

Decision
of the
Chairman of the FIFA Appeal Committee

on 2 December 2019

in the case:

Mr Samson Sisia

(Decision 3/2019 APC)

regarding:

Appeal lodged by Mr Samson Siasia against the decision passed by the
Chairman of the FIFA Appeal Committee on 13 September 2019

I. Inferred from the file

1. Below is a summary of the main relevant facts and allegations based on the documents pertaining to the file. Although the Chairman of the FIFA Appeal Committee (hereinafter, *the Chairman*) has considered all the facts, legal arguments and evidence submitted by Mr Samson Siasia (hereinafter, *the Appellant*), it refers in his decision only to submissions and evidence it considers necessary to explain his reasoning.
2. On 11 April 2019, the Adjudicatory chamber of the FIFA Ethics Committee rendered a decision against the Appellant (decision Adj. ref. no. 3/2019 (Ethics RE19-00009 NGA ZH)) in relation to an alleged involvement in a match-fixing scheme. In particular, the latter was "*banned for life from taking part in any kind of football-related activity at national and international level*".
3. The grounds of the aforementioned decision were notified to the Appellant by email on 16 August 2019.
4. On 23 August 2019, the legal representative of the Appellant informed the FIFA Appeal Committee of its intention to appeal the decision of the Adjudicatory chamber of the FIFA Ethics Committee.
5. On 28 August 2019, the legal representative of the Appellant filed its appeal brief.
6. On 13 September 2019, the Chairman of the FIFA Appeal Committee decided that the appeal lodged by the Appellant was inadmissible as the mandatory requirement foreseen under art. 56 par. 3 of the FDC had not been complied with.
7. By means of a letter signed by Mr Carlos Schneider sent on 16 September 2019 on behalf of the Chairman of the FIFA Appeal Committee, the Secretariat to the FIFA Appeal Committee (hereinafter: *the Secretariat*) informed the Appellant of the aforementioned decision.
8. On 19 September 2019, the Appellant filed its "*Appeal Brief with attachments against the provisional Decision made by Mr Carlos Schneider, FIFA Head of the Disciplinary Department and Head of the Secretariat of the Investigatory Chamber of the FIFA Ethics Committee*".
9. On 15 October 2019, the Secretariat acknowledged receipt of the Appellant's correspondence received on 19 September 2019 and referred the latter to its previous correspondence issued on 16 September 2019 (cf. para I.7. *supra*).
10. On the same day, the legal representative of the Appellant provided an additional communication to the Secretariat, *inter alia* insisting that it "*ha[d] since and within time, appealed against (...) Mr Schneider's 'apparent' findings which he made ex facie and without due consideration to all applicable FIFA Codes and Statutes as he openly admitted*", therefore requesting that its "*further Appeal against Mr Schneider's [and by default the FIFA Ethics Committee's] decision contained in his said letter, is now*

properly before the FIFA Appeal Committee and not back with the FIFA Ethics Committee through its Mr Schneider".

II. and considered

1. According to art. 60 of the FDC, the chairperson of the Appeal Committee may take a decision at the request of the parties.
2. In this context, the Chairman of the FIFA Appeal Committee (hereinafter: *the Chairman*) acknowledged that the Appellant explicitly requested for the present matter to be "*properly*" submitted "*before the FIFA Appeal Committee*".
3. The Chairman first and foremost acknowledged that the appeal lodged by the Appellant is addressed at "*the provisional Decision made by Mr Carlos Schneider, FIFA Head of the Disciplinary Department and Head of the Secretariat of the Investigatory Chamber of the FIFA Ethics Committee*".
4. In these circumstances, the Chairman found it worthwhile to emphasise that the decision to declare inadmissible the appeal lodged by the Appellant against the decision of the Adjudicatory chamber of the FIFA Ethics Committee was his, and by no means that of the FIFA administration.
5. Against such background, the Chairman wished to refer to art. 32 of the FIFA Disciplinary Code (FDC) which *inter alia* specifies that "*[t]he secretariat takes charge of the administrative work and writes the decisions of the meetings*".
6. As a matter of fact, the Chairman was of the firm opinion that it is in line with the aforementioned provision that his decision rendered on 13 September was properly notified to the Appellant by the Secretariat, duly represented by Mr Carlos Schneider, on 16 September 2019.
7. Said decision having been duly notified to the Appellant, the Chairman held that any possible appeal against it, including those arguments conforming the Appellant's position, had to be lodged before the Court of Arbitration in line with art. 49 of the FDC. The FIFA Appeal Committee can by no means be the appropriate forum to appeal and/or contest such decision.
8. As a result of the above considerations, the Chairman concluded that the appeal lodged by the Appellant against its decision passed on 13 September 2019 and notified on 16 September 2019 is undoubtedly inadmissible, for having been filed in the wrong forum.

III. therefore decided

The appeal lodged by Mr Samson Siasia against the decision passed by the Chairman of the FIFA Appeal Committee on 13 September 2019 and notified on 16 September 2019 is declared inadmissible.

FÉDÉRATION INTERNATIONALE
DE FOOTBALL ASSOCIATION



Thomas Bodström
Chairman of the FIFA Appeal Committee

Note relating to the legal action:

According to art. 58 par. 1 of the FIFA 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 21 days of receipt of notification of this decision. Within another 10 days following the expiry of the time limit for filing the statement of appeal, the appellant shall file a brief stating the facts and legal arguments giving rise to the appeal with the CAS.

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

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