



CAF APPEAL BOARD
DECISION 001 – CAI – 25.04.2021

General Secretary
Sierra Leone Football Association

Cairo, 26th of April 2021

Re: Appeal against the Decision of the AFCON Organizing Committee - Postponement of Match 151 –Sierra Leone vs. Benin – Day 6 AFCON Qualifiers

Dear Sir,

Arising out of the Appeal Board's meeting held by videoconference, on 25th April 2021, the Board was comprised of:

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| Mr. Abdulhakim Uthman Mustapha (Nigeria) | Chairman |
| Mr. Thaddeus Sory (Ghana) | Vice Chairman |
| Mr. Ali Mohamed (Somalia) | Member |

Also present at the meeting were:

| | |
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| Ms. Amina Kassem | Head of Disciplinary (CAF) |
| Ms. Sarah El Adawy | Disciplinary Officer (CAF) |

FACTS:

Match 151 of the Africa Cup of Nations Qualifiers, Cameroon 2022 which opposed Sierra Leone to Benin was scheduled to take place on the 30th of March 2021 at 4 PM.

The Benin delegation arrived at Freetown Airport on the 28th of March 2021 and according to the Sierra Leone Federation a PCR test should be done on arrival, obligatory as per the National Authorities. However, the Beninese party was exempted from undergoing the PCR tests on arrival as agreed between both parties.

The PCR tests were conducted on MD-1, the Benin delegation was promised that the results would be made available to them at least 4 hours before kickoff time.

Nevertheless, the Beninese delegation were only informed of their PCR test results on their way to the stadium, to their surprise they had five positive players, including their goalkeeper. Furthermore, no printed results were ever presented to them, instead a manuscript of the five player's names were shown to them upon their arrival to the stadium.

The Beninese party objected the authenticity of the PCR results and their players refused to get out of the buses which caused a delay of the kickoff time twice by CAF, firstly to 19h00 and later to 21h00. The situation was escalated as ambulances were sent by the Sierra Leone Health Authorities to transport the positive players to an isolation center especially since both parties agreed during their MCM meeting that the positive players will be isolated in their rooms, which finally led to the eventual cancellation of the match on 30th March 2021.

The Organizing Committee of AFCON decided to postpone the match to be played at a later date, namely the next international matches window scheduled in June 2021.

The following day, the Sierra Leone Football Association declared its intention to appeal against the Organizing Committee's decision to postpone the match and the Beninese Federation later submitted their complaint in regard to the problems that their delegation faced at Freetown as well as their objection to the postponement of match 151.

During the Appeal Board meeting, both parties were represented. The Sierra Leone Football Association (hereto the SLFA) was represented by their General Secretary, Mr. Christopher Kamara and the Benin Football Federation (hereto the BFF) was represented by their Minister of Sports, the President of the BFF and its General Secretary: Mr. Oswald Homeky, Mr. Mathurin De Chacus, Mr. Claude Pacqui respectively.

GROUNDS:

1. SLFA's Appeal was lodged following the provisions of articles 55-58 of the CAF Disciplinary Code, meaning that the fees were paid, and the memorandum of appeal was submitted, both in due time.
2. The SLFA's main argument revolves around the fact that the Beninese team should be considered to have lost in forfeit and their claim is based with articles 64-68 of the AFCON Regulations and further articles from the COVID-19 Guideline and FAQ's. However, in the same articles mentioned by the appellants regarding forfeit, an exception is introduced as follows: " except in cases of force majeure accepted by the Organizing Commission" "The Organizing Committee shall take the final decision in this respect". Furthermore, the exception of the Organizing Committee's decision is enshrined in the COVID-19 Guideline when determining the results of the match that cannot be played as such, " In exceptional circumstances, the organizing committee will be consulted for a final decision concerning the match". Ergo it is impossible to consider Benin's team as to have lost the match by forfeit as the match was postponed by the Organizing Committee.

3. SLFA did not respect its obligations regarding the COVID-19 Protocol, particularly concerning the presentation of the PCR test results as per the COVID 19 Guideline *"Results shall be available two hours before departure to the stadium on MD-1 or MD, whichever is earlier"* and *"For the purpose of participating in or working at the match, the PCR test results will be Presented in person at the time of entering the stadium on MD-1 and MD"* for the players were only informed on their way to the stadium and only shown a handwritten note of their positive test results upon arrival to the stadium.
4. The burden of proof to provide the personalized Lab test results for the Beninese team falls on the appellant as per article 57 of CAF's Disciplinary Code and the General Principle of Law *"Onus Probandi"*.
5. The Organizing Committee's decision is therefore justified by SLFA's breach of the COVID-19 Protocol as well as the tension cause by the constant complaints presented by both teams.

CONSIDERED:

Considering CAF Statutes and Regulations;
Considering the COVID-19 Guidelines and FAQs;
Considering CAF Disciplinary Code;

DECISION:

Having reviewed all of the above and after holding the meeting and hearing both parties, the Appeal Board decides the following:

- The Appeal of the Sierra Leone Football Association is admissible in form;
- The Appeal of Sierra Leone Football Federation is rejected in substance;
- The AFCON Organizing Committee's decision of postponing match 151 Sierra Leone vs. Benin of AFCON qualifiers to be played in June 2021 is hereby confirmed;
- All other and further motions or prayers for relief are hereby dismissed.

LEGAL REMEDY:

According to article 48 par. 3 of the CAF Statutes, this decision may be appealed against before the Court of Arbitration for Sport (CAS). The statement of appeal must be sent to the CAS directly within 10 days of receipt of notification of this decision and shall contain all the elements in accordance with point 2 of the directives issued by the CAS.

The full address and contact numbers of the CAS are the following:

Court of Arbitration for Sport - Avenue de Beaumont 2- 1012 Lausanne - Switzerland
Tel: +41 21 613 50 00 - Fax: +41 21 613 50 01 - e-mail: info@tas-cas.org - www.tas-cas.org

Best Regards,

**CONFEDERATION
AFRICAINNE DE FOOTBALL**



Abdulhakeem Uthman
Mustapha Chairman of CAF
Appeal Board

Cc: Benin Football Federation