



World Triathlon Tribunal  
Avenue de Rhodanie  
54 1007 Lausanne,  
Switzerland

**Tribunal/2021/09 - Benin Triathlon Federation vs Africa Triathlon**

INTERIM DECISION

rendered by the

WORLD TRIATHLON TRIBUNAL

sitting in the following composition:

Chair of the Panel: Barry Lipp (Australia)

Members of the Panel: Judge Thomas E. O'Donnell (Ireland)

Judge Michael Jones (U.S.A.)

in the determination of the complaint made by Benin Triathlon Federation and its president, Mr. Richard Assah against Africa Triathlon and its president, Mr. Ahmed Nasser

## I. PARTIES

2. Benin Triathlon Federation (“BTF”)
3. Mr. Richard Assah, BTF President
4. Africa Triathlon (“AT”), the governing body for the Olympic sport of Triathlon and for all related multisport in Africa, recognized by World Triathlon as the Continental Confederation in Africa.
5. Mr. Ahmed Nasser, AT President

## II. BACKGROUND FACTS AND PROCEEDINGS BEFORE THE WORLD TRIATHLON TRIBUNAL

6. The elements set out below are a summary of the main relevant facts, as established by the Panel on the basis of the evidence obtained during the course of investigations, the written submissions, the exhibits filed by the Parties in the course of the proceedings. While the Panel has considered all the facts, allegations, legal arguments and pieces of evidence submitted by the Parties in these proceedings, it refers in the present decision only to those it considers necessary.
7. In a letter dated 3 August 2021 addressed to the World Triathlon Tribunal (“WTT”) (but sent and received on 3 September 2021), the BTF sought to appeal against the decision of the AT Executive Board (“AT EB”) made on 9 April 2021 to suspend the BTF and its President, Mr. Assah, from membership of AT until the next AT Congress, for breaching the AT Constitution and its articles. That appeal is the subject of this proceeding.
8. The Minutes of the AT EB Meeting on 15 February 2021 record that:

*The Executive Board has approved on creating a Committee of three French speakers led by Mr. Alain St. Louis, Mr. Lotfi Lobaid, and Mr. Boubacar Gaye with Mr. Rick Fulton, to investigate the situation of these three NFs, provided by a report by Mr. Rick before starting about the history of these three NFs, when did they start, report of activities, competitions, and good standing.*

*The Committee shall investigate their situation and having a separate meeting with each NF within two weeks to finalize this mission, and their unjustified run after money, and them asking for charity funds during Ramadan, and the email sent to WT President from Tchad NF President.*

*Then according to the Committee report on these NFs after investigation, it shall be decided whether they would stay among the ATU family or not.*

9. The Minutes of the AT EB Meeting on 9 April 2021 record that:

*Concerning Benin NF, it has also come to the conclusion based on the aforementioned Constitutional Articles and Technical reports, Benin is not in good standing with the ATU in terms of providing Financial statements and activity reports, and has no right to participate in any of ATU events unless it fulfills membership requirements, and to be approved by the ATU Executive*

*Board at its discretion, with sending notice.*

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*It has been decided unanimously that Central Africa is not a Member, while Tchad and Benin are not in a good standing positions.*

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*Motion: Moved by Mr. Alain St. Louis seconded by Mr. Lotfi Lobaid on the not on a good standing position of the two NFs a, in addition to the suspension of the Tchad National Federation, while Central Africa is not a member of the ATU.*

*Vote: Unanimously approved*

10. In a letter dated 20 April 2021 to Marisol Casado, World Triathlon President, the AT EB confirmed that it had suspended the BTF and its president, Mr. Assah.
11. The suspension was notified to the BTF and Mr. Assah in a letter from AT dated 30 April 2021, following the report of a special commission convened by the AT EB to determine whether the BTF, the Central African Republic Triathlon Federation and the Chad Triathlon Federation were in breach of their obligations under the AT Constitution.
12. In the notification of suspension, the AT EB invited Mr. Assah to attend the next AT Annual Congress as an observer, so that he could be heard by the Congress.
13. In a letter to AT dated 28 May 2021, the BTF appealed against the decision of the AT EB to suspend the BTF. This appeal was expressed to have been made based on Art. 38.15 of the AT Constitution 2015 ("AT Constitution"), which provides that disputes between Members may be submitted to the AT EB, to assist in the resolution of the dispute or difference, or failing resolution, to refer the matter to the AT arbitration panel which shall decide the dispute or difference.
14. The AT EB does not appear to have responded to the BTF's appeal.
15. In or about mid-May 2021, AT circulated to its member national federations its Congress Package ahead of the AT Annual Congress, to take place on 10 June 2021. The Panel assumes that this Congress Package served as the agenda containing the business to be discussed at the annual Congress, which must be sent to Members no later than thirty (30) days before the date of the annual Congress, in accordance with Art.25.3 of the AT Constitution. (The date of circulation of the Congress Package was 18 May 2021, as reported by AT in its email to the World Triathlon ("TRI") Secretary General dated 16 October 2021.)
16. The Congress Package informed members of the AT EB's decision to suspend the BTF, and sought the Members' approval of that decision.
17. The AT EB held a meeting on 10 June 2021, prior to the Annual Congress later that day. It appears that at that meeting, the AT EB decided to amend the motion in relation to the BTF that it would put to the annual Congress. It was decided to seek the suspension of Mr. Assah for a further period of one year until the next annual Congress, to allow him to address his alleged violations of the AT Constitution. At the next Annual Congress Mr. Assah's suspension could be lifted or extended.
18. On 10 June 2021, the Annual Congress voted to approve the AT EB's motion to suspend

Mr. Assah for the period of one year.

19. As noted above, in a letter to the WTT received on 3 September 2024, the BTF sought to appeal against the AT EB's decision made on 9 April 2021 to suspend the BTF and its president, Mr. Assah.
20. In a letter to Mr. Nasser dated 31 August 2021, the Chair of the WTT informed AT that the BTF's appeal had been referred to the WTT, and that an investigation would begin, following which she would decide whether there was sufficient evidence of potential violations TRI's rules for a WTT proceeding to be commenced.
21. In a letter to Mr. Assah dated 8 September 2021, the AT EB informed Mr. Assah that his appeal against his suspension by the AT EB which he had lodged on 29 May 2021 had been brought before the AT Annual Congress on 10 June 2021, where it was decided to suspend him for a year until the next Congress.
22. This letter also states that Mr. Assah's violations were included in the Congress Package sent to Members on 11 May 2021. This date is in contradiction to the date of sending on 18 May 2021 as reported by AT in its email to the TRI Secretary General dated 16 October 2021. The Panel also notes that the document properties for the Congress Package file indicate that the document was created and modified on 12 May 2021, leading to some uncertainty as to whether the document could have been sent to Members on 11 May 2021, being exactly 30 days prior to the Annual Congress, as required by the AT Constitution.
23. In a letter to the WTT dated 6 December 2021, the BTF sent further details in support of its appeal against its suspension and the suspension of its President.
24. On 28 April 2022, the WTT Chair issued a procedural order informing the parties that a WTT proceeding had been commenced under proceeding Tribunal/2021/09, and that a WTT panel had been convened to hear the matter.
25. On 11 July 2023, the Chair of this Panel issued Procedural Order No.2, requiring the BTF to file within twenty-one days a brief and updated statement of the complainant's case, and the remedy sought.
26. On 8 August 2023, the Tribunal received the BTF's updated statement of its case.
27. On 27 November 2023, the Chair of this Panel issued Procedural Order No.4, in which the Panel:
  - a. noted that in the absence of evidence to the contrary, Mr. Assah's one year suspension may already have expired;
  - b. directed the AT EB to consider a motion to confirm that the suspension of Mr Assah has expired, and that no further suspension of Mr Assah or the BTF shall be sought at the next AT Congress; and
  - c. in the event that The AT EB passes such a motion, the BTF should consider the withdrawal of its complaint in Tribunal/2021/09.
28. In a letter to the Parties dated 12 December 2023, the Chair of the Panel explained that Procedural Order No.4 had been issued to give the parties the opportunity to reach a settlement between them, without the need for any sanctions which the Panel might

impose if the proceeding were to continue to a decision of the Panel.

29. The Panel did not receive a response to Procedural Order No.4 from any party.
30. As noted above, on 10 June 2021, the AT Annual Congress voted to approve the AT EB's motion to suspend Mr. Assah for the period of one year. No evidence of any further consideration of Mr. Assah's suspension at any subsequent AT Annual Congress has been submitted in this proceeding.

### III. LEGAL ANALYSIS

#### A. JURISDICTION

31. The World Triathlon Tribunal has jurisdiction over this matter under:
  - Article 50.7 of the World Triathlon Constitution ("*Constitution*"), which provides that: "*A panel or a Single Judge is responsible to handle and decide on all cases brought before the Tribunal in accordance with the Constitution, Rules, Regulations and Codes. Ethical issues shall be handled and decided exclusively by an Ethical Panel, not by a Single Judge.*"
  - Article 51 of the Constitution, which provides that: *Disputes or differences between the Bodies which are not otherwise provided for in the Constitution, the Rules, Regulations or Codes, shall be referred to the Tribunal.*
  - Article I of the Code of Ethics, which provides that "*Any interested party shall bring any breach of this Code and its directions to the attention of the ITU Arbitration Tribunal, which will undertake an inquiry and may impose a sanction foreseen under the Procedures and rules of the Arbitration Tribunal*";
  - The World Triathlon Ethics Panel Rules ("*Ethics Panel Rules*"), which state that "*The Ethics panel as a part of the Tribunal is an independent judicial body formed to adjudicate upon violations of the Code of Ethics, to impose sanctions for violations of the Code of Ethics*".
32. Based on these provisions, the Panel has jurisdiction to adjudicate in these proceedings, in resolution of disputes and/or in adjudication upon violations of the Code of Ethics.

#### B. APPLICABLE LAW

33. Pursuant to Article 62 of the TRI Constitution, "The governing law of World Triathlon shall be Swiss law".
34. Pursuant to Art. 14.1 of the AT Constitution, the AT EB has power to provisionally suspend a Member, as follows:

##### **Art 14. Suspension of Membership**

##### **14.1. Provisional Suspension by the African Triathlon Union Executive Board:**

- A. *The African Triathlon Executive Board may provisionally suspend a Member for a period specified in article b if, in the opinion of the African Triathlon Union Executive Board, the Member:*

- (1) *Is in breach of any one or more of its obligations under Art 10 (Obligations of Members) including its failure to pay the Membership Fee or any other fees or payments due and owing as provided by Art 11;*
  - (2) *Is otherwise in breach of any other article in this Constitution or any Rule, Regulation, Code or a decision of Congress;*
  - (3) *Acts in a manner which is contrary to any of the Purposes of African Triathlon Union, or the government of the territory that the Member represents;*
  - (4) *Ceases to meet one or more of the admission requirements set out in Art 7;*
  - (5) *In Case of violating the ATU Constitution or, rule:*
    - ii. *The suspension extends to the non-payment of the annual fees (which may be lifted by the Executive Board within maximum two years, when the member National Federation is once again in good financial standing with ATU)*
    - ii. *The suspension also entails the non-submission of the annual activity report*
- B. *The period of a provisional suspension imposed by the African Triathlon Union Executive Board under article 13 a shall be:*
- (1) *a fixed period decided by the African Triathlon Union Executive Board, provided that the period is no longer than the period to the next Congress; or*
  - (2) *an indefinite period depends on the extent of violation of terms and conditions imposed by the African Triathlon Union, provided that the period is no longer than the period to the next Congress.*
35. Art.25.3 of the AT Constitution sets out the requirements for Notice to Members of the agenda for Congress, which includes notice of any resolutions to be put to Congress by the AT EB, as follows:

**25.3. Agenda Annual Congress**

- A. *An Agenda containing the business to be discussed at an annual Congress shall be sent by Secretary General or HQ office to the Members no later than thirty (30) days before the date of the annual Congress meeting.*
- B. *The business on the Agenda shall include the following:*
  1. *Roll-call of NFs*
  2. *Admission of new member NFs*
  3. *Appointment of three (3) scrutinizers*
  4. *Appointment of three (3) tellers*
  5. *Minutes of the last Congress 2019*
  6. *President's Report*
  7. *Financial Report*
  8. *Auditor appointment*

9. *Technical Director Report*
10. *Resolutions from the Executive Board*
11. *Reports from Committees and Commissions*
12. *Resolutions from member NFs*
13. *Old Business*
14. *New Business*
15. *Next AGM Host*
16. *Adjournment*

36. Pursuant to Art.14.2 of the AT Constitution, Congress has power to suspend a Member, as follows:

**14.2 Suspension by Congress**

*Congress may suspend a Member's Membership for a period specified if:*

- a. *Executive Board recommends such suspension*
  - b. *Congress considers, that any one or more of the grounds set out in Art 13.1.a apply;*
  - c. *any terms or conditions imposed by African Triathlon Executive Board under Art 13.1*
  - d. *any sanctions imposed under Art 13.1.c are not fulfilled by the Member, to the satisfaction of Congress.*
37. Art.14.3 of the AT Constitution defines the period for which Congress may suspend a Member, as follows:

**14.3.** *The period of a suspension imposed by Congress may be a fixed period, or an indefinite period subject to the satisfaction of any terms and conditions imposed by Congress.*

38. Art.16 of the AT Constitution sets out the consequences of suspension of Membership, as follows:

**Art 16. Consequences of Withdrawal, Suspension or Expulsion of Membership**

**16.1** *Where any Member has ceased to be a Member (withdrawal or expulsion) or been suspended (provisionally or otherwise), the following shall apply:*

*A. The Member concerned shall:*

- (1) *Cease to be a member or shall be suspended from its respective Continental Confederation parallel with its position in World Triathlon; ART15.1.(1) of ITU constitution should be applied on the ATU constitution*
- (2) *Not in any way hold itself out as a Member of African Triathlon Union.*
- (3) *Forfeit all claims on African Triathlon Union;*
- (4) *Not use any African Triathlon Union property, including its Intellectual Property; and*
- (5) *Not be entitled to any rights, entitlements, or privileges to which it would otherwise have been entitled including representation and/or participation in any*



*competition, activity, event, function or meeting of African Triathlon Union including Congress;*

*B. No athlete, athlete support personnel or other person who is affiliated, or under the jurisdiction, of the Member may represent, enter, compete, participate or otherwise be involved in any capacity on behalf of that Member, in any competition, activity, event, function or meeting of the African Triathlon Union, unless specified otherwise in the Rules.*

39. Art.17 of the AT Constitution also notes that Members must be in good standing, as follows:

**Art 17. Good Standing**

*Members shall be in Good Standing with African Triathlon Union.*

**IV. MERITS**

40. In order to decide the matters for decision herein, the Panel is of the opinion that the legal issues in this matter revolve around the following elements:

- A. Were the BTF and Mr. Assah duly suspended by the AT EB, as notified to them in the AT EB's letter dated 30 April 2021?**
- B. Was the AT EB's motion to suspend Mr. Assah for the period of one year validly put to the AT Annual Congress on 10 June 2021, and if not, what are the ramifications for Mr. Assah's suspension?**
- C. If the AT Annual Congress's suspension of Mr. Assah for one year made on 10 June 2021 was valid, in the absence of any further consideration by any subsequent AT Annual Congress, had Mr. Assah's suspension expired one year later?**

41. Accordingly, the above questions are analysed below:

- A. Were the BTF and Mr. Assah duly suspended by the AT EB, as notified to them in the AT EB's letter dated 30 April 2021?**

42. As noted in paragraph 11 above, the AT EB notified the BTF and Mr. Assah in its letter to them dated 30 April 2021 that it had provisionally suspended them in its meeting held on 9 April 2021.

43. As set out in paragraph 9 above, the Minutes of the AT EB Meeting held on 9 April 2021 show that the AT EB affirmed that both the Benin National Federation and the Tchad National Federation were not in good standing. In addition, the AT EB noted that the Tchad National Federation had not abided by AT Constitution rules and was not serving the interest of the sport of triathlon in Africa. On that basis, the AT EB decided to provisionally suspend the Tchad National Federation's membership until the next AT Congress.

44. By contrast, in the same motion the AT EB recognized and affirmed that the BTF is also not in good standing but did not provisionally suspend it.

45. The question then arises – what are the consequences of the AT EB finding that the BTF is not in good standing? Notwithstanding that the AT EB did not provisionally suspend the



BTF, does being declared not in good standing amount to a suspension of membership?

46. As noted in paragraph 39 above, the AT Constitution states that “Members shall be in Good Standing with African Triathlon Union” but does not set out the consequences of not being in good standing.
47. By comparison, Art.17.1 of the TRI Constitution also states that Members must be in good standing and sets out the consequences of not being in good standing as follows:

**Art 17. Good Standing**

*17.1. Members and Associate members shall be in Good Standing with World Triathlon.*

*15 Only Members in good standing can vote at Congress.*

*16 Only Officials of Members and Associate members in Good Standing may vote at meetings of the Executive Board, Committees and Commissions.*

*17 Only Member in Good Standing may register Athletes and Technical Officials to Events.*

*18 Only Members an Associate members in Good Standing can participate in development projects and programs funded by World Triathlon.*

48. Art.17.4 of the TRI Constitution draws a clear distinction between suspension of Membership and not being in good standing, in the circumstances that a Member is automatically back in good standing as soon as it fulfills the requirements of membership, as follows:

*17.4. A Member or Associate member is automatically back in Good Standing if they have fulfilled the conditions of Art 17.3. for which they automatically lost their Good Standing.*

49. In the circumstances that the AT Constitution sets out the consequences of suspension of Membership, but is silent on not being in good standing, the Panel considers that the same distinction as set out in the TRI Constitution may be taken to apply in the AT Constitution.
50. Having regard to the above, the Panel finds that whilst the AT EB’s Meeting on 9 April 2021 affirmed that the BTF was not in good standing, the BTF was not in fact provisionally suspended as stated in the AT EB’s letter to the BTF and Mr. Assah dated 30 April 2021.
51. In addition, the Minutes of the AT EB Meeting on 9 April 2021 make no mention of Mr. Assah, or of any suspension of the President of the BTF.
52. Having regard to the above, the Panel finds that Mr. Assah was not in fact provisionally suspended as stated in the AT EB’s letter to the BTF and Mr. Assah dated 30 April 2021.

**B. Was the AT EB’s motion to suspend Mr. Assah for the period of one year validly put to the AT Annual Congress on 10 June 2021, and if not, what are the ramifications for Mr. Assah’s suspension?**

53. As noted in paragraph 16 above, The AT EB’s Congress Package circulated to Members ahead of the 2021 Annual Congress on 10 June 2021 informed members (erroneously) of the AT EB’s decision to suspend the BTF, and that at Congress it would move a motion seeking the Members’ approval of that decision.

54. As noted in paragraph 17 above, The AT EB held a meeting on 10 June 2024, prior to the Annual Congress later that day, in which it decided to amend its motion. It would now not seek approval of its suspension of the BTF (which in fact had not taken place), but would only seek approval of its suspension of Mr. Assah (which in fact had also not taken place) for a period of one year until the next annual Congress.
55. It could be argued that even though Mr. Assah was not provisionally suspended, the AT EB was still able to resolve on 10 June 2021 to move a motion at Congress that Mr. Assah now be suspended.
56. However, as set out in paragraph 35 above, Art.25.3 of the AT Constitution requires that an agenda containing the business to be discussed at the Annual Congress, including resolutions of the AT EB, must be circulated to Members at least thirty days prior to the Congress.
57. As noted above, the AT EB's Congress package circulated to members in or about mid-May 2021 gave details of an AT EB resolution to suspend the BTF (which did not proceed), but made no mention of any resolution to suspend Mr. Assah.
58. In the circumstances that the AT EB's resolution put to Congress to suspend Mr. Assah was only decided at its meeting on 10 June 2021, on the day of the Annual Congress, the thirty day notice requirement was not satisfied, and therefore the motion was not validly put to Congress.
59. Even if the motion to suspend Mr. Assah had been put by a Member on the day of the Annual Congress, separately from the AT EB's resolution, it would also not have complied with the thirty day notice requirement in Art.25.3 of the AT Constitution, which applies to resolutions of Member NF's as well as the AT EB.
60. The Panel considers that a resolution which is not validly put to the AT Annual Congress cannot be validly passed.
61. In the circumstances, it appears to the Panel that Mr. Assah's one year suspension by the 2021 AT Annual Congress was not valid.

**C. If the AT Annual Congress's suspension of Mr. Assah for one year made on 10 June 2021 was valid, in the absence of any further consideration by any subsequent AT Annual Congress, had Mr. Assah's suspension expired one year later?**

62. The Minutes of the AT Congress on 10 June 2021 record the motion to suspend Mr. Assah as follows:

*In regards to the Benin Case, the Executive Board has decided after extensive review on its case based on the technical report and the report submitted by the special commission of investigation, to apply suspension on the President of Benin NF for 1 year until addressing the violations committed, then the suspension can be lifted by the Congress.*

*Motion: Moved by Burkina Faso seconded by Egypt on the suspension of the Benin NF President while keeping the NF active for 1 year until addressing the behavior.*

*Vote: 23 Approved upon the suspension of Benin NF*

*0 Refusal*

## *2 Abstain*

63. As noted above, the Panel considers that the motion to suspend Mr. Assah was not validly put to Congress, and therefore Congress's suspension of Mr. Assah was invalid.
64. However, for the sake of completeness, the Panel will consider the outcome of the motion to suspend Mr. Assah on the assumption that it had been validly passed.
65. As noted above, the suspension of Mr. Assah is expressed to apply "for 1 year until addressing the violations committed, then the suspension can be lifted by the Congress".
66. The Panel considers that there is some ambiguity in this expression. On the one hand, it is expressed to apply until Mr. Assah has addressed his alleged violations, and then it can be lifted by Congress. On the other hand, the suspension is expressed to apply for 1 year.
67. In the Panel's view, the expression imposes a requirement that Mr. Assah's suspension be re-examined by Congress in one year to determine whether he has addressed his violations, following which it may lift the suspension.
68. The Panel considers that as the suspension is expressed to apply for one year, it could not have been the intention of the motion that the suspension should apply indefinitely without re-examination.
69. On 25 April 2024, the Panel issued Procedural Order No.5, requiring AT to provide a copy of the AT 2022 Annual Congress Package, and the minutes from the 2022 AT Annual Congress.
70. These documents were sought so that the Panel could determine whether Mr. Assah's one year suspension had been re-considered by Congress one year later.
71. On 25 April 2024, AT responded that "The case is already closed, suspension on Benin NF is lift and they attended last congress of Africa Triathlon", but failed to comply with the Procedural Order.
72. The Panel considered that it was not clear from AT's response whether Mr. Assah's suspension had been lifted or only that of the BTF.
73. Therefore, in an email to AT on 30 April 2024, the Panel asked AT that it "would like to know if the suspension of the Benin NF's President, Mr. Richard Assah, has also been lifted, and if so, please provide details of when and how it was lifted".
74. In the absence of a response from AT, on 3 May 2024 the Panel again requested confirmation from AT of whether Mr. Assah's suspension had been lifted, and reminded AT that "the case of Tribunal 2021/09 is not closed. Africa Triathlon is required to comply with the Panel's Procedural Order No.5, and must provide the listed documents".
75. On the same day, AT replied that "The suspension has been lifted as previously mentioned in my email", but failed to address AT's non-compliance with Procedural Order No.5.
76. In the circumstances that AT has failed to comply with Procedural Order No. 5, in the absence of evidence to the contrary, the Panel presumes that Mr. Assah's suspension was not considered by the 2022 AT Annual Congress, and had therefore expired in June 2022. This is consistent with Article 16.4 of the World Triathlon Tribunal Procedural Rules, which provides that where a party refuses to answer questions, the Panel may make an adverse inference against that party.

77. In order to overcome the continuing ambiguity and positively confirm whether Mr. Assah's suspension had been lifted, on 6 May 2024, the Panel asked Mr. Assah to confirm whether he had been notified by AT that his suspension had been lifted.
78. On 8 May 2024, Mr. Assah replied that in or about early October 2023, he received the following communication from AT:

*Dear Richard,*

*Dear Benin Triathlon Family,*

*On behalf of Hon President Major General Ahmed Nasser, President of the Africa Triathlon, and all the esteemed Executive Board Members, I would like to take this opportunity to extend our sincerest greetings and utmost respect.*

*Reference is made to the suspension imposed on the Benin Triathlon NF President in 2021. Given that the period that has been set is over, we would like to inform you that the suspension period has now ended.*

*Consequently, the suspension has been lifted in order to benefit the athletes and facilitate the resumption of the development of World and Africa triathlon in Benin.*

*Therefore, You are kindly requested to submit the following documents, to be presented to the Africa EB and Africa Congress on 14 October 2023, in which you will be able to attend with us virtually and be back to our family, which President Nasser and all of us welcome and appreciate very much.*

*The documents are:*

*Letter of Compliance*

*Triathlon Federation Board Members*

*Triathlon Federation Organigram;*

*Letter issued by NF elections that took place, addressed to AT, informing that elections had taken place and new Board members were elected to stand for/ to drive activities in Benin;*

*Recognition Letter from the Olympic Committee;*

*Financial Statement.*

*We are looking forward to receiving all these documents ASAP, so we can present them to the Executive Board and re-admit the NF.*

*Very best regards*

*Nada*

79. It appears from this communication that:
- AT did not inform Mr. Assah that his suspension had been lifted until October 2023, when in fact his one year suspension had expired in June 2022; and
  - The BTF, which was found to be not in good standing in 2021, was not given the opportunity to demonstrate that it was back in good standing, and attend Congress, until 2023.

80. In the circumstances that:

- a. the suspension was not re-examined after one year, as required by the motion; and
  - b. the suspension cannot operate indefinitely without re-examination,
- the Panel considers that the suspension must be taken to have expired.

81. Notwithstanding that the Panel has found that Mr. Assah's suspension was in fact invalid, or alternatively, expired in June 2022, Mr. Assah has effectively been suspended from 9 April 2021 until early October 2023.

## **V. CONCLUSION**

82. Having regard to the above, the Panel concludes that:

- a. The Benin Triathlon Federation and Mr. Assah were not provisionally suspended by the AT EB on 9 April 2021, as was notified to them in the AT EB's letter dated 30 April 2021;
- b. the suspension of Mr. Assah by the AT Annual Congress on 10 June 2021 was invalid; or alternatively
- c. the suspension of Mr. Assah by the AT Annual Congress on 10 June 2021 expired on 9 June 2022;
- d. Mr. Assah was not informed by AT that his suspension had been lifted until October 2023;
- e. the BTF, which was held to be not in good standing in 2021, ought to have been given the opportunity to demonstrate its good standing and attend Congress in 2022, but this did not occur until 2023.

### **ON THESE GROUNDS**

In the circumstances that:

- a. The BTF has now demonstrated to the satisfaction of AT that it is in good standing, and is attending Congress; and
- b. AT confirmed in October 2023 that Mr. Assah's suspension has been lifted (notwithstanding that it was invalid, or alternatively, had expired in June 2022;

the Panel decides that it is unnecessary to make any orders.

### **COSTS**

The Panel decides not to impose procedural costs upon any party.

Lausanne, Switzerland, 16 May 2024

## WORLD TRIATHLON TRIBUNAL



Barry Lipp  
Chair of the Panel



Judge Thomas E. O'Donnell  
Member of the Panel



Judge Michael Jones  
Member of the Panel

### Appeal to the Court of Arbitration for Sport

According to Article 52 of the TRI Constitution, final decisions made by World Triathlon under the Constitution may be appealed exclusively to the CAS which will resolve the dispute definitively in accordance with the CAS Code of Sports-related Arbitration.

Any appeal must be filed with the CAS within twenty-one (21) days of the party's reception of the written, reasoned decision of World Triathlon in question.

Pending resolution of the appeal by the CAS, the decision being appealed shall remain in full force and effect unless the CAS orders otherwise.

### Publication

In accordance with Rule 27.6 of the World Triathlon Tribunal Procedural Rules, this decision will be published on TRI's website.