



CAS 2022/A/9167 Maxim Agapitov & Russian Weightlifting Federation (RWF) v. International Weightlifting Federation (IWF), award of 12 June 2023 (operative part of 11 January 2023)

Panel: Mr André Brantjes (The Netherlands), President; Mr Jacques Radoux (Luxembourg); Mr Hans Nater (Switzerland)

Weightlifting

Elections within an international federation

Exhaustion of internal remedies

Legal interest to file an appeal

CAS de novo power of review

Conditions for the annulment of a decision

1. The exhaustion of internal remedies is an admissibility requirement justified by considerations of procedural efficiency. Although it is indirectly a precondition for CAS jurisdiction, it is not aimed at limiting the panel's mandate from the parties' access to justice before state courts.
2. Pursuant to Article 64 of the IWF Ethics and Disciplinary Commission Rules (IWF EDC Rules), parties to the first instance proceedings or that have a legal interest in the outcome of the case are entitled to file an appeal with the CAS. The threshold for establishing a personal interest is not intended to be set very high in the context of elections, and should include prospective candidates.
3. In view of a CAS panel's *de novo* power of review, appellants cannot be restricted to reiterating the position defended at first instance, but are entitled to raise additional arguments in support of their case, provided they support the same prayers for relief. However, since the substantive matter can be reviewed in full, alleged procedural defects, such as the constitution and composition of the first instance body, are automatically cured on appeal.
4. When appellants seek the annulment of congressional elections, they can limit themselves to naming the association that issued the appealed decision as sole respondent in the proceedings. They must raise their objections regarding potential malfeasance and lack of regulatory compliance immediately during the congress in accordance with the principle of good faith, and show how this affected the results.

I. THE PARTIES

1. Mr Maxim Agapitov (“Mr Agapitov” or the “First Appellant”) is a former weightlifting athlete, the President of the Russian Weightlifting Federation and First Vice-President of the European Weightlifting Federation.
2. The Russian Weightlifting Federation (the “RWF” or the “Second Appellant”) is the Russian national body governing the sport of weightlifting in Russia and is affiliated to the International Weightlifting Federation. The RWF has its registered seat in Moscow, Russia.
3. The International Weightlifting Federation (the “IWF” or the “Respondent”) is the international body governing the sport of weightlifting. The IWF has its headquarters in Budapest, Hungary, but its registered seat is located in Lausanne, Switzerland.
4. Mr Agapitov and the RWF are hereinafter jointly referred to as the “Appellants” and together with the IWF as the “Parties”.

II. FACTUAL BACKGROUND

5. Below is a summary of the main relevant facts, as established on the basis of the Parties’ written submissions and the evidence examined in the course of the present appeal arbitration proceedings. This background is made for the sole purpose of providing a synopsis of the matter in dispute. Additional facts may be set out, where relevant, in connection with the legal discussion.
6. On 25 and 26 June 2022, the IWF held a hybrid Special and Electoral Congress (the “IWF Congress”) in Tirana, Albania. The following eleven elections were held during the IWF Congress:
 - IWF President Election;
 - IWF General Secretary, Treasurer Election;
 - IWF Vice President Election;
 - IWF Executive Board Members Election;
 - IWF Development and Education Commission Election;
 - IWF Gender Equity Commission Election;
 - IWF Governance Commission Election;
 - IWF Legal Commission Election;
 - IWF Technical Committee Election;
 - IWF Coaching and Research Committee Election;
 - IWF Medical Committee Election.
7. Mr Olivier Ducrey, the IWF Electoral Manager, monitored the IWF Congress and the elections, supervised by the IWF Electoral Commission.

8. On 28 June 2022, the IWF issued the following statement:

“Upon the completion of the 2022 IWF Electoral Congress it has been discovered that in one election the simple majority percentage was miscalculated by the Independent Electoral Commission for the position of Secretary General Treasurer. Following a query made by Mr Jose Quinones, to the Electoral Commission on the published result totals for the Secretary General Treasurer, it was deemed that a premature announcement of a winner was announced.

As indicated in the IWF Constitution, article 4, reference C, 15.b and 15.c with regards to the election of the Secretary General Treasurer, the winner is required to achieve 50% polled votes plus 1 vote, a simple majority. In the calculation of the final decision, it was found that the Electoral Commission inadvertently and by human error miscalculated the percentage required for an outright win.

For complete transparency and to ensure the IWF Constitution is followed it has been determined by the Electoral Commission and the Electoral Manager to hold the second round of vote (online) between the top two candidates to determine the winner of the above mentioned position. As stipulated in the IWF Constitution, all formalities must be completed within 14 days of the Electoral Congress. Therefore, this second round of voting will take place online on Thursday 30 June 2022. The vote for this second round will only be available to the eligible member federations who were present (in person and online) on the date of the 2022 IWF Electoral Congress.

The Electoral Commission unreservedly apologises to the IWF and the two candidates affected by the mistake in the calculations of determining the simple majority for the voting figures”.

9. On 30 June 2022, the second ballot for the position of Secretary General was held online.
10. On 4 July 2022, the RWF, the Belarussian Weightlifting Federation (the “BWF”), the Colombian Weightlifting Federation (the “CWF”) and Mr Ali Moradi, Iran’s candidate in the elections, filed a complaint (the “Complaint”) with the IWF Ethics and Disciplinary Commission (the “IWF EDC”), challenging the results of the elections and requesting that *“the results of the entire 2022 IWF Electoral Congress held on 25-26 June 2022 in Tirana, Albania, are annulled”*. It is in dispute between the Parties whether Mr Agapitov merely signed the challenge on behalf of the RWF or also in his personal capacity.
11. On 31 August 2022, a five-member panel of the IWF EDC (the “IWF EDC Panel”) issued its decision (the “Appealed Decision”) with the following operative part:
- “1. With regard to the Complainant Dr. Ali Moradi, Iran’s candidate, the challenge is not admitted.*
- 2. With regard to the challenges of the other Complainants, [RWF], [BWF] and [CWF] to the extent they are admissible, the challenges are dismissed in their entirety”.*
12. On 5 September 2022, the Appealed Decision was notified to the Appellants.

III. PROCEEDINGS BEFORE THE COURT OF ARBITRATION FOR SPORT

13. On 26 September 2022 the Appellants filed a joint Statement of Appeal, challenging the Appealed Decision before the Court of Arbitration for Sport (the “CAS”), in accordance with Articles R47 and R48 of the 2021 edition of the Code of Sports-related Arbitration (the “Code”). The Appellants called the IWF, the IWF Electoral Manager and the IWF Electoral Commission as respondents. The Appellants applied for expedited proceedings to be implemented, suggested the consolidation of the present proceedings with the appeals filed by Dr Abdullah Mohammed Awadh Al-Jarmal against another IWF EDC decision relating to the IWF elections, and nominated Mr Jacques Radoux, Référéndaire at the Court of Justice of the European Union in Luxembourg, Luxembourg, as arbitrator.
14. On 3 October 2022, the CAS Court Office acknowledged receipt of the Statement of Appeal and indicated that the two other proceedings referred to by the Appellants had been registered (*CAS 2022/A/9168* and *CAS 2022/A/9169*), but that a consolidation of the proceedings pursuant to Article R52 of the Code was not possible as such proceedings concerned another decision. The CAS Court Office however drew the Parties’ attention to Article R50 of the Code and invited the Parties to indicate whether they wished to submit the present proceedings to the same Panel.
15. On 7 October 2022, the IWF informed the CAS Court Office that the Parties had reached an agreement concerning the following procedural issues:
 - “- *The parties agree that the IWF should be the only Respondent in the cited procedure and that a decision against the IWF would give full effect to the requests of the Appellants. Therefore, the electoral Commission and the Electoral Manager, which acted as bodies and/or agents of the IWF in the process do no longer need to be included as co-respondents.*
 - *The parties also agree to refer the present case to the same Panel as the cases CAS 2022/A/9168 and CAS 2022/A/9169.*
 - *The parties further agree on the following procedural calendar:*
 1. *24 October 2022: Appellant’s Appeal Brief*
 2. *21 November 2022: Respondent’s Answer*
 3. *Hearing to be held in December (subject to the availability of the Panel)*

[...]”.
16. On 10 October 2022, the Appellants confirmed their agreement with the IWF’s letter dated 7 October 2022.
17. On 14 October 2022, the IWF nominated Dr Hans Nater, Attorney-at-Law in Zurich, Switzerland, as arbitrator.

18. On 24 October 2022, the Appellants filed their joint Appeal Brief in accordance with Article R51 of the Code. In this submission, the Appellants requested the CAS *“to prevent the Respondent from destroying all papers and relevant information and records relating to the electoral process”*, as is required to be done 180 days from the date the election results were declared, pursuant to Article 11 of Schedule 4 to the IWF Constitution & Rules (the “IWF Constitution”).
19. On 17 November 2022, pursuant to Article R54 of the Code, and on behalf of the President of the CAS Appeals Arbitration Division, the CAS Court Office informed the Parties that the arbitral tribunal appointed to decide the present matter (and in *CAS 2022/A/9168* and *CAS 2022/A/9169*) was constituted as follows:

President: Mr André Brantjes, Attorney-at-Law in Amsterdam, The Netherlands;
Arbitrators: Mr Jacques Radoux, Référéndaire in Luxembourg, Luxembourg;
Dr Hans Nater, Attorney-at-law in Zurich, Switzerland.
20. On 18 November 2022, the CAS Court Office informed the Parties on behalf of the Panel that a hearing would be held by video-conference on 20 December 2022.
21. On 23 November 2022, the IWF filed its Answer in accordance with Article R55 of the Code.
22. On 29 November 2022, on behalf of the Panel, the CAS Court Office informed the Parties that in light of the Parties’ submissions, in particular of the several issues raised by the IWF in its Answer, the Panel requested the Appellants to file their position on (exclusively) the following:
 - *“Which IWF bylaws (IFC Constitution and EDC Procedural Rules) shall apply to the case at hand and to respond to IWF’s defences on this point;*
 - *The passive legitimization and lack of inclusion of other potentially affected parties, and to respond to IWF’s defences on this point;*
 - *The issues raised in sections IV A, B, and C of the respective Answers”.*
23. On 13 December 2022, the Appellants filed their joint additional submission with the CAS Court Office in accordance with the instructions dated 29 November 2022.
24. On 16 December 2022, Mr Al-Jarmal and the YWF informed the CAS Court Office that they withdrew their appeals in *CAS 2022/A/9168* and *CAS 2022/A/9169*.
25. On 19 December 2022, the Parties returned duly signed copies of the Order of Procedure provided to them by the CAS Court Office on 14 December 2022.
26. On 20 December 2022, a hearing was held by video-conference. In addition to the Panel and Mr Giovanni Maria Fares, CAS Counsel, the following persons attended the hearing:

For the Appellants:

- 1) Mr Maxim Agapitov, the First Appellant;
- 2) Ms Anna Antseliovich, Counsel;
- 3) Mr Artem Patsev, Counsel;
- 4) Ms Evgenia Sedelnikova, Interpreter.

For the Respondent:

- 1) Mr Jean-Pierre Morand, Counsel;
- 2) Mr Michael Kottmann, Counsel.

27. During the hearing, the Panel heard evidence from the following witnesses:

- 1) Mr Dmitry Chemokorov, RWF Voting Delegate, witness named by the Appellants;
- 2) Mr Olivier Ducrey, IWF Electoral Manager for the 2022 IWF Congress, witness named by the IWF; and
- 3) Mr Gabriel Nigon, Chair of the IWF EDC and Chair of the IWF Electoral Commission for the 2022 IWF Congress, witness named by the IWF.

28. At the outset of the hearing, the Parties confirmed that they had no objections to the constitution of the Panel.

29. Before taking their evidence, the President of the Panel informed all witnesses of their duty to tell the truth subject to sanctions of perjury under Swiss law and the interpreter to translate accurately. The Parties and the Panel had the opportunity to examine and cross-examine them. Each of them confirmed their written statement or expert opinion.

30. Mr Agapitov, as the First Appellant, made a statement, but he was not examined or cross-examined.

31. The Parties were afforded full opportunity to present their cases, submit their arguments and answer the questions posed by the members of the Panel.

32. At the end of the hearing, the Parties expressly stated that they had no objections with respect to their right to be heard and that they had been treated equally during the proceedings.

33. On 11 January 2023, the CAS Court Office notified the Parties with the operative part of the present arbitral award.

34. The Panel confirms that it carefully took into account in its decision all of the submissions, evidence, and arguments presented by the Parties, even if they have not been specifically summarised or referred to in the present arbitral award.

IV. SUBMISSIONS OF THE PARTIES AND REQUESTS FOR RELIEF

A. The Appellant's Submissions

35. The Appellants' submissions in their Appeal Brief, in essence, can be summarised as follows:

a. *The IWF EDC Panel was formed in violation of the principle of independence and objectivity*

- Contrary to Articles 7, 8, 9(d) of Chapter B and Article 14 of Chapter D of the IWF Ethics and Disciplinary Commission Rules (the "IWF EDC Rules"), the IWF EDC Panel that issued the Appealed Decision included three members (out of four) who were part of the IWF Electoral Commission at the IWF Congress, namely Mr Gabriel Nigon, Ms Ana Maria Montoya Ruales and Mr Nasr El-Din Azzam.
- This is not in accordance with the principles of ensuring an objective review of all the circumstances of the case. A decision-making body, while not being truly independent in the first place, must not be actually biased and must not have the appearance of being biased. An appearance of bias can arise if the decision-making body includes individuals who have previously been connected with the dispute to be decided upon.
- The approach of the IWF EDC Panel is a clear violation of the Appellants' right to be heard. It is also a serious infringement of the rules governing the proper composition and independence of the IWF EDC Panel. This fact alone shall lead to a decision to declare the Appealed Decision null and void.
- It may however be decided that these procedural deficiencies and violations may be cured by a full *de novo* review. If this would be decided, the election results simply cannot remain in force after an independent review and shall be annulled in their entirety.

b. *Both Appellants have standing to appeal*

- The RWF is a full Member Federation of the IWF, as a result of which there is no question regarding its right to appeal the Appealed Decision.
- Some questions may *prima facie* arise with respect to Mr Agapitov's standing to appeal, but also, he has a strong – if not impeccable – standing to appeal.
- Pursuant to CAS jurisprudence, an appellant has to demonstrate that he or she is sufficiently affected by the appealed decision and has a tangible interest, of financial or sporting nature at stake.
- Mr Agapitov duly registered his candidacy for presidency and certain other positions within the IWF. He was first deemed ineligible to participate in the elections following a vetting process, but he was ultimately cleared to participate by a CAS award. Mr Agapitov

was thereby intentionally put in an evidently weaker position than any of the other registered candidates, as they could run their campaigns months ago, while Mr Agapitov was only included to the list of candidates a couple of days before the elections. This undoubtedly influenced the election results.

- If the Appellants' appeal is successful, Mr Agapitov, as well as the other members of the former IWF Executive Board are back in office until a new (extraordinary) IWF Electoral Congress is held under strict application of the IWF Constitution.
- In view of the above, there are no doubts that both Appellants have standing to appeal in this particular case.

c. *Invalidity of the Appealed Decision*

i. *Withdrawal of Candidates (Presidential Elections)*

- The IWF Voting Guidelines issued ahead of the IWF Congress provide, *inter alia*, that the final moment at which a candidate can withdraw is when the IWF Electoral Manager announces each candidate before the vote.
- Following the IWF Electoral Manager's instructions, a number of candidates, including Mr Mohammed Jalood, announced their wish to withdraw prior to the elections. When the IWF Electoral Manager requested Mr Jalood whether he really wanted to withdraw his candidacy, Mr Jalood confirmed this with a nod of his head. However, the IWF Electoral Manager decided to proceed with the voting procedure with the two remaining candidates, Mr Jalood and Mr Al-Mana.
- Mr Al-Mana protested after the voting had taken place, but before the votes were counted, stating that Mr Jalood could not simply return after withdrawing his candidature. Following this objection, the IWF Electoral Commission rejected it on the ground that Mr Jalood's wish was unclear. Following this rejection, Mr Al-Mana decided to withdraw his candidature. Contrary to the IWF Voting Guidelines, the IWF Electoral Commission accepted Mr Al-Mana's withdrawal, indicating that this could be done at any moment according to the applicable rules.
- Following Mr Al-Mana's withdrawal, the IWF Electoral Commission decided that it was not necessary to count the votes and declared Mr Jalood as the new President of the IWF.
- The IWF Constitution provides that elections shall be conducted by secret ballot. There is no method as "consideration" or "perception" of the IWF Electoral Manager or, as it was called in the minutes of the IWF Electoral Congress, by "*unanimous applause*".
- The Presidential elections were conducted with significant and severe procedural irregularities. The actions of the IWF Electoral Commission and the IWF Electoral Manager, which subsequently dealt with the Appellants' challenge, only contributed to the

confusion. These irregularities are not just a formality that does not affect the final result of the election, but they are a serious breach of procedure leading to a violation of the rights of candidates and all IWF members to free and fair elections.

ii. *No Voting on Members of Several Committees*

- There were initially five candidates for two positions as members of the IWF Legal Commission. After confirmation by the IWF Electoral Manager, three candidates withdrew their candidature and only two candidates remained. The IWF Electoral Manager proceeded with the election of the two remaining candidates, stating that “*we have two candidates that are automatically elected*”.
- There were initially eight candidates for two positions of members of the IWF Governance Commission. After confirmation by the IWF Electoral Manager, six candidates withdrew their candidature and only two candidates remained. The IWF Electoral Manager proceeded with the election of the two remaining candidates, stating that the two candidates were automatically elected.
- The IWF Constitution does not empower the IWF Electoral Commission and/or the IWF Electoral Manager to skip the required voting procedure and decide that these candidates were automatically elected. This breach resulted in key bodies of the IWF organisation being improperly constituted.

iii. *70-years Age Eligibility Criteria*

- Pursuant to the IWF Constitution, persons that attained the age of 70 are not eligible for election. However, three members of the IWF Executive Board may be exempted from this rule by “ordinary resolution” (*i.e.* simple majority of the total number of eligible votes) of the IWF Congress.
- Three candidates for the position of member of the IWF Executive Board were over 70 years old. Before voting for the members of the IWF Executive Board, the IWF Electoral Manager asked the delegations to vote on that preliminary issue. After having counted the votes, the IWF Electoral Manager did not disclose the full distribution of the votes at that time. He only announced that the three candidates were eligible to stand for election.
- According to the minutes of the IWF Congress, the maximum number of votes was 147. A simple majority thus required 75 votes. However, according to the minutes, the three candidates received respectively 60, 69 and 76 votes. Only one of them was therefore eligible for election, the other two candidates participated in the elections while they did not comply with the requirements set forth in the IWF Constitution. One of them, Mr Coffa, was ultimately indeed elected as member of the IWF Executive Board.

- The IWF Executive Board was therefore formed in breach of the principles laid down in the IWF Constitution. The results of the election should be annulled in order to hold new elections.

iv. Second Round of Voting for the IWF Secretary General Treasurer

- It is recognised in the Appealed Decision that Mr Quiñones was erroneously declared the winner of the election for the position of IWF Secretary General Treasurer. In a statement dated 28 June 2022, the IWF Electoral Commission admitted having miscalculated the percentage required for an outright win, indicating that “*formalities must be completed within 14 days of the Electoral Congress*”, and announcing that a second round of voting would take place on 30 June 2022.
- This second round of voting is not a mere formality that can be easily fixed within 14 days. A new IWF Electoral Congress had to be convened to vote on the issue in accordance with the procedure set out in the IWF Constitution.
- Publishing information about the new date and method of conducting a new IWF Electoral Congress on the IWF website is clearly an inappropriate way to notify member federations. This explains the low participation rate compared to the IWF Congress that ended just several days before.
- In the second-round elections held on 30 June 2022, the difference between the candidates was only one vote with a low turnout.

d. The IWF Elections Lacked Transparency

i. No Information about Distribution of Ballots

- At the outset of the IWF Congress, the IWF Electoral Manager indicated that he would announce the result of each election before the next one started. He did not say that he would only announce the winner, but rather the results of the vote, which implied that the distribution of votes as well as the number of ballot papers declared invalid would be made public.
- Despite numerous requests from the IWF Congress participants to report the complete results of the voting, to ensure full transparency, this information was not provided during the IWF Congress, and was initially not even included in the official results published at the end of the IWF Congress, but only afterwards in a second attempt.

ii. Recounting of Votes in Presidential Elections

- As stated in the Appealed Decision, on 28 June 2022, two days after the IWF Congress, the IWF Electoral Commission counted the votes issued in the Presidential election in a

livestream session, confirming that Mr Jalood had obtained a number of votes significantly above the required majority. Out of 148 votes issued, he received 96 votes.

- The Appellants were not notified that the vote count was carried out on 28 June 2022 and that it could be observed live. There is no record on the official IWF YouTube page of any livestream session on 28 June 2022, unlike for example for the 30 June 2022 vote. There is also no information on the official IWF website about any statement published on 29 June 2022, as referred to in the Appealed Decision.
- Even if such a count did take place, it was not conducted at the time of the IWF Congress and therefore did not meet, in any event, the transparency requirements of the IWF Constitution. There is no legal basis for the IWF Electoral Commission to conduct such a counting of votes after the IWF Congress had already taken place.

e. Immediate Procedural Challenges

- In the Appealed Decision, the IWF EDC Panel repeatedly refers to the fact that because the Appellants had not made procedural challenges immediately, they lost the right to make them later.
- This approach is inconsistent with Article 12 of Schedule 4 to the IWF Constitution. The IWF regulations make no distinction between procedural and substantive challenges.
- Furthermore, the IWF EDC Panel's assertion is simply untrue, because Mr Dmitry Chernogorov, the RWF's Voting Delegate, approached the IWF Secretariat on several occasions as well as the members of the IWF Electoral Commission, asking for accurate data on the distribution of votes and invalid ballot papers. However, on each occasion he was told that the full results would be provided later.

f. Mathematical Miscalculations (Elections Secretary General Treasurer)

- The IWF EDC Panel indicates in the Appealed Decision that the Appellants did not provide evidence of mathematical miscalculations in their challenge.
- In view of the fact that the IWF EDC Panel acknowledged that at least one gross error occurred in relation to the election of the Secretary General Treasurer, there was no need to prove this argument.
- In view of the non-transparent way the elections took place and because delegates' requests for information were denied, the Appellants simply did not have the technical ability to count and identify all possible errors.
- The assertion of the IWF EDC Panel regarding the failure to submit timely challenges on the election of the Secretary General at the time of voting is strange. Given that the IWF

Electoral Commission itself only identified the error 2 days later, while having all the relevant voting data at its disposal, it would be bizarre to expect that the Appellants could do this on the day of voting without having any relevant data.

36. On this basis, the Appellants submitted the following requests for relief:

- i. This appeal of Mr. Maxim Agapitov and the Russian Weightlifting Federation is admissible.*
- ii. The appeal of Mr. Maxim Agapitov and the Russian Weightlifting Federation is upheld.*
- iii. The decision rendered on 31 August 2022 by the IWF Ethics and Disciplinary Commission in the matter of Russian Weightlifting Federation, Belarussian Weightlifting Federation, Dr. Ali Moradi, Colombian Weightlifting Federation v. Election Manager & Electoral Commission of the International Weightlifting Federation is set aside.*
- iv. The results of the elections held on 25-26 (and 30 June 2022) at the IWF Electoral Congress in Tirana, Albania, are annulled.*
- v. The arbitration costs shall be borne by the Respondent.*
- vi. Mr Maxim Agapitov and the Russian Weightlifting Federation are both granted a fair contribution to their legal and other costs incurred with these proceedings and the Respondent is ordered to reimburse the CAS court office fee of CHF 1,000 paid by the Appellants”.*

B. The Respondent’s Submissions

37. The IWF’s submissions in its Answer, in essence, may be summarised as follows:

- The Panel lacks jurisdiction with regard to several issues raised in the Appellants’ Appeal Brief, due to the fact that the Appellants did not exhaust the legal remedies available to them. This concerns the following four issues:
 - 1. All requests as submitted by Mr Agapitov;
 - 2. Issues raised regarding the 70-years age eligibility criteria;
 - 3. Issues raised in connection with the IWF commission elections;
 - 4. The challenge in regard of the constitution of the IWF EDC Panel.
- The IWF elections held in June 2022 were crucial for the IWF and for the sport of weightlifting. The overwhelming majority of the IWF members recognise and are aware of these high stakes. That is why they clearly support or accept the results of these elections. Out of the 188 members of the IWF, only the RWF and the Yemen Weightlifting Federation (the “YWF”) are challenging the election results. They are proceeding without even trying to suggest that the election results as such would materially affect any concrete interest of their own. The challenge aim at nothing less than a complete annulation of all the elections.

- In the challenge before the IWF EDC Panel, issues were raised in respect of only two specific elections out of the 11 that were actually conducted. In their appeal before the CAS, the Appellants attempt to add two more specific issues that were not raised in front of the IWF EDC Panel.
- The RWF had no candidate concerned in both the elections of the President and General Secretary. Mr Agapitov, who is also and unduly trying to participate as an individual appellant in these proceedings, had withdrawn as a candidate in both these elections before the occurrences to which the appeals refer.
- Finally and decisively, the issues raised in this appeal in respect of that election, had no impact on the outcome of the concerned elections in which valid election results, often carried by significant majorities and now accepted by all the members save two, were actually achieved.
- This is obvious for the Presidential election: in the end, the only candidate remaining as President was elected. Given the acclamation and the absence of any objection, it was clear that this election was supported by more than the required majority. In any event, the counting of votes which had actually occurred prior to the withdrawal of the other candidate did confirm that the elected President had actually reached the required majority before and irrespective of the withdrawal.
- The same applies to the General Secretary election. The issue which did occur in this respect concerned the final phase of the election. The necessity of a final round was overlooked as a result of a calculation mistake. Such a mistake is unfortunate but may happen. In the absence of a rule addressing such an exceptional situation, the IWF Election Manager and the IWF Electoral Commission, which are in charge of managing the elections, decided how to resolve this issue. The solution they chose was under the circumstances the most logical.
- In any event, if anybody would have been entitled and legitimate to challenge the way the IWF Electoral Commission actually appropriately decided to correct the calculation mistake which had been revealed, it would have been the candidate who, as a consequence, lost the final stage of the election by one vote only. Instead, this candidate chose to accept the results in the interest of the IWF.
- Assuming that the appeals were to succeed, this would bring no benefit to the Appellants. It would, however, surely plunge the management of the operations of the IWF in complete disarray. The IWF would have simply no operating management anymore and this would remain for months to come. This would occur at a critical time and highly likely definitively seal the demise of weightlifting as an Olympic sport, at least for the 2028 Olympic Games in respect of which a decision is impending.

a. *Preliminary Issue no. 1 (Parties who can Act in these Proceedings)*

- The appeal is brought in the name of two parties. The formal entitlement of the RWF to bring an appeal against the Appealed Decision is undisputed. By contrast, Mr Agapitov has no such entitlement. Mr Agapitov was not a party to the proceedings in front of the IWF EDC Panel. Accordingly, he can also not appeal a decision rendered in such proceedings.
- The challenge filed by four parties before the IWF EDC Panel distinguishes between the signatories of the three federations and Mr Ali Moradi, signing for himself. There is no question that the fact to act as signatory for a body which one represents is not equivalent to and does not *per se* include an action made in one's own name. Mr Agapitov clearly acted as representative for the RWF.
- Had Mr Agapitov filed such challenge in his own name, the IWF EDC Panel would have rejected his standing as it did for Mr Moradi, as decisions of the IWF EDC may only be appealed by a party, as a party which did not raise a challenge in the first place cannot take part to the following appeal proceedings in a situation like the one at stake. This is an application of the principle of good faith, forcing parties wanting to bring a challenge for procedural reasons to act as soon as they can reasonably be expected to do.
- Mr Agapitov was not a voting member of the IWF. He was also not a candidate in any of the elections, respectively he withdrew before the conduct of any such elections in respect to which substantive issues are raised. Accordingly, Mr Agapitov would have lacked standing to raise a challenge in front of the IWF EDC Panel in the first place. None of the substantial challenges raised in front of the IWF EDC Panel concerned his personal interests.

b. *Preliminary Issues no. 2 and 3 (Issues which cannot be Brought Up in These Proceedings)*

- The challenge filed in front of the IWF EDC Panel brought only a very limited number of specific formal procedural challenges concerning two elections, namely the election of the President and of the General Secretary.
- The Appeal Brief brings new additional challenges in respect of further elections and votes. These new challenges include the fact that no vote was conducted in respect of allegedly several commissions. Accordingly, the IWF EDC Panel did not and could not address these issues in the Appealed Decision.
- According to Article R47 of the Code, an appeal may only be filed with the CAS if the appellant has exhausted the legal remedies available to it prior to filing an appeal. Such challenge cannot be filed directly with the CAS.

- Such specific challenge also has to be brought within the applicable deadline, which in this case is 14 days from the announcement of the concerned results. Accordingly, the CAS can simply not address the challenges brought newly against results which had not been disputed before.
- For the sake of completeness, it can be observed that the challenge against the commission elections were bound to fail in any event. The tacit elections occurred openly during the IWF Congress. Any member who would have considered that a vote was nevertheless necessary, could and should have raised the issue at the IWF Congress. The RWF was present, but no such request was made, as a consequence of which it is to be deemed that it forfeited its right to object at a later stage.
- Assuming the Appellants' argument would be accepted, the only absurd concrete consequence which could be drawn would be to order the conduct of an actual vote for the election of these candidates for only 2 commissions in respect of which there are only as many candidates as positions to fill. The issue at stake obviously cannot support a general annulment of the IWF Congress. The Appellants failed to submit any other specific request in respect of these specific elections and therefore none can be granted.
- As to the result of the preliminary vote on the admission of candidates over 70 years of age, also this is challenged for the first time before the CAS.
- The Appellants' claim in this respect is also flawed. The results of the preliminary vote were announced on 26 June 2022 and the calculation was clarified on 24 August 2022. A challenge was only raised on 24 October 2022 and this is way out of time.
- Such challenge could not be filed with the CAS directly. It is raised in this appeal in violation of both the IWF Rules and the requirement to exhaust internal remedies as set forth in Article R47 of the Code.
- The results of the vote were in any event correctly established. As explained by the IWF Electoral Manager in his affidavit, if a delegate does not indicate he or she votes yes/no or tick the abstention box especially provided for the purpose, this is a blank vote which is to be deemed as not expressed and is therefore not to be counted as a vote cast, in accordance with the rules on the calculation of a simple majority vote.
- In the unlikely event that the Panel would come to the conclusion that one or both of the persons were not eligible, this could not have as a consequence that all the results of the elections would have to be annulled, but simply that the person concerned, if elected, would lose his position and the next candidate in line would replace him. In any event, since the Appellant did not submit any specific request for relief in respect of this vote, none can be granted.

c. *Preliminary Issue no. 4 (The Constitution of the IWF EDC Panel)*

- The CAS has no jurisdiction to hear a challenge in this respect as it was not raised as provided for by the applicable rules (failure to exhaust the internal instances, failure to observe the time limit to raise the challenge). Furthermore, the IWF EDC Panel was properly constituted. This challenge has no relation with the issues on the merits, which are related to the election results. At most, this challenge could lead to send the matter back to an allegedly properly constituted IWF EDC Panel. However, because these issues are governed by the *de novo* principle, the Panel can proceed to decide, even if it were to find that there has been a flaw in the constitution of the IWF EDC Panel.
- Furthermore, the Appellants' challenge is not based on the applicable 2022 IWF EDC Rules. The relevant provisions relied upon by the Appellants are therefore not applicable.
- Also, this challenge brought directly before the CAS is not admissible in regard of the applicable IWF Rules and also of the Code, as it is both late and misdirected. Any objection regarding a member of the IWF EDC Panel has to be raised within 7 days and is first to be adjudicated by the IWF EDC itself. A failure to raise a challenge within 7 days constitutes a waiver.

d. *Challenges Against the Validity of the Election Results*

- The requests for relief sought by the Appellants aim at a complete annulment of all the election results. To obtain that all these elections should be declared null and void, the Appellants should establish the existence of flaws which conceivably affect all of them. This could be for example if the IWF Congress had not been convened in accordance with the IWF Constitution. No such argument is even remotely submitted. Beyond completely unsubstantiated general claims, there are no arguments brought by the Appellants which can remotely justify such a broad claim which the Appellants are seeking as their sole request. Based on the issues they raise, the Appellants could at most seek consequences which are in specific relation with the concerned results. The appeal should be dismissed on this basis already.
- For the sake of discussion, even if some of the arguments with respect to individual elections would be found valid, this could at best lead to consequences in respect of the election concerned but would not invalidate all the election results.
- Since, however, the Appellants are not even asking for the annulment of specific elections or votes, this alone must lead the Panel to irremediably reject their broad requests for relief, which as such cannot be granted as they are obviously not supported.
- Regarding the issues raised in respect of specific election results, it will be shown that the concerned election results are valid and stand. In regard to the issues already submitted in the initial challenge before the IWF EDC Panel, the Appealed Decision already provides thorough and convincing arguments and has to be confirmed.

e. Passive Legitimation: Lack of Inclusion of Respondents Directly Impacted in Their Interests

- The fact that the Appellants' requests formally aim at obtaining a broad relief not specifically directed against specific elections or votes is also hiding one fundamental issue, *i.e.* that the relief would imply actually a consequence impacting each of the persons who were elected during the IWF Congress. Given the general nature of their requests, the Appellants should have included as respondents all the persons elected during the IWF Congress. The requests for relief sought would indeed directly deprive them all from their elections. Such a decision could not be made against them in proceedings conducted without their participation. This lack of inclusion of necessary respondents already leads to the conclusion that the appeal can only be dismissed.

f. Principles Applicable to Challenges based on Procedural Irregularities of Decisions/Operations of Associations under Swiss Law

- The challenges brought in the appeal against the IWF elections are of procedural nature. As per Swiss law, the raising of such challenges needs to observe the requirements of good faith anchored in Article 2 of the Swiss Civil Code (the "SCC"). In case of procedural challenges, the party raising such challenges must raise an objection immediately when the issue becomes recognizable, *i.e.* notably before or at a time when the situation can still be corrected. Failing such immediate reaction, the right to raise such challenges at a later stage is forfeited. Furthermore, the party raising the challenge needs to show that procedural irregularities had a causal effect on the making of the decision.
- What these established principles confirm is that the fundamental obligation to act in good faith under Swiss law does not allow to keep procedural irregularities up one's sleeves and/or to raise them gratuitously in a manner which unnecessarily put in question decisions of associations for procedural mistakes which could have been corrected if objected immediately or in respect to which the irregularity had no material effect. These principles are of particular significance in these proceedings in which the Appellants are precisely raising challenges which in different and many respects do not meet the requirement of good faith.

g. Challenges Raised in Respect of the Presidential Elections

- Prior to the voting process, all candidates save Mr Jalood and Mr Al Mana withdrew their candidatures. There was a question whether Mr Jalood would have withdrawn as well. To clarify the issue, the IWF Electoral Manager asked him a corresponding question and Mr Jalood confirmed that he maintained his candidature. The voting process took place between the two remaining candidates. After the voting process had been performed and all votes were cast, but before the counting of votes occurred, Mr Al Mana withdrew his candidacy. Thereafter, Mr Jalood was declared President and acclaimed as such. No member of the RWF objected and/or requested a vote. Given the discussion that arose

after the meeting, the votes were counted. The count confirmed that Mr Jalood had obtained the simple majority prior to the withdrawal of Mr Al Mana.

- According to the Appellant, a withdrawal can only occur prior to the vote. Pursuant to Article 10 of the IWF Constitution, a candidate may indeed withdraw his/her candidacy prior to the vote. This does not define however what happens if a candidate nevertheless withdraws in the course of the election and what consequences should be drawn. Whilst it is something that should not happen, it is indeed impossible to prevent somebody from actually withdrawing from an election in the same manner as it is impossible to prevent somebody from resigning once elected.
- The rule on withdrawal has a ratio which is linked with the potential effect of the withdrawal. To consider this ratio allows to draw the appropriate consequences when such withdrawal nevertheless occurs. The situation differs depending on whether the withdrawal occurs in a vote involving several candidates or only two candidates. In a vote involving several candidates, it cannot be determined how the votes received by the withdrawing candidate would have been attributed to the remaining candidates. In a vote opposing two candidates, it can only have an impact if the election requires a set majority. If, however, a vote between the two candidates has already occurred and the candidate already obtained the required majority, then the withdrawal of the other candidate has no effect at all on the election outcome. This is exactly the situation which occurred in regard of the election of Mr Jalood as President.
- Whilst it would have been preferable that the counting occurred immediately, it did occur by the IWF Electoral Manager under the supervision of the IWF Electoral Commission. There is no provision in the IWF Constitution providing that a later count would be invalid. On the contrary, the fact that the ballots have to be kept by the IWF Electoral Manager implies that a later count may occur.
- Furthermore, no member including the Appellants raised any objection nor requested the actual counting of the votes at the meeting when Mr Jalood was declared elected by acclamation. If any member had objected or simply requested an actual count of the votes, this would have been possible without problem. The later raising of the argument is therefore against the principle of good faith.
- The Appellants do not formulate any specific request in this respect. The consequence would not be of course that the full electoral congress should be annulled. The consequence should be drawn in respect of the specific election at stake. In such far-fetches scenario, the relevant remedy would be the organisation of a single vote round with the only remaining candidate, Mr Jalood, solely for the purpose of verifying whether he would obtain the majority.
- It is reminded that the Appellants did not submit any specific request in respect of the presidential vote. Therefore, none can be granted.

h. Challenges Raised in Respect of the Election of the General Secretary

- In respect of this election, a calculation mistake occurred and was admitted. It led to omit the last voting round as none of the candidates had actually reached the required majority in the conducted round. At this juncture, the question became how to correct it. The IWF Electoral Manager together with the IWF Electoral Commission as supervising body are in charge of the elections. It is submitted that this management function includes implementing corrective measures when an issue arises in connection with the elections.
- The solution applied best preserved the rights of the members. The last round of the election took place as planned. No fewer than 130 members participated in the vote. Its outcome was accepted, including specifically by the candidate who lost the vote.
- Even if the validity of the solution applied to correct the initial mistake would be questioned by the Panel, the question would then become what consequences would have to be drawn. It is submitted that the only appropriate consequence would be ordering the repetition of the last missing round, *i.e.* precisely what was implemented. In any event, such conclusion would not support a general annulment of all the elections. Since the Appellants have not submitted any other requests for relief, no other might be granted.

38. On this basis, the IWF submitted the following prayers for relief:

“Before entering into the merits:

1. The Panel partially lacks jurisdiction for the Appellants appeal, regarding:

- a. All requests as submitted by Mr. Agapitov;*
- b. Issues raised regarding the 70-years age eligibility criteria;*
- c. Issues raised in connection with commission elections;*
- d. Challenge in regard of the constitution of the EDC Panel.*

To the extent the Panel of the CAS Appeals Division has jurisdiction:

- 1. The Appeal filed by Mr. Maxim Agapitov and the Russian Weightlifting Federation is dismissed to the extent admissible.*
- 2. The decision rendered on 31 August 2022 by the IWF Ethics and Disciplinary Commission in the matter of Russian Weightlifting Federation, Belarussian Weightlifting Federation, Dr. Ali Moradi, Colombian Weightlifting Federation v. Election Manager & Electoral Commission of the International Weightlifting Federation is confirmed.*
- 3. The Appellants are ordered, jointly and severally, to bear the arbitration costs of these proceedings.*
- 4. The Appellants are ordered to make a significant contribution to IWF’s legal and other costs in connection with these proceedings”.*

39. The Appellants' comments filed on 13 December 2022, in essence, may be summarised as follows:

a. *The Passive Legitimation and Lack of Inclusion of Other Potentially Affected Parties*

- It is surprising that the IWF puts forward this argument, when the Parties' counsel agreed that the IWF EDC itself shall be excluded as a party as the IWF itself was the proper respondent.
- The Appellants should not have included as respondents all the persons elected during the IWF Congress, as the persons elected may be the affected parties, but not the respondents. Generally, a respondent is a person called upon to issue a response. The Appellants are not aware of any wrongdoings committed by the individuals elected during the IWF Congress. These individuals were also not addressees of the challenge filed with the IWF EDC Panel.
- The Panel will also note that no requests for relief sought by the Appellants are related directly to any of the individuals that were elected.
- As repeated in many authorities, according to Article 75 SCC, the members of an association have standing to appeal against a resolution of an association, whereas only the association itself (and therefore not a member of an association) has standing to be sued.
- The Code also provides for direct and clear ways for a third party to take part in the proceedings. This may be a joinder or intervention, depending on who wants a participation of such third party.
- The IWF's arguments on the passive legitimation is therefore meritless.

b. *The Preliminary Issues Raised by the IWF*

- The vast majority of the Answer is dedicated to arguments of procedural or formalistic nature, thereby diverting the Panel's attention from the core issue of the legal conflict which is in fact a substitution of the electoral process by some actions shortly described by the IWF General Secretary as "*a circus*", leaving completely unanswered some of the Appellants' key arguments on the "*tainted*" character of the whole electoral process. These breaches of fundamental provisions of the electoral rules should result in the electoral process being declared invalid or null and void.

c. *Mr Agapitov's right to challenge the Appealed Decision*

- One cannot seriously argue against the fact that one argument listed in the Complaint filed with the IWF EDC Panel is totally dedicated to Mr Agapitov's individual situation,

so that there can be no doubts that, for the sake of procedural economy, all the core – but nevertheless different – arguments of the persons who put their names under the challenge have been included into the one combined text. For this reason alone, the IWF’s argument is to be dismissed.

- Furthermore, it is undisputed that Mr Agapitov put his own – handwritten – signature under the challenge. It is true that it is sometimes difficult to distinguish between the will of the individual who is a signee for a legal entity and the will of such individual itself. As a common rule, these wills are the same and cannot be distinguished. Also, no special instructions were given by the RWF to its President, *i.e.* Mr Agapitov, so there is no basis to argue that his individual will was somehow different to that of the RWF. The IWF and the IWF EDC Panel were free to ask to specify whether Mr Agapitov pursued the RWF’s interests only or his own or both, but it did not do so.
- The mere argument raised by the IWF in this respect is a good example of excessive formalism.
- If one would follow the IWF’s logic, one could also argue that the IWF was not a party to the challenge filed in front of the IWF EDC Panel.
- Finally, as follows from the Code of Good Practice in Electoral Matters issued by the so-called Venice Commission, as approved by the Parliamentary Assembly of the Council of Europe, “[s]tanding in such appeals must be granted as widely as possible. It must be open to every elector in the constituency and to every candidate standing for election there to lodge an appeal. A reasonable quorum may, however, be imposed for appeals by voters on the results of election”.

d. New Challenges Not Submitted to the IWF EDC Panel

- Article R57 of the Code provides for a rule regarding so-called *de novo* hearings. CAS panels enjoy a very wide discretion in this regard.
- The Appellants indeed submitted some “new” arguments, however just in support of the very same requests for relief which were brought before the IWF EDC Panel and before the CAS. The IWF’s argument would have been well-founded if the Appellants had changed their requests for relief. However, that is not what they did. The Panel will note that the requests for relief match perfectly in regard of the annulment of the elections’ results in their entirety.

e. Challenges Against the Constitution of the IWF EDC Panel

- As described above, the Appellants believe that the IWF EDC Rules 2022 should not apply. The provisions relied upon by the Appellants in the Appeal Brief therefore remain perfectly valid.

- As to the argument that the Appellants would have missed the deadline for filing an objection, this argument is unsubstantiated and, moreover, looks to be submitted in bad faith. The IWF EDC never informed the Appellants of the composition of the IWF EDC Panel that would consider the challenge. The Appellants only became aware of this upon receipt of the Appealed Decision. Before that, the Appellants could only assume that the members of the IWF EDC Panel were in no way connected to the election of the IWF EDC itself.
- Furthermore, it seemed pointless to complain to the same people for a third time in a row. The outcome of such objection was obvious in advance. Since the IWF EDC Panel was required to issue a decision within 14 days, it should have completed the review of the challenge by no later than 1 August 2022, but the Appealed Decision was only issued on 5 September 2022. On this basis, the Appellants believe that the IWF lost the right to invoke the omissions of other parties to the proceedings under the estoppel principle. The Appellants had the persistent impression that the IWF EDC Panel was unwilling to consider the challenge objectively. The principle of estoppel is confirmed in CAS jurisprudence.

V. JURISDICTION OF CAS

40. Article R47 of the Code determines as follows:

“An appeal against the decision of a federation, association or sports-related body may be filed with the CAS insofar as the statutes or regulations of the said body so provide or as the parties have concluded a specific arbitration agreement and insofar as the Appellant has exhausted the legal remedies available to him prior to the appeal, in accordance with the statutes or regulations of the said sports-related body”.

41. The jurisdiction of the CAS is based on Article 43.1 of the 2021 IWF Constitution which states:

“A final determination, decision or adjudication by the Federation is, unless otherwise specified in this Constitution and any applicable Policy, appealable exclusively to the Appeals Arbitration Division of the CAS. Any matter so appealed to CAS will be conclusively resolved by the CAS in accordance with the CAS Code”.

42. Furthermore, specifically in the context of decisions issued by the IWF EDC, Article 64 of the IWF EDC Rules provides as follows:

“In accordance with Rule 43 of the IWF Constitution (2021 version), the decisions of the EDC may only be appealed either by a party to the proceedings or by a party having a legal interest in the outcome of the case before the Court of Arbitration for Sport (the CAS)”.

43. The IWF submits that the CAS lacks jurisdiction with regard to several issues raised in the Appellants' appeal, because the Appellants did not exhaust the internal legal remedies available to them.
44. The Panel finds that the IWF's objections with respect to the jurisdiction of the CAS are admissibility objections rather than jurisdictional objections. The Panel subscribes itself to CAS jurisprudence in this respect:

"It is debated in legal doctrine whether exhausting internal legal remedies is an admissibility requirement (pro: RIGOZZI/HASLER, Article R47 CAS Code, in: Arroyo (Ed.), Arbitration in Switzerland, Vol. II, 2018, p. 1583) or a matter of jurisdiction (pro: MAVROMATI/REEB, The Code of the Court of Arbitration for Sport, 2015, p. 391). According to Rigozzi/Hasler '[i]t must be emphasized that although the "exhaustion of internal remedies rule" constitutes a mere admissibility requirement, it is treated as a precondition for CAS jurisdiction in the context of actions to set aside CAS awards based on Art. 190(2) (b) PILS, meaning that the issue can be reviewed with unfettered powers by the Swiss Supreme Court.' (RIGOZZI/HASLER, Article R47 CAS Code, in: Arroyo (Ed.), Arbitration in Switzerland, Vol. II, 2018, p. 1584).

The Panel favours considering the issue as an admissibility requirement. First, this is in line with the Parties' written and oral submissions that considered it to be an issue of admissibility. Second, because the requirement does not serve to distinguish the Panel's mandate from the Parties' access to justice before state courts. By submitting to CAS jurisdiction, the Parties wanted to exclude any kind of recourse to state courts. In particular, they did not want to enable a party to file an appeal before state courts in all matters, in which a CAS panel finds that the requirements for a 'decision' within the meaning of Article R47 CAS Code are not fulfilled. Consequently, the issue whether or not a decision is appealable (within the meaning of Article R47 of the CAS Code) is not aimed at limiting the CAS jurisdiction vis-à-vis state courts. Instead, it is an admissibility issue, since – at the end of the day – the response to the question at stake is dictated by procedural principles such as procedural efficiency. This Panel finds itself comforted in its view by a comparison with the procedural rules regulating appeals before state courts. In such context whether or not a (preliminary) decision from a previous instance is appealable or not to a higher instance is a procedural matter of admissibility" (CAS 2019/A/6298, para. 77-78).

45. The IWF does not object to the jurisdiction of the CAS as such, *i.e.* it does not argue that the CAS should decline to adjudicate and decide on the substance of the matter because the dispute would have to be decided by a state court or another arbitration tribunal. Rather, the IWF maintains that certain preconditions for the CAS Appeals Arbitration Division to assess the substance of the case are not satisfied. The Panel finds that preconditions such as the timely filing of the appeal and the exhaustion of internal legal remedies are better qualified as admissibility requirements.
46. The Panel will therefore deal with the objections raised by the IWF in the context of the admissibility of the appeal in the section below.
47. Based on the above, the Panel is satisfied that the CAS Appeals Arbitration Division has jurisdiction in this matter.

VI. ADMISSIBILITY OF THE APPEAL

48. Article R49 of the Code determines the following:

“In the absence of a time limit set in the statutes or regulations of the federation, association or sports-related body concerned, or of a previous agreement, the time limit for appeal shall be twenty-one days from the receipt of the decision appealed against”.

49. Article 65 of the IWF EDC Rules provides as follows:

“The deadline for filing an appeal to CAS shall be twenty-one (21) days from the date of receipt of the Decision in question by the appealing party. The Code of Sports-related Arbitration (CAS Code) shall apply to the proceedings”.

50. The Appealed Decision was notified to the Appellants on 5 September 2022 and the Statement of Appeal was filed on 26 September 2022, *i.e.* within the 21-day time limit to appeal.

51. The preliminary issues raised by the IWF are the following:

- a. Lack of jurisdiction with regard to claims filed by Mr Agapitov;
- b. Lack of jurisdiction with regard to the challenge of the result of the vote relating the 70-years age eligibility criteria;
- c. Lack of jurisdiction with regard to challenge against the election of commission members;
- d. Lack of jurisdiction with regard to the constitution of the IWF EDC Panel.

52. All these issues boil down to the question of whether the Appellants have exhausted all the internal remedies at their disposal before turning to the CAS. Such requirement is set forth in Article R47 of the Code, which provides as follows:

“An appeal against the decision of a federation, association or sports-related body may be filed with CAS if the statutes or regulations of the said body so provide or if the parties have concluded a specific arbitration agreement and if the Appellant has exhausted the legal remedies available to it prior to the appeal, in accordance with the statutes or regulations of that body. [...]”.

53. The Panel will assess the IWF’s preliminary arguments in turn in the section below.

a. Mr Agapitov

54. The formal entitlement of the RWF to challenge the Appealed Decision is undisputed.

55. However, according to the IWF, Mr Agapitov has no such entitlement as he was not a party to the proceedings in first instance before the IWF EDC Panel that resulted in the Appealed Decision and that his appeal can therefore not be entertained.
56. Furthermore, according to the IWF, Mr Agapitov is not a voting member of the IWF. He was not a candidate in any of the elections, respectively he withdrew before the conduct of any such elections in respect to which substantive issues were raised occurred. Accordingly, the IWF submits that Mr Agapitov lacked the standing to submit a complaint with the IWF EDC Panel in the first place.
57. By letter dated 13 December 2022, the Appellants responded to the arguments raised by the IWF. The Appellants, *inter alia*, maintain that the Complaint contained arguments specifically submitted on Mr Agapitov's behalf that did not concern the RWF. Furthermore, Mr Agapitov signed the Complaint. The Appellants also maintain that Mr Agapitov's position was tainted by the violations of the election rules.
58. The Panel considers it to be clear that Mr Agapitov signed the Complaint in his capacity as President of the RWF. However, it is questionable whether he also signed on his own personal behalf. Unlike with respect to Mr Moradi, this is not obvious from the signature page of the Complaint.
59. The Panel gives Mr Agapitov the benefit of the doubt as it finds that Mr Agapitov's personal interest was referred to in the Complaint, as, *inter alia*, the following is stated therein: "[...] the candidates 'restored' by CAS were effectively deprived of their fundamental right to be elected". The word "candidates" is plural, and this reference could therefore not only have referred to Mr Moradi. It is further unquestionable that Mr Agapitov had initially been declared ineligible to stand for election by the IWF. On this basis, the Panel finds that reference was made to Mr Agapitov.
60. The Panel thus finds that the signature affixed by Mr Agapitov in the Complaint was on his personal behalf as well as on behalf of the RWF.
61. In any event, the Panel notes that Article 64 of the IWF EDC Rules provides as follows:

"In accordance with Rule 43 of the IWF Constitution (2021 version), the decisions of the EDC may only be appealed either by a party to the proceedings or by a party having a legal interest in the outcome of the case before the Court of Arbitration for Sport (the CAS)".
62. Pursuant to this provision, not only parties to the proceedings are entitled to file an appeal with the CAS, but also parties that were not involved but that still have a legal interest in the outcome of the case before the CAS. Accordingly, the mere fact that Mr Agapitov may not have been a party to the proceedings before the IWF EDC Panel is not decisive. Decisive is whether Mr Agapitov has an interest in the outcome of the present proceedings.

63. Whether or not Mr Agapitov has an interest to appeal and, by extension, whether he has standing to sue or appeal, is in principle a question of the merits implying that if his standing to sue or appeal is denied, then the appeal, albeit admissible, must be dismissed (MAVROMATI/REEB, The Code of the Court of Arbitration for Sport: Commentary, Cases and Materials, 2015, p. 411, nr. 65).
64. However, since Article 64 of the IWF EDC Rules refers to a “legal interest” as a prerequisite for a party to be entitled to file an appeal with the CAS, an argument could be made that it is to be treated as a procedural requirement for the admissibility of the appeal in the specific circumstances of this case.
65. Be this as it may, the Panel finds that Mr Agapitov had and has a legal interest in submitting the Complaint and in filing the present appeal with the CAS, as he was a candidate for several positions in the elections that took place on 25 and 26 June 2022. Although such candidacy was apparently withdrawn before the elections took place, the Panel finds that candidates have a general personal interest to ensure that elections take place in an orderly fashion and in accordance with the rules. The Panel agrees with the Appellants that the threshold of establishing a personal interest should not be set very high, because there is also a general interest of the constituency to ensure orderly elections.
66. Furthermore, the Panel accepts that, based on the IWF Statutes (see Article 18, according to which members of the Executive Board of the IWF “*shall hold office until the conclusion of the next Electoral Congress*”), if the appeal would be upheld and the elections were annulled, Mr Agapitov would in principle automatically be reinstated as a member of the IWF Board of Directors, as he held such position prior the disputed elections. Therefore, if the newly elected Board of Directors would be dismantled, the former Board of Directors would in principle be resurrected, because the IWF Statutes provide so.
67. The final argument in favour of a personal interest of Mr Agapitov in the outcome of the present proceedings is that he was unquestionably prejudiced by the IWF’s decision to declare him ineligible to participate in the elections, which decision was subsequently overturned by a CAS award. Because of such ineligibility he could not seriously campaign until shortly before the elections. If the IWF elections held on 25, 26 and 30 June 2022 are annulled, a new election would have to be convened, as such decision would have an *erga omnes* effect, and new elections would have to be held for which Mr Agapitov could, in principle, run a full-fledged campaign, potentially increasing his chances for election.
68. Consequently, the Panel finds that Mr Agapitov had and has a personal interest in filing the Complaint and in challenging the results of the elections. Because of such interest, he is also entitled to challenge the Appealed Decision even if he would not have been acting as a party in the proceedings before the IWF EDC Panel, which the Panel nonetheless finds he was.

b. Challenges not raised before the IWF EDC Panel

69. The IWF submits that the Appellants in their Appeal Brief advanced new challenges in respect of elections and votes that had not been challenged in the Complaint. These new challenges include that no actual vote was conducted in respect of two IWF commissions, as well as the results of the preliminary vote on the eligibility of candidates over 70 years of age.
70. The IWF submits that these new challenges cannot be heard by the CAS on appeal as they were not raised in the proceedings before the IWF EDC Panel, *i.e.* the internal legal remedies available were not exhausted. In addition, the applicable deadlines were long expired.
71. The Appellants maintain that they challenged the entire elections before the IWF EDC Panel in the Complaint and within the applicable time limit. The Complaint filed by the Appellants includes the following prayer for relief:
- “The results of the entire 2022 IWF Electoral Congress held on 25-26 June 2022 in Tirana, Albania, are annulled”.*
72. This coincides with prayer for relief no. iv in the present appeal arbitration proceedings:
- “The results of the elections held on 25-26 (and 30 June 2022) at the IWF Electoral Congress in Tirana, Albania, are annulled”.*
73. The Appellants’ position is that they are not raising new claims before the CAS, but that they simply submit new arguments sustaining the same claim.
74. The Panel notes that the Appellants’ objective with the present appeal arbitration proceedings is strictly and solely aimed at an entire annulment of the entire 2022 IWF Electoral Congress, not at individual annulments of specific elections. This position was explicitly confirmed by the Appellants during the hearing.
75. Against this background, and in light of the CAS’ *de novo* competence, the Panel finds that the Appellants cannot be restricted to reiterate the arguments advanced in the proceedings before the IWF EDC Panel, but that they are entitled to raise additional arguments in support of their case, as long as such arguments support the same prayers for relief.
76. As reflected by comparing the prayers for relief in the Complaint with those in the present appeal proceedings, the Panel finds that the scope of the dispute before the Panel is identical to the scope of the dispute before the IWF EDC Panel.
77. By applying for a complete annulment of all the elections held at the IWF Electoral Congress, the Panel finds that the Appellants’ have exhausted all internal legal remedies at their disposal and that the additional arguments raised by the Appellants are therefore admissible. This conclusion may well have been different had the Appellants sought to declare individual elections invalid.

78. This finding is without prejudice to the substance of the Appellants' arguments and, in particular, an assessment of whether good faith requires that the Appellants immediately protested against the alleged procedural inadequacies during the IWF Electoral Congress.
79. Consequently, the Panel finds that the new challenges raised by the Appellants in comparison with the arguments raised in the proceedings before the IWF EDC Panel are admissible.

c. Lack of jurisdiction with regard to the constitution and composition of the IWF EDC Panel

80. The IWF submits that the Appellants' challenge to the constitution and composition of the IWF EDC Panel should have been raised within 7 days in the proceedings before the IWF EDC Panel itself.
81. In their Appeal Brief and by letter dated 13 December 2022, the Appellants elaborated on the alleged flawed constitution and composition of the IWF EDC Panel.
82. As a preliminary factual observation, the Panel notes that the Appellants could not reasonably have challenged the constitution and composition of the IWF EDC Panel during such proceedings, because the composition of the Panel only became known with the issuance of the Appealed Decision. There is no evidence on file suggesting that the composition of the IWF EDC Panel was announced at some point before the issuance of the Appealed Decision.
83. Notwithstanding the above, even on the assumption that the IWF EDC Panel was improperly constituted, the Panel finds that this issue is in any event cured by the Panel's *de novo* competence, pursuant to Article R57 of the Code. The possibility to do so is indeed explicitly acknowledged by the Appellants. The Panel adheres to CAS jurisprudence in this respect:

"[...] Therefore even if a violation of the principle of due process, or of the right to be heard, occurred in the proceedings in respect of which the appeal is brought, it is cured, at least to the extent such violation did not irreparably impair the First Appellant's rights, by a full appeal to the CAS (CAS 94/129; CAS 98/211; CAS 2000/A/274; CAS 2000/A/281; CAS 2000/A/317; CAS 2002/A/378). In fact, the virtue of an appeal system which allows for a full rehearing before an appellate body is that issues relating to the fairness of the hearing before the tribunal of first instance 'fade to the periphery' (CAS 98/211, citing Swiss doctrine and jurisprudence)" (CAS 2012/A/2913, para. 87).

84. In view of the fact that the substance of the matter at stake can be reviewed in full by the present Panel, any alleged violation with regard to the constitution and composition of the IWF EDC Panel becomes immaterial. The Panel finds that the alternative of referring the case back to the IWF EDC for a new decision is not considered to be a viable alternative as it would not be procedurally efficient to do so, as the outcome of such proceedings would likely be the same. In any event, the Panel considers that neither of the Parties is prejudiced if the Panel adjudicates and decides on the substance of the present proceedings.

85. For the avoidance of doubt, the Appellants' request to annul the Appealed Decision due to the alleged flaws in the constitution and composition of the IWF EDC Panel is dismissed, because the Panel finds that the Appellants' rights are not irreparably impaired. The Panel can consider all arguments raised by the Appellants in these proceedings. Indeed, as addressed in the previous section above, another consequence of the Panel's *de novo* competence is that it can consider new arguments raised, which may not be the case in proceedings before the IWF EDC Panel.
86. Consequently, the Panel finds that any alleged issue with regard to the constitution of the IWF EDC Panel is cured by the Panel's *de novo* competence.

VII. APPLICABLE LAW

87. Article R58 of the Code provides the following:

"The Panel shall decide the dispute according to the applicable regulations and, subsidiarily, to the rules of law chosen by the parties or, in the absence of such a choice, according to the law of the country in which the federation, association or sports-related body which has issued the challenged decision is domiciled or according to the rules of law that the Panel deems appropriate. In the latter case, the Panel shall give reasons for its decision".

88. Article 43.3 of the IWF Constitution provides:

"Any such proceedings before the CAS shall be governed by this Constitution and any applicable Policy, and by Swiss law".

89. The Appellants rely on the 2021 edition of the EDC Rules (the "2021 EDC Rules").
90. The IWF submits that, according to Article 34.3 of the IWF Constitution, the rules governing the proceedings can be issued and amended by the IWF EDC *"as it sees fit"*.
91. According to the IWF, on 1 April 2022, the IWF EDC issued an amended version of the EDC Rules (the "2022 EDC Rules"). The IWF therefore submits that these 2022 EDC Rules apply to the matter at hand, together with the IWF Constitution which was amended on 30 January 2022 (the "IWF Constitution").
92. The Parties both submit that Swiss law is also applicable.
93. On 29 November 2022, the CAS Court Office invited the Appellants to provide additional comments to the IWF's position regarding the applicable rules.
94. On 13 December 2022, the Appellants acknowledged that the IWF Constitution was amended on 30 January 2022. However, they disputed the applicability of the 2022 EDC Rules, as the status of such rules was allegedly unclear. The Appellants maintained that they

were not aware of the existence of the 2022 EDC Rules and that such rules were not accessible to the stakeholders of the IWF.

95. During the hearing, it became clear that the 2022 EDC Rules had never been published by the IWF and had, contrary to what is set out in Article 34.3 of the IWF Constitution, not been approved by the Executive Board of the IWF. Consequently, the 2022 EDC Rules can obviously not be applied and the Panel finds that the 2021 EDC Rules are applicable to the substance of the case at hand.
96. The Panel is satisfied to accept that the substance of the present proceedings is governed by the IWF Constitution that was implemented on 30 January 2022 and by the 2021 EDC Rules, and Swiss law on a subsidiary basis.

VIII. MERITS

A. The Main Issues

97. In light of the Parties' submissions, the main issues to be resolved by the Panel are the following:
- a. Have the Appellants called all relevant respondents in these proceedings?
 - b. Were the Appellants required to protest the elections already during the IWF Congress?
 - c. Are the Appellants' requests for relief to be upheld?

a. Have the Appellants called all relevant respondents in these proceedings?

98. The IWF raises the issue of passive legitimation (standing to be sued). It submits that given the general nature of their requests, the Appellants should have included as respondents all the persons elected during the IWF Congress, as the requests for relief sought would directly deprive them of their election and such a decision cannot be made in proceedings conducted without their participation.
99. The Appellants maintain that the IWF is deemed to represent the interests of the individuals elected and that there is no need to call them as respondents individually.
100. The Panel finds that the IWF clearly has standing to be sued as such. The question however is whether the Panel can rule on the Appellants' requests for relief and potentially annul the results of the elections without the participation of the individuals elected.
101. Article 75 SCC provides as follows:

"Any member who has not consented to a resolution which infringes the law or the articles of association is entitled by law to challenge such resolution in court within one month of learning thereof".

102. A right to contest a resolution of an association pursuant to Article 75 SCC is a mandatory right of membership. The Panel recalls that legal doctrine holds that *“the members of an association [...] have standing to appeal against a resolution of an association, whereas only the association itself (and therefore not a member of an association) has standing to be sued”* (MAVROMATI/REEB, *The Code of the Court of Arbitration for Sport: Commentary, Cases and Materials*, 2015, p. 412, nr. 68).
103. The Panel fully adheres to this analysis and does not see any reason to deviate from this principle. Although it is true that the individuals elected would be disadvantaged in case the Appellants’ requests for relief were upheld, their interest is to be deemed protected by the IWF in the present proceedings. Given the general and all-encompassing nature of the Appellants’ requests for relief, it is primarily the IWF’s interest that is at stake in the present proceedings; the interests of the individuals elected are only ancillary. The Appellants also do not directly and specifically seek something from the individuals elected or argue that they are somehow responsible for the alleged errors committed in the election process at the IWF Congress.
104. Consequently, the Panel finds that it was not necessary for the Appellants to include all individuals elected at the IWF Congress as respondents in the present proceedings.
- b. Were the Appellants required to protest the elections already during the IWF Congress?***
105. The IWF maintains that the principle of good faith requires that the Appellants had already voiced their objections immediately during the IWF Congress when the alleged errors occurred.
106. The Appellants maintain that Article 17 of the Constitution allows that objections can also be raised afterwards.
107. The Panel agrees with the IWF that the principle of good faith required the Appellants, if possible, to raise their procedural objections forthwith. This particularly applies to the alleged malfeasance with the elections for the positions of President, General Secretary, the preliminary vote for candidates over the age of 70 and the two IWF committees (the IWF Legal Commission and the IWF Governance Commission).
108. Article 2 SCC provides as follows:
- “1. Every person must act in good faith in the exercise of his or her rights and in the performance of his or her obligations.
2. The manifest abuse of a right is not protected by law”.
109. The following is held in the legal doctrine cited by the IWF:

“As is the case in public law (cf. ST N 104), it can also be assumed in association law that - based on Art. 2 SCC – in the case of procedural defects, the mere non-approval of the decision in question is not sufficient to have standing to bring an action. Rather the claimant is obliged to object to corresponding violations of the law or statutes, as far as recognizable, before the resolution in question is passed, so that the assembly gets the opportunity to remedy the deficiency immediately (e.g. to carry out a secret vote instead of an open vote; [...])” (Berner Kommentar on the Swiss Civil Code, N. 59 to Art. 75).

110. If no objection is raised the right of appeal is forfeited:

“Wer sich im Anfechtungsverfahren auf einen Verfahrensfehler beruft, hat den Mangel nach der (strengen) Praxis des BGer vor der Beschlussfassung zu beanstanden, um dessen unmittelbare Behebung zu ermöglichen (Art. 2); andernfalls ist das Anfechtungsrecht verwirkt. (BGE 136 III 174 E. 5.1.2 = Pra 2010, 838 ff.; 132 III 503 E. 3.3 [...]).”

Free translation into English:

“According to the (strict) practice of the Federal Supreme Court, anyone who invokes a procedural error in the appeal procedure must object to the defect before the resolution is passed in order to enable it to be rectified immediately (Article 2); otherwise the right of appeal is forfeited”.

111. Indeed, the Panel finds that all objections to the elections raised by the Appellants could potentially have been accommodated immediately at the IWF Congress and this is fatal for the Appellants’ case.
112. With respect to the Presidential elections, if the Appellants deemed it inappropriate for Mr Jalood to participate in the vote despite his alleged withdrawal, such objection could have been resolved on the spot by seeking absolute certainty from Mr Jalood.
113. In any event, the IWF Electoral Manager testified that he asked Mr Jalood whether he confirmed his candidacy and that, once the candidacy was confirmed, Mr Jalood was allowed to participate and that the Electoral Manager acted properly. The Panel accepts this testimony.
114. Furthermore, as to the withdrawal of Mr Al-Mana’s candidacy, the Panel finds that Mr Al-Mana’s withdrawal was indeed against the rules, because a withdrawal was not permitted after the voting had started. However, the Panel agrees with the IWF that this remained without consequences for the outcome of these specific elections. Indeed, at the moment of the withdrawal, all votes had been cast and Mr Jalood was voted President even if Mr Al-Mana would not have withdrawn his candidacy.
115. Should the Appellants have had any objection against the election of Mr Jalood as President by acclamation or if they had desired that all votes be counted outright before announcing that Mr Jalood had been elected, they should in good faith have done so immediately, in which case the IWF would have been able to address and potentially accommodate the

Appellants' concerns on the spot. Failing to raise such objections immediately and waiting until they become irreparable is contrary to good faith.

116. The same applies to the preliminary vote concerning the eligibility of individuals above the age of 70. Had the Appellants genuinely believed that the three candidates declared eligible should not have been declared eligible or that the votes cast had to be counted on the spot, they should have raised such objection immediately so as to enable the IWF to potentially accommodate such request.
117. In any event, the Panel finds that the alleged procedural flaw did not impact on the outcome of this preliminary election. This is considered to be a precondition for annulling a decision in legal doctrine:

“Aus Verfahrensfehler resultierende Gesetzes-/Statutenverletzungen führen nicht zur Aufhebung eines Beschlusses, wenn sie sein Zustandekommen nicht beeinflussten” (NIGGLI, Handkommentar zum Schweizer Privatrecht, 2nd edition, 2012, ZGB 75, para. 8; see also: SCHERRER/BRÄGGER, Basler Kommentar, 6th edition, 2018, Art. 75, para. 11).

Free translation into English:

“Violations of the law/statutes resulting from procedural errors do not lead to the annulment of a resolution if they did not influence its coming into existence”.

118. The calculation applied by the Appellants to argue that two candidates elected did not reach the threshold of a simple majority is to be dismissed. Indeed, in order for a vote to be cast one needs to tick either i) the “yes” box; ii) the “no” box; or iii) the “abstain” box. If no box is selected, no vote is cast and it does not count in determining whether a simple majority was reached. Given the hybrid nature of the IWF Congress and because it was not possible to select an “abstain” box for the people voting online, the IWF Electoral Manager opted for a conservative approach by counting all potential online votes for the purposes of assessing whether a simple majority was reached.
119. Applying this methodology, as confirmed by the IWF Electoral Manager and corroborated by the minutes of the IWF Congress, the number of votes cast was respectively 116 for Mr Rodriguez, 120 for Mr Coffa and 130 for Mr Al-Jarwal. The number of votes required for a simple majority was therefore respectively 58, 61, and 66. The number of “yes” votes received by the afore-mentioned persons were respectively 60, 69 and 76. Accordingly, the Panel finds that all three members were validly declared eligible to stand for election.
120. Also, the election of the members of the IWF Legal Commission and the IWF Governance Commission by acclamation should have been challenged outright. Indeed, by failing to raise this issue immediately, the Appellants did not enable the IWF to potentially count the votes on the spot. The Panel finds that the Appellants have thereby forfeited their right to challenge this issue afterwards, resulting in a dismissal of the Appellants' objections in this respect.

121. In any event, the Panel understands that the IWF Electoral Manager and the IWF Electoral Commission took a practical approach by allowing the vote to be conducted by acclamation in light of the fact that there were as many candidates as positions to be filled. Although this may, strictly speaking, not have been in accordance with the Voting Rules, the Panel finds that this is clearly insufficient to annul the vote, not least because if the Voting Rules had been followed strictly, there is no reason to believe that this would have resulted in a different outcome, as the possibility that the candidates would not obtain a simple majority in a situation where there are as many candidates as positions to be filled is purely hypothetical and the Appellants have not brought forward any arguments as to why this would likely have happened.
122. Finally, also the election of the General Secretary should have been challenged immediately. Although it is true that a mistake was only detected after the IWF Congress, the Appellants could and should have objected to the IWF's decision to assemble virtually for the ultimate round of such election that had been omitted.
123. Overall, the Panel finds that all these alleged procedural flaws with the various elections held at the IWF Congress could and should in good faith have been raised immediately by the Appellants and that by failing to do so, the Appellants have forfeited the right to challenge the results of these elections afterwards.
124. As to Mr Chernogorov's testimony that he tried to protest against the way the voting process was conducted and to be provided with the concrete and clear voting results, the Panel finds that such testimony lacks specificity. It derives from Mr Chernogorov's written statement that, on the first day of the IWF Congress, he did not raise any objection with the IWF Electoral Commission, but only with the IWF Secretariat. Mr Chernogorov maintains that, on the second day of the IWF Congress, he contacted the IWF Electoral Commission directly.
125. The Panel finds that, regardless of whether Mr Chernogorov did or did not file a formal objection with the IWF Electoral Commission which is doubtful as it appears that Mr Chernogorov only informally approached the IWF Electoral Commission, he did not publicly raise the issue during the IWF Congress. Indeed, he does not allege to have asked for the floor to make his doubts known.
126. Consequently, the Panel finds that the Appellants have forfeited their right to challenge the election results because they have failed to make their objections known immediately during the IWF Congress in good faith.

c. Are the Appellants' requests for relief to be upheld?

127. As indicated above, the Appellants indicated in their submissions that the only relief sought was a complete annulment of the elections that took place at the IWF Congress. This was reiterated during the hearing. In view of the specific relief requested, the Panel finds that it

is barred from potentially annulling individual elections, but that either all elections are annulled or none of them.

128. The Panel finds that, even if there had been flaws in the election process, which besides the miscalculation of the votes in the election for the Secretary General, does not appear to have been the case, this does not render the elections invalid as such. In order for the Panel to do so, substantial legal provisions would have to be violated and the Appellants have not established this to have been the case. The mere fact that the elections may, at times, have been somewhat chaotic is insufficient in this respect. Chaos as such is not a violation of the applicable rules.
129. It is also to be borne in mind that the chaotic elements of the IWF Congress were not caused by the IWF, the IWF Electoral Manager or the IWF Electoral Commission as such. Rather, the chaos was instigated by various candidates that withdrew from the elections. Sometimes, like in the case of Mr Al-Mana with respect to the elections for the position of President, such withdrawals occurred at inopportune moments.
130. Although the decision to hold an online vote for the position of General Secretary is questionable and this situation obviously should not have occurred, the Panel finds that this was indeed an appropriate solution in the circumstances. It should not be ignored that the vast majority of the constituency approved the way this issue was handled, at least no objections were raised by member federations or candidates besides those of the Appellants (while Mr Al-Jarmal and the YWF initially also objected, they eventually voluntarily withdrew their appeals).
131. Overall, the Panel finds that the measures requested to be applied by the Appellants to cure the alleged mistakes that occurred in the elections at the IWF Congress are disproportionate. It would be excessive to declare all elections invalid for mistakes that occurred in individual elections.
132. Consequently, the Panel finds that the Appellants' requests for relief are to be dismissed.

B. Conclusion

133. Based on the foregoing, the Panel finds that:
 1. It was not necessary for the Appellants to include all individuals elected at the IWF Congress as respondents in the present proceedings.
 2. The Appellants have foregone their right to challenge the election results because they have failed to make their objections known immediately during the IWF Congress in good faith.
 3. The measures requested to be applied by the Appellants to cure the alleged mistakes that occurred in the elections at the IWF Congress are disproportionate.

4. The Appellants' requests for relief are dismissed.
134. Consequently, the Panel holds that the Appeal shall be dismissed and the Appealed Decision is to be confirmed in full.

ON THESE GROUNDS

The Court of Arbitration for Sport rules that:

1. The Court of Arbitration for Sport has jurisdiction to rule on the appeal filed on 26 September 2022 by Mr Maxim Agapitov and the Russian Weightlifting Federation against the decision rendered by the IWF Ethics and Disciplinary Commission on 31 August 2022.
2. The appeal filed by Mr Maxim Agapitov and the Russian Weightlifting Federation is admissible.
3. The appeal filed on 26 September 2022 by Mr Maxim Agapitov and the Russian Weightlifting Federation against the decision rendered by the IWF Ethics and Disciplinary Commission on 31 August 2022 is dismissed.
4. The decision of the IWF Ethics and Disciplinary Commission of 31 August 2022 is confirmed.
5. (...).
6. (...).
7. All further or different motions or prayers for relief are dismissed.