

Decision of the adjudicatory chamber of the Ethics Committee

Taken on 18 November 2020

COMPOSITION:

Vassilios Skouris, Greece (Chairman)
Mohammad Al Kamali, UAE (member)
Melchior Wathelet, Belgium (member)

PARTY:

Yves Jean-Bart, Haiti

Regarding an infringement of the FIFA Code of Ethics (adj. ref. no. 3/2020)

I. FACTS OF THE CASE

A. PROCEEDINGS BEFORE THE INVESTIGATORY CHAMBER

a) Procedural background

1. Mr Yves Jean-Bart (“Mr Jean-Bart”, “the official”, also known as “Dadou”), national of Haiti, has been the president of the Fédération Haïtienne de Football (“FHF”) since 2000. In addition, Mr Jean-Bart was a member of the Committee for Women's Football and of the FIFA Women's World Cup™ from 27 September 2002 until 11 November 2005, member of the Member Associations Committee from 2 December 2005 until 2 January 2012, and member of the Organising Committee for the FIFA Confederations Cup between 3 January 2012 and 18 January 2017.
2. On 25 April 2020, a number of serious allegations of “systemic rapes and other sexual abuses within the FHF” became public in several media publications.
3. On 30 April 2020, the newspaper *The Guardian* published an article according to which Mr Yves Jean-Bart (president of the FHF) allegedly coerced several players at the Centre Technique National in Croix-des-Bouquets (hereinafter “the Centre”, “the Ranch”, “Kan Nou”) into having sexual intercourse.
4. On 1 May 2020, the investigatory chamber of the FIFA Ethics Committee (hereinafter the “investigatory chamber”) contacted the Confederation of North, Central American and Caribbean Association Football (hereinafter “CONCACAF”) to inquire into the allegations and subsequently requested all the information and documentation in its possession, or within its reach, in relation to the accusations.
5. On 4 May 2020, Mr Jean-Bart voluntarily provided FIFA with his position regarding the allegations published by *The Guardian*. The same statement was shared and forwarded to the FIFA Ethics Committee by the FIFA administration pursuant to article 18 of the FIFA Code of Ethics 2019 edition (FCE 2019).
6. According to Mr Jean-Bart’s statement, [Journalist 1], co-author of *The Guardian* news article, serves the interests of hostile parties at the FHF and lacks the credentials to make legitimate claims. Mr Jean-Bart also stated that, in February 2020, *The Guardian* forwarded a questionnaire to the FHF regarding allegations of sexual abuse, whose responses went unnoticed and were not taken into account in the first article. Mr Jean-Bart further mentioned that, as an expression of the FHF’s good will to solve and clarify these claims, in March 2020, the National Network for the Defense of Human Rights (RNDDH) was invited to conduct an internal investigation within the FHF.
7. In addition to his statement, Mr Jean-Bart provided several annexes which contained:
 - a variety of communications between [Journalist 1] and himself with regards to the allegations made against Mr Jean-Bart;
 - Mr Jean-Bart’s response to [Journalist 2] (also one of the authors of the publications in *The Guardian*) in regard to the allegations of sexual abuse;
 - diverse screenshots of conversations between alleged victims and [Journalist 1].

8. Through its letter dated 5 May 2020, CONCACAF responded that it did not have supplementary information nor documentation regarding the allegations. Additionally, CONCACAF informed the investigatory chamber that it did not have an established Ethics Committee at confederation level, and therefore, it was unable to properly investigate the case further.
9. On 11 May 2020, taking account of the relevant information and documentation obtained throughout the preliminary stage of the investigation, and pursuant to articles 60 and 62 par. 1 of the FCE, the chairperson of the investigatory chamber of the FIFA Ethics Committee (hereinafter “the investigatory chamber”) determined that there was a prima facie case and opened a formal investigation proceedings against Mr Jean-Bart for possible violations of articles 13, 23 and 25 of the FCE 2019.
10. Due to restrictions implemented as reason of the COVID-19 pandemic, it was considered that the proper establishment of the facts of the case would require investigatory queries that could not be fully performed by the members of the Secretariat of the investigatory chamber (i.e. on-site visits and face-to-face interviews with parties involved). Consequently, on 11 May 2020, the investigatory chamber appointed an ad hoc panel, composed by Ms Fiammetta Cappellini, Ms Marie Doty Jean Charles Zephir and Mr Jacques Letang.
11. The ad hoc panel was established with the purpose to locally implement all the necessary investigative enquiries determined and assigned by the Chairperson of the investigatory chamber, in order to properly assess the relevant facts related to the allegations of the case in accordance with art. 64 par. 3 of the FCE.
12. Additionally, and as part of these proceedings, the investigatory chamber has been in continuous contact with two non-governmental organizations – Human Rights Watch (“HRW”) and the Fédération Internationale des Associations de Footballeurs Professionnels (“FIFPro”) (jointly hereinafter as “NGOs”) - which are entities dedicated to the protection of women’s human rights and that have extensive expertise in assisting victims of cases related to conducts of sexual abuse.
13. The ad hoc panel collected various information on the spot and interviewed several people, including Mr Jean-Bart and members of the technical staff
14. On 21 May 2020, the ad hoc panel submitted to the Secretariat of the investigatory chamber the report released on this same date by the RNDDH of Haiti, member of the International Federation of Human Rights. According to this report, on 10 March 2020 the Secretary General of the FHF had requested the RNDDH to conduct an independent investigation on the organization of the FHF in order to protect its reputation which, according to the Secretary General, was endangered by serious allegations - made by a French journalist - of sexual abuses happening in the Centre.
15. As part of this investigation, the RNDDH met with the President of the FHF as well as twenty-five other people working in the football sector, of which seven requested anonymity. They are executives of the FHF, players, managers of clubs and sports journalists.
16. In this framework the RNDDH sustained that taking into account both the statements made to the RNDDH and the number of people who requested anonymity for personal reasons and / or for fear of reprisals, the RNDDH is convinced that the president of the FHF, Yves Jean-Bart as well that his cartel can overshadow an impartial judicial inquiry. As a consequence, the RNDDH recommends, amongst others, that the FHF president Yves Jean-Bart should step aside from the presidency of the FHF so that the judicial investigation can be conducted with confidence.

17. The same recommendation was shared by the ad hoc panel based on a general sentiment emerging from the wide public debate of the facts in questions and the widespread tendency of the public opinion to identify the FHF with its president.
18. Furthermore and according to a publication of the organization HRW, the latter urged FIFA to suspend the president , Mr Jean-Bart, founding its call on the above mentioned report of RNDHH as well as on an interview held by this organization with at least one victim who was threatened into silence. In addition, HRW stated that *“Moving immediately to suspend Haiti’s federation president and any implicated officials while these serious allegations are investigated would signal that FIFA intends to safeguard young athletes from retaliation”*.
19. On 25 May 2020, Ms Minky Worden from HRW verbally confirmed the truthfulness of the above mentioned content and the HRW’s willingness to fully cooperate in the ongoing investigations opened against Mr Jean-Bart, provided that the safety of the alleged victims is guaranteed.
20. On the same day, considering the information contained in the RNDDH’s report as well as the recommendation made by both HRW and the ad hoc panel, and with the aim to ensure that the proceedings were dealt without any interference and to safeguard that the testimonies were given freely without any type of pressure or fear or reprisals, the chairperson of the investigatory chamber imposed a provisional ban of 90 days against the president of the FHF, Mr Jean-Bart, from taking part in any kind of football-related activities at national and international level (administrative, sports or any other) in accordance with article 84 of the FCE 2019. The decision was communicated to Mr Jean-Bart on the same day.
21. On 28 May 2020, Mr Jean-Bart sent a statement to the investigatory chamber through which, in summary, he expressed that:
 - He did not have the intention to appeal the decision of the chairperson of the investigatory chamber of imposing such provisional measures;
 - He categorically rejected the accusations made against him;
 - Such allegations were part of a conspiracy against his persona;
 - He believed that the opening of proceedings, before the investigatory chamber and the judicial system in Haiti, would eventually restore his reputation; and,
 - He would continue to collaborate in the establishment of the facts.
22. At the beginning of July 2020, the investigatory chamber mandated Signify Group Ltd. (hereinafter “Signify”), an independent IT consultancy company, to conclude a digital investigation utilising Open Source Intelligence (OSINT) techniques and technology to support the investigatory chamber’s investigations into allegations of sexual abuse inside the FHF. The Signify’s investigation included researching data points and information passed on by the investigatory chamber, in specific social platforms where there might be substantial digital discussion around these events (allegations) and the persons involved (identified parties) including both current and historic material.
23. On 5 August 2020, Signify delivered its final report to the investigatory chamber, which generally described that:

- several allegations of sexual abuse were made in social media way before April 2020, when the first media report was published;
- it also provided information about the close personal contacts that Mr Jean-Bart had with other accused individuals, i.e. Messrs [FHF official 1] and [...]; and,
- it supplied various images and videos where it can be corroborated that, in several occasions, young female players visited the [Hotel], one of the alleged locations where the sexual abuse apparently occurred.

24. On 13 August 2020, FIFPro provided the investigatory chamber with an extensive report containing their findings in regards to the allegations of sexual abuse in the Centre. In this report, FIFPro informed that they have been able to identify thirty-four possible victims of sexual abuse and ten potential perpetrators, including fourteen names of potential victims of Mr Jean- Bart.

25. On 14 August 2020, in anticipation of the expiry date of the initial 90-day ban (24 August 2020), the chairperson of the investigatory chamber submitted several arguments before the adjudicatory chamber of the FIFA Ethics Committee (“adjudicatory chamber”) for its consideration, and requested an extension of the provisional ban for another 90-days, pursuant to article 85 par. 1 of the FCE. Such request was based on the following exceptional circumstances:

- a) That the ad hoc panel has collected various information on the spot and interviewed several people, including statements from Mr Jean-Bart and members of the FHF’s technical staff. Based on their findings, the ad hoc panel has issued different reports which have illustrated the gravity of the situation within the FHF. The members of the referred panel have been able to interview numerous third-parties who have confirmed the allegations of a systematic cooperate net of sexual abuse that is reportedly taking place at the facilities of the Centre Technique National in Croix-des-Bouquets (and other places) by high-ranking officials within the Haitian Football Federation, including Mr Jean-Bart.*
- b) That the members of the ad hoc panel maintained that the primary reason why victims and other witnesses had not been able to speak-out, was because of the authoritarian and economic power that Mr Jean-Bart appears to have in Haiti and because of fear of reprisals towards the victims or the victims’ relatives.*
- c) That after several communications, both HRW and FIFPro have reported to the investigatory chamber that they have identified more than thirty names of alleged victims who were not only allegedly abused by Mr Jean- Bart, but also by other perpetrators and accomplices at the Centre Technique National in Croix des Bouquets and other venues located in and outside Haiti.*
- d) That the mentioned NGOs have been able to gather direct evidence and establish direct contact with at least fifteen victims and witnesses who have provided them with declarations and statements. However, the NGOs made emphasis that witnesses and victims were still very afraid and reluctant to participate in the investigation proceedings, as some of them reported to have been approached by anonymous persons offering them money or making threats.*
- e) That the leading therapist working with HRW confirmed in writing to this chamber that, since May 2020, she is providing trauma clinical services to both witnesses and victims for the case concerning allegations of rape and sexual abuse perpetrated at*

the Centre Technique National in Croix des Bouquets in Haiti. The therapist further manifested that, the majority of the victims/witnesses are still working on regaining a sense of psychological safety and that, since they have not fully processed their traumas, in their present state, they cannot give testimony as this might create further trauma or regress in their progress.

- f) *That both the ad hoc panel and the NGOs were of the opinion that the allegations of sexual abuse in the Centre Technique National in Croix-des-Bouquets seem to be of a more cooperate/cartel organization. In other words, that there are more than just one person involved which echoes a systematic and widespread pattern of abuse within the FHF. As a consequence of the above and based on the evidence at hand, the investigatory chamber was capable of isolating the names of other football officials within FHF that have been identified as potential perpetrators and/or facilitators.*
- g) *Finally, that Mr Jean-Bart could potentially impede investigation proceedings if he continued to run the association as he is still the president of the FHF, being the highest ranking official within the Haitian Football.*

26. On 19 August 2020, the chairperson of the adjudicatory chamber - Mr Vassilios Skouris ("the Chairperson") decided, in application of article 85 par. 1 of the FCE, to extend the provisional sanctions imposed by the chairperson of the investigatory chamber on Mr Jean-Bart for an additional period of 90 days, which started upon the expiry of the initial 90-day period.

27. On 21 August 2020, the Chairperson of the investigatory chamber, Ms Maria Claudia Rojas, accordingly to the finding and reports of the ad hoc panel and NGOs and with reference to article 59 paras. 2 and 3 of the FCE, decided to open preliminary investigations against several football officials within the FHF for their possible participation, either as principal, accomplice or instigator, in the alleged conducts of sexual abuse.

b) Findings of the investigatory chamber

28. In its final report ("the Final Report") submitted on 14 October 2020 to the adjudicatory chamber, the investigatory chamber listed various evidentiary sources on the basis of which it reached its findings.

29. First, two witnesses (Victim A and Victim B) provided their respective testimonies to the investigatory chamber.

30. Victim A, who was directly interviewed by the ad hoc panel, stated the following:

*"I was part of the U15 selection, my first match with the national selection took place in [...]. The team was accommodated in a hotel whose name I cannot remember. There was a player who came from the United States with her mother who stayed in a room next to Dadou's Room (Yves Jean-Bart). **And after the match when they left, Mr Dadou [Mr Jean-Bart] gave me the key to the other room asking me to join him there and I had not accepted his offer. Since I didn't want to, he gave up. Since then he started to intimidate me.***

*Usually every Easter season the team would go to play in [...]. Once, we met there to play with the U17 team. We were staying in a hotel. **President Yves Jean-Bart called me on the phone to ask me to come and see him. When he arrived he gave me a pack of panties. I said thank you and when it was time to leave he offered me to stay with him in his room. He told me to***

stay with him and suddenly pulled me towards him. And I pushed him and he fell on his bed. And back at the center, it was as if I no longer exist in the eyes of everyone. I was in final year and was going to take the classic graduation exams. We were three (3) in final class. Me and [...] both passed the exams. I had contacted Mr Dadou to tell him that I passed the exams and ask what the other steps would be. He told me that he did not have a contract with us for the University. And I said to him: can I register for an English course and I will pay for it myself. And **he replied that as long as I keep my position with him, I will have nothing.** [...]

When I noticed that I had no alternative in Kan Nou, as I had fallen ill I decided to return to my family in [...]. And I made the decision not to go back. **No one had contacted me to ask me the reasons for my departure.** I was about to reconnect with Dadou when I was contacted by the [...] University for a scholarship. I contacted him twice to ask him to return my passport which he kept. **This is to be able to apply for a student visa. He didn't want to give it back to me unfortunately.**

When I saw this, I decided to apply for another passport. I got it but I was refused the visa at the embassy. So because of him, I lost the opportunity to go abroad to study.

I had taken personal steps to get him to hand over my passport to me, but it was in vain. When I went to [media channel] to talk about this, they refused me access so as not to tarnish the image of Dadou, Yves Jean-Bart. My relatives advised me to drop this case so as not to be a victim a second time. Since then, I no longer speak about this case.

I started talking about it when I learned that there were institutions like "Kay-fanm" and you "FIFA Panel" who wanted to hear me and that these institutions were going to do so in full confidentiality and security. That's when I started to feel free to talk.

What I want is to get my passport back and my safety is guaranteed. If Dadou knows that I have testified against him, anything can happen to me and my family. Because he knows where he can find me, [...]."

[Emphasis added; free English translation]

31. Victim B, made the following most notable statements in his/her written testimony:

*"While continuing my academic activities, I spent [...] years at the Centre training to be able to play the U-17 Championship which was to take place in the [...]. It was [...]. When we arrived in the [...], the supervisors distributed the rooms at the rate of two players per room. A few days later, Mr Jean-Bart summoned me to his room. **He then offered me the key to another room** right in front of his. I took the key. But, I continued to sleep in the room where the framer had placed me. Mr Jean-Bart didn't said anything to me until the team returned in [...]."*

*Back in Haiti, it was already Lent. As is his custom, Jean-Bart took the entire U-17 team on vacation to Aquin, his hometown. When we arrived we were put in our respective room. The next day, Mr Jean-Bart called me on the phone to invite me to his room. When I got to the room, I found him lying in bed. **He handed me a bag of panties as a gift.** I quickly thanked him so I could go. **He called me back and pulled me closer to his body. At that point, he started to touch me. When I realized what was going on, I pushed him and fled the room.** After three days, I left Aquin. He never called me back to him.*

After this incident, I returned to the centre to continue training and go to school. When the holidays arrived, I returned to my family in [...]. On the day when I had to return to the centre,

*Mr Jean-Bart called me on the phone to tell me that he was in [...], not far from my home, and that he was going to send his driver to pick me up so that I could return to the Centre. I told him that there was no problem, as I had already planned to go back the next day. Me and [...] who was also admitted to the Centre got into the car which already had two other people on board with Mr Jean-Bart. These two people were seated in the front. But my cousin and I were at the back, against Mr Jean-Bart. **Throughout the trip, Mr Jean-Bart kept touching me. And I always pushed him away to leave me alone.** Arrived at the centre, we got out of the car and he left. **From that day on, every time he sees me on the court he never stops telling me that I will never progress to the centre and he will never lift a finger in my favour to help me in anything.***

In [...], I completed my classical studies. Despite my parents' willingness to pay for my university education, Mr Jean-Bart has declared that he will not let any of the children go to university. But, that was a lie, since in the meantime there were two girls of us who continued their study outside of the centre without any problem even though they had completed their classical study at the same time as me. So, I lost a year of my life, because since then I have stayed at the centre just to eat, drink and train without being able to go to school. It pained me a lot, because I was the only one in the centre who stopped studying at that time. [...]

*Thanks to the approach of a relative, I was able to benefit from a scholarship in [...]. The University sent me the documents so that I could apply for the student visa at the embassy. So I went to the centre to collect my documents and my passport. **Mr Jean-Bart refused to give me the passport. In [...], I returned to the centre twice to collect the passport. Mr Jean-Bart has kept his firm decision not to give it to me and has informed me that as long as I continue not to have a relationship with him, he will never listen to me, he will do nothing for me.** So I lost the scholarship. Since that day, I have not been able to complete my studies. **The passport is so far at the Centre. It was never given to me.***

I feel that it is my whole life that Mr Jean-Bart has shattered. I was admitted to the centre with the dream of becoming a professional player who graduated. In the end, this dream never came true. I didn't even finish my studies, because I didn't agree to sell my body to Mr Jean-Bart [...]"

[Emphasis added; free English translation].

32. Among the NGOs with which the investigatory chamber has been collaborating along the investigatory proceedings, HRW and FIFPro were identified as the institutions that were able to establish direct communications with the victims and witnesses.
33. Both HRW and FIFPro have coordinated with a multidisciplinary team of trauma clinicians, led by [US Trauma Specialist], who have been providing assistance the some of the identified victims and have been coordinating financial and security aid to be provided by FIFA to the witnesses and victims.
34. On 22 May 2020, HRW made a public statement in connection with the allegation of sexual assault against Mr Jean-Bart. Through this media release, HRW informed that they have established contact with a former Haitian female player who was part of the national team and who has reported that Mr Jean-Bart used promises of contracts or scholarships and the threat of expulsion from the national training Centre as a way of pressuring the young female players into having sex. In addition, the former player explained that when she was trying to advance her career as a professional player, she was told that her contracts and “my chance to play overseas depended on sleeping with the president.”

35. According to the report provided to the investigatory chamber on 13 August 2020, FIFPro was able to make direct contact with one victim, collected direct evidence/testimonies from three witnesses and established indirect contact with many other victims/witnesses.
36. In regards to the allegations of sexual abuse and harassment within the FHF, the following conclusions are inferred from the direct statements given to FIFPro:
1. *“It was well-known at the Ranch that one of the players was raped so violently by Mr Jean-Bart at his cousin’s house that the cousin had been angered and was overheard complaining that all the blood had ruined their couch. The player was 14 at the time.*
 2. *This player was thereafter not permitted to go home and see her family in the summer holidays for fear she would tell her family. Instead, Mr Jean-Bart would arrange for her to stay in a hotel. He bought her parents a little house to placate them. She, and many of the girls from very poor backgrounds, became known as his “restaveks”, a Haitian term for a child slave.*
 3. *Mr Jean-Bart was regularly seen leaving with young players from the Ranch after 10pm in the evening and returning at 2 or 3am in the morning. He had many “habitual mistresses” among the players*
 4. *Mr Jean-Bart on at least one occasion in or around 2016 had sex with a player at the Ranch.*
 5. *Mr Jean-Bart would register players for trips abroad, even those who were either clearly sub-par from a playing perspective or who were injured and unable to play. For example, he took one player to a training camp in the [...] even though she was injured and could not play. When this was queried by staff Mr Jean-Bart said that her presence would help the team be more focussed. This was not believed by staff. Instead, it was alleged that the player’s family had “caused problems” and therefore that Mr Jean-Bart needed to take her out of the country to have access to her. In addition, Mr Jean-Bart and this player stayed in a different hotel than the rest of the team. The fact that the player did not stay with her teammates further cast doubt on Mr Jean-Bart’s assertion that her presence on the trip was justified in order to keep the team focussed.*
 6. *On another occasion in or around 2017 Mr Jean-Bart was seen at a hotel with one player (who was broadly considered to be a much less able player than her teammates, which had already raised suspicion about her inclusion in the squad). In addition, a close associate of Mr Jean-Bart had (informally) bemoaned the fact that Mr Jean-Bart had been staying at the hotel with that player for the entire weekend, when the Ranch staff had believed her to be going home to visit her family.*
 7. *[...] is alleged to be one of the individuals who sought to coerce and persuade players to attend private meetings with Mr Jean-Bart, in the knowledge that he would rape and/or seek to leverage his influence to procure sexual favours.*
 8. *[...] would tell players that they were at risk of being dropped and the coach had expressed his disappointment but that “Dadou loves you, and if you show him you love him he will look after you.” Another witness described [...] as “making threats to the girls that they would be kicked out of the selection” if they did not comply with Mr Jean-Bart’s sexual advances. [...]’s behaviour was so problematic and widespread*

that staff at the Ranch agreed to appoint someone specifically to try to prevent [...] from being alone with any of the girls.

9. *[...] was overheard loudly complaining and fretting about the pregnancy of a 14-year-old girl and his concerns over his own job on the day that she was collected from the Ranch by an HFF official and taken to have an abortion. She was five months pregnant at the time.*
10. *When asked why the witness(es) thought Mr Jean-Bart was responsible for the 14-year-old's pregnancy, they stated three reasons: first, [...]’s concern about this being his “responsibility”; second, that girl was very young and therefore had not been permitted to leave the Ranch unaccompanied; and third that when there had been previous pregnancies (in the adult players) no officials from HFF had ever offered assistance or guidance in those circumstances. Instead, any pregnancy would automatically mean the player was dismissed from the Ranch. When the 14-year-old player returned, she was unable to train for unspecified medical reasons which heightened suspicion, because she had not been injured previously.*
11. *Mr Jean-Bart and other senior members were so powerful they acted with impunity and openly referred to some of the young players as their “wives”. Staff at the Ranch were generally not permitted to speak to these players privately. If Mr Jean-Bart saw the staff doing so he would shout at them, using words to the effect of “don’t ever talk to this girl, she is my wife”, and on occasion punish them by firing them or withholding pay.*
12. *One witness described Mr Jean-Bart as a “dishonest and unscrupulous person who let his sexual compulsion take the best of him and used the football to realise his desires.”*
13. *One witness raised serious concerns about the process of appointing Mr Jean-Bart’s successor, and stated that Mr Jean-Bart had clearly influenced the process. One potential candidate is thought to have received threats stating that they would be attacked. One witness said “In Haiti the situation is very bad so with money he can bribe people and get them to say yes”. In practice, Mr Jean-Bart is still running things behind the scenes.*
14. *Before the Ranch was created there were rumours of abuse but there was an “omertà” and no one spoke about it. At the time, the players were older (18, 19, 20-years’ old). But when the Ranch was built it gave Mr Jean-Bart and other alleged abusers access to younger girls and boys.*
15. *At present, players at the Ranch are being very closely scrutinised and all attempts are made to prevent anyone who may talk about abuse to speak to outsiders in private. This was corroborated by multiple witnesses. They explained that, when COVID first broke, the Ranch staff was stripped down to only the essential people to cook and care for the girls and that they were all put in confinement. As lockdown started to ease there were efforts to get the administration up and running again (on or around 1 July 2020) but Mr Jean-Bart blocked this. Our witness said that this was “so no one else could go there.” Even now, attendance at the Ranch is closely scrutinised.*

16. *All witnesses confirmed that “everybody is scared” because Mr Jean-Bart is a very powerful man and the security situation in Haiti is such that little formal protection can be offered or relied upon.”*
37. In addition, FIFPro has stated that, there was sufficient evidence to suggest that the Centre was being used as enticement for minor football players coming from poor backgrounds who were groomed and threatened into sexual abuse. Apparently, money, food and other benefits were used to induce and coerce young players into sexual acts.
38. FIFPro also maintained that the Centre was not the only place where the conducts were executed and that Mr Jean-Bart was also not the only football official involved in the perpetration of the abuse.
39. In its report, FIFPro mentioned that two separate sources, players who never played on the same team, informed of a “competition” among senior officials of the FHF where the goal was to rape as many girls and/or take as many girls’ virginity as possible. Following, FIFPro listed several individuals who were additionally identified as potential perpetrators.
40. In addition to the documents and evidence provided by the HRW and FIFPro, the investigatory chamber and the ad hoc panel carried out direct interviews with several individuals that made declarations about their own experiences at the FHF and at the Centre.
41. For example, Coach 1 emotionally admitted, towards the end of her/his interview, to have witnessed very inappropriate behaviour in the Centre and manifested that many female players were controlled by the FHF management in exchange of favours.
42. Another witness, Mr Antoine Doret – former technical director of the Centre, stated that "everything that is said is true" ... "Everyone in the executive committee is aware, the people in the street, the people who work at the center as well." [Free English translation]. He declared that Mr Jean-Bart was not the only person responsible and that other people were involved as well, such as coaches who work (or used to work) in the Centre. Mr Doret evoked the fact that Mr Jean-Bart had previously sanctioned or dismissed some coaches because of this same problematic. Mr Doret also provided some names of potential victims, described certain situations that occurred while he was working at the Centre and added that Mr Jean-Bart regularly used the pretext of driving the girls to visit the doctor, so that he could take the girls out of the Centre alone. Finally, Mr Doret also accused [FHF official 2] of being a matchmaker and [FHF official 3] for facilitating Mr Jean-Bart's entry into the Center at night.
43. Witness 1, a former FHF employee/official, was interviewed by the ad hoc panel on 5 August 2020 and stated that:
- Mr Jean-Bart exercised an autocratic power in FHF, while other members of the executive committee were only make up figures;
 - Mr Jean-Bart integrated his son Yves Robert Jean-Bart into the administration of the FHF, although the latter had neither the skills nor qualifications for such role;
 - Player A (22 year old) was one of the victims of sexual abuse and the case of Player B (aged 17-18) led to a dispute between the girl's father and Mr Jean-Bart, who did not want to hand over the Player B’s passport when she left the Centre;

- Mr Jean-Bart usually held the passports of all the players as a way to manipulation and one of the reasons that would prevent victims and witnesses from testifying and/or leaving the Centre;
- [FHF official 2], a supervisor in the Centre, behaved like a matchmaker between the girls and Mr Jean-Bart, taking the girls to the president and threatening to fire those who do not want to;
- Mr Jean-Bart's modus operandi to take young players out of the Centre was to insinuate that he is taking them to the hospital in his car;
- despite the provisional measures/sanctions imposed on him (by the FIFA Ethics Committee), Mr Jean-Bart had been visiting the Centre at the night with the help of officials attached to the FHF.

44. In his written statement provided on 27 September 2020, Witness 1 testified:

"Mr Yves Jean-Bart is almighty; he is protected by the rotten judicial system of our society. Victims as well as their parents are afraid to denounce him for fear of retaliation. He [Yves Jean-Bart] hides behind an old legal proverb that says all advanced facts must be proven to claim his innocence.

[...], a [...] -year-old girl from [...], was taken in 2016 to a medical clinic under the orders of Yves Jean-Bart to "liquidate" a 5-month-old fetus. After the operation, [FHF official 2] took charge of keeping the girl at home for 30 days. Doctors [...] and [...] helped in the accomplishment of this dirty work. Both (2) are part of the medical technical staff of the national selections.

[...], a girl who entered the center at the age of [...]. Yves Jean-Bart helped by [FHF official 2] and [FHF official 5] as intermediaries, have forced the relationship between the president and [...]. It is from this relationship that [...] lost her virginity. During the period of confinement, Dadou Jean-Bart was still in charge, and the poor [...] was forced to leave the center to return to her hometown [...] ... Driven by jealousy, the almighty Dadou sent [...] away and summoned her parents to pay an exorbitant sum as compensation for training received during the years spent at the FIFA Goal center.

The case of [...], a [...] year old girl kidnapped on [...] in her home in [...] at around [...]. Dadou himself intervened to force the supervisor to the minor arguing that her father is sick and that she must leave. Early in the morning of [...], Dadou Jean-Bart brought the girl back for everyone to see.

[...] is currently [...] years old, and it is often reported that [FHF official 2] is at the origin of her sentimental relations with Dadou, a story that dates back a very long time.

When travelling abroad for international competitions, we also learned that some players missed training sessions and Dadou keeps them in his room for coitus. Both national and international coaches can testify that some of them have had heated discussions with Dadou about this unhealthy practice.

[...] during her stay at the academy camp had to do two curettages. It is [FHF official 6] who was in charge of taking her to the hospital and bring her back to the Center. Dadou had managed to isolate her from her father, and feeling threatened by the behavior of the almighty in his scenes of jealousy she was forced to leave the center in [...]. Dadou refused to give her

her passport back and this caused a scandal between him and her father who swore to avenge his daughter by all means. [...] is currently living in [...] and is under strong pressure from the former president's henchmen.

[FHF official 7] had to be prosecuted, it has often been said that she is more dangerous than [FHF official 2]. Her house is used as a transit base to accommodate the minors; it is a refuge where all kinds of exchanges occur between Dadou and the girls. Medical consultations are always used as passwords to take the children out of the center."

[...] "On Wednesday, September 23, 2020, Carlo Marcelin the secretary general of the FHF called me to tell me some damning news. Minmin told me: "FIFA has received an email from the President Variéno Saint Fleur in which you and [...], a player agent, are accused of sexually abusing the minors of the center." It is an act of "Piracy" that could come from Dadou and his son Yves Robert Jean-Bart (Papito) he concluded."

[Free English translation]

45. Witness 2, a former FHF official interviewed by the ad hoc panel on 5 August 2020, provided several names of players who were allegedly sexually abused and some details of the situations they were in:
- In 2018, Player C was reported missing. When the girl was found, she would have suffered sexual violence according to a medical certificate issued by the Prenm Menm clinic of Médecins sans frontières. Witness 2 stated that no action was taken on this matter.
 - Witness 2 accused Mr Jean-Bart of having sexual relations with Player D in 2002. "*He [Mr Jean- Bart] called me to meet in his room, arrived in the room, I saw [Player D], the player lying in bed in her dressing gown.*"
 - Additionally, Witness 2 stated that Player E has recently left the Centre, before the lockdown imposed by the COVID-19 regulations, after she was discovered pregnant.
 - Witness 2 also maintained that Player F was expelled from the Centre because she refused to have sex with Mr Jean-Bart despite several attempts. Mr Jean-Bart apparently confiscated her passport for a while and was blackmailing Player F with her visa.
46. In addition, Witness 2 said that Mr Jean-Bart used [FHF official 2] to convince the girls to sleep with him (by forcing and threatening the girls with expulsion from the Centre), that the president would tell the FHF's administration that he was personally driving the girls to the hospital (in order to go out with them), and that he often bought underwear and branded phones for girls. Witness 2 also mentioned that Mr Jean-Bart continues to frequent the FHF amenities at night with the help of [FHF official 3] who is the girls' main supervisor, despite the imposition of provisional sanctions against him. Finally, Witness 2 accused Mr Jean-Bart of using influence peddling to silence anyone who opposes him or his decisions.
47. Another person interviewed by the ad hoc panel was Player 1, a girl who was staying at the Centre at the time of the interview, and who, while denying to have been abused or harassed by Mr Jean-Bart herself, confirmed that she had often heard girls saying that there were football leaders who want to have intimate relationships with them. She also stated that all

passports of the players staying at the Centre were kept at the FHF's office, that they were provided to them only when they played outside Haiti and that the players would return them to the FHF immediately upon return.

48. Another written submission was received from [FHF official 4], against whom preliminary investigations were opened on 21 August 2020. [FHF official 4] stated that the list of persons/players who applied for visas previous to tournaments were prepared by the coaches and handed to the FHF President (Mr Jean-Bart) for his approval, and that Mr Jean-Bart would then prepare the final list personally (sometimes with the help of his son) without the knowledge of others, including even the FHF General Secretary (sometimes). [FHF official 4] also admitted being the custodian of the players' passports, which were kept in a safe in his office at the FHF's facilities, and stated that, in order for a passport to come out, a memo from the President was always needed, indicating that Mr Jean-Bart had full control over the exits of the passports. [FHF official 4] added that Mr Jean-Bart had made it clear to all the players, technical and administrative staff of the Centre that, he alone had the authority and decision-making power concerning Women's Football in Haiti. Finally, [FHF official 4] mentioned that, whenever a girl from the Centre had a problem, no one except Mr Jean-Bart was allowed to go out with them, specifying that "*his [N.B. Mr Jean-Bart's] car is always full of players*".
49. In relation to the possibility to give testimony of the victims and witnesses who were/are in contact with the HRW and FIFPro, the investigatory chamber received a letter on 10 August 2020 from [US Trauma Specialist] – the leading therapist of the multidisciplinary group of trauma clinicians providing psychological assistance to the identified victims. In the letter, [US Trauma Specialist] confirmed that, since May 2020, she and her team have been providing trauma clinical services to both witnesses and victims for the case concerning allegations of rape and sexual abuse perpetrated at the Centre. She further manifested that, the majority of the victims and witnesses were still working on regaining a sense of psychological safety and that, since they have not fully processed their traumas, in their present state, they were not able to give testimony as this might create further trauma or regress in their progress.
50. In the Final Report, the investigatory chamber mentioned that most of the victims and witnesses that collaborated in the proceedings were extremely frightened and asked that safety and/or anonymity was guaranteed. According to the FIFPro report of 13 August 2020, witnesses complained about the fact that Mr Jean-Bart still regularly visited the Centre and other FHF's facilities, giving away money (as a form of bribes) and informing everybody that he would be back once the provisional measures expired. It was alleged that Mr Jean-Bart was using this argument to convince/coerce victims and staff within the FHF that shortly he would be back in charge of the federation, and consequently, prevented them from giving any type of testimony.
51. HRW also released various statements reporting threats against witnesses and victims, referring to "survivors of sexual abuse, including men and women's national team players and officials. In recent weeks, several of them said they have been followed or threatened, or have received suspicious offers of assistance, and believe the threats or overtures are efforts to intimidate them from cooperating with judicial authorities or the FIFA investigation of Jean-Bart". Some examples include "offering large sums of money or jobs in exchange for silence and sending armed men to monitor homes or workplaces. Unidentified men have appeared at a witness's home in Haiti when they were not present, and started shooting possessions and ransacking it."
52. Furthermore, it appears that in the month of July 2020 a number of passports belonging to young female players, including Victim A and Victim B, were extracted from the office of [FHF

official 4], according to the latter's written statement. Mr Carlos Marcelin, FHF General Secretary, conducted an investigation and explained that [FHF official 3] admitted it was her, together with another person ([FHF official 5]) who retrieved 11 passports from [FHF official 4]'s office, on request from Mr Jean-Bart, who was provisionally sanctioned with a ban from taking part in any football-related activities at the time.

c) Conclusions of the investigatory chamber

53. Based on the above findings and after a legal analysis, the investigatory chamber concluded that:

- a) Mr Jean-Bart has violated article 23 paras. 1, 3 and 4 of the FCE 2019, when he engaged in acts leading to sexual abuse and harassment committed against underage female players and by threatening and preventing potential victims and witnesses to give testimony.
- b) Mr Jean-Bart has breached additionally article 25 par. 1 of the FCE 2019, by abusing his position while exercising an authoritarian regime over the FHF's administration.

54. The investigatory chamber also concluded that, although art. 13 (General duties) had been breached, such violation was to be considered as consumed and absorbed by the principal and more serious breach of art. 23 of the FCE.

B. PROCEEDINGS BEFORE THE ADJUDICATORY CHAMBER

a) Opening of adjudicatory proceedings

55. On 14 October 2020, Mr Jean-Bart was informed that the adjudicatory chamber had opened proceedings based on the investigatory chamber's Final Report as per art. 68 par. 3 of the FCE 2020 edition (hereinafter "the FCE"). He was also provided with the Final Report and investigation files, invited to provide his position and informed that, should he request a hearing, such hearing would be organized between 16 - 18 November 2020 either in person or by video conference.

56. On 21 October 2020, Mr Jean-Bart requested a hearing, to be organized in Zurich and postponed to December 2020, as well as an extension of the deadline to provide his position by 30 days, in order to gather various documents/evidence. He also requested to be provided with the Final Report in French.

57. On the same day, Mr Jean-Bart was informed that his request for a hearing was granted, referred to the content of art. 75 par. 5 of the FCE and informed that, taking into consideration all relevant circumstances, such as the restrictions on international travel and other measures at national/international level that have an impact on the activity of the members of the Ethics Committee imposed as a result of the COVID-19 pandemic, it had been decided to organise the hearing by videoconference. Furthermore, Mr Jean-Bart was provided with various information on the organization of the hearing, as well as with the composition of the Panel, and informed that the deadline for the submission of his position was extended until 9 November 2020. The French translation of the Final Report was provided to Mr Jean-Bart on 23 October 2020.

58. On 28 October 2020, Mr Jean-Bart requested again the postponement of the hearing to the “first trimester of 2021”, motivating that it would be very important to conduct such hearing in person, given the nature of the case and severity of the charges. Furthermore, in view of the expiry of provisional measures imposed on him at the end of November 2020, he offered to voluntarily suspend himself from taking part in any football-related activities until a final decision was taken by the Ethics Committee in the matter. He also assured that he would provide his written position by 9 November 2020 (the time limit previously set) in order to prove that his request (for the postponement of the hearing) was not dilatory.
59. On 30 October 2020, Mr Jean-Bart was referred to the previous letter dated 21 October 2020 and to the international situation due to the COVID-19 pandemic (due to which there was/is no possibility to predict when the organisation of an in-person meeting/hearing of the adjudicatory chamber in Switzerland would be possible or recommended). He was informed that, for the sake of the efficiency of the adjudicatory proceedings, as well as with a view to bringing legal certainty to all parties involved, the chairperson of the adjudicatory chamber had decided to proceed without delay with the present adjudicatory proceedings, and reminded that the hearing would be organized by videoconference on 18 November 2020 at 15:00 Zurich time, in accordance with art. 75 par. 5 of the FCE.

b) Summary of Mr Jean-Bart’s written submission

60. On 9 November 2020, Mr Jean-Bart provided the adjudicatory chamber with his statement of position (including 72 annexes), in which he made the following claims:
- The Investigation Chamber only investigated the prosecution in an essentially inquisitorial procedure and the elements in favor of Mr Jean-Bart's innocence were disguised;
 - The witnesses who testified are false witnesses or declared opponents of Mr Jean-Bart;
 - The two alleged victims questioned by the ad hoc panel were bribed;
 - No victim has been threatened or intimidated because there are none;
 - No witnesses were threatened either; one is a witness to an offense, but there are no victims and no witnesses;
 - The Signify report, mentioned in the Final Report of the investigatory chamber, is a pretext since all the images have been misinterpreted;
 - Mr Jean-Bart will continue to collaborate in the establishment of the facts;
 - He did not violate his provisional ban;
 - He did not abusively retain the passport of the players;
 - He was suffering from [medical condition] during the period during which he has been accused of sexual harassment (2014 - 2020);
 - He never accompanied the girls during their medical visits;
 - He is the victim of a conspiracy involving persons outside the FHF and FHF members.
61. On 16 and 17 November 2020, Mr Jean-Bart submitted seven other documents to “complete his file”, which he claimed he could not have obtained within the time limit set for his position (9 November 2020).

c) The hearing

62. On 16 November 2020 Mr Jean-Bart requested that the hearing in his case be public, and that a number of seven persons (five members of the family and two close friends) attend the relevant videoconference.
63. On the same day, Mr Jean-Bart was informed that only five persons would be allowed in the hearing as “attendees”, and asked to confirm the names and indicate the email addresses of such persons, so that they can be provided with the relevant link for the Zoom meeting.
64. On 18 November 2020, the hearing was conducted by videoconference (via Zoom), which all of the parties attended: the three members of the Panel, the Chairperson of the investigatory chamber (Ms Maria Claudia Rojas), Mr Jean-Bart and his legal representatives (Mr Stanley Gaston and Ms Marie Yvonne Bazile), as well as two members of the secretariat to the adjudicatory chamber (Mr Octavian Bivolaru and Mr Diego Marin) and two members of the secretariat to the investigatory chamber (Mr Carlos Schneider Salvadores and Ms Iris Juarez Garcia). (Various members of) Mr Jean-Bart’s family also attended the hearing in the same room as Mr Jean-Bart and his legal representatives.

1. Closing statements of the investigatory chamber

65. In particular, Ms Rojas, the Chairperson of the investigatory chamber stated that, according to the present investigation, Mr Jean-Bart violated arts. 23 and 25 of the FCE by having participated in acts leading to sexual abuse and harassment committed against underage players, by threatening and preventing potential victims and witnesses from giving testimony, and by abusing his position while exercising an authoritarian regime over the administration of the FHF.
66. Ms Rojas reminded the Panel that CONCACAF had delegated the case to FIFA as per art 30 par. 2 of the FCE (as it had not yet established an ethics committee and could not investigate the matter), and that the Ethics Committee was also competent given the fact that Mr Jean-Bart served as the president of FHF since 2000 and a FIFA committee member between 2005 and 2017. FIFA’s jurisdiction on the case was therefore established.
67. It was explained that the investigatory chamber was able to identify that the first reported conduct of sexual abuse occurred in 2014 and that such conduct was repeated until recently, meaning that violations of the protection of physical and mental integrity and abuse of position were perpetrated throughout the period when the 2012, 2018 and 2019 editions of the Code of Ethics were in force.
68. Ms Rojas mentioned that the investigation originated from complaints of "systemic violations and other sexual abuses within the FHF "that were made public through various media. She added that, due to the COVID-19 pandemic, an ad hoc panel with renowned lawyers residing in Haiti was formed in order to facilitate the collection of probative material (cf. art. 64 par. 3 of the FCE).
69. Ms Rojas then stressed that the evidence collected in the scope of the investigation established the ethics breaches committed by Mr Jean-Bart, and proceeded to list such evidence:
- First, the testimonies of the two victims (A and B) ;
 - Then the statements of Witness 2 and Mr Doret;

- The public statements made by HRW, and the report of FIFPro, both of which coordinated with a multidisciplinary team of trauma specialists, led by [US Trauma Specialist], who is assisting some of the identified victims;

70. With respect to Mr Jean-Bart's position (and enclosures submitted), Ms Rojas made the following remarks:

- Despite the fact that Mr Jean-Bart affirms, on multiple occasions, that there is a plot against him in order to affect his image and displace him from the FHF, the investigatory chamber does not find this allegation of an international conspiracy credible given the multitude of different testimonies, as well as opinions of renowned journalists and international organizations, such as: [Journalist 2], [Journalist 1], [Journalist 3] from the British newspaper *The Guardian*, [Journalist 4] from the United States newspaper *The New York Times*, Humans Right Watch, FIFPro, and the Haiti ad hoc panel, along with the list of witnesses and victims;
- Mr Jean-Bart refers to a trip to the Cayman Islands and provides "evidence" that he did not attend that trip. In this regard, it is pointed out that none of the victims or witnesses mentioned events that occurred in the Cayman Islands;
- Regarding the documents submitted in an extemporaneous manner by Mr Jean-Bart, on 16 and 17 November 2020, it would be for the adjudicatory chamber to rule on their admissibility. However it is important to mention that the present ethics proceedings are independent from any other judicial procedures (including criminal), and that the assessment of the evidence as well as the standard of evidence in criminal procedures is completely different from those of these proceedings;
- After reviewing the arguments presented by Mr Jean-Bart in his defense brief, the investigatory chamber was surprised by the allegation related to his suffering from [medical condition], as this medical information was never disclosed or claimed before, neither when responding to journalists or requests from the Ethics Committee. The Investigation Chamber stated that it did not want to enter into dispute about the medical situation of Mr Jean-Bart, but it did question the timing of this argument, since on 9 July 2019, in a report produced by the urologist close to Mr Jean-Bart, it was stated that: "His sexual desire is good and his [medical term] is normal" (page 232). In the medical certification received on 17 November 2020, Mr Jean-Bart insisted on his [medical condition], to which the investigatory chamber simply points out that this ailment is at no time an impediment to sexual harassment.

71. Ms Rojas reiterated the seriousness of the complaints filed that are related to sexual harassment, mostly committed against minors, and that the conduct was carried out by the highest ranking person within the federation - its president, Mr Jean-Bart.

72. With respect to the breach of art. 23 of the FCE (Protection of physical and mental integrity), Ms Rojas stated that, as described in the Final Report, Mr Jean-Bart had been systematically and repeatedly committing acts of persecution against victims or witnesses, as well as threatening their next of kin, vandalizing their homes and offering money, with the sole intention of intimidating and preventing said victims and witnesses from speaking out and giving their statements before this investigatory chamber, the ad hoc panel or the NGOs. As established throughout the Final Report and evidence collected, Mr Jean-Bart used his position within the FHF to harness and gain the sexual favor of the young players, by promising them advantages such as the granting of foreign visas, the assurance of the participation of the

players in the competitions and the guarantee of their residence in the Center. In addition, once Mr Jean-Bart was rejected in his sexual attempts by the players, he would expel them from soccer competitions, deny them scholarships and chances at football development, or withhold their passports as a way to coerce the young players.

73. With respect to the breach of art. 25 (Abuse of position) of the FCE, Ms Rojas indicated that Mr Jean-Bart had abused his position in order to be able to carry out the sexual harassment behavior, which he was able to achieve precisely due to his high position and the authority he had over all the players as president of the federation. Additionally, he irregularly withheld the passports of young players as a way of putting pressure on the players.
74. Ms Rojas recalled that the most important position in the direction of soccer in a country is that of federation president, which, for this reason, has a greater responsibility in all its actions, in which the president must not only protect the integrity of people but also behave with dignity in an ethical manner and with absolute credibility and integrity.
75. Ms Rojas concluded that the serious conduct committed by Mr Jean-Bart violates the dignity of the girls involved, which cannot be tolerated, and thus damages the integrity and reputation of football, as well as the dignity of women, and requested the application of the sanctions provided in the Code of Ethics.
76. In the rebuttals, Ms Rojas made the following statements:
 - The different sources mentioned and used in the scope of the investigation coincide when it comes to the accusations of sexual abuse committed against (women) players in Haiti, and these sources include reputed NGOs, such as HRW and FIFPro, and prestigious newspapers such as *The Guardian*, which render the allegation of a “plot” or “conspiracy” against Mr Jean-Bart very difficult to conceive;
 - Most of the women players are minors, and they are extremely afraid of any repercussions or reprisals, as well as severely traumatized by the sexual abuse, and it is therefore their decision to remain anonymous, which is fully understandable;
 - Mr Jean-Bart’s health status is understood and respected. However, his health, including the alleged [medical condition], is an element that does not exclude sexual harassment.

2. Closing statements of Mr Jean-Bart’s legal representative

77. Mr Jean-Bart’s legal representatives started with an extensive introduction regarding the current situation (medical and otherwise) of Mr Jean-Bart, the “plot” against him and a description of his career in football in the last 20 years. In particular, it was pointed out that Mr Jean-Bart had lead the FHF in an independent and competent manner throughout his presidency (since 2000), rejecting alleged external inference (despite alleged threats and other dangers). He has supervised the creation of the Centre and the development of the young players who train there, which has allegedly resulted in a series of sporting performances by the Haiti youth national teams. These prolific results could have never been reached if the sexual abuse or harassment alleged by the Final Report existed. A reference was also made to a statement that Mr Jean-Bart made during the investigation of the present case, by which he showed more concern about the (negative) impact the ethics proceedings would have on the women’s football and (women football players) in Haiti, than about his own difficult situation. His legal representatives also claimed that, in the scope of the present proceedings, it is not

only Mr Jean-Bart that is being judged, but also his family, his collaborators in the FHF and Haitian football (as well as its success among the Haitian people).

78. In continuation, Mr Jean-Bart's counsel further claimed that:

- The case of Mr Jean-Bart cannot be judged without the context of FIFA and the Haitian football;
- In the previous similar Afghan cases, the investigatory chamber was in contact with the victims, was able to identify and interview them, while in the present case everything started with the articles published by *The Guardian* and the videos of [Journalist 1]. Therefore, in the present case, the investigatory chamber did not act ex officio, but only following the media allegations, and should have therefore contacted the relevant journalists and asked for their evidence, which it did not do;
- The investigatory chamber investigated in an unequal manner, only considering evidence against Mr Jean-Bart, but not also that in his favour;
- Victim A recalls a trip to the Cayman Islands, which Mr Jean-Bart did not even attend;
- Victim B talks about a competition in Grenada, which Mr Jean-Bart attended but Victim B herself did not;
- The facts contained in the testimonies of the victims A and B are similar, almost identical, and are lies;
- Sexual favors and recommendations could never help players to transfer to important clubs (abroad), but only the players' performance and results;
- The visas of the players are only given in relation to football matches/competitions. Therefore, all the passports of Haitian national team players (boys and girls) are kept by the FHF, in order to prevent "defection", and this is not a violation of the players' rights;
- The same day the first article in *The Guardian* was published, the content of the article was translated in Creole/French and in possession of the various Haiti NGOs, which would indicate that an entire system was put in place in order to drive or push the story;
- Mr Jean-Bart refused to resign after the publication of the article, claiming that he owed it to the many women players in Haiti who saw football as the only hope for a better life;
- Mr Jean-Bart could not have the power, influence or capacity to identify the various alleged victims and witnesses, many of whom were outside Haiti, in order to threaten or pressure them;
- Mr Jean-Bart did not appeal against the initial provisional sanctions imposed by the Ethics Committee (in May 2020), as he was convinced the truth would come to light and the investigation would prove his innocence. However, the investigatory chamber simply relied on media articles, and on repeated allegations not supported by any proof, in its investigation;

- Mr Jean-Bart provided a very extensive medical record coming from a hospital in the United States, which attests that he was suffering from [medical condition], which would prevent him from having any sexual intercourse (and therefore, he would be unable to sexually abuse or rape any girls, as alleged in the Final Report);
- In Haiti there have never been any proven cases of sexual abuse;
- Mr Jean-Bart is not a powerful person in Haiti, he has been exiled, threatened with prison and several attempts were made on his life (one of which resulted in the death of his driver) and to kidnap him;
- Nobody in Haiti, including the relevant NGOs who were now involved in the matter, has ever showed any interest in the women players from the Centre since its opening in 2011, or helped them in any way (psychological or financial assistance);
- When the media articles were published, only 12 persons from Haitian NGOs demonstrated with banners outside the Centre, in order to give the impression of public outrage in Haiti, to support the story/articles;
- The journalists reporting the sexual abuse story are interconnected and their respective articles support each other;
- Mr Antoine Doret left Haiti in 2014, was never the technical director of the Centre and was not in the Centre for 12 years (as he claimed). Since he has not been in Haiti since 2014, he could not have been witness of any sexual abuse at the Centre;
- Mr Jean-Bart brought proof (medical certificates) of the fact that he was suffering from [medical condition], and was therefore unable to visit the Centre by night, in violation of his provisional sanction (also due to a curfew in place in Haiti in relation to the COVID-19);
- Mr Jean-Bart brought as evidence written declarations from 11 players, whose passports were allegedly taken by Mr Jean-Bart (or on his orders) according to [FHF official 4]'s testimony, which prove that [FHF official 4]'s allegations were made up;
- The adjudicatory chamber should take into account the list of evidence submitted by Mr Jean-Bart, which directly contradict every allegation against him from the Final Report;
- Mr Jean-Bart led the FHF for 20 years, developing Haitian football, building strong national teams and achieving great results. All this could be lost, if he is convicted and removed from the FHF.

79. In the scope of the rebuttals, Mr Jean-Bart's legal representatives added the following:

- Mr Jean-Bart was willing to provide clarifications and information to the investigatory chamber, but the investigation proceedings were inquisitory and therefore prevented him from communicating anything with the said chamber (including his medical record). He could only provide his arguments and evidence in the adjudicatory proceedings, once he was allowed to submit his position;

- Mr Jean-Bart could not have raped or engaged in sexual intercourse with anybody since he was not virile;
- Mr Jean-Bart never had any close contact that could be qualified as sexual harassment with any girl;
- The girls' accommodations in the Centre are in the form of an open or common area, there are no individual rooms for the girls there, despite what was alleged in the Final Report;
- [Journalist 1] started talking about and publishing material on Haitian football and the FHF long before the story on the sexual abuse, reporting on corruption and other similar matters;
- With respect to the reasons behind the alleged "plot" against Mr Jean-Bart, it was claimed that the position of FHF president was believed to wield a lot of political and financial influence or power in Haiti, and has thus been coveted by a lot of important people in the country for the past 20 years. Mr Jean-Bart was not popular among the political and government circles, as various attempts to remove him from the FHF had been made in the past. The "plot" was to remove him from the FHF in such way that would also prevent him from organizing or putting in place his succession in the association;
- The judicial bodies in Haiti conducted an investigation for six months into potential sexual abuse against minors, asking for cooperation from all the NGOs invested in the matter. However, this investigation did not find any witnesses or victims, and finally dismissed the charges against Mr Jean-Bart.

3. Oral statement of Mr Jean-Bart

80. In his final opportunity to speak, Mr Jean-Bart made an extensive presentation of his involvement in the development of women's football in Haiti, the creation of the youth and women's national teams, as of the Centre, and made the following statements and claims:

- The last nine months have been a very difficult period for him and his family;
- In Haiti there is no "culture of rape" or of sexual abuse;
- He had been involved, as a young medic, in the implementation of women's football in Haiti in 1972, by founding a female football club. Football has changed his life ever since, and his family also became involved in this area;
- It had been agreed, together with the general consul of Haiti, and the embassies of France, Canada, USA, etc. that the (young) football players would receive visas for long durations (5 – 10 years), to be used only for travel in relation to football, "so that the players know they have the time". All the players in the Centre have visas for the United States and the management of the FHF (and the federation itself) were vouching for the players and these visas;
- [Journalist 1] made serious allegations against the president of the FHF without spending one day in Haiti or understanding the situation in the country;

- The players who gave testimony to the investigatory chamber were formerly in the Centre and in the FHF system, and wanted to use their passports in order to emigrate to the United States;
- The other witnesses are all (former) long standing employees of the FHF, who do not have the capacity to make performance, and who are afraid of the exceptional level which Mr Jean-Bart and the FHF strive to achieve. They also blackmailed Mr Jean-Bart, asking for money so that they do not testify against him;
- The FHF is being robbed as a consequence of the “plot” against Mr Jean-Bart, by people inside the association and some powerful outsiders, who want to misuse football’s influence and importance in Haiti;
- Mr Jean-Bart is not a “man of power”, he has worked for 26 years in public administration, he has been exiled and is fighting for his pension.

81. The adjudicatory chamber has analyzed and reviewed the case file in its entirety. This summary of Mr Jean-Bart’s position, closing statement, rebuttals and final opportunity to speak (as per art. 75 par. 4 lit. e and g of the FCE) does not purport to include every contention put forth. However, the adjudicatory chamber has thoroughly considered in its discussion and deliberations any and all evidence and arguments submitted, even if no specific or detailed reference has been made to those arguments in the outline of Mr Jean-Bart’s position, closing statement, rebuttals and final opportunity to speak, and in the ensuing discussion on the merits.

II. CONSIDERATIONS OF THE ADJUDICATORY CHAMBER

A. COMPETENCE

82. Art. 30 of the FCE defines a primary (par. 1) and subsidiary (par. 2) competence of the FIFA Ethics Committee. According to the first paragraph of the said article, if the relevant conduct has been committed by an individual elected, appointed or assigned by FIFA to exercise a function, the Ethics Committee shall be entitled to investigate and judge the respective matter.

83. Art. 30 par. 2 provides that, where the conduct affects a confederation, the Ethics Committee shall be entitled to investigate and judge the respective matter when said conduct has not been investigated and judged, and/or cannot be expected to be investigated and judged by the relevant bodies of the confederation concerned.

84. The adjudicatory chamber notes that, in its letter dated 5 May 2020, CONCACAF specifically required that FIFA prosecute the case, mentioning that the confederation did not have a constituted (operational) Ethics Committee (and thus lacked the adequate body to fully investigate the case) thereby delegating its competence to the FIFA Ethics Committee.

85. Consequently, the FIFA Ethics Committee is entitled to investigate and judge Mr Jean-Bart’s conduct, as per art. 30 par. 2 of the FCE.

86. Furthermore, given the functions of Mr Jean-Bart as member of various FIFA committees between 2002 and 2017, the Ethics Committee would also be entitled to investigate and judge the latter’s conduct on the basis of art. 30 par. 1 of the FCE.

B. APPLICABLE LAW

a) Applicability of the FCE *ratione materiae*

87. The adjudicatory chamber notes that, according to the Final Report of the investigatory chamber on the present matter, there are several indications of potential improper conduct in terms of the FCE by Mr Jean-Bart. In particular, during the investigations, possible violations of Protection of physical and mental integrity (art. 23) and Abuse of position (art. 25) have been identified. The factual circumstances raise, without any doubt, questions of potential misconduct in terms of the FCE.

88. Consequently, the FCE is applicable to the case according to art. 1 of the FCE (*ratione materiae*).

b) Applicability of the FCE *ratione personae*

89. According to art. 2 of the FCE, the Code shall apply, inter alia, to “officials”, as per the definitions section in the FCE and FIFA Statutes.

90. By virtue of his position as FHF President since 2000, Mr Jean-Bart was an official within the meaning of the definition given in the FCE and the FIFA Statutes during the period presently relevant.

91. As a consequence, at the time the relevant actions and events occurred, and in view of Mr Jean-Bart’s position in football at the time, the FCE applies to the official according to art. 2 of the FCE (*ratione personae*).

c) Applicability of the FCE *ratione temporis*

92. As mentioned in the Final Report, the alleged violations were committed between 2014 and July 2020. With regard to the applicability of the FCE in time, art. 3 of the FCE stipulates that the (current) FCE shall apply to conduct whenever it occurred. Accordingly, the material rules of the FCE shall apply, provided that the relevant conduct was sanctionable at the time (with a maximum sanction that was equal or more) and unless the previous editions of the FCE would be more beneficial to the party (*lex mitior*).

93. In this context, following the relevant case law and jurisprudence, the adjudicatory chamber notes that the spirit and intent of the 2012, 2018 and 2019 editions of the FCE (which were applicable between 2014 and July 2020) is duly reflected in the below articles of the FCE, which contain equivalent provisions:

a) Art. 25 of the FCE (Abuse of position) has a corresponding provision in the 2012 FCE (art. 13 par. 4), as well as in the 2018 and 2019 editions of the Code (art. 25);

b) Art. 23 pars. 1, 3 and 4 of the FCE (Protection of physical and mental integrity) have corresponding provisions in the 2012 FCE (art. 24), in the 2018 FCE (art. 23 pars. 1, 3, 4 and 5) and in the 2019 FCE (art. 23 pars. 1, 3 and 4);

94. Consequently, the material rules of the current (2020) FCE are applicable to the case, according to art. 3 of the FCE (*ratione temporis*). Moreover, based on art. 88 of the 2020 FCE, the current edition of the Code is applicable with respect to the procedural rules enacted therein (for example jurisdiction).

C. PROCEDURAL ISSUES

d) Admissibility of documents submitted by the party on 13, 16 and 17 November 2020

95. As mentioned previously (cf. par. 55-57 above), in the scope of the present adjudicatory proceedings, Mr Jean-Bart was provided with a deadline to submit his position (including enclosures), which was extended, upon request of the party, until 9 November 2020. Mr Jean-Bart submitted his extensive position, as well as a list of 70 annexes, on 9 November 2020. However, between 13 and 17 November 2020 (the day before the hearing), Mr Jean-Bart provided an additional seven documents to supplement “the case file”. His reasons were, on one side, that the deadline granted to him to provide his position was not sufficient to collect all the evidence in support of his arguments, and on the other side, that some documents were only issued after the deadline of 9 November 2020 expired.

96. The following additional documents were submitted in the period 13-17 November 2020 by Mr Jean-Bart:

- An order, dated 16 November 2020, of the judge of the Court of First Instance of Croix-des-Bouquets (Haiti), closing the criminal proceedings against Mr Jean-Bart, following the requisitory of the public prosecutor;
- The report of the Justice of Peace of Delmas (Haiti) from 10 November 2020, confirming the correspondence exchanges between Mr Jean-Bart and Messrs Jean-Roosevelt Ducasse, Préméus Jasmin and [FHF official 4] ;
- A letter from a Haiti telephone operator dated 16 November 2020, attesting the telephone number of Mr Préméus Jasmin ;
- Copies of Mr Jean-Bart’s passports for the period 21 November 2012 - 13 June 2016;
- Part of Mr Jean-Bart’s medical record from Boston Medical Center, covering the period 2009 – 2015.

97. In this respect, the Panel has noted that, at least some of the documents submitted after the relevant deadline of 9 November 2020, such as the passport copies and medical record, could have been produced earlier (respecting the time limit). Nevertheless, for the sake of good order and completeness, the Panel decided to admit all the documents submitted late by Mr Jean-Bart, and to take them into consideration in rendering the present decision. The admissibility of these documents does not however have any influence on their evidentiary value or even relevance in the present matter, which should be evaluated when discussing the merits below.

98. Furthermore, the Panel would like to make the following considerations with regards to the order rendered by the relevant Haiti judicial authorities on 16 November 2020 concerning the respective state proceedings involving Mr Jean-Bart.

99. First, it should be stressed that the proceedings before the FIFA Ethics Committee should be regarded as having an internal, administrative nature, regulated by private (association) law (TAS 2011/A/2433 Amadou Diakite c. FIFA, award of 8 March 2012, paras. 55-56). Moreover,

the FIFA judicial bodies are completely independent from any third parties (cf. art. 34 par. 1 of the FCE) and, as such, are not obliged to follow the outcome of state proceedings (criminal or otherwise) being conducted in a specific country, which are distinct and different from FIFA proceedings.

100. One such major distinction concerns the standard of proof, which is governed by the principle “beyond any reasonable doubt” under ordinary criminal law, and by the inferior standard of “comfortable satisfaction” in FIFA proceedings (cf. art. 48 of the FCE), as well as CAS jurisprudence (CAS 2016/A/4501 Joseph S. Blatter v. FIFA, paras. 117-122; TAS 2016/A/4474 Platini c. FIFA, paras. 217-220; CAS 2017/A/5086 Mong Joon Chung v. FIFA, paras. 134-137).
101. Additionally, the adjudicatory chamber conducted, pursuant to the FIFA Code of Ethics, its own assessment of the current matter, based on the file at its disposal. This assessment is made completely separately of any assessment that would be conducted, from criminal authorities, and can thus naturally lead to different results.
102. In this sense, the Panel makes reference to a recent CAS award in a matter pertaining to integrity in football, i.e. match-fixing allegations against the Ukrainian club FC Metalist. In this case, a Ukrainian criminal court acquitted FC Metalist, but CAS still punished the club. In explaining the different outcomes, the CAS panel, when assessing the underlying facts, inter alia, determined that it is not guided by the same standards as the public court, here with regard to the standard of proof, and, consequently, was entitled to reach a different outcome (CAS 2010/A/2267, §746).

D. ASSESSMENT OF POTENTIAL ETHICS VIOLATIONS

a) Conduct of Mr Jean-Bart based on evidence presented in the Final Report

103. The Final Report of the investigatory chamber presented various evidence (consisting of numerous victim and witness testimonies, reports from the ad hoc panel and from external organisations such as HRW, FIFPro, and even a document from a medical expert) to conclude that Mr Jean-Bart has violated his duty to protect the physical and mental integrity of others, and also, has abused his position within the FHF, when he sexually harassed and abused female underage players that were part of a FIFA football professional development Centre under the tutelage of the FHF.
104. In his position, Mr Jean-Bart has disputed the testimonies and evidence contained in the Final Report, claiming that all those who have provided statements or made allegations against him are part of a vast “plot” or conspiracy to remove him from the FHF and tarnish his reputation. He further alleges that the allegations started from the media, with the articles published by *The Guardian* and the videos and other blog entries posted by [Journalist 1], which were then echoed and spread in other media (such as *The New York Times*, by [Journalist 4], an alleged friend of the journalists from *The Guardian*), by NGOs in Haiti and elsewhere, and ultimately by FIFA, through its Ethics Committee. Mr Jean-Bart also claims that the victims who testified to the ad hoc panel were lying and had been bribed, and that the various witnesses either had a personal interest (either political or financial) to accuse/damage him, or were simply repeating the initial allegations contained in the articles of *The Guardian* and material published by [Journalist 1].

105. After carefully reviewing all the evidence mentioned and referred (as well as enclosed) to the Final Report, the Panel, would like to make the following considerations with respect to each specific source of proof.

a) Victims

106. Mr Jean-Bart claims that Victims A and B were “submitted” by Messrs Préméus Jasmin and Jean Roosevelt Ducasse, two “so-called witnesses”, who were actually biased and enrolled by [Journalist 1]. However, Mr Jean-Bart fails to explain how, let alone prove that the two victims were influenced, bribed or coerced into testifying against him. There is also no proof of the allegation that Messrs Jasmin and Ducasse (as well as Mr Antoine Doret) were “enrolled” by [Journalist 1] or anyone else.

107. Another argument against the trustworthiness of the victim testimonies is the fact that they refer to similar scenarios of sexual harassment. However, the Panel considers that such similarity serves to reinforce the credibility of the victim’s statements, since the fact that they converge on the same facts (advances made when they were abroad with Mr Jean-Bart, advances and attempts at touching, offer of underwear, blackmail with passports, scholarship to study abroad, etc....) indicate a potential pattern in the conduct of Mr Jean-Bart, signalling that other victims might have been approached and treated in the same manner.

108. Another argument brought by Mr Jean-Bart is that a fundamental factual element in the testimonies of the two victims is false - the location where (and moment when) the sexual harassment occurred, which would entail that they are lying. It is claimed that Victim A was harassed during a trip in the Cayman Islands in 2014, while the conduct towards Victim B occurred during a trip to Grenada in 2017. However, Mr Jean-Bart fails to properly explain how he established these two locations, since the testimonies of Victims A and B did not contain any information in this respect. Furthermore, Mr Jean-Bart was not coherent in explaining how he managed to find out the identities of the two victims, simply stating that he relied on two passports of former tenants of the Centre “who had left under some rather strange circumstances” and on Mr Ducasse’s testimony where he presented one of the victims as a “close family member”. These elements alone do not suffice, in the opinion of the Panel, to demonstrate the lack of credibility of the two victims, or the fact that “they are seeking economic benefits or the option of being able to leave Haiti”. In fact, the Panel considers the admittance of Victim A that “she wants to retrieve her passport” to be a key element proving that the passports of the players in the Centre have been abusively retained without the owner’s approval.

b) FIFPro report

109. With respect to the FIFPro report provided on 13 August 2020, Mr Jean-Bart claims that its methodology and truthfulness should be questioned, and proceeds to allegedly debunk some of the allegations contained in the report based on the following arguments:

- He could not have raped a minor of 14 years (as alleged in the report) due to his [medical condition], which prevents him from performing a sexual act and procreating;
- Lack of evidence that would attest the ownership of a house which Mr Jean-Bart is alleged to have bought the parents of the raped minor to keep their silence;
- Lack of information/clarification (names) regarding the minors Mr Jean-Bart is alleged to have left with from the Centre at night;

- A he was not involved in the selection procedures for the male and female players, he was not able to enroll them, despite underperforming, in the respective teams for trips abroad;
- Lack of evidence from the respective hotel and witness regarding the allegation that he spent a week-end in company of a female player;
- He did not assess the performance of female players, as he did not interfere with the area of expertise of the coaches, and therefore he could not have coerced the players into agreeing to his sexual advances by promising to advance their careers or threatening to damage them;
- Lack of DNA/paternity tests and infertility due to his [medical condition], in relation to the allegation that he was responsible for the minor's pregnancy.

110. First of all, the Panel would like to stress that FIFPro is a highly respectable and credible international organisation, whose primary goal is to support professional football players around the world. Created in 1965, it is made up of 63 national players' associations, representing more than 65,000 professional footballers.

111. In addition, FIFPro has a vast experience when working with victims of sexual abuse. In fact, in a previous decided case of sexual abuse (involving officials from the Afghanistan Football Federation), the FIFA Ethics Committee closely cooperated with FIFPro, among other international and local organisations, in order to clarify the situation of the victim female players, as well as to ensure the security and safety of the players who have accused the relevant officials involved in the abuse. When the threats levelled against the group of players who spoke out escalated and forced them to flee their country, FIFPro and other actors supported the efforts of the players to find refuge in a secure country. Moreover, as mentioned in the Final Report, FIFPro and HRW have been liaising with a multidisciplinary group of trauma clinicians, who are providing psychological assistance to the identified victims.

112. In view of the above, the Panel does not find any reason to doubt the truthfulness of the report submitted by FIFPro on 13 August 2020. While it is true that the report does not contain a great level of detail when it comes to the various allegations made, it does explain that such detail "is far greater than that included below but that we have had to omit details to protect the identity of individuals". Moreover, the report mentions that four individuals were directly interviewed, of which one victim and three witnesses, and that it had gathered names of 34 alleged victims, 14 of which were abused by Mr Jean-Bart, and of 10 perpetrators and accomplices (against some of which investigations have already been initiated by the Ethics Committee). The report also mentions that the term "direct evidence" means that this evidence is based on alleged first-hand knowledge or witnessing of events. This was further expressed in the list of allegations (pp. 4-6 of the report), whereby various footnotes explained that FIFPro was in possession of the names of various sexual harassment/abuse victims, locations and correspondence with Mr Jean-Bart, and that contact has either been made, or is in the process of being made, with such victims or their associates.

113. Based on the above, the Panel considers that there are no reasons to doubt the credibility of FIFPro or its report, the content of which describes a clear and widespread pattern of abuse within the FHF, perpetrated by several individuals including Mr Jean-Bart, as the most senior official of said federation.

114. With respect to Mr Jean-Bart's medical record, and in particular his suffering from [medical condition], the Panel would like to make the following considerations.
115. First of all, despite the considerable extent of Mr Jean-Bart's medical record with the Boston Medical Center, dating from 2009 to 2015 and then from 2016 until 2020, it is not clear when he was diagnosed with [medical condition], but it would appear that it was not before 2016.
116. Since the conduct under scrutiny in the present case occurred between 2014 and 2020, it would entail that, at least in the period 2014 – 2016, Mr Jean-Bart would have been capable of having sexual intercourse and fathering children.
117. Second, it has to be stressed that acts of sexual harassment do not necessarily involve sexual penetration, or even contact. In fact, the facts described by Victims A and B relate to acts of touching, buying lingerie, or asking the girls to join Mr Jean-Bart in his room, but do not make any explicit reference to sexual intercourse. Even the concept of sexual abuse does not necessarily require coitus, and can, in fact, include many different things, from touching a victim in a sexual manner to forcing a victim to touch the perpetrator in a sexual way to making a victim look at sexual body parts or watch sexual activity.
118. Third, the concept of [medical condition] is quite broad, and does not necessarily mean that the person suffering from it cannot get an erection or even perform sexual intercourse. Furthermore, [medical condition] is treatable, and even reversible.
119. In view of the above, the Panel concludes that the medical illness invoked by Mr Jean-Bart, that has affected him for a certain period which does not entirely coincide with the period when the conduct presently relevant occurred, would not have prevented him from sexually harassing and abusing the players, as described in the Final Report.

c) Other witnesses

120. Mr Jean-Bart claims that Messrs Préméus Jasmin, Jean Roosevelt Ducasse and Antoine Duret (name spelled "Doret" in the Final Report) provided false witness testimony to the investigatory chamber (in the Final Report) as they were "recruited" by [Journalist 1].
121. First of all, Mr Jean-Bart has failed to explain, let alone proven, how and why the relevant witnesses were "recruited" by [Journalist 1] (or anyone else), and influenced, coerced or bribed into testifying against Mr Jean-Bart.
122. Furthermore, even if Messrs Jasmin and Ducasse correspond to any of the witnesses mentioned in the Final Report, the untruthfulness of their testimonies cannot be demonstrated by Mr Jean-Bart solely on the basis of various exchanges of WhatsApp or Facebook messages, which can only prove that the latter and the former knew each other and had apparently a good relationship. This cannot (by itself) contradict or nullify the veracity of the testimonies of Witness 1 and 2, which are consistent with the testimonies of Victims 1 and 2, as well as with the content of the FIFPro report and other sources (HRW, the media articles, the testimonies of Coach 1, Player A, [FHF official 4] and Mr Marcelin).
123. As for Mr Doret, the Panel wants to stress that his alleged conflict with Mr Jean-Bart, or his departure for the United States do not invalidate the truthfulness of his testimony, since he had been involved with the Centre and therefore had extensive first-hand experience on what occurred there. Also, Mr Doret's testimony referred to the same kind of conduct and issues as the testimonies of the two victims and the other witnesses (systematic abuse perpetrated by

various FHF officials, including Mr Jean-Bart, accompaniment of the girls in their visits to the doctor, exploitation of the players who come from poor backgrounds, appointment of loyal key officials in the Centre by Mr Jean-Bart, who would enable his control over the operations, entry and access to the players).

124. With respect to the testimony of [FHF official 4], supported by that of Mr Marcelin, several arguments are made by Mr Jean-Bart in order to discredit the former: it is mentioned that [FHF official 4] is also investigated by the Ethics Committee and his written statement is part of his defence strategy of shifting or assigning blame on others. Also, in order to contradict the content of his testimony, Mr Jean-Bart provides affidavits from [FHF official 3] (also under ethics investigations in connection to the matter), Messrs [FHF official 5] and [FHF official 6], as well as 11 female players.
125. The Panel would like to stress that the fact [FHF official 4] is being investigated by the Ethics Committee does not affect the truthfulness of his testimony. In fact, [FHF official 4] is simply cooperating in establishing the facts, as required by art. 18 of the FCE. Moreover, the content of his written submission of 25 September 2020 is supported by Mr Carlo Marcelin, none other than the General Secretary of the FHF since 2012 (for almost half the tenure of Mr Jean-Bart as president of the association).
126. The version of the facts according to [FHF official 4], and supported by Mr Marcelin, is the following: between 15 and 26 July 2020, [FHF official 3] and [FHF official 5] entered the closed office of [FHF official 4] (after asking the on duty guard to provide them with access), on orders from Mr Jean-Bart, and removed 12 passports of female players from the Centre, who were in possession and under the responsibility of [FHF official 4]. According to Mr Marcelin, [FHF official 3] fully admitted these facts.
127. The versions of [FHF official 3] (fully endorsed by [FHF official 5]) and [FHF official 6] are different, and might even refer to other facts: [FHF official 3] states that she had access to some of the passports mentioned by [FHF official 4] between March and April 2020, while [FHF official 6] claims that he was provided with four of the passports (by [FHF official 4] and by the respective players themselves) in August 2020, and that he handed them over to Mr Marcelin.
128. The affidavits from 11 football players, submitted by Mr Jean-Bart, do not clarify the matter further. First, because neither the report of [FHF official 4] dated 25 September 2020, nor the one from Mr Marcelin of 1 October 2020 provide the list of the players whose passports were taken by [FHF official 3] and [FHF official 5] in July 2020. Secondly, because the various affidavits provide general statements, indicating either that the passports are “now” in their possession (at the date of the affidavit – 6 November 2020), that they have been in their possession after July 2020 or that they were taken or used by the players at a certain moment.
129. In view of the above, the Panel sees no reason to doubt the statements of Messrs [FHF official 4] and Marcelin, least of all since the latter has been and is currently the General Secretary of the FHF, a person of authority within the association and whose credibility is not questioned even by Mr Jean-Bart.
130. Furthermore, the Panel would like to mention other witnesses or organisations providing information in the scope of the relevant investigation and referred to in the Final Report, such as the HRW (cf. par. 34 above), [US Trauma Specialist] (cf. par. 32 above), Coach 1 (cf. par. 37 above) and Player A (cf. par. 41 above), the truthfulness of which has not been specifically contested by Mr Jean-Bart.

131. In particular, it should be pointed out that the HRW is an international non-governmental organization that conducts research and advocacy on human rights, asking governments, policy makers, companies, and individual human rights abusers to denounce abuse and respect human rights. To ensure its independence, the organisation refuses government funding and carefully reviews all donations to ensure that they are consistent with its policies, mission, and values. HRW partners with organizations large and small across the globe (such as FIFA) to help hold abusers to account and bring justice to victims.
132. Moreover, the Panel would like to refer in particular to the statement of [US Trauma Specialist], a specialist in mental health and the lead Trauma Clinician in the multidisciplinary team providing trauma services to the victims and witnesses of the sexual abuse perpetrated within the Centre. [US Trauma Specialist]'s position is unambiguous and revelatory, specifying that the majority of the victims are working on (re)gaining some sense of physiological safety, and that all these participants would be further traumatized or regress by giving testimony in their present state, not having finally processed their traumas.
133. Consequently, there is, to a sufficient degree, certainty that witness and testimony are credible. The Panel would like to stress that the aforementioned degree corresponds to the standard of proof in FIFA ethics proceedings, which, according to art. 48 of the FCE, is comfortable satisfaction. This standard, which has been consistently confirmed by CAS, is considerably lower than the one used in criminal proceedings, which corresponds to the concept of "beyond any reasonable doubt".
134. In addition, the Panel considers as highly implausible that all the victims, witnesses and other organisations mentioned above who testified or provided testimonies to Mr Jean-Bart's conduct of sexual harassment and abuse would lie in their respective deposition, going to great lengths as to concoct a very elaborate story, that is both believable and consistent, making sure that each of their respective versions correspond and corroborate, while matching the exact information in the written evidence, just for the sake of incriminating Mr Jean-Bart.

d) Conclusion

135. In summary, the Panel considers that the Final Report prepared by the investigatory chamber is based on solid evidence, gathered from distinct sources such as victim players, a variety of witnesses including a coach, a player, former and current officials of the FHF (in particular the General Secretary), two internationally recognized organisations specialized in dealing with football players and cases of sexual abuse – who have been in contact with a number of victims and witnesses and have provided direct and indirect evidence, a medical specialist leading a multidisciplinary team of trauma clinicians, as well as reputed media outlets as *The Guardian* and *The New York Times*. In the view of the Panel, after examining such evidence, as well as the position expressed by Mr Jean-Bart, it is highly implausible, and even impossible, that such a diverse group of individuals and entities, from all over the world, could be involved, let alone design, an extremely complex and detailed plot, by providing extensive, congruent and consistent testimony, at various levels and times during the investigation conducted by the FIFA Ethics Committee. One particular aspect in this respect is paramount: when being specifically asked about the reasons and basis of such an intricate plot constructed by a variety of international actors, Mr Jean-Bart failed to provide a satisfactory and credible answer. In fact his claim that the plot's purpose was to remove him from the FHF and prevent him from ensuring his succession within the association is directly contradicting one of his main arguments that he has never been a "man of power" or wielded significant influence in Haitian football or society.

136. Based on the above, the Panel is comfortably satisfied that the evidence presented in the Final Report is credible and truthful, and thus establishes the following conduct of Mr Jean-Bart:

- Mr Jean-Bart has been involved in sexual abuse of female players, including minors, who were or are residing in the Centre;
- His conduct included sexual harassment and other more severe forms of sexual abuse, as reported by various victims and witnesses;
- The abuse was perpetrated at various locations and by different persons within the FHF, occasionally resulting in rape and even pregnancies and abortions;
- Mr Jean-Bart would travel with or join (minor) female players outside the Centre, either with the pretext of accompanying them to the doctor, or in other circumstances;
- Mr Jean-Bart used his senior position as president of the FHF in order to coerce or convince the (minor) female players to engage in sexual activity with him, by promising to help or threatening to damage their football careers;
- Mr Jean-Bart created a system of abuse within the FHF, by placing loyal personnel in key supervisory and operational positions in the Centre and the association itself, that would ensure his complete control over Haitian football, and in particular over the players affiliated or participating in the Haiti national teams;
- Mr Jean-Bart's implemented and used a network of FHF officials and personnel who would participate in the sexual abuse of (minor) players at various degrees of involvement, such as perpetrators, facilitators or accomplices, some of which are currently being investigated by the Ethics Committee;
- The players' silence (and cooperation) was ensured through various types of threats and coercion, including the detainment of their passports, exclusion from the national teams or competitions in which the teams were participating, but also by offering them opportunities to advance their careers.

b) Possible violation of art. 23 of the FCE (Protection of physical and mental integrity)

137. Art. 23 of the FCE reads as follows:

1. Persons bound by this Code shall protect, respect and safeguard the integrity and personal dignity of others.

2. Persons bound by this Code shall not use offensive gestures and language in order to insult someone in any way or to incite others to hatred or violence.

3. Persons bound by this Code must refrain from all forms of physical or mental abuse, all forms of harassment, and all other hostile acts intended to isolate, ostracise or harm the dignity of a person.

4. Threats, the promise of advantages, coercion and all forms of sexual abuse, harassment and exploitation are particularly prohibited.

5. Violation of this article shall be sanctioned with an appropriate fine of at least CHF 10,000 as well as a ban on taking part in any football-related activity for a minimum of two years. In cases of sexual exploitation or abuse, or in serious cases and/or in the case of repetition, a ban on taking part in any football related activity may be pronounced for a minimum of ten years.

1. Persons involved

138. The first requirement set out in art. 23 par. 1 of the FCE is that the person acting must be bound by the FCE. As already shown (cf. par. 90 above), Mr Jean-Bart was at the relevant time a football official, and as such, a person bound by the FCE. Mr Jean-Bart, was not only the president of FHF (since 2000), and thus the highest-ranking and a very experienced football official in Haiti at the time of the events, but he had also been involved in international football governance through his positions at FIFA, as a member of various committees between 2002 and 2017).

2. Protect, respect and safeguard the dignity and integrity of others

139. As the president of FHF and main responsible of said member association, Mr Jean-Bart had the duty to protect, respect and safeguard the integrity and personal dignity of all their constituents, whether they be players or officials. In particular, the FHF presided by Mr Jean-Bart should have been regarded as a safe environment for all players, male or female.

140. Instead, Mr Jean-Bart's conduct as established above created an environment of fear, danger and frustration for the female players at the Centre.

141. In particular, Victim A specifically stated that following her refusal of Mr Jean-Bart's advances, "he started to intimidate me" and then, after she rejected him again, "back at the center it was as if I no longer exist in the eyes of everyone". Furthermore, Victim A recounts how, due to Mr Jean-Bart's refusal to return her passport, she was not able to apply for a student visa and lost the opportunity to study abroad. She now lives in fear, testifying that "anything can happen" if Mr Jean-Bart finds out she testified against him, since "he knows where he can find me" (which Mr Jean-Bart confirmed, as he stated he knew the identity of Victim A).

142. A similar testimony was given by Victim B, who also rejected Mr Jean-Bart's sexual offers, and suffered repercussions, being prevented from continuing her university studies and losing the opportunity to study abroad due to the retention of her passport. In her own words, "I feel that it is my whole life that Mr Jean-Bart has shattered. I was admitted to the centre with the dream of becoming a professional player who graduated. In the end, this dream never came true. I didn't even finish my studies, because I didn't agree to sell my body to Mr Jean-Bart".

143. These two painful testimonies paint a picture and a pattern that has been confirmed by other witnesses and sources, of the Centre as a place where girls of poor social background would come to in search of sportive and financial success or fame, only to wake up to the brutal reality of sexual abuse, living in constant stress and fear, discovering that a refusal of Mr Jean-Bart's indecent proposals equaled failure.

3. Physical and mental abuse

144. In this respect, the Panel would like to refer once more to the letter of [US Trauma Specialist], a clinical expert who made some distressing statements, mentioning that the majority of the

victims from the Centre that she was treating (together with a multidisciplinary team of specialists) were “still working on (re)gaining some sense of physiological safety”, that they had not “fully processed their traumas”, and that testifying at this point would provoke either further trauma or regress in their treatment.

145. Another relevant testimony in this respect is that of Coach 1, who, while initially stating she had not observed any form of sexual abuse directly at the beginning of her interview, she then emotionally admitted (at the end) to have witnessed inappropriate behavior at the Centre.
146. The Panel would also like to specifically refer to the wording “restaveks” mentioned in the FIFPro report, a Haitian term designating child slaves, which was apparently used to identify many of the girls from poor backgrounds who would come to the Centre. The term is extremely disturbing, but also very appropriate to describe the situation that the minor female players found themselves in, being subjected to physical and mental abuse, of a sexual nature and otherwise, isolated from the outside world and kept in a complete dependency on the FHF and its leader, Mr Jean-Bart, both metaphorically (as they owed their sportive development or success, as well as financial situation to the federation) and literally (since their passports were being detained by the FHF).
147. The abuse is a clear description of the state the victims have been living in, due to the physical and mental abuse inflicted to them within the Centre (and elsewhere). Even coaches were aware of this, but were forced to keep silent. Furthermore, as described in the Final Report and above, Mr Jean-Bart has systematically and repeatedly committed acts of persecution against victims or witnesses, as well as threatened their relatives, vandalising their homes and offering money, with the intention to intimidate and prevent such victims and witnesses to speak out and testify.

4. All forms of sexual abuse, harassment and exploitation

148. Sexual harassment can be defined as an unwanted or unwelcome conduct of sexual nature, whether verbal, non-verbal or physical, while sexual abuse represents unwanted sexual activity, with perpetrators using force, making threats or manipulating victims not able to give consent
149. Victim A explicitly described Mr Jean-Bart’s sexual advances towards her: first, after a match, he “gave me the key to the other room asking me to join him there and I had not accepted his offer”. Then, on another occasion, “President Yves Jean-Bart called me on the phone to ask me to come and see him. When he arrived he gave me a pack of panties. I said thank you and when it was time to leave he offered me to stay with him in his room. He told me to stay with him and suddenly pulled me towards him. And I pushed him and he fell on his bed.”
150. Similar situations occurred to Victim B: “Mr Jean-Bart summoned me to his room. He then offered me the key to another room right in front of his. I took the key. But, I continued to sleep in the room where the framer had placed me”; “Mr Jean-Bart called me on the phone to invite me to his room. When I got to the room, I found him lying in bed. He handed me a bag of panties as a gift. I quickly thanked him so I could go. He called me back and pulled me closer to his body. At that point, he started to touch me. When I realized what was going on, I pushed him and fled the room”.
151. The above conduct clearly qualifies as sexual harassment on behalf of Mr Jean-Bart, and is consistent with the testimonies of other witnesses and victims, who reported even more disturbing facts such as: nocturnal visits at the Centre and travels in company of minors (to the

doctor or elsewhere), sexual encounters at the Centre, the rape of (at least) a minor and abortion of the unwanted pregnancy, kidnaping of a girl, as well as a “competition” among senior officials of the FHF where the goal was to rape as many girls and/or take as many girls’ virginity as possible. Witness 1 specifically mentions a girl who was forced into losing her virginity with Mr Jean-Bart, while others missed training sessions as they were kept in the president’s room for intercourse. Witness 2 recounts the cases of Player C - who went missing and was then found to have suffered sexual violence, Player D – who was seen by the witness lying in Mr Jean-Bart’s bed in her dressing gown, and Player E – who had to leave the Centre after being discovered pregnant.

152. This appalling behavior, which occurred over a longer period of time, was part of a system of sexual abuse and exploitation of (minor) girls, which Mr Jean-Bart created together with the Centre, both which he controlled through key officials and personnel, who were accomplices, facilitators or even perpetrators themselves in the same system.
153. As established previously (cf. par. 137 and 150-152 above), Mr Jean-Bart not only recurrently sexually harassed and abused female players, in particular minors, but he also assaulted and raped some of them (in particular a minor player whose story, described in the FIFPro report, the Panel found particularly disturbing), with some of the resulting pregnancies being terminated, which inflicted on the girls a level of damage, both physically and mentally that cannot even be properly evaluated at this stage.

5. Threats, the promise of advantages, coercion

154. According to the evidence presented in the Final Report and above, the sexual advances and behavior of Mr Jean-Bart towards and with the (minor) female players from the Centre were always based on the influence that the latter was wielding on the girls. This was manifested either by threats or coercion, or by the offering of gifts and the promise of various benefits.
155. For example, both Victim A and B mention receiving gifts from Mr Jean-Bart, in the form of underwear, or a car ride back to the Centre. The FIFPro report alludes to a week-end Mr Jean-Bart spent in a hotel with a player, and to the fact that he would refer to a (minor) female player as his “wife” (whom nobody at the Centre was allowed to talk to), as well as to the purchase of residential property for the parents of the minor he had raped, in order to buy their silence. The report also mentions the fact that players who were “sub-par” or injured were included in the Haiti national teams for competitions abroad, either as a reward for their sexual/intimate relations with Mr Jean-Bart, or in order to provide opportunity to consummate such relations. Another relevant testimony is that of Mr Doret, who stated that “Dadou [N.B. Mr Jean-Bart’s nickname in Haiti] takes advantage of their poverty. The girls and families are so poor. Football is sometimes their only way to get something in their life”. Finally, Witness 2 also refers to gifts Mr Jean-Bart would buy to the girls, in the form of underwear and branded phones.
156. On the other hand, the victims and witnesses also describe various type of threats and coercion, as well as repercussions for the refusal to accept Mr Jean-Bart’s advances. Victim A states that, following her refusal to sleep with Mr Jean-Bart, he started to intimidate her, then “back at the center it was as if I no longer exist in the eyes of everyone”, she was refused the possibility for a professional contract or studies (“he replied that as long as I keep my position with him, I will have nothing”), and finally denied her passport, and thus an opportunity to apply for a visa to study abroad. Victim B found herself in a similar situation after she rejected Mr Jean-Bart three times: she was told by him “that I will never progress to the centre and he will never lift a finger in my favour to help me in anything”, she was prevented from continuing

her university studies, and refused the return of her passport (“Mr Jean-Bart has kept his firm decision not to give it to me and has informed me that as long as I continue not to have a relationship with him, he will never listen to me, he will do nothing for me”).

157. These two troublesome testimonies are further supported by that of Witness 1, who explained in his testimony that Mr Jean-Bart usually holds the passports of all the players as a way to manipulation, and to prevent victims (and witnesses) from leaving the Centre. Witness 2 also testified of one player (Player F) who was expelled from the Centre because she refused to have sex with Mr Jean-Bart despite several attempts, whose passport was confiscated and who was blackmailed with her visa. Statements for Player A, [FHF official 4] and others specified that all passports of the players from the Centre are kept at the FHF and only provided to the players when participating to matches or competitions abroad (and again confiscated upon return), while president Jean-Bart is the one who approves the lists of the players who would be allowed to apply for visas and go abroad for matches/competitions. This practice would serve as a powerful coercion or blackmail in the sexual abuse scheme devised and established by Mr Jean-Bart.

158. Another aspect the Panel would like to refer to in the respective conduct of Mr Jean-Bart is the use of accomplices, proxies and facilitators, who would aid him in implementing the despicable system of abuse within the Centre and FHF. The FIFPro report mentions “the individuals who sought to coerce and persuade players to attend private meetings with Mr Jean-Bart, in the knowledge that he would rape and/or seek to leverage his influence to procure sexual favours”. Mr Doret is more specific in his testimony, accusing [FHF official 2] of acting as a “matchmaker” and [FHF official 3] for facilitating Mr Jean-Bart’s access into the Centre at night. The accusation against [FHF official 2] is supported by Witness 1, who adds that she is the person who would take the girls to the president and threatened to fire those who do not want to. Witness 1 also refers to [FHF official 7], whose house is apparently used as a transit base to accommodate the minors and the location for the various sexual encounters between Mr Jean-Bart and the players. Finally, Witness 2 stated that [FHF official 2] was used by Mr Jean-Bart to convince the girls to sleep with him, often using force and threatening the girls to be expelled from the Centre if they do not agree.

159. In view of the above, it can be established that, through a combination of threats, coercion and promise/offering of benefits, which were made either directly or through accomplices (such as “matchmakers” or facilitators, mostly women), Mr Jean-Bart exerted his reign of sexual abuse over the female players at the Centre, particularly the minors, a despicable conduct that was not only intentional, but also premeditated and methodical.

6. Conclusion

160. In summary, the Panel considers that, by his appalling conduct as described above, Mr Jean-Bart has breached the content of art. 23 of the FCE, in particular by attacking and violating the physical and mental integrity of the female players who resided under his authority and responsibility. More than that, Mr Jean-Bart systematically harassed and sexually abused a number of players, including and mostly minors, with a behaviour ranging from inappropriate gifts or touching to assault and rape. The situation was part of a scheme/structure that lasted for years, due to a system of “omertà” maintained with the help of various accomplices (such as facilitators, but also other abusers) by threats and coercion, as well as promises of benefits, and only the bravery of (some of) the victims and witnesses who decided to step forward and testify allowed this tragedy to be discovered and prosecuted.

c) Possible violation of art. 25 of the FCE (Abuse of position)

161. According to art. 25 of the FCE, persons bound by the Code shall not abuse their position in any way, especially to take advantage of their position for private aims or gains.

1. Persons involved

162. The first element set out in art. 25 FCE is that the person acting must be bound by the FCE. As already established (cf. par. 90 above), Mr Jean-Bart was a football official at the relevant time, and thus bound by the FCE.

2. Take advantage of their position

163. As mentioned previously (cf. par. 137 above), Mr Jean-Bart took advantage of his position as president of the FHF, and thus the highest ranked official in Haitian football, to create situations in which various (minor) female players would be in a subordinate relation to him.

164. The Panel refers once more to the testimony of Victim A who was intimidated (“back at the center it was as if I no longer exist in the eyes of everyone”) and refused a professional contract or studies following her rejection of Mr Jean-Bart’s advances, in order to pressure her into accepting (“he replied that as long as I keep my position with him, I will have nothing”). When she did not give in, she was eventually denied her passport back, and thus an opportunity to apply for a visa to study abroad. Victim B, who rejected Mr Jean-Bart several times, was also put under pressure by being made aware her sportive career would have no future (“I will never progress to the centre and he will never lift a finger in my favour to help me in anything”), being prevented from continuing her university studies, and refused the return of her passport, unless she relented (“Mr Jean-Bart has kept his firm decision not to give it to me and has informed me that as long as I continue not to have a relationship with him, he will never listen to me, he will do nothing for me”). These testimonies express a clear form of blackmail that was used by Mr Jean-Bart, who abused his function as president of the FHF, which provided him with the power to influence the sportive career of the victim players, in order to coerce them into engaging in sexual relations with him. This aspect can be best expressed by the declaration of a player (cited by the HRW), who declared that her contracts and her opportunity to play abroad “depended on sleeping with the president”.

165. According to the various witness testimonies mentioned in the Final Report, Mr Jean-Bart also found other ways in which he could affect the young player’s career or sportive situation (and thus manipulate or threaten them accordingly) by abusing his authority as FHF president: expelling players from the Centre, approving the list of players that would be part of the national team and receive visas in order to participate in football matches/competitions abroad, imposing them in a team despite their injury or their performance being sub-par, and last but foremost, detaining the players’ passports in the FHF offices and refusing to return them to the players. This last method has been described by [FHF official 4], an official of the FHF and custodian of the players’ passports, who also reported that the FHF president has full control over the exits of the passports, and that the passports of a dozen players were removed from his office by [FHF official 3], acting on the orders of Mr Jean-Bart, during the latter’s provisional sanction. This occurrence, confirmed by Mr Carlo Marcelin – the current General Secretary of the FHF, gave a clear indication of Mr Jean-Bart’s level of influence and control over officials and staff of the federation, which was further explained by the other testimonies:

- Mr Doret stated that all of the Centre's supervisors are appointed by the Secretary General and the President, and that these supervisors only play a symbolic role as all decisions are actually taken by Mr Jean-Bart;
- Witness 2 mentioned that it is well known that Mr Jean-Bart continues to frequent the FHF amenities at night with the help of [FHF official 3] who is the girls' main supervisor;
- [FHF official 4] expressed that Mr Jean-Bart has made it loud and clear to all the players, technical and administrative staff of the Centre that, he alone has the authority and decision-making power concerning Women's Football in Haiti

166. Another aspect that attests to Mr Jean-Bart's complete control of the system of abuse implemented at the Centre is the culture of "omertà" or silence that has been instilled in all the participants, victims, witnesses, perpetrators, accomplices, within or outside the FHF. This is also mentioned in the FIFPro report, which mentions that all the players in the Centre are very closely scrutinized and measures are taken to prevent anyone from reporting or disclosing the abuse to outsiders. Moreover, when the COVID-19 pandemic erupted in Haiti, the Centre staff was stripped down to the essential people (to cook and care for the girls) and everyone was placed in confinement. However, as the lockdown measures started to ease and efforts to get the administration up and running again, Mr Jean-Bart opposed this, so that nobody could access the Centre (where attendance is still closely scrutinized).

167. It is also clear from the content of the Final Report that Mr Jean-Bart's control extends even outside the FHF and the Centre and it can be manifested by his various efforts to intimidate and prevent victims and witnesses from testifying. Most of the victims and witnesses that accepted to collaborate in the current proceedings were extremely frightened and asked that safety and/or anonymity be guaranteed.

168. For example, Victim A specifically stated: "When I went to [media channel] to talk about this, they refused me access so as not to tarnish the image of Dadou, Yves Jean-Bart. My relatives advised me to drop this case so as not to be a victim a second time. Since then, I no longer speak about this case. [...] What I want is to get my passport back and my safety is guaranteed. If Dadou knows that I have testified against him, anything can happen to me and my family. Because he knows where he can find me, [...]." Witness 2 also accused Mr Jean-Bart of using influence peddling to silence anyone who opposes him or his decisions.

169. Furthermore, according to the FIFPro report, witnesses have complained that Mr Jean-Bart still visited the Centre and other FHF's facilities on regular basis and that on such visits he would give money (bribes) and trying to convince and assure victims and staff within the FHF that he would be shortly back in charge of the federation, thus discouraging them from testifying.

170. Moreover, HRW reported threats against witnesses and survivors of sexual abuse in the FHF (including players and officials of the men's and women's national team) who said they have been followed or threatened, or have received suspicious offers of assistance, and believe the threats or overtures are efforts to intimidate them from cooperating with judicial authorities or the FIFA ethics investigation. In particular, a former staff of the FHF who was willing to talk about the abuse at the Centre expressly asked for protection since he/she considers his/her life in danger. The witness had apparently lost his/her position within the FHF and already moved twice, due to having been followed and threatened. Another potential victim living outside Haiti who was identified by HRW was approached by a close affiliated of Mr Jean-Bart

when the allegations came to light, who offered the victim USD 45,000 in exchange of providing his/her physical address abroad.

171. All the above testimonies, coming from various sources, paint a very dangerous picture of the president of the FHF, a man whose authority and power stretched very far in Haiti. It is by abusing his position as the leader of Haitian football that Mr Jean-Bart managed not only to create and implement the system of sexual abuse and exploitation in the Centre and FHF, but also maintain and develop it for such a long period. This is why in his position, although claiming not to be a powerful or rich man, Mr Jean-Bart immediately contradicts himself by stating that the position of FHF president is extremely alluring for both public/government authorities and other persons of power in Haiti (and even elsewhere), due to the influence of football in Haiti.

3. For private aims or gains

172. It has been established that the reason why Mr Jean-Bart would take advantage of his position as president of the FHF was to leverage it in obtaining sexual favours from/relations with (minor) female players. He would use one of the approaches and methods described previously, in order to put the players in a situation where they would find themselves either alone with him (in his room or his car, as Victims A and B) or unable to refuse his advances, due to his influence and power as president of FHF over their sportive career.

173. The sexual conduct and requests of Mr Jean-Bart ranged from inappropriate touching, to sexual harassment and abuse and, in the worst case to rape (and forced abortion).

174. An important aspect is also the fact that the behaviour of Mr Jean-Bart was not singular and isolated, but repetitive.

175. Mr Jean-Bart's abuse of position was therefore clearly for private aims (obtaining sexual favours), which directly falls under the meaning and scope of the definition at art. 25 of the FCE.

4. Conclusion

176. Based on the above analysis, the Panel determines that Mr Jean-Bart abused of his position as the most senior official in Haitian football, as president of the FHF (for 20 years) and created a very complex and extremely harmful system of sexual abuse and exploitation of female players, also minors of age, which occurred inside and outside of the Centre and shattered the lives and careers of young girls coming from vulnerable backgrounds with their passion of playing football and possibly pursuing a football career. By doing this, Mr Jean-Bart also betrayed Haitian football as well as the fundamental values of the Game and of FIFA. He became an absolute ruler of an organization, irreversibly corrupting his presidential mandate as custodian of the football youth in his country.

d) Overall conclusion

177. Taking the above considerations into account in their entirety, the adjudicatory chamber is comfortable to conclude that Mr Jean-Bart has violated the following provisions of the FCE:

- Art. 23 of the FCE (Protection of physical and mental integrity);
- Art. 25 of the FCE (Abuse of position).

E. SANCTIONS AND DETERMINATION OF SANCTIONS

178. According to art. 6 par. 1 of the FCE, the Ethics Committee may pronounce the sanctions described in the FCE, the FIFA Disciplinary Code, 2019 edition (“FDC”) and the FIFA Statutes.
179. When imposing a sanction, the adjudicatory chamber shall take into account all relevant factors in the case, including the nature of the offense, the offender’s assistance and cooperation, the motive, the circumstances, the degree of the offender’s guilt, the extent to which the offender accepts responsibility and whether the person mitigated his guilt by returning the advantage received (art. 9 par. 1 of the FCE). It shall decide the scope and duration of any sanction (art. 9 par. 3 of the FCE).
180. When evaluating, first of all, the degree of the offender’s guilt, the seriousness of the violation and the endangerment of the legal interest protected by the relevant provisions of the FCE need to be taken into account. In this respect, it is important to note that as the President of FHF, Mr Jean-Bart was the highest representative of a FIFA member association. In addition, he was formerly a member of various FIFA committees. As such, Mr Jean-Bart held several prominent and senior positions in association football both at national and international level. In these functions, he had a responsibility to serve the football community as a role model. Yet, his conduct revealed a pattern of not only disrespect for core values of the FCE, but also human dignity.
181. Mr Jean-Bart’s behaviour is simply inexcusable, a disgrace for any football official. The pain and suffering he has caused his various victims of sexual harassment and abuse cannot even be fully comprehended, and represents a very dark stain on the image and reputation of football as a sport loved by so many, whose principal value and credo is “fair play”. While claiming that he was developing Haitian football, in particular women’s competitions and teams, Mr Jean-Bart did the exact opposite: he abused his position in order to satisfy his personal attitude of domination over the most fragile people, destroying the careers and lives of young promising female players. In addition, no acts of mere negligence are at stake here but deliberate actions (see art. 6 par. 2 of the FCE). In view of these findings, the official’s degree of guilt must be regarded as of utmost seriousness.
182. With regard to the circumstances of the case, the adjudicatory chamber emphasizes that several of its aspects render the case at hand to be of unprecedented gravity. Mr Jean-Bart sexually abused various female players, including and in particular minors, using threats, coercion, as well as gifts and the promise of advantages (of a sportive or financial nature) on those who refused to accept his advances. The sexual harassment/assault and abusive conduct was repeated and, in fact, part of a systematic treatment to which female players were subjected at the Centre, whose objective was to train and prepare the future generations of Haitian footballers. Instead, it was transformed into an environment of fear and mistreatment. Mr Jean-Bart’s conduct was highly detrimental to his association, the confederation that his association is affiliated with, and association football at large. It must also be borne in mind that Mr Jean-Bart committed the offences (breaches of art. 23 and 25 of the FCE) over a course of several years, (at least) between 2014 and 2020, and that the situation was kept hidden due to a well-implemented system of “omertà” or code of silence, under which the victims and witnesses were silenced through extreme pressure and coercions, not only by Mr Jean-Bart, but also his network of accomplices in the FHF and the Centre (some of which were facilitators, and some possibly perpetrators of sexual abuse themselves). It was due to the exposure created by the media and various NGOs involved in the fight against sexual harassment and

the protection of human rights, and the bravery of some of the victims and witnesses, who decided to speak out despite fearing for repercussions, that the matter was discovered and could be investigated and prosecuted.

183. To sum up, the adjudicatory chamber deems that the guilt of Mr Jean-Bart in the present case is extremely serious, and virtually no aspects are suited to mitigate the degree of his guilt.
184. With regard to the type of sanction to be imposed on Mr Jean-Bart, the adjudicatory chamber deems that only a ban on taking part in any football-related activity is appropriate in view of the inherent, preventive character of such sanction in terms of potential subsequent misconduct. In the light of this, the adjudicatory chamber has chosen to sanction Mr Jean-Bart by banning him from taking part in any football-related activity (art. 7 par. 1(j) of the FCE; art. 56 par. 2(f) of the FIFA Statutes; art. 11(f) and art. 6 par. 2 lit. c) of the FDC).
185. In this respect, the Panel considers that Mr Jean-Bart has been charged with multiple breaches of the Code, and refers to art. 11 of the FCE (Concurrent breaches), which has an almost identical content in the 2012 FCE, 2019 FCE and 2020 FCE, and stipulates that “Where more than one breach has been committed, the sanction other than monetary sanctions shall be based on the most serious breach, and increased as appropriate, depending on the specific circumstances”. However, in the 2018 FCE the content of art. 11 imposes a specific restriction, stating that “the sanction other than monetary sanctions shall be based on the most serious breach, and increased **up to one third**, depending on the specific circumstances” (emphasis added).
186. In the present case, the Panel considers that, while both infringements (of arts. 23 and 25 of the FCE) are severe, and even extremely severe, the most serious breach committed by Mr Jean-Bart, especially in terms of the gravity of the sanction (as presented above) was that of abuse of position (art. 25). In reaching such consideration, the adjudicatory chamber reasoned that, had Mr Jean-Bart not been a high-ranking official of FHF and leader of Haitian football, he would not have been able to exercise the kind and level of coercion and pressure on the various female players, allowing him to sexually harass and abuse them. Nor would he have been able to plan, implement and maintain such a ruthlessly organised system of sexual exploitation, over a long lapse of time, and keep it hidden. In other words, while Mr Jean-Bart’s behaviour in breach of art. 23 of the FCE (sexual harassment, abuse and exploitation) is clearly appalling and inexcusable, it would have not been possible without the abuse of position committed in violation of art. 25 of the FCE.
187. In view of the above, and in accordance with the content of arts. 11, 23 par. 6 and 25 par. 2 of the FCE, the adjudicatory chamber concludes that, in the present case, the duration the ban to be imposed does not have a maximum limit. Consequently, neither of the 2018 FCE, 2019 FCE or 2020 FCE appear to be the more limitative or favorable in terms of the maximum sanction that can be imposed and, in accordance with art. 3 of the FCE, the current (2020) edition of the Code shall be applied in this respect.
188. Furthermore, according to the well-established case law of CAS, lifetime bans are admissible under the Code (see, e.g., CAS 2014/A/3537). That being said, when determining the scope and duration of the ban in a specific case, the adjudicatory chamber has to be guided by the principle of proportionality.
189. At this point, the adjudicatory chamber reaffirms that FIFA has a zero-tolerance policy on human rights violations and condemns all forms of gender-based violence.

190. Finally, the adjudicatory chamber stresses that conduct such as that of Mr Jean-Bart affects the very core of sports and is nothing less than life threatening for sports and sports organisations. Thus, if officials who are found guilty of sexual harassment and assault, committed through a clear and systematic abuse of position, remained within the sports structures, this would cause irreparable damage to sports and football in general and to the FHF, CONCACAF and FIFA in particular. In cases like the present one, the only means to save sports from enormous reputational damage is a determined and resolute sanctioning of the persons concerned.
191. After having taken into account all relevant factors of the case (cf. par. 182 et seqq. above), the adjudicatory chamber deems that nothing short of the maximum sanction under the FCE, i.e. a ban on taking part in any football-related activity for life, is adequate for the violation of art. 23 and art. 25 of the FCE committed by Mr Jean-Bart. With regard to the scope (geographical area, art. 9 par. 4 of the FCE), only a worldwide effect is appropriate since Mr Jean-Bart committed FCE violations (also) while being a member of a FIFA committee and his misconduct related to players of the Haitian (female) national team, and therefore to international football. Limiting the ban to association or confederation level, in turn, would neither prevent him from future misconduct nor adequately reflect the chamber's extreme disapproval of his conduct.
192. In conclusion and in light of the above considerations, Mr Jean-Bart is hereby banned for life from taking part in any football-related activity (administrative, sports or any other) at national and international level. In accordance with art. 42 par. 1 of the FCE, the ban shall come into force as soon as the decision is communicated.
193. In the present case, the adjudicatory chamber is of the opinion that the imposition of a ban on taking part in any football-related activity is not sufficient to sanction the misconduct of Mr Jean-Bart adequately, in particular given the extreme gravity of the matter, the damage caused and the particularly despicable behaviour and motive of the accused. Hence, the adjudicatory chamber considers that the ban imposed on Mr Jean-Bart should be completed with a fine, a financial sanction with a strictly punitive purpose in the present case.
194. The amount of the fine shall not be less than CHF 300 and not more than CHF 1,000,000 (art. 6 par. 2 of the FCE in conjunction with art. 15 par. 1 and 2 of the FDC). In the case at hand – taking into account the particularly severe outcome of Mr Jean-Bart's misconduct, which could never be properly measured by the level of pain and suffering he inflicted on his traumatized and (mostly) minor victims, as well as the fact that he held prominent official positions in association football (which he illegally abused in the scope of his misconduct), the adjudicatory chamber determines that the maximum amount of the fine must apply. Accordingly, Mr Jean-Bart shall pay a fine of CHF 1,000,000.

F. PROCEDURAL COSTS

195. The procedural costs are made up of the costs and expenses of the investigation and adjudicatory proceedings (art. 54 of the FCE).
196. Mr Jean-Bart has been found guilty of a violation of art. 23 and has been sanctioned accordingly. The adjudicatory chamber deems that no exceptional circumstances apply to the present case that would justify deviating from the general principle regarding the bearing of the costs. Thus, the adjudicatory chamber rules that Mr Jean-Bart shall bear the procedural costs (art. 56 par. 1 of the FCE).

197. In the present case, the costs and expenses of the investigation and the adjudicatory proceedings – including a hearing before the adjudicatory chamber – add up to [...].
198. According to art. 57 of the FCE, no procedural compensation shall be awarded in proceedings conducted by the Ethics Committee. Consequently, Mr Jean-Bart shall bear his own legal and other costs incurred in connection with these proceedings.

III. DECISION OF THE ADJUDICATORY CHAMBER

1. Mr Yves Jean-Bart is found responsible for having breached art. 23 (Protection of physical and mental integrity) and art. 25 (Abuse of position) of the FIFA Code of Ethics, in relation to acts of sexual harassment and abuse against various female football players, including minors, as well as abuse of his position as president of the Fédération haïtienne de football (FHF) during the period 2014 - 2020.
2. Mr Jean-Bart is hereby banned from taking part in any kind of football-related activity at national and international level (administrative, sports or any other) for life, as of notification of the present decision, in accordance with article 7 lit. j) of the FIFA Code of Ethics in conjunction with art. 6 par. 2 lit. c) of the FIFA Disciplinary Code.
3. Mr Jean-Bart shall pay a fine in the amount of CHF 1,000,000 within 30 days of notification of the present decision.
4. Mr Jean-Bart shall pay costs of these proceedings in the amount of [...] within 30 days of notification of the present decision.
5. Mr Jean-Bart shall bear his own legal and other costs incurred in connection with the present proceedings.
6. This decision is sent to Mr Jean-Bart. A copy of the decision is sent to the FHF, CONCACAF and to the chairperson of the investigatory chamber of the FIFA Ethics Committee, Ms Maria Claudia Rojas.

NOTE RELATED TO THE FINANCIAL SANCTION:

The payment of the fine and costs of the proceedings can be made either in Swiss francs (CHF) to account no. [...] or in US dollars (USD) to account no. [...], with reference to case no. "Adj. ref. no. 3/2020 (E20-00003)" in accordance with art. 7 let. e) of the FIFA Code of Ethics.

NOTE RELATED TO THE PUBLICATION:

The public may be informed about the reasons for any decision taken by the Ethics Committee. In particular, the chairperson of the adjudicatory chamber may decide to publish the decision taken, partly or in full, provided that the names mentioned in the decision (other than the ones related to the party) and any other information deemed sensitive by the chairperson are duly anonymised (cf. article 36 of the FIFA Code of Ethics).

NOTE RELATED TO THE APPEAL PROCEDURE:

In accordance with art. 82 par. 1 of the FCE and art. 58 par. 1 of the FIFA Statutes, this decision can be appealed against to the Court of Arbitration of Sport ("CAS") in Lausanne, Switzerland (www.tas-cas.org). The statement of appeal must be sent directly to CAS within 21 days of notification of this decision. Within another ten days following the expiry of the time limit for filing the statement of appeal, the appellant shall file with CAS a brief stating the facts and legal arguments giving rise to the appeal (see art. R51 of the Code of Sports-related Arbitration).

FÉDÉRATION INTERNATIONALE
DE FOOTBALL ASSOCIATION



Mr Vassilios Skouris
Chairperson of the adjudicatory chamber
FIFA Ethics Committee