



TAS / CAS

TRIBUNAL ARBITRAL DU SPORT
COURT OF ARBITRATION FOR SPORT
TRIBUNAL ARBITRAL DEL DEPORTE

Arbitration CAS 2023/A/10129 General Souhail Khoury & General Mowafak Jomaa v. Olympic Council of Asia (OCA), award of 16 December 2024

Panel: Mr Jacques Radoux (Luxembourg), President; Mr Olivier Carrard (Switzerland); Prof. Luigi Fumagalli (Italy)

Governance

Validity of the electoral process for the presidency of the Olympic Council of Asia

Withdrawal of the appeal and consequences

Distinction between principal and accessory intervention

Right of the intervenor to oppose to the withdrawal of the appeal

1. The unilateral unconditional withdrawal of the appeal amounts to a waiver of claim (*“désistement d’action”*). According to Swiss law, which is applicable on a subsidiary basis pursuant to article R58 of the CAS Code, the waiver of a claim foreseen in Article 241 al. 2 of the Swiss Code de procédure civile (CPC), is an act by which the claimant abandons the requests for relief that he or she submitted all along the proceedings. It is directed to the claim and has *res judicata* effects. It follows that, regarding the appeal filed by the appellants, the CAS no longer has jurisdiction and that, as a result, the appealed decision became final and binding upon the appellants.
2. As evident from the wording of Article 73 of the CPC, in cases of principal intervention, the intervenor’s claims must be directed against both parties. However, this does not apply when the third party shares the same position as the appellant. Furthermore, in the absence of any reference to Article 73 or Article 74 of the CPC by the third party and where the intervention request is granted by the CAS panel under Article R41.4 of the CAS Code as invoked by the third party, the application of this provision does not justify classifying the intervention as “principal”. Moreover, Article R41.4 (al. 5) of the CAS Code states that *“the Panel shall determine the status of the third party and its rights in the procedure”*. This suggests that the provision’s scope is not restricted to principal interventions but also extends to accessory interventions, where the intervenor retains the status of a third party (*tiers intéressé*).
3. Except in case of an “independent accessory intervention” (*“intervention accessoire indépendante”*, *“unabhängige Nebenintervention”* or *“streitgenössische Nebenintervention”*), Article 76 of the CPC prevents an intervenor from submitting claims or requests which would extend the scope of the proceedings and even adopting a position or submitting a claim or request which are contrary to the position adopted by the party it is supporting by its intervention. Further, pursuant to this provision, the intervenor cannot oppose itself to the withdrawal or waiver of the claim pursuant to Article 241 of the CPC by the party on the side of which it intervenes.

Therefore, in a case concerning an “accessory intervention”, the third party cannot validly oppose itself to the withdrawal of the appeal by the appellants. Thus, notwithstanding the objection raised by the third party, the withdrawal of the appeal by the appellant and its acceptance by the respondent mark the end of the appeal proceedings.

I. THE PARTIES

A) The Main Parties

1. General Souhail Khoury and General Mowafak Jomaa (the “Appellants”) are members of the Executive Board of the Olympic Council of Asia (the “OCA EB”).
2. The Olympic Council of Asia (the “OCA”) is the continental governing body of sports in Asia recognized by the International Olympic Committee (the “IOC”). It has its headquarters in Kuwait City, Kuwait.
3. The OCA – as represented by Mr Raja Randhir Singh (the “Respondent”) is the entity that adopted the decision appealed by the Appellants.
4. Together, the Appellants and the Respondent will be referred to as the “Main Parties”.

B) The Third Party

5. The OCA – as represented by Sheikh Talal Fahad Al-Ahmad Al-Sabah has, by an order on request for intervention dated 23 April 2024, been admitted to the present proceedings as a Third Party (the “Third Party”). Sheikh Talal Fahad Al-Ahmad Al-Sabah was elected President of the OCA by the OCA General Assembly (“OCA GA”) on 8 July 2023.
6. The Main Parties and the Third Party will be referred to collectively as the “Parties”.

II. THE FACTUAL BACKGROUND

7. Below is a summary of the main relevant facts and allegations based on the Parties’ written submissions and the evidence adduced. Additional facts and allegations found in the Parties’ submissions and evidence may be set out, where relevant, in connection with the legal discussion that follows. While the Panel has carefully considered all the facts, allegations, legal arguments and evidence submitted by the Parties in the present proceedings, in refers, in this Award only to the submissions and evidence it considers necessary to explain its reasoning.
8. On 29 June 2023, in view of the upcoming presidential elections to be held by the OCA GA, the Chairman of the OCA Electoral Commission and the Chairman of the OCA Ethics Committee sent a letter to all the National Olympic Committees (NOCs) members of the

OCA reminding them not to contact or meet with persons outside the election or government agencies.

9. On 4 July 2023, still in view of these upcoming elections, the OCA Ethics Committee reminded these NOCs to comply with the OCA and the IOC Ethics Codes.
10. On 8 July 2023, the OCA GA held presidential elections in which Sheikh Talal Fahad Al-Ahmad Al-Sabah, in competition with Mr Husain Al-Musallam, was elected President of the OCA by 24 votes to 20. During this OCA GA, no objections or accusations were raised by the NOCs regarding the validity of the electoral process.
11. On 11 July 2023, the NOC of the Philippines sent an email to the Chairman of the OCA Ethics Committee, Mr Jihzong Wei, to complain about an alleged government interference during the electoral campaign. Amongst other individuals, Mrs Pâquerette Girard Zappelli, IOC Chief Ethics and Compliance Officer, was in copy of this email.
12. On 14 July 2023, the new members of the OCA Executive Board (“OCA EB”) were elected for the period 2023-2027.
13. On 22 July 2023, following an email exchange between them, Mr Jihzong Wei informed Mrs Pâquerette Girard Zappelli that *“after the clear investigations, the OCA Ethics Committee didn’t find any indication for any violations before, during and after the elections”*.
14. On 24 July 2023, Mr Jihzong Wei, in an email addressed to Mrs Pâquerette Girard Zappelli, stated, amongst others, *“[i]n these cases, OCA election committee and ethics committee have no reason to conduct investigation so far”*.
15. In her answer of the same day, Mrs Pâquerette Girard Zappelli noted that *“[c]onsidering your letter dated 26 June 2023, to the NOCs of OCA and candidates for the OCA elections, in particular the reference to article 8 of the Elections Process and Procedure, it can only be concluded that the OCA Ethics Committee carried out a thorough investigation, in particular regarding the potential interference of governmental institutions such as Embassies to support one of the candidates to the OCA presidential elect. In order to inform the IOC Ethics Commission, I would appreciate to receive a copy of the grounded decision into the above mentioned investigation by the end of today, 24 July 2023”*.
16. On 27 July 2023, the IOC Executive Board, following the recommendations made by the IOC Ethics Commission in a decision of the same day, adopted the following decision:
 - “1) To confirm the seriousness of the breach of the provisional suspension imposed on Sheikh Ahmad Al-Sabah, in particular regarding his involvement in the Olympic Council of Asia’s activities;
 - 2) Consequently, to sanction Sheikh Ahmad Al-Sabah by suspending all the rights, prerogatives and functions deriving from his quality as an IOC Member for a period of three (3) years, starting from the date of the decision by the IOC Executive Board;

- 3) *To recommend, as a consequence of this sanction, the Olympic Parties, including the IOC Members, to refrain from interacting with Sheikh Ahmad Al-Sabah, in particular to avoid any risk of any perception of influence on any decisions regarding the Olympic Movement;*
 - 4) *To note that the IOC Ethics Commission reserves its right to review the individual situation of Sheikh Ahmad Al-Sabah as an IOC Member following the decision by the Court of Appeal of Geneva;*
 - 5) *To consider the undeniable impact on the OCA's elections of Sheikh Ahmad Al-Sabah's behaviour, and consequently not to recognise these elections until a full review of the OCA's elections process is carried out at a later stage;*
 - 6) *To ensure that the Olympic contributions to the OCA, such as, but not limited to, the Olympic Solidarity Funds, to be distributed to the Asian NOCs directly by the IOC (and not through the OCA) until the OCA's elections have been recognised by the IOC".*
17. On 27 July 2023, Mr James Macleod, Director of NOC Relations and Olympic Solidarity at the IOC, in a letter addressed to Mr Raja Randhir Singh in his capacity as "Acting President" of the OCA, notified the IOC Executive Board decision of the same day to the OCA and emphasized points 5 and 6 of this decision.
 18. On 30 July 2023, Mr James Macleod provided the following clarifications to Mr Raja Randhir Singh:

"Seeing as the IOC [investigation into the OCA elections] is likely not to be concluded before October 2023 and since the IOC has not recognised the election of Sheikh Talal Al-Sabah, the IOC will continue to work with you as OCA's acting President and with the OCA Executive Board that was in place prior to the Bangkok General Assembly.

We expect that you continue to direct the OCA administration in all matters, including the calling of any Executive Boards, General Assemblies and any other meetings needed for the governance of the OCA. We would also appreciate it if you could confirm to whom the IOC should address itself for daily administration business.

Following the outcome of the IOC investigation, we will work with you to implement the next steps of a roadmap to ensure the continued functioning of the OCA according to the basic principles of good governance".
 19. On the same day, Mr Raja Randhir Singh forwarded Mr Macleod's letter to the OCA EB members and the NOCs members of the OCA.
 20. On 9 August 2023, Mrs Pâquerette Girard Zappelli, in a letter addressed to Mr Raja Randhir Singh in his capacity as OCA Acting President, informed the latter that until the outcome of the OCA's elections process review by the IOC is finalised, *"the two candidates for the presidential election shall not be involved in any activities which might influence the ongoing OCA's elections review process or give the perception thereof, in particular by abstaining from engaging in any communication with OCA's voting members or participating in any OCA's events. In addition, as a consequence of the non-recognition by the IOC of the elections which took place on 8 July 2023, the limitations mentioned above apply to all the persons appointed in any positions within the OCA after this date. We are confident that, as OCA Acting*

President, you will find solutions to ensure that the OCA's daily activities are conducted within the framework of the OCA's Constitution and rules. If any difficulties or challenges arise, Mr McLeod and myself will remain available".

21. On 17 August 2023, the OCA as represented by Sheikh Talal Fahad Al-Ahmad Al-Sabah filed, before the District Court of Lausanne, Switzerland, an application for super-provisional and provisional measures as well as a request for conciliation against the IOC. On the same day, the same petitions were filed by Sheikh Talal Fahad Al-Ahmad Al-Sabah on his own behalf. Also on the same date, the OCA as represented by Sheikh Talal Fahad Al-Ahmad Al-Sabah Sheikh filed an appeal against the IOC with the Court of Arbitration for Sport in Lausanne, Switzerland (the "CAS"). All of these proceedings are still pending.
22. On 10 October 2023, Mrs Pâquerette Girard Zappelli rendered her report on the OCA's Election Process Review in which she concluded, amongst others, the following:

"Considering all the objective elements analysed above, it appears that the OCA regulations, in particular article 8 of the Election Procedure & Process – Guidelines and articles 8, 9 and 10 of the OCA Ethics Guidelines for the OCA Election, were breached due to the undue interference from Sheikh Ahmad personally and as Deputy Prime Minister and Minister of Defence of the Government of Kuwait, in particular via the Kuwaiti Embassies abroad. Such interference has been accepted by Sheikh Talal, as a candidate to the election.

The OCA election process review did not make it possible to clarify whether the Government of Kuwait had approved the use of government agencies to interfere in the OCA's elections. However, the fact that Sheikh Ahmad intervened personally, by using governmental means of support, gave such a perception. Furthermore, he claimed publicly to be the President of the OCA.

Such interference from a third party, in particular using the means of governmental entities, should have had an impact on the eligibility of the candidate, pursuant to article 10 of the OCA Ethics Guidelines for the OCA Elections. However, such an assessment was never made at the time, and the conclusion as to the candidate's ineligibility was never drawn.

Considering the above, it is the responsibility of the OCA's bodies to draw their conclusions from such interference and breach of the OCA Constitution and rules, in particular by preventing all individuals involved in the breach of the OCA rules, as well as all individuals who may be linked to them, from being part of the OCA's next elections.

It also appears from the review that the text of the current OCA Constitution contains some contradictions and lack of clarity, in particular with regard to the election process, which shall be corrected.

Therefore, it is the responsibility of the OCA's bodies to draw their conclusions from such interference and to take the appropriate actions and decisions, in particular but not limited to the following:

1. *To declare the elections held on 8 July 2023 as invalid (null and void);*
2. *To review the OCA Constitution, in particular to make it compliant with the recently reviewed Basic Universal Principles of Good Governance within the Olympic Movement, including with regard to the election process, transparency, and checks and balances;*

3. *To convene a General Assembly to approve the new Constitution and to organise new elections in compliance with this new Constitution and the Election Rules; and*
4. *As part of the duty of care, to take every possible measure to protect the OCA administration and assets from any type of interference.*

For the above reasons, the IOC Executive Board is informed that this Report on the OCA's Election Process Review is being shared with the OCA and its Acting President and Executive Board for their consideration".

23. On 12 October 2023, Mrs Pâquerette Girard Zappelli (i) informed Mr Raja Randhir Singh of the outcome of the OCA's Election Process Review, in particular that Sheikh Talal Fahad Al-Ahmad Al-Sabah did not fulfil the eligibility conditions defined by the OCA Constitution and should have been declared ineligible from the outset and that third parties interfered in favour of Sheikh Talal Fahad Al-Ahmad Al-Sabah, which also constitutes a breach of the OCA's election rules, without any action having been taken by the OCA in this regard; (ii) pointed out that it *"is now the OCA's responsibility and duty to take appropriate decisions, in particular with regard to the four points of action mentioned in the Report. We understand that you will convene an OCA Executive Board meeting as soon as possible in order to approve and implement these steps"*; and (iii) requested Mr Randhir Singh to share *"this letter and its attachment with all the members of the OCA Executive Board (composition before the 8 July 2023 elections) and with all Asian NOCs members of the OCA"*.
24. On 14 October 2023, after forwarding Mrs Pâquerette Girard Zappelli's letter to the Members of the OCA EB, as well as to the Member NOCs of the OCA, Mr Raja Randhir Singh invited the members of the OCA EB to a virtual meeting to be held on the 19 October 2023. In its relevant parts, this letter reads as follows:

"Agenda

To review and approve the IOC Chief Ethics & Compliance Officer report on the OCA elections held on 8th July 2023 in Bangkok and action thereof.

A copy of the report as well as the letter from IOC Chief Ethics and Compliance Officer is enclosed herewith, for ready reference.

As per Article 19 of the OCA Constitution, the following delegates will be allowed to vote, if required:

- i) *President*
- ii) *Five Zonal Vice Presidents, elected by the GA.*
- iii) *Chair of Standing Committees, nominated by President and ratified by General Assembly.*

As per Article 19 & 22, the Hony Life Vice Presidents, Hony. Vice President, Executive Board Members will be invited to attend the meeting but without any voting rights.

The Executive Board invitation is not being forwarded to Sheikh Talal Al-Sabah and Mr. Husain Al-Musallam, as they are both parties to the matter being discussed".

25. On 16 October 2023, Sheikh Talal Fahad Al-Ahmad Al-Sabah send letters respectively to Mr Raja Randhar Singh, to the members of the former OCA EB (2019-2023) and to the NOCs member of the OCA stating in substance, *inter alia*, that the IOC does not have the authority to declare the elections of 8 July 2023 invalid; that these elections were not validly challenged; that Mr Raja Randhir Singh had not been validly appointed as “OCA Acting President” and could, accordingly, not validly convene an OCA EB meeting.
26. On 18 October 2023, Mrs Pâquerette Girard Zappelli and Mr James Macleod informed Mr Raja Randhir Singh that, contrary to what Sheikh Talal Fahad Al-Ahmad Al-Sabah argued in his letter dated 16 October 2023, *“the IOC had the authority to refuse the recognition of the OCA’s elections and there is nothing illegal in you inviting the OCA Executive Board members to meet in order to decide on the consequences of the interferences in the recent elections”*.
27. On 24 October 2023, Mr Raja Randhar Singh send a letter to the Member NOCs of the OCA informing them about the decisions adopted in the OCA EB meeting of 19 October 2023 (the “Appealed Decision”). The relevant parts of the Appealed Decision read as follows:
- “As you probably have already read on OCA’s Website, on Thursday 19 October 2023 the OCA Executive Board met (virtually) and discussed the Report of the IOC Chief Ethics and Compliance Officer dated 10 October 2023 on the OCA elections which were held in Bangkok on 8 July 2023 as well as the letter of the IOC of 12 October 2023.*
- The OCA Executive Board has decided to approve the said Report of the IOC Chief Ethics and Compliance Officer along with the Conclusions and the Recommendations made therein, with a majority of 14 to 4 votes, with one recuse.*
- In addition, the OCA Executive Board unanimously reconfirmed the undersigned as OCA Acting President and requested me to continue with the diligence and prudence demonstrated until now in the running the affairs of the OCA [...].”*

III. PROCEEDINGS BEFORE THE COURT OF ARBITRATION FOR SPORT

28. On 9 November 2023, the Appellants filed a Statement of Appeal with the CAS pursuant to Article R47 of the Code of Sports-related Arbitration (the “Code”) against the OCA with respect to the Appealed Decision. Together with their Statement of Appeal, the Appellants filed a Request for Provisional Measures according to Article R37 of the Code.
29. In their Statement of Appeal, the Appellants requested the following reliefs from the CAS:
- (a) *To declare null and void the decisions taken on 19 October 2023 by the members of the former Executive Board of the Olympic Council of Asia, in office between the years 2019 and 2023.*
- (b) *To annul the decisions taken on 19 October 2023 by the members of the former Executive Board of the Olympic Council of Asia, in office between the years 2019 and 2023.*

(c) *an order for the Respondent to bear the entire costs of the Appellants legal costs and expenses with the present arbitration proceedings”.*

30. The Appellants further indicated that they were seeking a procedural order from the CAS granting *“the enclosed provisional measures to the Appellants”*.
31. On 17 November 2023, the CAS Court Office initiated the present appeals arbitration procedure and notified the Statement of Appeal as well as the Request for Provisional Measures to the Respondent and invited it, *inter alia*, to state whether it agreed to the Appellants’ request to have the time limit to file their Appeal Brief set out in Article R51 of the Code extended.
32. On 17 November 2023, Mr Alexandre Zen-Ruffinen, Attorney-at-law in Neuchâtel, Switzerland, and Mr Shahram Dini, Attorney-at-law in Geneva, Switzerland, informed the CAS Court Office, amongst others, of fact that there *“is currently an uncertainty as to who is entitled to represent the OCA”*; that there *“are two people [i.e. Sheikh Talal Fahad Al- Ahmad Al-Sabah, on the one side, and Mr. Raja Randhir Singh, on the other side] claiming to be the President of the OCA and that the question is who has the capacity to represent it”* and that *“the President-elect, Sheikh Talal, has mandated us to defend the OCA in this procedure [...] and will not accept that the OCA be represented by Mr. Singh”*.
33. On 22 November 2023, the Appellants informed the CAS Court Office that they nominated Mr Olivier Carrard, Attorney-at-law in Geneva, Switzerland, as arbitrator.
34. On 27 November 2023, the Respondent informed the CAS Court Office that it was represented by Mr Jean-Pierre Morand and Mr Riccardo Coppa, Attorneys-at-law in Lausanne, Switzerland, and that it had not received all of the documents submitted by the Appellants with their Statement of Appeal and their Request for Provisional Measures.
35. On 29 November 2023, the Respondent informed the CAS Court Office that it did not object to the Appellants’ request to extend the time limit to file their Appeal Brief.
36. On 11 December 2023, the Respondent informed the CAS Court Office that it nominated Prof. Luigi Fumagalli, Professor of Law and Attorney-at-law in Milan, Italy, as arbitrator in the present proceedings.
37. On 4 January 2024, the CAS Court Office informed the Parties that the Panel appointed to resolve this dispute was constituted as follows: Mr Jacques Radoux, Référendaire in Luxembourg, Luxembourg (President), Mr Olivier Carrard, Attorney-at-law in Geneva, Switzerland and Prof. Luigi Fumagalli, Attorney-at-law and Professor in Milan, Italy (arbitrators).
38. On 15 January 2024, the Appellants filed their Appeal Brief and the CAS Court Office invited the Respondent to submit its Answer within the deadline set out in Article R55 of the Code, highlighting that if it failed to do so, the Panel may nevertheless proceed with the arbitration and deliver an award.

39. On 18 January 2024, the Third Party informed the CAS Court Office that it had lodged an appeal before the Swiss Federal Tribunal (SFT) against the decision of the CAS Court Office to consider that, in the present matter, the OCA – as represented by Mr Raja Randhir Singh was the Respondent and that the OCA was validly represented by Kellerhals Carrard, *i.e.* by Mr Morand and Mr Riccardo Coppa; and requested a stay of the procedure.
40. The Main Parties agreed to the requested stay of the procedure under certain conditions.
41. On 25 January 2024, the Third Party informed the CAS Court Office that the SFT had rejected its appeal and, consequently, it withdrew its request for a stay of the proceedings.
42. On the 4 February 2024, the Respondent filed submissions requesting the bifurcation of the procedure for lack of standing to sue and/or legal interest of the Appellants.
43. On 5 February 2024, the CAS Court Office invited the Appellants to comment on the Respondent's request for bifurcation by 12 February 2024.
44. On 12 February 2024, the Appellants filed their submissions with regards to the Respondent's request for bifurcation. In these submissions, they argued that they both have a personal legal interest worthy of protection and, thus, have standing to sue in the present proceedings. Consequently, they considered that there was no reason to bifurcate the present proceedings on the grounds raised by the Respondent.
45. On the same day, the Third Party filed a submission in which it agreed with the Appellants on the question of bifurcation of the proceedings and informed the CAS Court Office that, *"in view of the 30-day extension of the time limit you granted to the Respondent to file its Answer in your letter of 5 February 2024, and in accordance with the principles of equality of arms, and the right to be heard in the proceedings, we hereby inform you, that the OCA duly represented by its President Sheikh Talal Fabad Al-Ahmad Al-Sabah will file its Answer within the same time limit"*.
46. On 13 February 2024, the Respondent responded to the Third Party's submission filed on 12 February and, *inter alia*, reiterated its request for bifurcation of the proceedings and, pending the decision of the Panel on that request, asked that its time limit to file its Answer be suspended until 6 March 2024, *i.e.* the time limit granted to the Third Party to file its written submissions, and re-fixed after that date or, in the alternative, to be afforded the opportunity to formally express its position and exercise its right to be heard in respect of these submission through an additional brief.
47. On 29 February 2024, the CAS Court Office informed the Parties, on behalf of the Panel, that the Respondent's request for bifurcation and request for suspension of the time limit to file its Answer until the Panel decided on the request for bifurcation were denied and that the said time limit was extended until 18 March 2024.
48. On 4 March 2024, the Third Party informed the CAS Court Office that, *"in accordance with the principles of equality of arms and the right to be heard in the proceedings"*, it would file its *"Answer"* by 18 March 2024.

49. On 15 March 2024, the Respondent requested an extension of the time limit to file its Answer until 25 March 2024. The same day, the requested extension was granted to the Respondent and the Third Party.
50. On 22 March 2024, the Respondent informed the CAS Court Office, that the Parties had agreed to a further extension of the time limit to file the Answer until 2 April 2024.
51. On 2 April 2024, the Respondent and the Third Party filed their respective Answers.
52. On 9 April 2024, the Appellants informed the CAS Court Office that they had a preference for a hearing to be held in the present proceedings.
53. On 10 April 2024, the Respondent informed the CAS Court Office that it did not consider a hearing necessary in the present proceedings. On the same day, the Third Party stated that it requested a hearing to be held in this matter.
54. On 15 April 2024, the CAS Court Office informed the Parties that the Panel had decided to hold a hearing in the present matter.
55. On 23 April 2024, as mentioned above, the Panel issued an Order on Request for Intervention holding as follows:
 - “1. The request for intervention filed by the “Olympic Council of Asia as represented by Sheikh Talal Fahad Al-Ahmad Al-Sabah” is granted.
 2. The “Olympic Council of Asia as represented by Sheikh Talal Fahad Al-Ahmad Al-Sabah” is granted the status of third party in the present proceedings.
 3. The costs of the present order shall be determined in the final award or in any other final adjudication of this arbitration”.
56. In support of such Order (§21), the Panel considered, inter alia, that “in the present proceedings the” OCA as represented by Sheikh Talal Fahad Al-Ahmad Al-Sabah”, on the one side, has divergent interests from the Respondent, i.e. the OCA as represented by Mr Ranja Randbir Singh, and, on the other side, has the same or similar interests as the Appellants”.
57. On 26 April 2024, the CAS Court Office informed the Parties that a hearing would be held on 25 June 2024 at the CAS headquarters in Lausanne, Switzerland.
58. On 5 June 2024, the Appellants informed the CAS Court Office that they had “decided to withdraw the present appeal”.
59. On 7 June 2024, the Third Party argued that given the fact that it had been awarded the status of Third Party and that it had presented its own submissions – which were entirely independent of those of the Appellants – the withdrawal of the appeal by the Appellants cannot terminate the proceedings between the Respondent and the Third Party. It further specified that it wished the proceedings to continue.

60. On 14 June 2024, the Respondent asked the CAS Court Office to confirm that the hearing scheduled for the 25 June 2024 was cancelled and that the Panel would render a Termination Order based on the Appellant's withdrawal of the Appeal. In this regard, the Respondent noted that the withdrawal was unconditional and unequivocal and that no other appeal than the one filed by the Appellants had been filed in a timely matter against the Appealed Decision. Hence, contrary to what the Third Party has argued, there would be no basis to continue these proceedings.
61. On 18 June 2024, the CAS Court office, on behalf of the Panel, informed the Parties that the hearing scheduled on 25 June 2024 was maintained and would be held by videoconference.
62. On 25 June 2024, a hearing took place by videoconference. The Panel was assisted by Mr Antonio de Quesada, Head of Arbitration at the CAS, and joined by the following participants:

For the Respondent:

Mr Jean-Pierre Morand and Mr Riccardo Coppa, counsels;

For the Third Party:

Mr Sharam Dini, Mr Alexandre Zen-Rufinen and Mr Alexandre Karsegard, counsels.

63. The Appellants did not attend the hearing.
64. At the outset of the hearing, the Parties confirmed that they had no objection to the constitution of the Panel. At the end of the hearing, the Parties confirmed that their right to be heard and their right to a fair trial had been fully respected during the hearing and that they had no objections as to the manner in which the proceedings had been conducted.

IV. THE PARTIES' SUBMISSIONS

65. The following summary of the Parties' positions and submissions is illustrative only and does not necessarily include each and every contention put forward by the Parties. However, in its deliberation, the Panel has thoroughly considered all of the evidence and arguments submitted by the Parties, even if no explicit or detailed reference to this evidence or these arguments is made in what immediately follows.

A) The Appellants' Submissions and Request for Relief

66. In their Appeal Brief, the Appellants requested the following reliefs:

- “(i) *Declare the present appeal is admissible.*
- (ii) *Mainly, declare the decision taken on 19 October by the members of the former Executive Board of the Olympic Council of Asia null and void.*

- (iii) *Alternatively, to annul the decision taken on 19 October by the members of the former Executive Board of the Olympic Council of Asia.*
 - (iv) *Order the Respondent to bear the entire costs of these arbitration proceedings.*
 - (v) *Order the Respondent to bear the entire costs of the Appellants legal costs and expenses incurred with the present arbitration proceedings”.*
67. However, on 5 June 2024, the Appellants send an email to the CAS Court Office stating the following: *“The Appellants have decided to withdraw the present appeal”.*
68. The Appellants have not submitted any other communication after that date.
- B) The Respondent’s Submissions and Request for Relief**
69. In its Answer to the Appeal Brief, the Respondent submitted the following requests for relief:
- “(i) *On a preliminary basis, the request to act as Respondent or to intervene in these proceedings made by Sheikh Talal Fabad Al Ahmad Sabah in his alleged capacity of valid representative of OCA is rejected.*
 - (ii) *The appeal filed by General Souhail Khoury and General Mowafak Jomaa on 9 November 2023 is dismissed in its entirety.*
 - (iii) *General Souhail Khoury and General Mowafak Jomaa are ordered to pay, jointly and severally to the Respondent the CAS arbitration costs, if any.*
 - (iv) *General s Souhail Khoury and General Mowafak Jomaa are ordered to make a significant contribution to the legal and other costs of the Olympic Council of Asia”.*
70. Regarding the withdrawal of the Appeal by the Appellants, the Respondent notes that this withdrawal is unconditional and unequivocal. Thus, in absence of any other timely filed appeal against the Appealed Decision, the CAS would have no basis to proceed or continue with the present proceedings.
71. Concerning the Third Party’s wish to see the Panel continue the proceeding between the Third Party and the Respondent, the latter argues that the initial proceedings do not exist anymore and that, in the present case, it does not matter whether the Third Party is to be considered as an “independent intervenor” or an “accessory intervenor”. Indeed, given that the initial proceeding was an “appeal proceeding” an intervenor would have had to respect the deadline to appeal, which the Third Party did not.
72. As regards the Third Party’s request, brought forward during the hearing, to suspend the present proceeding, pending the outcome in the proceedings CAS 2023/A/10232 & CAS 2023/A/10233, the Respondent considers that there is absolutely no need to proceed to such suspension as the present matter has no connection with the other two cases.

73. Finally, concerning the costs of the arbitration, the Respondent maintains that as the Appellants withdrew their appeal, they have to bear the arbitration costs. As regards the costs to be borne by the intervenor, the Panel would have full discretion as it would have discretion regarding the costs that arouse in connection with the Third Party intervention. The Respondent however asks the Panel to condemn the Appellants to pay the Respondent a fair contribution to its legal costs in relation to the present proceedings.

C) The Third Party's Submissions

74. The Third Party, in its written submissions entitled "*Answer to the Appeal Brief of 15 January*", submitted the following requests for relief:

"On the admissibility of the Answer:

1. *Declare the present Answer admissible.*

On the merits:

Mainly

2. *Declare null and void the decision taken on 19 October 2023 by the former Executive Board of the Olympic Council of Asia.*

Alternatively

3. *Annul the decisions taken on 19 October 2023 by the former Executive Board of the Olympic Council of Asia.*

In any events:

4. *Order the Olympic Council of Asia (OCA), allegedly represented by Mr. Raja Randhir Singh, to bear the entire costs of these arbitration proceedings.*
5. *Order the Olympic Council of Asia (OCA), allegedly represented by Mr. Raja Randhir Singh, to bear the (sic) all expenses, including legal costs, incurred by the Olympic Council of Asia (OCA), duly represented by Sheikh Talal Fahad Al-Ahmad Al-Sabah, in the present arbitration proceedings".*

75. After the withdrawal of the Appeal by the Appellants, the Third Party informed the CAS Court Office that it wished to continue the proceedings against the Respondent and asked the Panel to render an award. In support of its position, the Third Party argued that it had been formally granted the status of "third party" by the Panel's order on intervention dated 23 April 2024 and that the submissions it presented were entirely independent of those of the Appellants. According to the Third Party, its intervention gave birth to a second proceeding, fully independent of the first proceeding and the withdrawal of the Appeal by the Appellants could, thus, not terminate the proceeding between the Respondent and itself. In this regard,

the Third Party refers itself to CHABLOZ/DIETSCHY-MARTENET/HEINZMANN, Petit commentaire, Code de procédure civile, Article 73, N 21.

76. At the hearing, the Third Party argued that the substantive question as to who was the valid representative of the OCA in the present appeal proceedings, i.e. Mr Raja Randhir Singh or Sheikh Talal Fahad Al-Ahmad Al-Sabah, had not yet been decided by the Panel. However, in order to take a decision on the costs and other legal fees in the present matter, it would be essential to know who this representative would be. Indeed, one part of the costs should be borne by the Appellants and the other should be borne by the person who has been recognized as not been the valid representative of the OCA.
77. The Third Party further stated that its intervention to have been a “principal intervention” and not an “accessory intervention”. In support of this submission, the Third Party argues that it had asked to be considered as “respondent” and that although having been granted the statute on “third party” by the Panel, the latter had not formally limited the Third Party’s rights in its order dated 23 April 2024.
78. Finally, the Third Party argued that the main issues at stake in the present matter and in the proceedings CAS 2023/A/10232 & CAS 2023/A/10233 are the same, i.e. whether the election, on 3 July 2023, of Sheikh Talal Fahad Al-Ahmad Al-Sabah as President of the OCA has been validly annulled. As this issue was, in any event, to be decided by the Panel in charge of the proceedings CAS 2023/A/10232 & CAS 2023/A/10233, it would be reasonable to suspend the present proceedings pending the outcome of the two others.

V. JURISDICTION OF THE CAS

79. In accordance with Article 186 of the Swiss Private International Law Act (the “PILA”), the CAS has the power to decide upon its own jurisdiction.
80. Article R47 para. 1 of the Code provides – in its relevant parts:

“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”.

81. The Appellants rely on Article 34 para. 4 of the OCA Constitution, which reads as follows:

“All member of OCA and AF’s, whose EB is recognized by OCA EB in accordance with Article 13 of this Constitution, shall submit to the following means of settlement of disputes to the exclusion of any other means: [...]

4. Decisions of OCA GA, or OCA Executive Board other than those issued in accordance with para. 1 or the sanctions imposed by the Ethics Committee may be appealed to the [CAS]”.

82. In the present case, it is undisputed that there were no internal legal remedies available to the Appellants to challenge the Appealed Decision. Further, none of the Parties objected to the CAS jurisdiction.

83. The Panel thus considers that the CAS has jurisdiction to decide on the present appeal and its withdrawal.

VI. ADMISSIBILITY

84. Article R49 of the Code provides as follows:

“In the absence of a time limit set in the statutes or regulations of the federation, association or sports-related body concerned, or in a previous agreement, the time limit for appeal shall be twenty-one days from the receipt of the decision appealed against. The Division President shall not initiate a procedure if the statement of appeal is, on its face, late and shall so notify the person who filed the document. When a procedure is initiated, a party may request the Division President or the President of the Panel, if a Panel has been already constituted, to terminate it if the statement of appeal is late. The Division President or the President of the Panel renders her/his decision after considering any submission made by the other parties”.

85. Article 34 para. 6 of the OCA Constitution provides:

“The time limit for appeal is 21 days from the issuance of the appealed decision”.

86. In the present matter, the Appealed Decision was rendered and notified to the Appellants on 24 October 2023. The Appellants filed their Statement of Appeal on 9 November 2023.

87. By doing so, the Appellants manifestly respected the 21-day period set out in Article 34 para. 6 of the OCA Constitution.

88. The Appeal filed by the Appellants is thus admissible.

VII. APPLICABLE LAW

89. Pursuant to Article R58 of the Code:

“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”.

90. In the present matter, the Parties are in agreement that the applicable regulations are the OCA Constitution and Regulations.

91. Article 12.5 of the OCA Constitution provides:

“Any dispute which has no relation to sports or the OCA Constitution and Rules with any other organisation (Government or non-governmental) will be settled as per Swiss law and Swiss courts”.

92. The Parties also submit that Swiss law is applicable on a subsidiary basis.
93. In light of the above, the Panel considers that the substance of the present proceedings is governed rules and regulations of the OCA, in particular the OCA Constitution, and that Swiss law applies on subsidiary basis.

VIII. LEGAL DISCUSSION

94. On 5 June 2024, the Appellants informed the CAS Court Office of the following “[t]he Appellants have decided to withdraw the present appeal”.
95. In the Panel’s view, it is clear from the Appellants communication, and none of the Parties have argued otherwise, that the unilateral withdrawal of the Appeal was unconditional and amounts to a waiver of claim (“désistement d’action”) (OETIKER C., Zürcher Kommentar, 3. Ed., Art. 189 IPRG, Zurich, N. 85 and 86). According to Swiss law, which is the applicable law in absence of any specific rule in this respect in the Code (CAS 2015/A/3959, CAS 2020/A/7252), the waiver of a claim foreseen in Article 241 al. 2 of the Code de procédure civile (CPC), is an act by which the claimant abandons the requests for relief that he or she submitted all along the proceedings, it is directed to the claim and has *res judicata* effects (SFT 4A_374/2014, E.4.3.22: “Le désistement d’action ... est l’acte par lequel le demandeur abandonne les conclusions prise au procès; il porte sur l’action et bénéficie de l’autorité de chose jugée”).
96. In the present matter, the Respondent has not objected to the withdrawal of the Appeal and has solely requested that the Appellants bear the arbitration costs and pay the Respondent a fair contribution to its legal costs in relation to the present proceedings.
97. It follows that, regarding the Appeal filed by the Appellants, the CAS no longer has jurisdiction (ATF 140 III, cons. 3.2.2, CAS 2016/A/4408) and that, as a result, the Appealed Decision became final and binding upon the Appellants.
98. The Third Party argues that the above conclusion has no effect on what it considers, in substance, to be an independent proceeding pending between itself and the Respondent. In support of its position, the Third Party argues that its intervention was a principal intervention (“intervention principale”) within the meaning of Article 73 of the CPC and not an accessory intervention (“intervention accessoire”) within the meaning of Article 74 of the CPC. It further maintains, that the granting of its request for intervention has created a second proceeding, this one between the Third Party and the Respondent, totally independent of the proceedings between the Appellants and the Respondent, and the withdrawal of the Appeal by the Appellants would be without effect on this second proceeding.
99. In this regard, the Panel recalls that Article 73 of the CPC provides:

“Any person who claims to have a better right in the object of a dispute, to the total or partial exclusion of both parties, may bring a claim directly against both parties in the court in which the dispute is pending in first instance.

² The court may either suspend the proceedings until the case of the principal intervenor is finally concluded, or join the two cases”.

100. Article 74 of the CPC, for its part, reads as follows:

“Any person who shows a credible legal interest in having a pending dispute decided in favour of one of the parties may intervene at any time as an accessory party and for this purpose submit to the court an intervention application”.

101. The Panel acknowledges that if the intervention of the Third Party were to be considered as principal intervention within the meaning of Article 73 of the CPC, the intervention would have given birth to a new proceeding, opposing the Third Party to, *inter alia*, the Respondent (BRUNNER/GASSER/SCHWANDER, ZPO Kommentar, 2. Ed., Art. 73, Zurich, N. 4; SUTTER-SOMM/HASENBÖHLER/LEUENBERGER, Kommentar zur ZPO, 2. Ed, Art. 73, Zurich, N. 5; CHABLOZ/DIETSCHY-MARTENET/HEINZMANN, Petit commentaire, Code de procédure civile, Art. 73, N. 21).

102. However, in the present case, the Panel considers that the intervention requested by the Third Party and granted by the Panel was not and could not have been a principal intervention within the meaning of Article 73 of the CPC.

103. Indeed as is clear from the wording of Article 73 of the CPC, in case of a principal intervention, the claims of the intervenor are directed against *“both parties”*. In the present matter, it was manifest from the beginning, that the Third Party did not claim to have a better right than the Appellants. The Third Party’s interest was clearly expressed in its counsels’ email of 15 December 2023, stating that the *“question of which organ is entitled to represent the OCA in these proceedings and which lawyers have been validly appointed to defend the OCA’s interests is precisely the core of the dispute on the merits”*. However, on this specific aspect, the Third Party had the same position and the same claim than the Appellants, *i.e.*, in substance, that Mr Raja Randhir Singh was not the valid representative of the OCA.

104. This element, first, was considered as essential by the Panel when it decided to grant the request for intervention filed by the OCA as represented by Sheikh Talal Fahad Al-Ahmad Al-Sabah in the present matter. Indeed, as stated in paragraph 21 of the Order on request for intervention of 22 April 2024, the Panel held that *“in the present proceedings the ‘OCA as represented by Sheikh Talal Fahad Al-Ahmad Al-Sabah’, on the one side, has divergent interests from the Respondent, i.e. the OCA as represented by Mr Ranja Randhir Singh, and on the other side, has the same or similar interests as the Appellants”*. It was on basis of this consideration that, in paragraph 23 of its Order on request for intervention, the Panel allowed the intervention of the OCA as represented by Sheikh Talal Fahad Al-Ahmad Al-Sabah and granted it the status of a *“third party”* (*tiers intéressé*).

105. This element, second, is corroborated by the main and alternative requests for relief on the merits submitted by the Third Party, which are quasi-identical to the main and alternative

request for reliefs filed by the Appellants. Indeed, where the Appellants requested “(ii) *Mainly declare the decision taken on 19 October by the members of the former Executive Board of the Olympic Council of Asia null and void. (iii) Alternatively, to annul the decision taken on 19 October by the members of the former Executive Board of the Olympic Council of Asia*”, the Third Party requested “Mainly: 2. *Declare null and void the decision taken on 19 October 2023 by the former Executive Board of the Olympic Council of Asia. Alternatively*: 3. *Annul the decisions taken on 19 October 2023 by the former Executive Board of the Olympic Council of Asia*”.

106. Hence, in view of the arguments and requests for relief submitted by the Third Party, its intervention could not have been a principal intervention within the meaning of Article 73 of the CPC.
107. Furthermore, the Third Party had not specifically qualified its request for intervention as “*principal intervention*” and had made no reference to Article 73 or Article 74 of the CPC but solely relied on Article R41.3 of the Code. Thus, the Panel granted the request for intervention pursuant to Article R41.4 of the Code. However, in the Panel’s view, the application of this provision does not allow to draw the conclusion that the intervention at stake was a “principal intervention”. Indeed, although aware of the fact that some CAS panels held that the only statute that can be attributed to an Intervenor pursuant to Article R41.3 of the Code is that of a “party” (CAS 2015/A/4259 and CAS 2022/A/9198), the Panel considers that Article R41.4 al. 5, which provides that the “*the Panel shall determine the status of the third party and its rights in the procedure*” allows to draw the conclusion that the scope of application of this provision is not limited to “principal interventions” but also covers “accessory interventions” in which the Intervenor keeps a statute of “third party” (*tiers intéressé*). The Panel’s position in this regard is corroborated by the fact that other CAS panels have previously come to the same conclusion (CAS 2011/O/2574 and CAS 2013/A/3057).
108. In the present matter, for the reasons already set out above, the Panel considered that the Third Party’s request for intervention did not fulfil the criteria of a “principal intervention” but could be considered as an “accessory intervention”. Given that the Third Party had the same or similar interests than the Appellants, it was manifest that this accessory intervention occurred on the side of the Appellants.
109. In those circumstances, it remains to be ascertained whether, in case of an “accessory intervention” on the side of an appellant, the Intervenor may validly oppose itself to the withdrawal of the claim or the appeal by the appellant.
110. The Panel notes that the Code does not contain any provision on that matter. Accordingly, in line with Article 182(2) PILA, the Panel shall apply Swiss law, which is the *lex arbitri* in the present proceedings.
111. Regarding the rights of the intervenor, Article 76 of the CPC provides:

“The intervenor may carry out any procedural acts in support of the principal party, provided they are permitted at the relevant stage of the proceedings; he or she may in particular make use of any offensive or defensive measures and also seek appellate remedies.”

² *The procedural acts of the intervenor shall not be taken into consideration in the proceedings if they are contradictory to those of the principal party”.*

112. According to literature, except in case of an “independent accessory intervention” (*“intervention accessoire indépendante”, “unabhängige Nebenintervention” or “streitgenössische Nebenintervention”*), which is manifestly not type of intervention at stake in the present matter, Article 76 of the CPC prevents an intervenor from submitting claims or requests which would extend the scope of the proceedings and even adopting a position or submitting a claim or request which are contrary to the position adopted by the party it’s supporting by its intervention (BRUNNER/GASSER/SCHWANDER, ZPO Kommentar, 2. Ed., Art. 76, Zurich, N. 2 and N. 11; SUTTER-SOMM/HASENBÖHLER/LEUENBERGER, Kommentar zur ZPO, 2. Ed., Art. 76, Zurich, N. 8; CHABLOZ/DIETSCHY-MARTENET/HEINZMANN, Petit commentaire, Code de procédure civile, Art. 76, Basel, N. 11; HOFMANN/LÜSCHER, Le Code de procédure civile, 3. Ed., Bern, p. 115).
113. Further, pursuant to this provision, the intervenor cannot oppose itself to the withdrawal or waiver of the claim pursuant to Article 241 of the CPC by the party on the side of which it intervenes (BRUNNER/GASSER/SCHWANDER, ZPO Kommentar, 2. Ed., Art. 76, N. 15; Kommentar zur ZPO, SUTTER-SOMM/HASENBÖHLER/LEUENBERGER, Kommentar zur ZPO, 2. Ed., Art. 76, N. 19-22; CHABLOZ/DIETSCHY-MARTENET/HEINZMANN, Petit commentaire, Code de procédure civile, Art. 76, N. 9; HOFMANN/LÜSCHER, Le Code de procédure civile, 3. Ed., p. 116).
114. It follows from the above that in the case at hand, which concerns an “accessory intervention”, the Third Party cannot validly oppose itself to the withdrawal of the Appeal by the Appellants. Thus, notwithstanding the objection raised by the Third Party, the withdrawal of the Appeal by the Appellants and its acceptance by the Respondent mark the end of the present appeal proceedings.
115. For the sake of completeness, the Panel notes, first, that in absence of a pending appeal proceeding against the OCA with respect to the Appealed Decision, the Third Party’s legal interest, as formulated by the Third Party’s counsels in their email of 15 December 2023 (para. 103 above), drawn from the question as to *“which organ is entitled to represent the OCA in these proceedings”*, manifestly disappears. Second, given that the Third Party’s request to see the present matter suspended pending the awards in the proceedings CAS 2023/A/10232 and CAS 2023/A/10233 has be considered as a request which is contrary to the position adopted by the Appellants, *i.e.* the party it’s supporting by its intervention, the Panel holds that this request has to be dismissed.
116. In view of all the above considerations, the Panel concludes that as a consequence of the unconditional withdrawal of the Appeal by the Appellants, the proceedings CAS 2023/A/10129 General Souhail Khoury & General Mowafak Jomaa v. Olympic Council of Asia are terminated. The Request for Provisional Measures filed by the Appellants is also deemed withdrawn.

IX. COSTS

117. Article R64.4 of the CAS Code provides the following:

“At the end of the proceedings, the CAS Court Office shall determine the final amount of the cost of arbitration, which shall include:

- the CAS Court Office fee,*
- the administrative costs of the CAS calculated in accordance with the CAS scale,*
- the costs and fees of the arbitrators,*
- the fees of the ad hoc clerk, if any, calculated in accordance with the CAS fee scale,*
- a contribution towards the expenses of the CAS, and*
- the costs of witnesses, experts and interpreters.*

The final account of the arbitration costs may either be included in the award or communicated separately to the parties. The advance of costs already paid by the parties are not reimbursed by the CAS with the exception of the portion which exceeds the total amount of the arbitration costs”.

118. Article R64.5 of the CAS Code reads as follows:

“In the arbitral award, the Panel shall determine which party shall bear the arbitration costs or in which proportion the parties shall share them. As a general rule and without any specific request from the parties, the Panel has discretion to grant the prevailing party a contribution towards its legal fees and other expenses incurred in connection with the proceedings and, in particular, the costs of witnesses and interpreters. When granting such contribution, the Panel shall take into account the complexity and outcome of the proceedings, as well as the conduct and the financial resources of the parties”.

119. In view of the fact that the Appellants withdrew their appeal, the costs of the arbitration should, in principle, be borne by the Appellants.

120. However, pursuant to Article 106.3 of the CPC “[i]f three or more persons are participating in the proceedings as principal parties or accessory parties, the court shall determine each party’s share of the costs. It may hold the parties jointly and severally liable”. According to legal doctrine, in particular the authors relied upon by the Third Party, in case of an “accessory intervention”, a part of the costs of the proceedings might be imposed on the intervenor (CHABLOZ/DIETSCHY-MARTENET/HEINZMANN, Petit commentaire, Code de procédure civile, Art. 76, N. 20; SUTTER-SOMM/HASENBÖHLER/LEUENBERGER, Kommentar zur ZPO, 2. Ed., Art. 76, N. 35 and Art. 106, N. 18).

121. Considering that in the present matter the Third Party has been admitted as “accessory intervenor” and that the Third Party’s objection to the withdrawal of the Appeal has led the Panel to hold a hearing, inter alia, in order to safeguard the Third Party’s right to be heard,

which has entailed supplementary costs, the Panel deems it unfair to make the Appellants support the full costs of the present arbitration.

122. Hence, taken into account that the appeal has been withdrawn by the Appellants and that some costs have been caused by the position adopted by the Third Party in regard to this withdrawal, the Panel considers that it's fair and reasonable to order that the costs of the arbitration, in an amount that will be determined and served on the Parties by the CAS Court Office, shall be borne for 40% by the Third Party and for 60% by the Appellants.
123. (...).
124. (...).

ON THESE GROUNDS

The Court of Arbitration for Sport rules that:

1. The procedure *CAS 2023/A/10129 General Souhail Khoury & General Mowafak Jomaa v. Olympic Council of Asia* is terminated and removed from the CAS roll.
2. The costs of the procedure *CAS 2023/A/10129 General Souhail Khoury & General Mowafak Jomaa v. Olympic Council of Asia*, to be determined and served on the Parties by the CAS Court Office, shall be borne for 40% by the Olympic Council of Asia – as represented by Sheikh Talal Fahad Al-Ahmad Al-Sabah and for 60% jointly by the General Souhail Khoury and General Mowafak Jomaa.
3. (...).
4. All other and further motions or prayers for relief are dismissed.