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PRESS RELEASE

The Court of Arbitration for Sport (CAS) annuls an important decision of the International Judo Federation (IJF), weeks before the transfer of IJF's Headquarters to Lausanne, resulting in the reinstatement of the Panamerican Judo Union (PJU) as the rightful continental judo confederation in America.

On 27 March 2009, the IJF decided to expel the PJU and to replace it by the newly constituted dissident Panamerican Judo Confederation (PJC). The latter had been set up at the end of 2008 by several dissident American national judo federations, with the support of International Federation. The purpose was to supplant the existing PJU, which had been in place for the last 41 years. The PJU appealed against the IJF decision before the CAS. On 11 December 2009, the CAS Panel, composed by Messrs Jan Paulsson, Quentin Byrne-Sutton and Bernard Hanotiau, upheld PJU's appeal and annulled the IJF decision.

In substance, the Panel has come to the conclusions that the IJF Executive Committee had no legitimacy to expel a continental union and that, in addition, there was no legal basis in the IJF regulations for such a disaffiliation. The CAS Award goes further stating that, even applying by analogy the existing IJF rules relating to the expulsion of its other members, the national federations, PJU has not committed any wrongful act which would justify its eviction from IJF. Moreover, even assuming that there had been any grounds for exclusion, IJF would have blatantly violated the PJU's fundamental right to be heard.

One eloquent conclusion of the CAS award is that "*the Panel considers that the IJF has not come close to demonstrating that its exclusion of the PJU was carried out in a manner that allows for a determination of just case.*"

In this severe award against IJF, the Panel further highlights that "*[i]f members of the PJU considered its leadership to have been deficient, it was for them to take institutionally legitimate steps to replace it. It was not for the IJF to intervene to expel one of its members Continental Unions without due process. Apparently the **IJF and the dissident members** of the PJU wanted to go fast and to create a fait accompli, rather than to follow legal procedures.*" (emphasis added).

As a matter of fact, PJU did not attempt to spoil its members' interests in whichever way. In turn, the dissident national judo federations had clearly sidelined PJU and its faithful members from participating in the creation of the new PJC. Moreover, "*[v]arious NFs – possibly unaware of the strategy employed, possibly sympathetic to the PJU at the outset – may have gradually come to the realisation that as a matter of Realpolitik it was simply too costly for them, in the interest of their own athletes, coaches, and referees, not to fall in line with the outcome that **the IJF and the dissident NFs** were adamant to achieve **by force***". (emphasis added)

Eventually, the Panel did not consider to be bound by an Advisory Opinion issued by another CAS panel during the course of these proceedings, upon application of the PanAmerican Sports Organisation (PASO). Such Advisory Opinion, published only one

month before the hearing in PJU's appeal, held that the new PJC had been validly created and that PJU had been substituted by the new PJC as a member of PASO, further to IJF's disputed decision. IJF availed itself of such Opinion but the CAS Panel disregarded it, explaining politely that (1) such Opinion did not deal with the fundamental issue of the content and the compliance of the IJF Statutes and (2) the conclusion of the Opinion regarding PASO's entitlement to validly replace PJU by PJC was contingent on the confirmation by CAS of IJF's decision to expel PJU and recognize PJC. Such IJF's decision was annulled, resulting in PJU's reinstatement as the judo union for the American continent. Therefore, the conditional affiliation of PJC to PASO no longer applies. Finally, the CAS award points out that PASO's directives and decision are binding on its members, but only in its sphere of authority, which does not encompass the power of recognition of a continental union such as PJU.

The full award is available on the web site of Libra Law www.libra-law.ch, under the tab "[news](#)" (click the link).

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