in addition to the President who have got the decision-making right and who cannot belong to any concerned federation.

Article 22 **METHOD OF APPOINTMENT OF THE PRESIDENTS OF THE ARBITRATION COMMISSION AND ARBITRAL TRIBUNAL**

The Presidents of the Arbitration Commission and the arbitral tribunal are elected by the Congress. The member federations and the Council are authorized to give some proposals of candidatures.

Article 23 **METHOD OF APPOINTMENT OF THE MEMBERS OF THE ARBITRATION COMMISSION AND ARBITRAL TRIBUNAL**

The members of the Arbitration Commission and the Arbitral Tribunal are appointed by the Council on proposal of the Executive Committee of CAHB. All of them have got the decision making right.

During its session, some measures must be taken so that the members cannot be nationals from the countries of the parties which are involved in the dispute.

Article 24 **INCOMPATIBILITY LINKED TO THE MEMBERSHIP OF THE ARBITRATION COMMISSION AND THE ARBITRAL TRIBUNAL**

In the framework of the meetings of the members of the Arbitration Commission and the Arbitral Tribunal, the fees connected to the session such as air-tickets, material and stay fees are supported in addition to the fees mentioned in article 29 by the applicant.

Article 31

In case of rejection or withdrawal of recourse, the fees and costs of the procedure go to CAHB. In case of positive response of the recourse, the fees paid are reimbursed to the applicant and CAHB will support the costs of procedure which were generated, if they cannot be charged to one the parties.

Article 32 BODY OF CAHB ENTITLED TO RECEIVE THE ACTIONS OF REFERRAL OF THE ARBITRATION COMMISSION AND THE ARBITRAL TRIBUNAL AND TIME LIMIT OF THE DELIBERATION OF THE LEGAL BODIES WHICH WERE REFERRED

The referrals to the Arbitration Commission and the Arbitral Tribunal must be introduced near the Secretariat General of CAHB two months at the latest after the event which gave floor to the procedure, the postmarked by the deadline date or the reception date of the fax.

The provisional response must be sent to the applicant two months at the latest after his request, the postmarked by the deadline date or the reception date of the fax.

Article 33 DEADLINE OF THE APPEAL OF THE DECISIONS OF THE ARBITRATION COMMISSION

Recourse in appeal can be done of the decision of the arbitration Commission near the Arbitral tribunal one month at the latest after notification of the decision.

Article 34 METHOD OF DELIBERATION OF THE COMMISSION AND THE TRIBUNAL

The Arbitration Commission and the Arbitral tribunal can orally discuss or make it by written according to the decision of the President. As a consequence of this, the President can require an oral or written comment from the interested persons (with mention of a deadline).

In case of oral debate, the persons who are concerned can assert their right to personally be listened, on their request and at their own expenses.

Article 35 APPLICATION THE JUDICIARY RULE OF THE DUAL

The jurisprudence within CAHB is dual in principle. The Jury and the Arbitral Tribunal give Judgment in last instance.

Article 36

During a same procedure, the members of a legal body can cooperate only within one legal body.

III- LEGAL REMEDY

Article 37

The disputes must be submitted to the respective competent legal bodies. The rule provides that the disputes which occur within a member federation must be dealt by the legal bodies of the said federation. It is only when they do not reach to an acceptable resolution by the one or the other party that the competent legal body of CAHB can be referred. If that procedure is not respected, the jurisdiction which is irregularly referred must transfer the procedure before the competent sports jurisdiction even if it is national.

IV- PROCEDURE

Article 38

The legal bodies of CAHB exclusively act on the basis of a written request. Before starting a procedure, the President of the legal body which was referred must verify its competence.

In case of incompetence, the procedure must not be received and the applicant must be informed of the possible possibility of review.

Article 39

The legal bodies deliberate in the following composition:

A President and four members

They must belong to the federations concerned by the dispute and cannot disclose any information during the progress of the procedure.

At the end of the procedure, they are under the gag order as regard the internal debates of the legal body.

Article 40

During the procedure the oral debates are not imperatively applicable. The parties involved can orally be listened or they can do it by written.

The legal body which was referred must assure to the parties the respect of the adversarial principle during the exam and the instruction of the concerned case.

In case of need and for the needs of instruction of the file, the legal body charge of the file can according to its own discretionary authority, order the summoning of witnesses and any person that it judges the audition useful during the exam of the file in question

Article 41

To reach a decision, the legal bodies base themselves on the regulation of the sanctions and fines and on the Statutes and Regulations, providing that they contain some information associated with the specific facts.

Article 42

The Judgment is pronounced by the legal body at the end of the internal deliberations and a vote. That judgment must be written and must contain: the title of the possibility of appeal, the name, the name of the applicant and the description of the dispute, the designation of the legal body and its composition, the kind of procedure (oral or

written), mention of the place and the day of the debates or the signature of the Judgment, the Judgment (including the decision taken as regard the costs) and the reasons of the Judgment and also the mention of the grounds for appeal.

The Judgment must be signed by the President.

A written copy of the Judgment will be given to the opposing parties, to the secretariat of CAHB and (according to the opposing parties) to the member federation.

V- EXECUTION OF THE JUDGMENTS

Article 43

The Judgment given by the President of the legal body is executed by the Secretariat General of CAHB.

Article 44

In the case of the sanctions taken against players, officials and clubs, the responsibility of the application of the decision is for the member federation. In case of non-execution, the concerned federation will be sanctioned in accordance with the provisions of article 58 of the General regulations.

VI- FINAL PROVISIONS

Article 45

This Legal Order was approved by the Congress on October 27th 2018.