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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 order's regulations and organs of CAHB.

Article 6

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

Article 7

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

The non-respect of this rule constitutes a gross fault which incurs the responsibility of its author who will be liable to one of the sanctions provided in article 71 of the Statutes of CAHB.

Member national federations must compulsorily transpose this rule in their own legal order.

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, All African Games, Cups and Africa Nations Championships) fall within the respective competence of the Competition Management and of 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 of CAHB's President, 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 and the decisions:

- Ø The referees' decisions are unquestionable.
- Ø 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:

- Ø Protests (100 Euros)
- Ø 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 written and 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 two (02) 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 two (02) 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 President 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 candidacies.

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.

When an Arbitration Commission is set up for the purposes of any examination of an arbitration case, arrangements must be made so that the members cannot be nationals from the federations or litigants who are parties to the dispute.

If a dispute is submitted by a party who has got the same nationality as that of the President of the arbitration panel, the latter must recuse himself and withdraw by informing the Executive Committee of CAHB of this case of incompatibility of interests.

In this case, the Executive Committee of CAHB will have to appoint a deputy President, who will be chosen from the extended list of the arbitral body who was seized of the case.

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

The President and the members of the arbitration commission and the arbitral tribunal cannot have any position within CAHB.

They must, by their knowledge and their experiences show their capability to fulfill that specific occupation.

Article 25 **METHOD OF REPLACEMENT OF THE MEMBERS OF THE
ARBITRATION COMMISSION AND THE ARBITRAL
TRIBUNAL**

If the President of the Arbitration Commission or the Arbitral tribunal leaves his post during the term or if he becomes permanently disabled or if he dies, the Council will appoint an interim President.

If one of the members of the two institutions leaves his post or if he becomes permanently disabled or if he dies, the Council will appoint a new member, on proposal of the executive Committee.

Article 26 **COMPETENCE OF THE ARBITRATION COMMISSION**

The Arbitration Commission acts when it is referred in the case of dispute which concern the relationships between member federations, the sub-sections or clubs and between them and CAHB.

The same way, the Arbitration Commission is competent to deal in third instance of jurisdiction, any dispute related to a sports dispute of a member federation once the latter is perfectly exhausted within the legal order of the concerned federation following a double degree of jurisdiction.

Article 27 : **ELECTORAL DISPUTES AND SPECIAL POWER REGIME**

Electoral disputes of a member national federation fall within the competence of the Arbitration Commission of CAHB. By electoral dispute, we mean any protest linked to the regularity and proper conduct of the electoral process, the procedures applied to the electoral ballot and the results of the electoral operation. By virtue of this article, any electoral dispute of a member national federation responds to a specific dispute regime.

At least a tripartite electoral commission, composed of independent and autonomous sports personalities, must be elected or approved by the Assembly of member associations of a national federation. The election or approval of such a commission must officially be notified to CAHB, no later than six (6) months before the date of the holding of the Elective Assembly of the member national federation.

This electoral commission must be endowed with all the adequate attributions empowering it to ensure a broad control of the electoral process and will particularly ensure the reception of the candidature files, their study and their validation or invalidation in application of the Statutes of the federation in question. It will directly oversee the good running of the elections and will be empowered to announce its results and record them in official Minutes. It must relay the results of the elections and the copies of the file of the elective assembly to CAHB, the Ministry in charge of Sports and the National Olympic Committee, within a period not exceeding three (3) days from the date of the elections. The electoral commission will ensure the publication of the results at the head office of the federation and on its official website, if applicable.

All appeals brought by any member sports association affiliated with the national federation or by any candidate for the elections, against all questions governing the holding, progress of work and decisions of elective general assemblies are the responsibility of the Arbitration Commission of the CAHB which could be seized, by what is of right, within a period not exceeding ten (10) days from the date of the publication by the national federation member of the Minutes of the elective assembly. This period is exceptional and derogates from the common law period granted to sports litigants pursuant to the provisions of Article 32 of this Legal Order. All other referral rules remain applicable and enforceable against the parties.

Article 28

COMPETENCE ARBITRAL TRIBUNAL

The arbitral Tribunal deals with the appeals done of the decisions of the arbitration commission or the decisions of the legal bodies of CAHB. It decides in second instance and its decision is final.

Article 29 :

WHO CAN REFER TO THE ARBITRAL COMMISSION AND ARBITRAL TRIBUNAL

The Arbitration Commission and the Arbitral Tribunal 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,
- any CAHB official,
- any club belonging to a member federation and
- any member federation and more generally any person who is directly or indirectly submitted to the authority of CAHB, and this, for any sport dispute

linked to the application of the statutory, sport and disciplinary regulations prescribed by CAHB.

The Arbitral Tribunal can be referred by the Jury of Appeal for additional information.

Article 29 : **AMOUNT OF THE FEES OF THE CONSIGNMENT
OF THE REFERRAL TO THE ARBITRATION COMMISSION AND
THE ARBITRAL TRIBUNAL**

Any recourse to those legal bodies implies the payment to CAHB by the applicant of the amounts below:

- ✓ Contestation : 2,500 Euros
- ✓ Cassation : 5,000 Euros

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

For reasons of flexibility and in order to prevent litigants from any administrative constraint linked to a transfer of arbitration fees in foreign currencies, CAHB can exceptionally authorize the deposit of the arbitration fees, near a member federation, in an account. deposit opened in local currency in its name. That account will specially be used for the consignment of arbitration fees for the benefit of CAHB.

Article 30 **AMOUNT OF THE FEES OF THE CONSIGNMENT OF THE
REFERRAL TO THE ARBITRATION COMMISSION
AND THE ARBITRAL TRIBUNAL**

Any recourse to those legal bodies implies the payment to CAHB by the applicant of the amount below:

- ✓ Contestation : 2,500 Euros
- ✓ Cassation : 5,000 Euros

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

Article 31 **RELATED EXPENSES 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 32

In case of refusal or withdrawal of recourse, the fees and costs of the procedure go to CAHB. In case of positive response of the recourse, the arbitration and procedure costs paid can be reimbursed to the applicant since it is possible for CAHB to have those costs borne by any opposing party that is possibly unsuccessful in the framework of the dispute.

Nevertheless, a national federation, when it is not a direct party of the conflict, should in no case be held responsible for an obligation to reimburse those costs, when the appeal would lead to the annulment or reformation of a final decision taken by one of its internal jurisdictional bodies.

Article 33 **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 (02) months at the latest after the event which gave floor to the procedure or from the date of notification of a final decision pronounced within a member federation, the postmark or the reception date of the fax serving as proof.

Any request for appeal must be made by the mean of a file comprising:

- (1) a statement of appeal, containing the references of the contested decision, an indication of any parties to the dispute and their addresses, the date of notification of the decision contested
- (2) an appeal factum containing a statement of the facts of the dispute, the grievances and arguments of the requesting party, and the final requests of the requesting party
- (3) a copy of the contested decision with a translation into one of the two official languages recognized by CAHB
- (4) Proof of payment of arbitration costs

The appeal file must be sent in advance by fax or by post or by e-mail to the official contact details of CAHB.

If the dispute exposed is marked by a proven urgency, the arbitration commission may order the application of summary proceedings, on request of one of the parties, provided that the grounds for the urgency invoked are justified. The President of the Arbitration Commission can therefore resort to an accelerated procedure and will fix the modalities.

A judgment or a provisional response will be communicated to the claimant, as well as to any other parties to the dispute, no later than two (2) months after the filing of the appeal request, the postmark or the date of reception of the fax or electronic mail serving as proof.

Article 34 **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 35 : **METHOD OF DELIBERATION OF THE COMMISSION AND THE TRIBUNAL**

The Arbitration Commission and the Arbitral tribunal investigate the case and can orally discuss or make it by written according to the decision of the President.

The arbitration commission may be limited to initiating a procedure for the exchange of written conclusions between the parties concerned by the dispute according to a predefined schedule before making a final decision on the case. Also and after the customary written exchanges, an oral hearing may be ordered on request of one of the parties or following a decision of the arbitration commission. In this case, the President of the arbitration commission fixes the terms of the oral investigation as well as the date of the hearing. The oral hearing

in principle includes a hearing during which the commission hears the parties, witnesses and experts as well as the final arguments of the parties, the defendant having the floor last. The President of the arbitration commission directs the proceedings and ensures that they are concise and limited to the subject of written presentations. The President of the commission may decide to hold a hearing by videoconference or to hear some parties, witnesses and experts by videoconference. The arbitration commission may refuse any request for the appearance of a witness or any third party on the grounds that his or her testimony, or part of it, is irrelevant or that it fails to have an impact on the subject of the dispute. Before hearing a witness, or an interpreter, the arbitration commission solemnly invites this person to tell the truth, under threat of sanction for false testimony. After the oral investigation, the parties are no longer allowed to produce written submissions, unless the arbitration commission so orders.

Article 36 **APPLICATION THE JUDICIAL RULE OF THE DUAL**

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

Article 37

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

III- LEGAL REMEDY

Article 38

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.

Article 39: SUBMISSION OF ELECTORAL APPEALS TO THE EXCLUSIVE COMPETENCE OF THE CAHB LEGAL BODIES

The legal bodies of CAHB may be referred to any person having a right and a clear interest, to appeal to them to contest the regularity or validity of the results relating to the holding of any election of an executive body of a member federation.

IV- PROCEDURE

Article 40:

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.

If the arbitration commission declares the admission of its competence to examine the dispute file, it may, prior to any examination of the merits of the dispute, operate a conciliation procedure between the parties, when the subject of the dispute is not related to questions which could arise from a transgression of public order in sport.

The working languages of the CAHB legal bodies are French and English. In the absence of agreement between the parties on the chosen language, the President of the commission chooses, at the start of the procedure, one of these two languages as the language of the arbitration, taking into account all the circumstances that he considers relevant. The Commission may order that all or part of the translation and interpretation costs be charged to the parties or to one of them. If a hearing is appointed, the Commission may authorize a party to use a language other than that chosen for the arbitration, provided that it provides, at its expense, an interpretation service to and from the official language of the arbitration. The President of the commission may order that all documents submitted in languages other than that of the proceedings, be accompanied by a certified translation in the language of the proceedings.

Any appeal filed in disregard of the legal appeal period or in disregard of the procedures deemed to be substantial in matters of referral to legal bodies, must be subject to a sanction of rejection. The Arbitration Commission is even required to raise systematically and monitor compliance with the rules which govern the observance of the deadline and the substantive procedures specific to any arbitral appeal.

Article 41

The legal bodies deliberate in the following composition:

A President and two 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 42

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 43

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 44

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 45

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

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

Any final judgment rendered by a CAHB legal body is perfectly opposable to the parties to the disputes and to the federation of the place of departure of the dispute. Any refusal to comply with this judgment constitutes a gross fault which is liable to engage the responsibility of its author and make him liable to a sanction among those provided in article 70 of the Statutes of CAHB. This sanction will therefore fall within the competence of the CAHB Council and must be decreed, as soon as the fault related to any refusal to comply with the judgment in question, is established.

Article 46

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 47

This Legal Order was adopted by the Elective Ordinary **Congress, held on 5th November 2021 by videoconference.**