

Decision of the Adjudicatory Chamber of the Ethics Committee

Taken on 16 March 2021

COMPOSITION:

Vassilios Skouris, Greece (Chairman)

Mohammad Al Kamali, UAE (Member)

Melchior Wathelet, Belgium (Member)

PARTY:

Ms Yvette Félix,

Haiti

Regarding an infringement of the FIFA Code of Ethics (adj. ref. no. 1/2021)

I. FACTS OF THE CASE

A. PROCEEDINGS BEFORE THE INVESTIGATORY CHAMBER

a) Procedural background and communications with the party

1. Preliminary investigation and opening of proceedings

1. Ms Yvette Félix ("Ms Félix") joined the Haitian Federation of Football ("FHF") in 2006 as an assistant coach and equipment manager, a position she kept until her suspension on 13 October 2020.
2. On 25 April 2020, several serious allegations of systemic rapes and other sexual abuses within the FHF was made public by the press.
3. On 30 April 2020, *The Guardian*, a British newspaper, published an article according to which Mr Jean-Bart, president of the FHF, had allegedly coerced several players at the Center of Croix-des-Bouquets ("the Center") into having sexual intercourse and threatened them with expulsion from the Center.
4. As a consequence of those publications, on 1 May 2020, the investigatory chamber of the FIFA Ethics Committee ("investigatory chamber") contacted the Confederation of North, Central American and Caribbean Association Football ("CONCACAF") to inquire into the allegations and subsequently requested the complete case file in possession of the confederation. CONCACAF responded on 5 May 2020 that it had no additional information and that it was unable to investigate the case further, due to the confederation's lack of a proper body dedicated the prosecution of ethics-related matters.
5. As a result, in accordance with articles 30 par. 2 and 59 paras. 2 and 3 of the FIFA Code of Ethics ("FCE") 2019 edition, Ms Maria Claudia Rojas, Chairperson of the investigatory chamber of the FIFA Ethics Committee, instructed the Secretariat of the investigatory chamber to initiate preliminary investigations into any potential breach of the FCE by FHF officials.
6. During the investigation proceedings against Mr Jean-Bart, the investigatory chamber identified Ms Yvette Félix as one of the alleged accomplices who allegedly assisted and facilitated his conducts, in particular through her duties and tasks as a person responsible for the female players living at the Center.
7. On 21 August 2020, based on the evidence gathered, in particular the reports submitted by the Ad Hoc panel, and considering the aforementioned communication from CONCACAF, in accordance with articles 30 par. 2 and 59 paras. 2 and 3 of the FCE 2020, the investigatory chamber initiated preliminary investigations into Ms Félix.
8. On that same day, Ms Félix was informed that she has been identified as a potential party – either as principal, accomplice, or instigator- in the allegations of systemic rapes and other sexual abuses at the Center, and therefore the investigatory chamber had opened preliminary investigation proceedings, which at that stage, related to possible violations of FCE articles 13, 17, 23 and 25.

9. Although Ms Félix was requested to submit a written statement in respect to the allegations, no response was ever provided.

2. The establishment of the ad hoc panel and the appointment of its members

10. Due to the COVID-19 pandemic and international travel restrictions, the investigatory chamber decided to appoint an ad hoc panel composed by Ms Fiammetta Cappellini, Ms Marie Doty Jean Charles Zephir and Mr Jacques Letang, to carry out on-site investigations.
11. Up to date, the ad hoc panel has collected various information on-site and interviewed several players, football officials, and third parties, including FHF officials and technical staff. Based on its findings, the ad hoc panel has issued six reports.

3. Communications with the FHF, NGOs, and other related parties

12. Throughout the investigation proceedings carried out by the investigatory chamber, the investigatory chamber exchanged information with the following persons/entities:
 - a) [Journalist 1], one of the authors of the publications released by *The Guardian*;
 - b) Several current and former football officials who serve(d) at the FHF's facilities and/or in the Center, such as coaches, supervisors, technical staff, and executive managers, who were identified as potential witnesses;
 - c) Current and former female players who stay, or used to stay, at the Center, and who were identified as potential witnesses or victims;
 - d) NGOs, specialized in the protection of women's human rights with extensive expertise in assisting victims of sexual abuse, and
 - e) Other football officials that have been identified as accused parties acting either as principals, accomplices, and/or instigators.

4. Formal investigation proceedings and application of provisional measures

13. At the end of September 2020, the investigatory chamber was informed that the FHF office where the players' passports were kept in custody had been vandalized and that several were missing. Ms Félix, together with other two FHF's employees were reportedly the persons who subtracted these passports from the FHF's premises.
14. Considering the above-mentioned discoveries, and pursuant to articles 60 and 62 par. 1 of the FCE, on 13 October 2020, the Chairperson of the investigatory chamber determined that there was a prima facie case and opened a formal investigation proceedings against Ms Félix for possible violations of articles 13, 23 and 25 of the FCE.
15. Bearing in mind that by 13 October 2020, Ms Félix still had daily access to the Center, as an assistant coach and equipment manager, in accordance with article 84 of the FCE 2020, the chairperson of the investigatory chamber proceeded to apply provisional sanctions on Ms Félix in order to ensure that investigation proceedings were not interfered with and decided to impose a provisional ban on Ms Félix from taking part in any kind of football-related activity at national and international level (administrative, sports or any other) for a period of 90 days.

16. On the same day, the investigatory chamber informed both Ms Félix and the FHF that formal investigation proceedings had been opened against Ms Félix and that she was provisionally banned.

5. Outcome of ethics Proceedings against Mr Jean-Bart

17. On 18 November 2020, the Adjudicatory Chamber decided that Mr Jean-Bart had breached art. 23 (Protection of physical and mental integrity) and art. 25 (Abuse of position) of the FIFA Code of Ethics and sanctioned him with a fine in the amount of CHF 1,000,000 and a life ban from all football-related activities (administrative, sports or any other) at both national and international levels.
18. The investigatory chamber considered that Mr Jean-Bart's case was intrinsically linked to that of Ms Félix, and therefore, the recent ruling against the former should be taken as an additional element against the latter.

b) Factual findings of the investigatory chamber

1. Interviews and testimonies carried out by the ad hoc panel

19. Between 13 May and 21 August 2020, the ad hoc panel carried out direct interviews with several individuals that made declarations about their own experiences at the FHF and the Center.

a. Victim A

20. On 14 August 2020, the ad hoc panel submitted its fifth report to the investigatory chamber summarizing an interview carried out with a victim of sexual harassment committed by FHF officials.
21. In summary, Victim A described situations where she was, in more than one occasion, sexually harassed by Mr Jean-Bart. In particular, and with regard to the allegations against Ms Félix, Victim A stated that after having rejected Mr Jean-Bart, her passport was retained, which prevented her from requesting a student visa and a scholarship offered by a university abroad. The relevant part of Victim's A testimony reads as follows:

"[...] when I was contacted by the [...] University for a scholarship. I contacted him twice to ask him to return my passport which he kept. This is to be able to apply for a student visa. He didn't want to give it back to me unfortunately. [...]What I want is to get my passport back and my safety is guaranteed [...]."

b. Victim B

22. On 28 September 2020, Victim B provided her written testimony. Throughout this statement Victim B described a situation in which she was touched by Mr Jean-Bart and how, after refusing to accept his sexual requests, she started suffering from retaliation, notably by being denied her passport back.
23. The relevant part of the statement reads as follows:

"[...] Thanks to the approach of a relative, I was able to benefit from a scholarship in [...]. The University sent me the documents so that I could apply for the student

visa at the embassy. So I went to the Center to collect my documents and my passport. Mr Jean-Bart refused to give me the passport. [...] So I lost the scholarship. Since that day, I have not been able to complete my studies. The passport is so far at the Center. It was never given to me. [...]"

c. Ms Yvette Félix's interviews with the ad hoc panel

24. On 14 May 2020, the ad hoc panel visited the Center, and carried out several face-to-face interviews. The members of the panel noticed that the Center was in preventive confinement for COVID-19 and that external access was limited/prohibited, school activities were suspended, and administrative offices were empty and closed.
25. Among the interviews accomplished on that visit, the ad hoc panel had the opportunity to discuss the allegations with the staff in charge of the residential care at the Center, including Ms Yvette Félix.
26. In general terms, Ms Félix and another official described the composition of the team that worked in the Center and the daily routine. They estimated the number of players staying at the Center to be around 250 players, aged 12 to 24 years old.
27. They stated that, in their view, the Center operated regularly and successfully, that the spaces were adequate, that the personal and sports support for young people was of a very good standard, and that the atmosphere between the youth players as well as with the coaches was good.
28. Additionally, they mentioned that over the years there have been few conflict situations between the families and the FHF and/or the Center. However, they considered such conflicts to be rare. According to them, the subject of these disputes was often linked to the passports that players obtained through the FHF to participate in international competitions and the families' demand to expatriate them. Furthermore, Ms Félix and another FHF official stated that, apart from these specific situations, there was no other confrontations with the players' families. According to them, the families entrust the children to the Center without concern.
29. They also said that they were astonished and surprised by the accusations that appeared in the press against Mr Jean-Bart, which they believed were unfounded.
30. Finally, they mentioned that Mr Jean-Bart visited the Center regularly, whenever he had executive affairs and meetings, which were mainly in the management and administration areas. They also stated that Mr Jean-Bart sometimes attended the training sessions, and interacted with the young players directly, but that he was not usually talking to young players one on one. Furthermore, they indicated that Mr Jean-Bart would not stay in the Center outside normal office hours, nor would he visit the dormitories.
31. The staff could not produce any supporting document (neither a list of young people nor a written table of operating hours, etc.).
32. On 18 May 2020, the members of the ad hoc panel carried out an additional interview with Ms Félix at the premises of the Center.

33. On this occasion Ms Félix explained her past and present role at the Center and confirmed that she controlled the girls' schedules. In addition, Ms Félix stated that she usually slept at the Center with the girls during the week, but that since the establishment of a lockdown due to the Covid-19 Pandemic, she stayed there every day.
34. Ms Félix further indicated that the last time she saw Mr Jean-Bart was before the lockdown. Ms Félix manifested her surprise about the scandal and said that, like everyone else, it was only after the media publications that she had first heard about the allegations of sexual abuse. Ms Félix expressed that, since 2006 when she started working at the FHF, not a single girl had come to complain to her or say that there FHF officials taking advantage of them.
35. Finally, Ms Félix assured that Mr Jean-Bart had never returned to the Center since the provisional measures imposed by the investigatory chamber.

d. Witness 1

36. On 5 August 2020, the ad hoc panel met with Witness 1 who was introduced as a former official of FHF.
37. Throughout his/her statements, Witness 1 provided the ad hoc panel with several names of players who were allegedly sexually abused and some details of the situations they were in.
38. Furthermore, Witness 1 mentioned that, despite the imposition of provisional sanctions banning Mr Jean-Bart from the FHF's facilities, it was well known that the latter continued to visit the FHF amenities at night with the help of Ms Yvette Félix, who was the girls' main supervisor.
39. The relevant part of the statement reads:

"While FIFA has taken provisional measure against President Yves Jean Bart, the latter continues to come to the FHF areas at night with the help of Yvette Félix, who is the girls' main supervisor. He might have come at least 3 times. Once he brought the girls food, and another time he gathered the players in the dormitories."

e. Interviews with players

40. Based on the assertions made by Witness 1, the members of the ad hoc panel and the investigatory chamber decided to interview the players named by Witness 1 who were still in lockdown at the Center.
41. On 17 August 2020, members of the ad hoc panel, visited the Center and interviewed four players. Player A partially confirmed some of the allegations and stated that all the passports of the players staying at the Center are kept at the FHF's office and provided to them only when they go to play outside Haiti and returned immediately thereafter.

f. Mr Antoine Doret

42. On 7 August 2020, the ad hoc panel had a telephonic interview with Mr Antoine Doret (also occasionally referred to as "Duret") the director of the Sports Association of Petit

Goave and former first technical director of the Center during approximately twelve years, from the establishment of the Center until his departure in 2014.

43. Regarding the accusations made against Mr Jean-Bart, Mr Doret stated that "everything that is said is true" and that "Everyone in the executive committee is aware, the people in the street, the people who work at the center as well."
44. Mr Doret further declared that Mr Jean-Bart was not the only person responsible and that there were other people involved, such as coaches who work (or used to work) at the Center.
45. More specifically, Mr Doret accused Ms Nella Joseph of being a matchmaker and Ms Yvette Félix for facilitating the president's entry into the Center at night.

2. Extraction of passports from the FHF's premises

46. On 25 September 2020, [FHF official 2], Executive Secretary of the FHF, reported to the investigatory chamber that between 15 and 26 July 2020, during his first provisional ban, Mr Jean-Bart, with the assistance of two Haitian football officials, entered into [FHF official 2]'s office and extracted without permission several passports belonging to young female players.
47. Additionally, on the same date, [FHF official 2] informed the FHF's Secretary General of this interference and provided a list of the twenty-four missing passports. Among those missing passports were the passports of Victim A and Victim B. The investigatory chamber concluded that it was the proof that these passports were never returned to the victims even when they had long left the Center.
48. The relevant part of [FHF official 2]'s statement to FIFA reads:

"[...]Considering that, on the one hand the investigation of this case falls within your competence, and that on the other hand, it indirectly affects me, I have to warn you that last week, Mr Jean-Bart took advantage of my absence to use the following persons, Ms Yvette Félix and [another FHF official], two FHF employees, and those two employees forced one of the guards to open my office in order to break in, seized the binders containing the files and passports of the female players, in order to take the passports of around twenty girls only for purposes that I couldn't elucidate precisely. Ignoring the reasons/motives for such acts, I found appropriate to provide the FHF General Secretary with a report, to inform him that my office had been vandalized by the servants of Dr Jean-Bart, despite the provisional sanctions extended for three additional months by the FIFA Ethics Committee against his person"

49. On 2 October 2020, Mr Carlos Marcelin, Secretary General of FHF, confirmed to have received a report from [FHF official 2] detailing the disappearance of the players' passports.
50. His statement reads as follows:

"On 25 September 2020, I received a letter from the Executive Secretary, [FHF official 2], informing me of the disappearance of a dozen passports of male and

female players in his office, without having given permission to anyone to take them. According to an investigation conducted by [FHF official 2] on the courtyard of the center, these passports were removed by two (2) employees of the FHF at the request of Mr Yves Jean Bart during the month of July during the period of the lockdown [..]”

51. In his letter, Mr Marcelin further informed that, on 30 September 2020, he met in the presence of Mr Jean Robert Fleurima, member of the FHF Executive Committee, with the two suspected persons and the guard of the Center who holds the keys to all the offices:
 - a) [An FHF official], professor and head of the section boys at the Camp Nous;
 - b) Ms Yvette Félix, assistant coach of the female selection and one of the persons in charge of the lockdown during the five months of isolation of the young people at the Center, and;
 - c) Mr Oracius Dieureste, security guard.
52. Mr Marcelin explained that during their interviews, Mr Dieureste, declared that it was Ms Félix who had come to see him and asked him to go and open the office of [FHF official 2] to retrieve the passports in the company of another FHF official. Moreover, Ms Félix admitted this testimony to be true and that she did it at the request of Mr Jean-Bart, who had called her on the phone to ask her to go and collect these eleven passports.
53. Based on these declarations, the investigatory chamber requested both Messrs Oracius Dieureste and Jean Robert Fleurima, security guard and member of the FHF Executive Committee, respectively, to confirm their participation in the meeting of 30 September 2020 and asked for a description of such.

On 8 December 2020, the investigatory chamber received a signed declaration by Mr Fleurima confirming his attendance to the referred meeting of 30 September 2020. Likewise, on the same date, Mr Dieureste recognized having been present at the meeting and admitted having been instructed by Ms Félix to open [FHF official 2]’s office.

3. Documentation provided by Ms Yvette Félix throughout Mr Jean-Bart’s statement of defense

54. During the investigation proceedings with reference E20-00003, Mr Jean-Bart provided his statement of defense through which he delivered several supporting documents, including a declaration made by Ms Félix dated 6 November 2020.
55. In her declaration, Ms Félix denied having met with [FHF official 2] on the alleged meeting of 30 September 2020, at the FHF premises. She also denied having removed eleven passports under the instructions of Mr Jean Bart during his suspension. Furthermore, Ms Félix declared that she accessed six of the eleven passports reported by [FHF official 2] between March and April 2020.
56. The declaration of Ms Félix is supplemented with eleven signed declarations of players:

- a) Four of them declared that they had their passports for the purpose of photocopying the first page and have returned them to the FHF. The dates in which this occurred were not provided. The declaration was only signed on 6 November 2020.
 - b) Three other players declared that they had their passports in their possession. When these documents were delivered back to them is unknown. Their declaration was signed on 6 November 2020.
 - c) One player declared that she had her passport always in her possession, such declaration was signed on 30 October 2020.
 - d) Two more players attested that after the Olympic Games in 2020 in Houston, their passports remained in their possession, in a declaration signed 22 October 2020.
 - e) One more player submitted a declaration signed and dated 28 October 2020 in which it is stated that on April 2020, Ms Félix handed over her passport for the purpose of photocopying and after that the passport was returned to the FHF. Her passport was only returned to her in October 2020 by the administration of the FHF.
57. Ms Félix's declaration is additionally supplemented with a signed declaration of [FHF official 1] dated 6 November 2020. [FHF official 1] declared that he received from [FHF official 2] the passports of two players and two more were handed over to him directly from the players. Apparently, the four passports were subsequently handed over by him to Mr Marcelin, the Secretary General of the FHF, in August 2020 for Schengen formalities. The position and/or relation of [FHF official 1] with the FHF could not be established nor could be established why he had the passports.
58. The investigatory chamber considered the declaration of Ms Félix insufficient to explain why the passports were kept away from the players, and that it could not be determined when and where the passports were delivered back to them. The investigatory chamber concluded that the attestations only proved that some passports, were indeed taken away from the players and only returned to them after the ethics proceedings against Mr Jean-Bart and Ms Félix had started.

c) Conclusions of the investigatory chamber

59. After the careful analysis of the gathered information and documentation at its disposal, the investigatory chamber reached the following conclusion in its Final Report:

Ms Félix has breached article 23, paras. 1 and 4 of the FIFA Code of Ethics, edition 2019: By extracting the passports of the female players from the Center, as she facilitated and assisted Mr Jean- Bart in perpetrating his disgusting threats and conducts against the players [and] By facilitating Mr Jean-Bart to threaten the players under her remit at the Center."

B. PROCEEDINGS BEFORE THE ADJUDICATORY CHAMBER

Opening of adjudicatory proceedings and communications with the party

60. On 3 February 2021, Ms Félix was informed that the adjudicatory chamber had opened proceedings against her based on the investigatory chamber's Final Report as per art. 68

par. 3 of the FCE. The adjudicatory chamber also informed Ms Félix of her right to request a hearing and submit a written position.

61. However, since Ms Félix did not reply to request a hearing nor to submit a statement of position, she was made aware on 22 and 23 March 2021 that no hearing would be held. By the same letter she was informed about the composition of the Panel appointed to adjudicate her case, the members of which she had the right to recuse under art. 35 of the FCE.

II. CONSIDERATIONS OF THE ADJUDICATORY CHAMBER

A. COMPETENCE AND APPLICABLE LAW

a) Competence

62. Art. 30 of the FCE defines a primary (par. 1) and subsidiary (par. 2) competence of the FIFA Ethics Committee. The second paragraph reads:

“Where such conduct affects a confederation, a single association or several associations from the same confederation and where said conduct is not directly related to FIFA matters, the Ethics Committee shall only be entitled to investigate and judge the case when said conduct has not been investigated and judged, and/or cannot be expected to be investigated and judged, by the relevant judicial bodies of the association or confederation concerned. In particular, should no proper proceedings be taken at national and/or confederation level within three months as from when the matter became known to the Ethics Committee, the Ethics Committee shall be entitled to investigate and judge the respective matter.”

63. In this regard, the Final Report states that when CONCACAF was requested to inform about the status of the proceedings against Mr Jean-Bart, it responded on 5 May 2020, that since it did not have an established Ethics Committee, it could not investigate the case further.
64. As a result, and considering that the exposed conducts committed by both Mr Jean-Bart and Ms Félix are interrelated and that it cannot be expected that CONCACAF carries out proper ethics proceedings, in the present case the FIFA Ethics Committee shall exercise its jurisdiction as established by article 30 par. 2 of the FCE.

b) Applicability of the FCE *ratione materiae*

65. The adjudicatory chamber notes that, according to the Final Report of the investigatory chamber, there are several indications of potential improper conduct in terms of the FCE by Ms Félix.
66. Consequently, the FCE is applicable to the case according to art. 1 of the FCE (*ratione materiae*).

c) Applicability of the FCE *ratione personae*

67. According to art. 2 of the FCE, the Code shall apply, inter alia, to “officials”, as per the definitions section in the FCE and FIFA Statutes.
68. Ms Félix was a football official attached to the FHF. She joined the FHF in 2006 and since then until her suspension dated on 13 October 2020, she carried out technical and administrative tasks as assistant coach and equipment manager at the Center.
69. As a consequence, at the time the relevant actions and events occurred, and in view of Ms Félix’s position in football at the time, the FCE applies to her according to art. 2 of the FCE (*ratione personae*).

d) Applicability of the FCE *ratione temporis*

70. The relevant facts described in previous sections of this decision occurred between 15 and 26 July 2020, as well as throughout Mr Jean-Bart’s presidency as of when Ms Félix joined the federation in 2006.
71. With regard to the applicability of the FCE in time, art. 3 of the FCE stipulates that the (current) FCE shall apply to conduct whenever it occurred, unless a more favorable provision was in force at the time of the facts (principle of *lex mitior*).
72. In the present case, the legal provisions of the respective articles are deemed equivalent in the various editions of the FCE (i.e., 2006, 2009, 2012, 2018, 2019 and 2020).
73. In this context, following the relevant case-law and jurisprudence, the adjudicatory chamber notes that the spirit and intent of the previous editions of the FCE are duly reflected in the below articles of the FCE, which contain equivalent provisions.
 - Art. 23 of the FCE (Protection of physical and mental integrity) has a corresponding provision in the 2018 and 2019 editions of the Code (art.23), as well as in the 2006 (art. 9), 2009 (art. 8), and 2012 (art. 24) editions of the code.
74. In consideration of the above, the adjudicatory chamber concludes that the different FCE editions cover the same offense and therefore the 2020 FCE is applicable to this case as per art. 3 of the FCE.

B. ASSESSMENT OF POTENTIAL ETHICS VIOLATIONS**Possible violation of art. 23 of the FCE (Protection of physical and mental integrity)**

75. Art. 23 of the FCE reads as follows:

1. Persons bound by this Code shall protect, respect and safeguard the integrity and personal dignity of others.

2. *Persons bound by this Code shall not use offensive gestures and language in order to insult someone in any way or to incite others to hatred or violence.*

3. *Persons bound by this Code must refrain from all forms of physical or mental abuse, all forms of harassment, and all other hostile acts intended to isolate, ostracise or harm the dignity of a person.*

4. *Threats, the promise of advantages, coercion and all forms of sexual abuse, harassment and exploitation are particularly prohibited.*

5. *Violation of this article shall be sanctioned with an appropriate fine of at least CHF 10,000 as well as a ban on taking part in any football-related activity for a minimum of two years. In cases of sexual exploitation or abuse, or in serious cases and/or in the case of repetition, a ban on taking part in any football related activity may be pronounced for a minimum of ten years.*

1. Persons involved

76. The first requirement set out in art. 23 par. 1 of the FCE is that the person acting must be bound by the FCE. As already shown, Ms Félix was at the relevant time a football official, and as such, a person bound by the FCE.

2. Protect, respect and safeguard the dignity and integrity of others

77. As an FHF official and one of the persons specifically responsible for the female players at the Center, Ms Félix had the particular duty to protect, respect, and safeguard the integrity and personal dignity of all the FHF's persons involved, whether as players or officials.
78. Instead, Ms Félix's conduct as established above helped implement and maintain an environment of fear, danger, and frustration for the female players at the Center.
79. In particular, Victim A specifically stated that, after rejecting Mr Jean-Bart's advances, he refused to return her passport, reason for which she was not able to apply for a student visa and lost the opportunity to study abroad.
80. A similar testimony was given by Victim B, who also rejected Mr Jean-Bart's sexual offers, and suffered repercussions, being prevented from continuing her university studies and losing the opportunity to study abroad due to the retention of her passport.
81. These two painful testimonies paint a picture and a pattern that has been confirmed by other witnesses and sources of the sexual harassment and abuse being perpetrated on the female players who were part of the Center, and also shows that passport retention was used as a systematic tool to control, coerce, or threaten the players.
82. Ms Félix not only failed to protect the girls, as players, from being abused by FHF officials, she also failed to protect them as victims and witnesses in an ongoing investigation whose purpose was to halt, reveal and punish the harm done to them. She betrayed the natural trust the players had placed in her due to her seniority and position when instead of reporting and helping the victims, she sided with their main aggressor, Mr Jean Bart.

83. After 20 years of an absolute and authoritarian regime, the victims and witnesses finally had the opportunity to speak up when Mr Jean-Bart was provisionally banned from football by the Ethics Committee. At this crucial moment, instead of participating in the uncovering of the abuses and defending the victim players, Ms Félix went to [FHF official 2]'s office and unduly took the players' passports for (and under the orders of Mr Jean-Bart). She also facilitated the access of Mr Jean-Bart to the Center at night, according to witness evidence. By these actions, she put the players in danger and failed to protect them from the abusive conduct of FHF officials.

3. Threats, the promise of advantages, coercion

84. The sexual advances and behavior of Mr Jean-Bart towards and with the (minor) female players from the Center were always based on the influence that the latter was wielding on the girls. This was manifested either by threats or coercion, or by the offering of gifts, the promise of various benefits, or the control he had over them, notably by keeping their passports.
85. The Panel would like to refer to Mr Jean-Bart's use of accomplices, proxies, and facilitators, who would aid him in implementing the despicable system of abuse within the Center and FHF. The FIFPro report mentions "the individuals who sought to coerce and persuade players to attend private meetings with Mr Jean-Bart, in the knowledge that he would rape and/or seek to leverage his influence to procure sexual favours." Mr Doret is more specific in his testimony, accusing Ms Nella Joseph of acting as a matchmaker and Ms Yvette Félix for facilitating Mr Jean-Bart's access into the Center at night.
86. From the statements gathered (including from Victims A and B), it is clear that passport retention was used as a tool to blackmail and pressure the players. In the particular context of the investigations against Mr Jean-Bart, that were ongoing and public at the time when Ms Félix retrieved the players' passports, the most plausible explanation of the retention/retrieval of such passports ordered by Mr Jean-Bart and executed by Ms Félix, is to use those passports to threaten the players and prevent them from testifying against Mr Jean-Bart and other FHF officials.
87. In that sense, by putting pressure on the victims and potential witnesses, Ms Félix not only failed to cooperate with a FIFA investigation, but she also actively obstructed the ongoing proceedings. By the same token, Ms Félix shall not be seen as a mere passive element allowing a system of abuses, but as an active and trusted agent of Mr Jean-Bart with privileged access to the female players and the Center, a full-fledged accomplice allowing him to continue and hide his wrongdoing even after his provisional suspension in July 2020. Her actions were carefully planned and organized with others. She went to a locked office of the FHF premises, forced an employee to open the door, took passports of the players, and extracted them from the office, all of this under the orders and in coordination with a football official who was under investigation and banned from all football-related activities at the time.
88. The extraction of the players' passports amounted to witnesses/victims' intimidation for it sent a message of impunity and a show of force of Mr Jean-Bart's complete and enduring control over the FHF. More specifically, the passport retention also meant that the potential witnesses were prevented from leaving the country, which can entail

security concerns for some given the higher risk of retaliations for persons forced to stay in Haiti. Similarly, as explained by Victims A and B, the lack of free access to their passports is also a deterrent to the gathering of evidence in the sense that it can be detrimental to the witnesses' football career (playing in international competitions) or academic opportunities (study visa application).

89. Her individual actions and participation in the extraction of the passports have been confirmed by an overwhelming amount of evidence, among which statements from the federation officials (including Mr Marcelin, FHF General Secretary), a report from the FHF on the conducts and persons involved in the extraction of the passports in July 2020, and her own testimony.
90. In view of the above, it can be clearly established that, through a combination of threats, coercion, and promise/offering of benefits, which were made either directly or through accomplices, such as Ms Félix, Mr Jean-Bart exerted his reign of abuse over the (minor) female players at the Center. This autocratic system was sustained by the tacit approval of officials such as Ms Félix and the use of threats and abusive control mechanisms, such as passport retention, which she used.

4. Conclusion

91. In summary, the Panel considers that, by the conduct as described above, Ms Félix has clearly breached art. 23 of the FCE, by failing to protect the physical and mental integrity of the female players who resided under her authority and responsibility and by participating in passport retention, a coercive tool used to control and threaten the players.

C. SANCTIONS AND DETERMINATION OF SANCTIONS

92. According to art. 6 par. 1 of the FCE, the Ethics Committee may pronounce the sanctions described in the FCE, the FIFA Disciplinary Code, 2019 edition ("FDC") and the FIFA Statutes.
93. When imposing a sanction, the adjudicatory chamber shall take into account all relevant factors in the case, including the nature of the offense, the offender's assistance and cooperation, the motive, the circumstances, the degree of the offender's guilt, the extent to which the offender accepts responsibility and whether the person mitigated his guilt by returning the advantage received (art. 9 par. 1 of the FCE). It shall decide the scope and duration of any sanction (art. 9 par. 3 of the FCE).
94. When evaluating, first of all, the degree of the offender's guilt, the seriousness of the violation, and the endangerment of the legal interest protected by the relevant provisions of the FCE need to be taken into account. In this respect, it is important to note that as coach and equipment manager at the Center, Ms Félix had a special responsibility and a position of trust vis-a-vis the players. However, it is also worth mentioning that in her role she received orders and was held accountable by higher-ranked FHF officials, notably by the president of the FHF.
95. Notwithstanding the above, Ms Félix's behavior is inexcusable and a disgrace for any football official. The pain and suffering caused to various victims of sexual harassment and abuse cannot even be fully comprehended and represents a very dark stain on the

image and reputation of football as a sport loved by so many, whose principal value and credo is “fair play.”

96. No acts of mere negligence are at stake here but deliberate actions (see art. 6 par. 2 of the FCE). In that regard, it must be recalled that Mr Dieureste admitted having been instructed by Ms Félix to open [FHF official 2]’s office, which means she forced others to participate in an unlawful act.
97. With regard to the circumstances of the case, the adjudicatory chamber emphasizes that several of its aspects render the case at hand to be of gravity. Firstly, Ms Félix held a position of trust with respect to the players, since as a coach she was meant to be a mentor on and off the pitch, and someone the players could confide in. Instead of helping her distressed players, she decided to be part of the system that was abusing by seizing their passports.
98. The last circumstance that is relevant in the assessment of Ms Félix’s degree of guilt is the fact that her main conduct occurred in July 2020, which is after the press had started reporting on Mr Jean-Bart’s wrongdoing (in April 2020) and after FIFA had started an investigation and provisionally banned the federation’s president (in May 2020). In other words, by her actions Ms Félix’s did not only facilitate the abuses perpetrated by FHF officials over the years, but she also tried to conceal those misconducts and hamper the investigations conducted against those officials.
99. Another circumstance that is suited to mitigate the culpability of an offender, according to the case-law of FIFA’s judicial bodies, is remorse or confession. In this sense, the adjudicatory chamber notes that Ms Félix has not demonstrated, at any point during these proceedings, and in spite of the evidence against her and the repeated requests for statements, any awareness of wrongdoing.
100. As for the assistance and cooperation that she has shown during the proceedings, the adjudicatory chamber has taken into account that Ms Félix has not provided any statement to the Ethics Committee during the present proceedings to clarify the facts and present her position/defense on the accusations.
101. To sum up, the adjudicatory chamber deems that the guilt of Ms Félix in the present case is serious.
102. With regard to the type of sanction to be imposed on Ms Félix, the adjudicatory chamber deems that only a ban on taking part in any football-related activity is appropriate in view of the inherent, preventive character of such sanction in terms of potential subsequent misconduct. In the light of this, the adjudicatory chamber has chosen to sanction Ms Félix by banning her from taking part in any football-related activity (art. 7 par. 1(j) of the FCE; art. 56 par. 2(f) of the FIFA Statutes; art. 11(f) and art. 6 par. 2 lit. c) of the FDC) for a duration of five years at national and international level. In accordance with art. 42 par. 1 of the FCE, the ban shall come into force as soon as the decision is communicated.
103. In the present case, the adjudicatory chamber is of the opinion that the imposition of a ban on taking part in any football-related activity is not sufficient to sanction the misconduct of Ms Félix adequately, in particular given the gravity of the matter, the damage caused. Hence, the adjudicatory chamber considers that the ban imposed on Ms

Félix should be completed with a fine, a financial sanction with a strictly punitive purpose in the present case.

104. The amount of the fine shall not be less than CHF 300 and not more than CHF 1,000,000 (art. 6 par. 2 of the FCE in conjunction with art. 15 par. 1 and 2 of the FDC). In the case at hand – taking into account the various circumstances of the case, the adjudicatory chamber found that a fine of CHF 10,000 is appropriate. Accordingly, Ms Félix shall pay a fine of CHF 10,000.

D. PROCEDURAL COSTS

105. The procedural costs are made up of the costs and expenses of the investigation and adjudicatory proceedings (art. 54 of the FCE).

106. As a principle, procedural costs shall be borne by the party that has been sanctioned (cf. art. 56 par. 1 of the FCE). In the event of closure of proceedings or acquittal, the procedural costs shall be borne by FIFA (art. 55 par. 1 of the FCE).

107. Ms Félix has been found guilty of a violation of art. 23 and has been sanctioned accordingly. The adjudicatory chamber deems that no exceptional circumstances apply to the present case that would justify deviating from the general principle regarding the bearing of the costs. Thus, the adjudicatory chamber rules that Ms Félix shall bear the procedural costs (art. 56 par. 1 of the FCE).

108. In the present case, the costs and expenses of the investigation and the adjudicatory proceedings add up to [...].

109. According to art. 57 of the FCE, no procedural compensation shall be awarded in proceedings conducted by the Ethics Committee. Consequently, Ms Félix shall bear her own legal and other costs incurred in connection with these proceedings.

III. DECISION OF THE ADJUDICATORY CHAMBER

1. Ms Yvette Félix is found responsible for having breached art. 23 (Protection of physical and mental integrity) of the FIFA Code of Ethics.
2. Ms Félix is hereby banned from taking part in any kind of football-related activity at national and international level (administrative, sports or any other) for a period of five years, as of notification of the present decision, in accordance with article 7 lit. j) of the FIFA Code of Ethics in conjunction with art. 6 par. 2 lit. c) of the FIFA Disciplinary Code.
3. Ms Félix shall pay a fine in the amount of CHF 10,000 within 30 days of notification of the present decision.
4. Ms Félix shall pay costs of these proceedings in the amount of [...] within 30 days of notification of the present decision.
5. Ms Félix shall bear her own legal and other costs incurred in connection with the present proceedings.
6. This decision is sent to Ms Félix. A copy of the decision is sent to the FHF, CONCACAF and to Ms Maria Claudia Rojas, the chairperson of the investigatory chamber of the FIFA Ethics Committee.

NOTE RELATED TO THE FINANCIAL SANCTION:

The payment of the fine and costs of the proceedings can be made either in Swiss francs (CHF) to account no. [...] or in US dollars (USD) to account no. [...], with reference to case no. "Adj. ref. no. 1/2021 (E20-00006)" in accordance with art. 7 let. e) of the FIFA Code of Ethics.

NOTE RELATED TO THE PUBLICATION:

The public may be informed about the reasons for any decision taken by the Ethics Committee. In particular, the chairperson of the adjudicatory chamber may decide to publish the decision taken, partly or in full, provided that the names mentioned in the decision (other than the ones related to the party) and any other information deemed sensitive by the chairperson are duly anonymized (cf. article 36 of the FIFA Code of Ethics).

NOTE RELATED TO THE APPEAL PROCEDURE:

In accordance with art. 82 par. 1 of the FCE and art. 58 par. 1 of the FIFA Statutes, decisions taken by the adjudicatory chamber are final, subject to appeals lodged with the Court of Arbitration for Sport ("CAS") in Lausanne, Switzerland (www.tas-cas.org). The statement of appeal must be sent directly to CAS within 21 days of notification of this decision. Within another ten (10) days following the expiry of the time limit for filing the statement of appeal, the appellant shall file with CAS a brief stating the facts and legal arguments giving rise to the appeal (see art. R51 of the Code of Sports-related Arbitration).

FÉDÉRATION INTERNATIONALE
DE FOOTBALL ASSOCIATION



Mr Vassilios Skouris
Chairperson of the adjudicatory chamber
FIFA Ethics Committee