



*Fédération
Aéronautique
Internationale*

FAI International Appeals Tribunal Manual

2013 Edition

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Special note: *The use of the words he or his in this document does not imply gender but is used in place of he/she or his/her*

INTRODUCTION

This Manual is issued by the FAI to be used by the International Appeals Tribunal established in accordance with Chapter 9 of the Sporting Code, General Section

- as an information source and,
- to assist the members of the Tribunal to perform their duties.

All Tribunal Members **MUST** possess a thorough knowledge of all the following documents, before beginning their work:

- FAI Statutes & By-Laws
- Sporting Code, General Section
- Sporting Code for the specific Air Sport Commission involved
- Relevant Competition Rules
- CASI International Jury Members Handbook
- This Manual

The International Appeals Tribunal is appointed by the CASI Bureau upon recommendation from the CASI President., in accordance with Sporting Code, General Section, 9.4.

INTERNATIONAL APPEALS TRIBUNAL PROCEDURES

The obligation of the FAI International Appeals Tribunal (called "Tribunal" hereafter) to work in accordance with the provisions of this Manual, and implicitly the FAI Air Sport General Commission's (CASI) competence to lay down such guidelines, is provided for in paragraph 9.4. of the Sporting Code General Section (*It will organize an International Appeals Tribunal*).

The Tribunal is an FAI panel having delegated authority to deal with and settle disputes concerning decisions relating to a dispute of a sporting nature (Statute 5.2.3.2.5.) that are submitted to FAI by an appellant.

The Tribunal makes its decision based on the appellant's brief, the record of the case established by the concerned authority, and witness statements.

The appellant shall present his arguments to CASI, in writing, in a document called a "brief." In the brief, the appellant will argue that the concerned authority made a wrong decision or an error, that the appeal should proceed and that the decision or error should be corrected and/or reversed.

The working language for the Tribunal shall be English. If an appellant or relevant party needs an interpreter, they must arrange for this and inform the Tribunal Chairperson prior to any hearing.

Tribunal Members

Appeals are decided by a panel of at least three members working together. The members are appointed by the CASI Bureau, upon recommendation from the CASI President who shall also designate the Tribunal Chairperson.

Tribunal organisation and administration

The Tribunal Chairperson shall begin to organize the Tribunal and the appeal hearing as soon as he is formally appointed. He shall as soon as possible:

- **Appoint** the Appeal Tribunal secretary who shall make records of the Tribunal's proceedings, hearings and decisions that are sufficient to show the proceedings, the evidence taken, submissions made and any procedural applications. It can be in whatever form the Tribunal Chairperson may direct, for example recorded clerically or electronically or on audio tape.
- **Verify** that the appeal has been duly made in accordance with the Sporting Code provisions and that the appellant's appeal brief to CASI includes:
 - the name, postal and email addresses and phone numbers of the appellant and any representative,
 - the postal and email addresses where documents for the appellant should be sent,
 - details of the decision or error being appealed,
 - details as to why the appellant thinks the decision or error should be corrected and/or reversed.

- **Verify** that the appeals deposit has been received by FAI.
- **Ensure** that the Tribunal members are fully briefed and have received all pertinent documentation.
- **Ensure** that the concerned Air Sport Commission President has been duly informed about the appeal.
- **Ensure** that the relevant parties are fully briefed and have received all pertinent documentation. **A relevant party is defined** as one having a direct bearing on or connection with the matter at hand, that is
 - the appellant,
 - the concerned Jury President in case of an issue relating to a dispute of a decision of an International Jury at FAI Sporting Events, or
 - the concerned decision-making authority in case of an issue relating to a dispute of a sporting nature, or
 - in case of absence or unavailability of the concerned Jury President or the concerned decision-making authority, the concerned Air Sport Commission's President, or a person designated and mandated by him.
- **Determine**, with the relevant parties, if they agree not to have a hearing and, if they so agree, to determine with the Tribunal members if the Tribunal can make a decision on the appeal without a hearing.
- **Determine** and direct if the hearing shall be by a physical meeting, or by an audio-visual or audio conference.

Withdrawal of appeals

The appellant, or a person accepted as acting on their behalf, can withdraw their appeal

- in writing at any time before the hearing, or
- orally at the hearing.

If the withdrawal is made at the appeal hearing, the Tribunal Secretary shall make a note for the records, signed by the appellant, that the appellant has withdrawn the appeal and he shall immediately inform the FAI Secretary General and the relevant parties.

Hearing

A hearing means an oral hearing and all appeal cases shall have a hearing unless

- all relevant parties agree not to have one, and
- the Tribunal considers it can decide the appeal without a hearing.

The Chairperson will call a hearing at which all relevant parties may be present or represented. It shall be by oral argument and it can be in whatever form the Tribunal Chairperson may direct, for example during a physical meeting before the Tribunal, or during an audio-visual or audio conference.

The relevant parties must be given timely notice of the hearing and its location. They shall have the right to call witnesses. However their absence from the hearing shall not hold up proceedings. The purpose of the hearing is to establish the facts germane to the appeal and to present documents supporting the facts to be established.

The hearing shall be presided over by the Tribunal Chairperson and unless it is specifically allowed by the Tribunal Chairperson, all that is said shall be directed exclusively to the Tribunal Chairperson. Only the Tribunal Chairperson shall open, adjourn or close the hearing.

Should the Chairperson, after consultation with the relevant parties, decide that a physical meeting of the Tribunal is not required, they shall be invited to present any additional information or witness statements they deem necessary, within a specific time limit set by the Tribunal. Such additional material, together with the appeal brief and witness statements shall be deemed to be the complete basis for the Tribunal's summary (see "Facts" below)

Tribunal member not available

There may be occasions where not all of the Tribunal members may be available. Where the hearing is otherwise able to go ahead, as all other parties who are intending to be present are present, the hearing will proceed if the Chairperson is present and not more than one Tribunal member is absent.

Observers

Representatives of Interested parties (i.e. the relevant concerned Air Sport Commission, CASI, FAI Secretariat) may be admitted as observers at the Tribunal hearings at the Tribunal Chairperson's discretion. They shall have no right to speak unless called as witnesses.

Witnesses

Witnesses may be called by the relevant parties and the Tribunal. The relevant parties are responsible for calling their witnesses to the hearing.

Production of documents at hearings

The Tribunal shall have no obligation to present to the appellant sensitive or confidential material, such as documents that could reveal the identity of a person subject to a cheating allegation or under legal investigation. However, the Tribunal shall, within these constraints, disclose to the appellant all documents used by the Tribunal to establish the facts.

Hearing adjourned

If the hearing is adjourned, the Tribunal will notify all relevant parties to the appeal and retain the original appeal file for the later hearing date. The reasons for adjournment must be studied carefully, and the Tribunal must take any action needed for the further hearing date.

Facts

Once the hearing has been completed, the Tribunal will make a written summary of all the facts presented. This summary must then be presented to the relevant parties for review. In case of a physical Tribunal meeting the relevant parties may immediately object, if they so wish, to the facts as presented and suggest corrections. In case of any other form of meeting, the relevant parties may object to the facts and suggest corrections in writing to the Tribunal Chairperson within one week of the summary being presented. The facts as presented and eventually corrected, signed by the Tribunal Chairperson, shall be deemed to be complete and correct, and shall be the document on which the deliberations and decisions will be based.

Deliberation

The Tribunal will then deliberate “in private” and consider the agreed-upon facts. This deliberation will take place in a time frame and in a manner established by the Chairperson, who shall not unduly restrict the right of any Tribunal member to ask further questions of the parties involved but will ensure a timely resolution of the matter.

Decision

After due deliberation the Tribunal will deliver a decision on the appeal. In reaching its decision, the Tribunal will consider its power, as set out below.

It is not necessary for a decision to be unanimous but no statement to that effect may be made by any member of the Tribunal if it is not.

Decisions made by the Tribunal are given in summary form in writing, with a publication date, and must be signed by the Chairperson on behalf of the Tribunal. The Tribunal may also decide to give a decision orally immediately after deliberation during the Tribunal meeting. However this does not remove the requirement for the Tribunal to provide the decision in writing as.

Power of the Tribunal

The Tribunal may set aside any decision against which an appeal is lodged and, according to the circumstances, may reduce or increase any penalty. It shall, however, not have the right to order a competition to be run again. It has the right to alter the final standings of an international sporting event, and to reclaim medals or withdraw the title of champion. It may also re-award medals and titles. In giving judgement on an appeal, the Tribunal shall decide on the question of the refund of the appeal deposit and the apportionment of the costs of the appeal.

Finality of Tribunal decisions

Tribunal decisions are final unless an appeal is filed within 21 days of the publication date of the Tribunal's decision to the Court of Arbitration for Sport (CAS) in Lausanne, or unless major new factual issues which could have affected the decision are revealed after the decision, in which case CASI shall decide on further action.

Implementation of the Tribunal's decision

When the Tribunal's decision has become final, it shall then be put into effect as soon as possible. All relevant parties shall immediately be notified.

Expenses

Any expenses incurred by the appellant and/or the relevant parties are for their own account and shall be borne by them. Out of pocket expenses incurred by the members of the Tribunal shall be reimbursed directly to them by FAI, upon presentation of a properly supported claim.

Discharge

The last actions of the Tribunal Chairperson are to send the appeal file with all pertaining documents and records of the Tribunal's proceedings, hearings and decisions to the FAI Secretary General, and to ask the CASI President to discharge the Tribunal.
