

Decision of the Adjudicatory Chamber of the Ethics Committee

Taken on 22 July 2021

COMPOSITION:

Vassilios Skouris, Greece (Chairman)

Ayotunde Phillips, Nigeria (Member)

Pamela Camus, Chile (Member)

Gregory Delzin, Trinidad and Tobago (Member)

PARTY:

Mr Rosnick Grant,

Haiti

I. FACTS OF THE CASE

A. PROCEEDINGS BEFORE THE INVESTIGATORY CHAMBER

a) Procedural background and communications with the party

1. Preliminary investigation and opening of proceedings

1. Mr Grant was a football official attached to the FHF since 1993 until 2021. He became the National Head Coordinator of Referees on 11 December 2011 and Vice-President of the FHF on 1 February 2020, positions that he held until his provisional suspension from all football-related activities at national and international level dated 10 February 2021.
2. On 25 April 2020, several serious allegations of systemic rapes and other sexual abuses within the FHF were made public by the press.
3. On 30 April 2020, *The Guardian*, a British newspaper, published an article according to which Mr Jean-Bart, president of the FHF, had allegedly coerced several players at the Center of Croix-des-Bouquets ("the Center") into having sexual intercourse and threatened them with expulsion from the Center.
4. As a consequence of those publications, on 1 May 2020, the investigatory chamber of the FIFA Ethics Committee ("investigatory chamber") contacted the Confederation of North, Central American and Caribbean Association Football ("Concacaf") to investigate these allegations and requested the complete case file to the confederation. However, Concacaf responded on 5 May 2020 that it had no additional information and was unable to investigate the case further, due to its lack of a proper body dedicated to the prosecution of ethics-related matters.
5. As a result, in accordance with articles 30 par. 2 and 59 paras. 2 and 3 of the FIFA Code of Ethics ("FCE") 2019 edition, Ms Maria Claudia Rojas, then Chairperson of the investigatory chamber of the FIFA Ethics Committee, instructed the Secretariat of the investigatory chamber to initiate preliminary investigations into any potential breach of the FCE by FHF officials.
6. During the investigation proceedings against other FHF officials, the investigatory chamber identified Mr Rosnick Grant as one of the perpetrators of sexual abuses, in particular through his role as National Head Coordinator of Referees.
7. On 21 August 2020, based on the evidence gathered, and considering the aforementioned communication from Concacaf, in accordance with articles 30 par. 2 and 59 paras. 2 and 3 of the FCE 2020, the investigatory chamber initiated preliminary investigations into Mr Grant. Mr Grant was informed that he was being considered as a potential party in the preliminary investigation proceedings, which at that stage, related to possible violations of arts. 13, 17, 23 and 25 of the FCE. The investigatory chamber further asked Mr Grant to submit a written statement concerning the allegations.
8. On 16 September 2020, Mr Grant replied to the investigatory chamber's request denying all charges and stated that the allegations reported by *The Guardian* were baseless, aimed at replacing the FHF's Executive Board, and erroneous.

2. The establishment of the Ad Hoc Panel and the appointment of its members

9. Due to the travel restrictions implemented in relation to the COVID-19 pandemic, the then Chairperson of the investigatory chamber considered that the proper establishment of the facts of the case required investigatory tasks that could not be fully performed by the members of the Secretariat of the investigatory chamber of the FIFA Ethics Committee (i.e. onsite visits and face-to-face interviews with parties involved). Consequently, on 11 May 2020, Ms Rojas appointed an ad hoc panel composed by Ms Fiammetta Cappellini, Ms Marie Doty Jean Charles Zephir and Mr Jacques Letang ("Ad Hoc Panel").
10. The primary task of this Ad Hoc Panel was to implement locally all the necessary investigative tasks assigned and designated by the Chairperson of the investigatory chamber, in order to properly assess the facts related to the allegations of this case in accordance with article 64 par. 3 of the FCE.

3. Formal investigation proceedings and application of provisional sanctions

11. Based on the evidence at hand, in particular the testimonies brought forward before the Ad Hoc Panel and the Fédération Internationale des Associations de Footballeurs Professionnels ("FIFPRO"), on 10 February 2021, pursuant to articles 60 and 62 par. 1 of the FCE,⁹ Ms Maria Claudia Rojas, the then Chairperson of the investigatory chamber determined that there was a prima facie case and decided to open a formal investigation proceedings against Mr Grant for possible violations of articles 13, 23 and 25 of the FCE.
12. Bearing in mind that by 10 February 2021, Mr Grant had still daily access to the FHF as per his position as Vice-President and National Referees Coordinator, in accordance with article 84 of the FCE 2020, the Chairperson of the investigatory chamber proceeded to apply provisional sanctions on Mr Grant in order to ensure that investigation proceedings were not interfered with, and decided to impose a provisional ban on Mr Grant for 90 days from taking part in any kind of football-related activity at national and international level (administrative, sports or any other).
13. On that same date, both Mr Grant and the FHF were accordingly notified of the opening of formal investigation proceedings against Mr Grant as well as of the decision taken by the Chairperson of the investigatory chamber regarding the implementation of the provisional ban.

4. Extension of provisional sanctions

14. On 7 May 2021, Ms Maria Claudia Rojas, the former Chairperson of the investigatory chamber submitted her request for extension of provisional sanctions against Mr Grant before the adjudicatory chamber, in accordance with art. 85, par. 1 of the FCE 2020.
15. The Chairperson based such request on new discovered evidence and exceptional circumstances (such as more investigatory activities to be carried out, and the fact that, by returning to his position, Mr Grant could potentially interfere in the investigation and threaten potential witnesses and victims)
16. On 7 May 2021, the adjudicatory chamber of the FIFA Ethics Committee decided to grant the investigatory chamber's request and extend the provisional sanction for an additional period of 90-days, pursuant to article 85, par. 1 of the FCE 2020.

5. New composition of the investigatory chamber of the FIFA Ethics Committee

17. On 21 May 2021, FIFA held its 71st Congress, during which the FIFA member associations voted on the election and/or re-election of the chairpersons and deputy chairpersons of the independent committees, including both chambers of the FIFA Ethics Committee.
18. As a consequence, the composition of the investigatory chamber was changed and the former Chairperson and chief of investigation in the present proceedings, Ms Maria Claudia Rojas, was replaced by Mr Martin Ngoga, who was appointed as new Chairperson of the investigatory chamber of the FIFA Ethics Committee.

6. Communications with the party

19. Between 21 August 2020 and 3 April 2021, the investigatory chamber maintained several communications with Mr Grant through which he was requested to provide a statement regarding the allegations and to present documentary evidence.
20. On 16 September 2020, Mr Grant stated:

*“The investigation itself offends my honor and my dignity. I have never been involved in matters of sexual abuse or otherwise neither as an author nor as an accomplice or instigator”.*¹
21. On 26 March 2021, after being notified of the opening of investigation proceedings and during the imposition of the provisional sanctions, Mr Grant was provided once again with an opportunity to submit a statement on the allegations.
22. On 2 April 2021, Mr Grant replied that he was surprised by the opening of investigation proceedings dated 10 February 2021 and the request for information of 26 March 2021. Mr Grant once more denied all involvement in conducts of sexual abuse and expressed that, as a former member of the executive committee of the FHF in charge of refereeing, he did not have an office in the Centre that he rarely visited and only for exceptional meetings or events.
23. Furthermore, Mr Grant said that he had never held any position that allowed him to mix with the players or coaches of the said Centre. That he had never been a member of the technical, medical, and administrative or other staff and that he had never been a member of any delegation traveling inside Haiti or abroad.
24. Mr Grant encouraged the investigatory chamber of the FIFA Ethics Committee to find, select and interview honest and credible people in order to find the truth by listening to the two sides of the story and make a fair analysis. Mr Grant maintained that he did not understand the level of nastiness on the part of those who dared to quote or have his name mentioned in such a serious matter with the purpose of misleading FIFA. In the opinion of Mr Grant, the person who managed to drag his name into this file was only persecuting him for untold and unspeakable ends.

¹ « L'enquête en elle-même constitue une offense à mon honneur et à ma dignité. Je n'ai jamais été impliqué dans des questions d'abus sexuel ou autres ni comme auteur ni comme complice ou instigateur » Mr Grant's statement dated 16 September 2020

b) Factual findings of the investigatory chamber**1. Inappropriate and unsolicited sexual approaches****a. Report from FIFPRO dated 13 August 2020**

25. Since the beginning of the investigation proceedings into the allegations of sexual abuse within the FHF, the investigatory chamber has approached and contacted several NGOs to find witnesses that could comment on the allegations, acknowledging that the NGOs had direct access witnesses who were reluctant to give testimony to FIFA's Ethics Committee.
26. 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 those witnesses.
27. Both HRW and FIFPRO have liaised with a multidisciplinary team of trauma clinicians providing assistance to some of the potential victims and have been coordinating financial and security aid to be provided by FIFA to the witnesses and victims.
28. On 13 August 2020, FIFPRO provided the investigatory chamber with a report containing their findings regarding the allegations of sexual abuse within the FHF in which FIFPRO informed that they were able to identify 34 possible victims of sexual abuse and 10 potential perpetrators.
29. Regarding the allegations of sexual abuse and harassment within the FHF, one of the conclusions, inferred from the direct statements given to FIFPRO, was:

“Rosnick Grant: raped and/or sexually abused and/or attempted to rape more than 11 players and referees, repeatedly abused his position to coerce or persuade young women into having sex with him, offering refereeing opportunities and accommodation in exchange for sex. Grant is now threatening referees and also offering jobs to those he sacked for refusing to have sex with him.”

30. Additionally, FIFPRO informed that the above mentioned statement was based on the testimony of at least 11 alleged victims, most of which were reluctant to give testimony due to fear of retaliation.
31. From the referred conclusion provided by FIFPRO through its report dated 13 August 2020, the investigatory chamber inferred that there was a strong indications that Mr Grant had used his position within the FHF, as Vice-president, and particularly as National Referee Coordinator, to coerce and persuade women to have sexual intercourse with him.

b. Victim's written statement of 6 October 2020

32. On 6 October 2020, the Ad Hoc Panel received a written testimony from an alleged victim of sexual abuse and harassment (“Victim”), statement that was subsequently submitted before the investigatory chamber.

33. In summary, the Victim described situations where she was, in more than one occasion, sexually harassed and abused by Mr Grant. The Victim also refers to the promises of professional advantages in case she would have agreed to Mr Grant's sexual advances, followed by Mr Grant hostile conducts towards her after she rejected him.

"[...] I integrated refereeing in 2011 through a training organized by Mr Rosnick Grant, the president of the national referees commission (CONA) ... From the first day, Mr Grant had told me that he wanted to meet with me elsewhere to discuss my future that he saw bright in this profession. Effectively, he invited me to the hotel where he was staying in the city of [...]. I did not hesitate because he was in the company of a very kind young woman, also a referee.

On the next day, I came to the hotel around 5pm and I noticed that the young woman and the president of CONA shared a bed in the same room...

When I arrived, the young referee immediately left the room; Mr Grant uses his own victims to bait other victims; and he invited me to sit. He started to tell me that I was beautiful, then he put his hands on my thighs, then went up to my breasts... And I thought that we were going to talk about the different steps required to become an international referee.

A few days later, he called me to ask if I could let him take my virginity, and this day, he had told me that he wanted to make me a woman, he insisted on it. He had told me that if I accepted to sleep with him, he would pay for my studies and allow me to have a career.

Following that event, the first step I took was to call the young referee, I told her everything, and I also told her that I would not stay in this profession. A few minutes after our conversation, Mr Grant called me to inform me that he would cease his indecent propositions.

It was all a lie, and from 2011 to 2018, he gave his all to manage to sleep with me. He often told me that he liked me a lot, and that he did not "buy that feeling in a shop". He would say that he wanted to be with me and that he knew that his life was already in place, which would not prevent me from being in a serious relationship with someone else.

One day, after refereeing a game, he came to give us feedback in the locker room (it was in the [...] stadium). He told me to get out quickly because it was getting late and he would bring me home. This day, he took me to a location where there were only the two of us, with a lot of trees around. I did not know where I was. He started to touch me, saying that he wanted me. Fortunately, I had enough strength to fight back and I escaped.

Another time, he called me on the phone to tell me that I would be in an international competition, he asked me to prepare myself in that regard. I was going to undergo a fitness test. I skipped a few classes at university to prepare for the physical, I invested my energy and time to succeed. I was very motivated. Then, two days prior to the physical, he called to tell me to come spend the night with him at his home, which I refused. After the refusal, I already knew that I

would not be participating in the competition. I was disappointed, demotivated and exhausted. [...]

He is evil, he destroyed me. He shattered my dreams, destroyed my career [...] I was not motivated to provide the efforts to meet the demands of FIFA because I knew that he would not let me advance. I wanted to make history for Haitian refereeing, and he prevented me from doing it, to my deepest regret.”

[Free English translation]

c. Victim’s identity confirmation and interview with the investigatory chamber dated 23 February 2021

34. In February 2021, the Victim agreed to participate in an interview with the investigatory chamber of the FIFA Ethics Committee, led by Ms Maria Claudia Rojas as the (former) chairperson and chief of investigation.
35. At the beginning of the interview, the Victim was properly identified by the chairperson, provided her personal details and described her current and past relation with the FHF.
36. The most relevant accounts of the Victim in relation to the investigation against Mr Grant, read as follows:

“Victim: [...] I spent approximately seven years in the Centre and I joined the body in 2011, and I was obliged to leave in 2018 and to resign and that was not easy for me. And I spent, frankly I must sincerely tell you that I spent seven years battling, seven years really fighting, and that was not easy for me. Therefore, I was a referee, like I just told you, I was not a player.

Chairperson: Perfect. You say that you had to resign, for what reason? Why did you have to resign?

Victim: Because since the start, from the first day of my training, Mr had already started to harass me; he had already started to touch me, to tell me that I was beautiful and that I can progress in the circle; he started to touch me, to make indecent proposals to me.

I spoke about it to a girl, like me, I told her “well, I am not going to continue”, and then she reported that to Mr, and Mr had promised me not to continue any more, but frankly that was a lie. I spent seven years in the circle and seven years fighting against an oppressor who was supported by the president of the federation even, because everyone knew everyone.

He was always making indecent proposals to me like “can I accompany you to the ball”, and it has to be said that there was not really an office within the Haitian football federation for [inaudible], therefore when a referee was needed, whether a girl or a boy, he calls us, he calls me to tell me to go to his house because there are new uniforms; go to his house, or come to his office, or at least he tries to find out where I am “where are you [...]?”, he comes to look for

me in his car. When he comes to look for me in his car, he takes me where it wants.

And sometimes as part of a training, he can say to you “well, we are going to spend three days in a provincial town, we will stay there” and then during the night, strangely, in the hotel, once, I felt something on my bed – it was him. He came and what is more he was naked, therefore, I endured a lot of problems, really quite a lot of problems, within this body.

But I tried time and time again that that should not be done, it has to stop, therefore in a friendly way, but he never heard, he insisted. But, it was not just me, but some girls agreed, perhaps against themselves. Some girls who are in a vulnerable situation. It is not that I was rich myself but I never agreed and I fought. But, unfortunately, I was obliged to leave because I could no longer put up with Mr. He shattered my dreams, my career. I had to abandon everything. It was really unfortunate for me.

Chairperson: Did you know if any other player or referee also received harassment from this Mr Grant like you?

Victim: Of course. But as I just told you, some girls, in view of their vulnerable financial situation, they accept. But I do not know many, I know quite a few girls who are victims. [...]

Chairperson: [...] I would like to ask you, after you informed this journalist, did this Mr Grant change his attitude towards you? Did he take any retaliation? Was it more difficult for you to stay there?

Victim: He called me to tell me “Why did you speak to [inaudible], he has just called me and told me that you want to speak with him so that he can put out an article against me”. Yes, of course, he had spoken to me about it. [...]

Chairperson: [...] Going back to your personal situation, can you tell us about any experience these disagreeable people had with Mr Grant? In what place? How did it happen? Could you tell us in a bit more detail about any personal experience of yours?

Victim: Of course. Once he asked me to go [inaudible] to the provinces, to go and train applicant referees. He often used to say to me that I presented well and explicitly and that I had to accompany him to a provincial town to train applicant referees. I got ready, and he came to collect me in the morning ...

Therefore, when we arrived at [inaudible], I saw that he was occupying the same bedroom as me, which I refused. I said “no, I am not going to accept that” and he said “OK, I’m leaving the room”. I said “well, if you do not leave the room, I am going to sleep at my uncle’s house”. He said to me “no need, I am going to take another room, you can stay there all alone” and then he actually left the room and I stayed there. But I did not go to get the key, it did not cross my mind. I got ready and then I started to sleep. During the night, I felt something strange

on the bed, I felt a hand, I woke up, strangely. What I found that day, I saw Mr, he was naked, on the bed, his hand inside my pants. He went too far that day.

As I woke up, I spoke to him, we spoke to each other. He even cried and he said "never again", that he was not going to start with that again and he loves me, that he wants us to be together. That he was not going to prevent me living my life when I will find the man that I really love, he is not going to prevent that, he was not going to prevent me from leaving, he only wants to spend moments with me, etc. That day, he did not actually manage to do what he wanted to do. [...]

Another time, after a match at the [...] stadium, it was already 10 o'clock at night, it was late, I did not have a car and could not go home. He said to me "well, I am going to give you a lift" and that day, lots of referees got into his car. He gave a lift to all the other referees. I stayed all alone, I did not say anything. Then, he refused to take the road to my house, he took me to a place, we were alone, it was nearly midnight, he asked me to get out. I got out and then he started to take off my skirt, to tell me "I love you, we are going to look at some things together, we are going to look at the sky and the moon". [...]

Then he put his hand and went under my skirt. That day it was virtually the same, I fought, I told him "it is not possible to do that, you must not be like that". That day he told me "it is a natural feeling that I have for you, I have not bought it in a shop. If I had bought it, I would have taken it back, but I did not buy it, I love you, I want to be with you." That day he did not manage to do what he wanted but he had started.

Another time, he asked me to go to his house, to go to collect new uniforms. And I did not have any choice. I had a match with other referees. The girls told me "we will wear the new uniform". I said "I do not have the new uniform yet; I do not have time to deal with that" because I was at university. It is not that I did not have time, it was that I did not want to go to Mr's house. They insisted and seeing that they insisted I was obliged to go to his house.

When I arrived at his house, he was not there. The maid told me that Mr is not there. [unaudible]. It was 8-9 o'clock in the evening and the maid told me "Mr has come back". He made sure to say that he was not there so that I stayed at his house. He had met me very late that day, I went into his bedroom. It is always like that, one cannot refuse, to collect the new uniforms. He asked me to lie down, "make yourself comfortable, you can sleep on my bed", I told him no I am not going to stay and he said "it is 9 o'clock already, I am not going to give you a lift, my car has broken down, therefore you will sleep with me you can't go now. Tomorrow I will take you to the university. You can sleep with me."

Fortunately, another female referee came that day and I said that I will sleep with her, and I asked her "do not leave me, we will sleep together, I do not want to stay with Mr in his bedroom". And she told me "but no, you know that it is like that, you must sleep with him. You do not need to be afraid of the maid. You do not have to be afraid, you know that you have to sleep with Mr."

Chairperson: You told us a while ago that you went to the room because you could not refuse. Why? What happened if you refused? What did this Mr Grant do against you?

Victim: In the case of refusal: "you do not have a match", "you will no longer be scheduled to do the matches". I needed money, therefore we are all in the same situation, we live in a poor country, we need money, and therefore, the girls need to sleep with Mr.

Victim: It is that the other referees cannot force the referees to sleep with them, but they are Grant's accomplices. One of which currently, a male referee called me that it is necessary to support and that is not necessary to give evidence against him because it is a conspiracy and that we must not do that, etc. Therefore, there are many referees who are continuing to support Grant, they are accomplices. It is just that they want to continue to benefit from something from Grant, but they know the truth, they know that he is a bad one, they know that very well. [...]

Chairperson: [...] After it became public, through the press publications, The Guardian newspaper, finally, what happened in the Haiti Federation was made public, did someone want to buy your silence so that you do not talk? Have they offered you something, money or a present or some advantage?

Victim: They have not tried to buy my silence, but they have tried to stop me talking because I have received several calls and even threats. I had to stay at home. They have not tried to buy me, but they wanted to force me to keep quiet. But quite recently one referee called me to tell me that it is not necessary to give evidence: "if you had wanted to give evidence, you must not do that, you must not participate". He had called to advise me, but he did not try to buy my silence. [...]

Chairperson: ... Who threatened you? Are they anonymous threats or were you threatened directly?

Victim: He had called me and I saw the number, but I do not know the person. He told me that I was a bandit and that he has staff, etc., that is what they do and they were paid to kill me. I have not identified the person, he was a stranger.

[...] And as I was just saying, there is no office within the federation for meeting the referees. Therefore, when there were new uniforms, etc., it was necessary to go to Mr's house, or to his office, or his car. Therefore, for Mr, it was easier to operate since there was no office within the federation. Therefore, I think that it is really necessary to think about that and also to think really about structuring the referees and a code is needed where there would be rules to govern the behaviour of the referees. Because Mr was imposing sanctions as he wanted according to his whims. For example, if a girl does not agree to sleep with him, if he knows that you have spoken to someone else, he tells you "you are penalised, you are not going to have any more matches", therefore nothing was formal, there were no rules governing the referees. [...]"

[free English translation]

37. According to the investigatory chamber, the Victim's oral statement summarized her years working at the FHF as a female referee, a period during which she was subject to conducts of sexual abuse and harassment committed by Mr Grant, as well as victim of retaliation. Furthermore, the Victim provided clarifications and specifics about the times where she was physically attacked and the modus operandi that Mr Grant used.

d. Interview with Witness A on 28 January 2021

38. As part of these investigation proceedings, the investigatory chamber additionally contacted potential witnesses that could corroborate the allegations presented against Mr Grant.
39. Particularly, the investigatory chamber interviewed a former official of the FHF, who gave testimony about the allegations of sexual abuse that were carried out within the Centre and other FHF's facilities.
40. At the commencement of the interview, the Witness A was asked to provide the Investigatory chamber with his/her personal details and described his/her current and past relation with the FHF with the aim to confirm and properly identify the witness. The relevant excerpts relating to Mr Grant read as follows:

Chairperson: [...] Apart from Mr Jean-Bart, which other senior officials working for the FA were involved in this type of behavior?

Witness A: There were many of them. Not only Jean-Bart. Rosnick Grant too, the chairman of the Referees Committee. He is the one who selects Haitian referees for FIFA and Concacaf. He abused all of the referees. And in that case too, if you didn't accept it, you would have to leave the profession. And I know referees, men and women, who've talked to me about this. And I have very clear proof of all this. We're talking about Rosnick Grant.

Chairperson: Exactly. Could you please repeat his name?

Witness A: Rosnick Grant. [...]

Chairperson: Before these incidents, you didn't know [A], right? You contacted him after the publication of the article?

Witness A: Yes, following the publication, I was so happy, because, if I could have, I would have done it, but of course there would have been consequences. And luckily, [A] worked for months to ensure that the girls at the centre would be given an opportunity. And FIFA too has decided to clean up the FA, but to do so, FIFA has to be very careful when dealing with people from Concacaf, because many of them, when they come to Haiti, they do the same with girls, for example with prostitutes and referees. They abused girls, telling them that they would be working as referees for FIFA, as national referees. That's how they would do things in Haiti. They would tell them that if they didn't accept [the sexual approaches], they wouldn't be allowed to referee any match again. Mr Grant had

the abbreviation “SPM”, which is short for “sex per match”. That’s how we referred to it.

Witness A: In my opinion, Grant is even more corrupt than Yves Jean-Bart. [...]

He’s more corrupt than Jean-Bart. [...] He would tell the referees that they would be a FIFA referee, a national referee, but that they would first of course have to fulfil his wishes.

One day, there was a training session in [...]. He brought a referee with him. She didn’t want to stay at the hotel. It was late and she therefore had to stay. At night, he entered her room, got into her bed completely naked and tried to touch and penetrate her. ...

And something else that happened at the [...] Hotel. [...]. His objective was to get them to sleep in those hotels. That was his role within the FA, the Referees Committee. If you didn’t agree to it, you would not be a national referee. [...]

[Upon question]

[Witness A]: Yes, Mr [...], from [...]; whenever he would come to Haiti, he would always be given a woman as a gift.”

[free English translation].

41. Based on the content of these declarations, the investigatory chamber concluded that Witness A separately confirmed the allegations maintained by the Victim and stressed the mechanisms used by Mr Grant in order to force referees to accept the advances he made.

2. Mr Grant’s efforts to retaliate and intimidate witnesses/ Victim

a. Testimonies

42. Since the beginning of the investigation into the allegations of sexual abuse committed in the FHF, in many occasions, victims and witnesses have expressed their preoccupation about what might happen if their participation were to be exposed. Most of the victims and witnesses that have maintained their will to collaborate in the current proceedings were extremely frightened and asked that safety and anonymity are guaranteed.
43. FIFPRO reported that, after the initiation of the ethics proceedings, Mr Grant was threatening referees and also offering jobs to those he had sacked for refusing to have sex with him as a way to prevent them from speaking out.
44. Moreover, FIFPRO informed the investigatory chamber that the statement made in its report dated 13 August 2020, was based on the testimony of at least 11 alleged victims/witnesses. However, that most of these victims and witnesses were reluctant to give testimony due to fear of retaliation.
45. Similarly, the Victim who gave testimony before the investigatory chamber on 6 October 2020 and on 23 February 2021, stated that other referees have approached her requesting her not to provide her testimony against Mr Grant to the FIFA Ethics

Committee. The Victim described that she has also received a call from an unknown individual who told her he was part of gang hired to kill her.

b. Victim's email dated 15 May 2021

46. On 15 May 2021, the Victim sent an email to FIFA, the FIFA Ethics Committee, the FHF and other related parties, through which she informed about the threats that Mr Grant made, and asked that the FIFA Ethics Committee sanction Mr Grant as soon as possible.

"Ladies and gentlemen My name is [...]. I am the Haitian referee who testified at the FIFA Ad Hoc Panel in October 2020. Ms Fiammetta Cappellini and Mr Jacques Letang had collected my testimony both by telephone and in manuscript. I hereby inform FIFA of my serious concerns following a series of suspicious events relating to these testimonies.

Two days after my conversation with the members of the Ad Hoc Panel, I received a call from Rosnick Grant, the person I had just testified against. During his call, Mr Grant intimidated me by clearly letting me know that he was aware of my testimony, although confidential, that I had just given. Mr Grant also told me he was untouchable. ...

For me, there is no doubt that the author is talking about me given that Mr Letang and Ms Cappellini were the only ones aware of my refuge, which is actually located in [...]. I have no connection in this locality which was chosen by mutual agreement for my protection. Even my relatives did not know about the place. It is therefore obvious that my safety and that of my family members are in jeopardy. I trusted FIFA through your envoys. And here we are in great danger now. Please do something. I am very afraid for my life and that of my family which are in your hands for the second time.

Since last week, Rosnick Grant keeps calling me either to intimidate me or to ask me questions about my current situation.

[free English translation]

47. Based on the above, the investigatory chamber considered that it was obvious that, from the beginning of the investigation proceedings and until very recently, Mr Grant had been doing everything possible to prevent victims and witnesses from testifying.

c) Conclusions of the investigatory chamber

48. After careful analysis of the gathered information and documentation at its disposal, the investigatory chamber reached the following conclusion in its Final Report:

"- Mr Grant has violated article 23 par. 1, 3, 4 and 5 of the FCE 2018, for having engaged in acts leading to sexual abuse and harassment committed against female referees.

- Mr Grant has violated article 25 par. 1 of the FCE 2018, by taking advantage of his position by arranging instances where he could be alone with the referees while persuading them to grant him sexual favours.

- Mr Grant has breached article 23 par. 3 of the FCE 2020 by threatening and preventing potential victims and witnesses to give testimony.

As a consequence of the foregoing, Mr Grant is found guilty of having breached several provisions of the FIFA Code of Ethics, editions 2018 and 2020, such as articles 13 (General duties), 23 (Protection of physical and mental integrity) and 25 (Abuse of position).

B. PROCEEDINGS BEFORE THE ADJUDICATORY CHAMBER

a) Opening of adjudicatory proceedings and communications with the party

49. On 28 June 2021, Mr Grant was informed that the adjudicatory chamber had opened proceedings against him based on the investigatory chamber's Final Report as per art. 68 par. 3 of the FCE. The adjudicatory chamber also informed Mr Grant of his right to request a hearing and submit a written position.
50. On 29 June 2021, Mr Grant requested a hearing and asked to be provided with more specific details including the names of the victims as well as the dates and places of the alleged events, denying once more the accusations levelled against him.
51. On 30 June 2021, Mr Grant was provided with a French translation of the Final Report, as well as details about the hearing, including the procedural outline and the composition of the adjudicatory chamber's Panel ("the Panel").
52. On 8 July 2021, the National Union of Football Referees ("SYNAF"), sent the following documents in support of Mr Grant:
 - a) A request from SYNAF;
 - b) A note of protestation of the Haitian Female Referees;
 - c) A position statement of the captain referees;
 - d) A short audio Whatsapp message of [A];
 - e) An exchange of whatsapp written messages between [A] and a female referee.
53. On 11 July 2021, Mr Grant submitted his position to the adjudicatory chamber, which is summarized in the following section ("Mr Grant's written position")
54. On 12 July 2021, the adjudicatory chamber transmitted Mr Grant's position and the documents received from SYNAF to the investigatory chamber and to Mr Grant. The adjudicatory chamber also asked Mr Grant to identify the witnesses he planned to call at the hearing and provide a short written summary of their expected oral statements.
55. On the next day, the adjudicatory chamber reminded Mr Grant of FIFA's four official languages, asked that all statements and supporting documents be submitted in one of those official languages and warned that any document/statement submitted in a different language (notably Haitian Creole), would not be taken into account by the Panel in its assessment of the case.

56. On 16 July 2021, Mr Grant submitted a French translation of Ms Henrius' interview with Radio Tele Espace and stated that the witnesses participating at the hearing would be Jean Evensck Desjardins and Ronide Henrius.

b) Mr Grant's written position

57. On 11 July 2021, Mr Grant submitted his position to the adjudicatory chamber, in which he made the following statements and observations, in particular:
- a) Mr Grant promised his full cooperation and requested again that the investigation be restarted "from scratch", claiming that certain people wanted to capitalize on events in order to take revenge and replace him, and that many people had been manipulated;
 - b) He never held a position that has allowed him to mix with male or female players or female coaches at the Croix-des-Bouquets center, nor has he ever taken part in any celebratory or recreational activity organized for youngsters from the Croix-des-Bouquets center.
 - c) Between 2010 and 2020, he only attended three of the ten FHF congresses and one of the fifteen start-of-season meetings with clubs in the top- and second-tier domestic divisions held at the Croix-des-Bouquets center. He did not introduced himself when FIFA President Infantino visited the center, and only five FIFA refereeing courses were organized there between 2010 and 2014.
 - d) Since becoming Head of Refereeing in 2010, his priority as manager has been to lower the age of male referees and to integrate more women into the refereeing profession, having plenty of referees on the FIFA Refereeing International List. Gender equality and equal opportunities have always been part of his philosophy.
 - e) Since 2015, when Concacaf started to concentrate on prioritizing "quality over quantity", the selection and promotion criteria became very important and strictly followed, such as those for fitness and English language knowledge. As a consequence, some referees have lost the privilege of being FIFA officials, while others who hoped to become FIFA referees have pointed out that the bar is now set at a level that is no longer easily accessible to them. Some of those individuals, who are linked to the press or close to former/current football officials started to attack him and are devising plots to persecute him.
 - f) Following the publication of The Guardian's article regarding sexual abuse in Haiti, his critics used the opportunity to misled FIFA by calling for Mr Grant's head. This movement is led by former referees Allan Jacques and Jacques Robert Arthur, both removed from the FIFA list, and its objective is to bring him down, by dragging his name into a sexual abuse case. Mr Jacques Robert Arthur wrote to FIFA refereeing officials asking why he was removed from the FIFA list, and wants to bring down the Concacaf and FIFA officials he believes were involved in his removal.
 - g) In the majority of the 12 FIFA Refereeing Assistance Programme (RAP) courses organized under the supervision of Regional Development Officer (RDO) Ronald Gutiérrez, the instructors were accommodated far away from the Haitian participants

(including women referees). At the request of the Concacaf Director of Refereeing, Brian Hall, French Caribbean referees took part in the FIFA Refereeing Assistance Programme (“RAP”) course in Haiti in 2018 and 2019. They were accommodated at the same hotel as the FIFA instructors due to logistical and security reasons.

- h) In February 2021, Mr Jacques Letang, a former member of the Ad-Hoc Panel who became president of the FHF normalization committee, wanted to sacrifice Mr Grant due to future electoral reasons, part of a witch hunt conducted by the normalization committee. Mr Letang later resigned on 1 July 2021, having been publicly criticized for misleading FIFA.
- i) Since the attack on his integrity, many people have spoken out to complain of the plot against him, including the press, female referees and the referees’ union (which are enclosed to Mr Grant’s position).
- j) During his 30-year refereeing career (1979-2009), of which 17 years as a FIFA referee and 11 years managing referees, he has fought against match-fixing and, above all, against the violence sometimes seen in football in Haiti. His professional integrity has earned him supporters and relentlessly critical enemies in equal measure.
- k) As the so-called victim has no justification that suits her objectives, she is demonizing those who have cried foul by denouncing his persecutors and their allies and is accusing them of complicity with Mr Grant.
- l) His role as an instructor involves developing people’s skills, so it is quite right to congratulate those who are good communicators and it is also right to encourage those who are not to improve in this area, since appearance and communication skills are important factors when it comes to assessing referees anywhere in the world.
- m) Mr Grant asked that the relationships between the members of the FHF normalization committee, as well as various other aspects, be checked, and mentioned a number of questions for the “alleged victim”.
- n) He further claimed that over 40 female referees gave birth between 2011 and 2020, and the vast majority of them have not been active in refereeing since doing so;
- o) He stated that he only asks of referees that they perform on the pitch, and that he would only give a lift occasionally to a referee that is on his route (in exceptional circumstances he may even drop them off close to or in front of their house in case the referee is in serious danger after a match);
- p) In the scope of a referee course, transport and accommodation are always the participants’ responsibility, accommodation is only taken care of in case of a national course;
- q) Mr Grant claims he is mainly involved in the selection of elite top-15 referees for games in the men’s top flight, together with Mr Thomas Deland (CONA vice-president), international competitions and the handling of disciplinary matters.

58. There were several documents and files enclosed to Mr Grant's position, grouped into various sections, some of which already provided by SYNAF:
- a) FIFA RAP courses- Two Excel documents representing the lists of the referee instructors (FIFA and national) and of the participants to the courses, between 2009 and 2019, as well as
 - b) a short video clip (1 mn) entitled "EdwinCharles-MinisterSport_Closing_12thCourse-FIFA-RAP";
 - c) Interview in national media- Two short video clips (1m21s and 1m55s) from an interview given by Mr Grant (in Creole), in which he is apparently speaking about refereeing in Haiti;
 - d) Statement of denunciation of Haitian women referees signed by five referees, according to which a group of Haitian former football referees/officials in collusion with foreigners have come together to destroy female referees by tarnishing their image on the pretext they are victims of sexual abuse.
 - e) Position dated 11 February 2021 of the community of Haitian referees on the decision of the FIFA Ethics Committee, considering that Mr. Grant was temporarily suspended without reasons and asking that light be shed around this sanction.
 - f) Protest of representatives of the referees from different sectors of Haiti denouncing frustrated former FIFA referees who allegedly contacted referees in exchange for bribes to instigate testimony against Mr Grant.
 - g) Recording of an interview of female referee Ronide Henrius, in a radio programme (a certified transcript of this recording was also provided by Mr Grant), in which she is making the following most notable statements:
 - an explanation of the procedure and steps that have to be followed in order to become a FIFA referee, mentioning that it is not only Mr Grant, but also other FIFA experts who are in charge of supervising and examining whether the referees correspond to the criteria demanded by FIFA. She added that (female) referees cannot make it to the top if they don't speak English, which is compulsory for refereeing.
 - she claimed there is no institution or workplace where complaints of sexual abuse or harassment would not occur, and added that she had the impression that this was an attempt to destroy the women in Haitian football. She further stated that it is difficult to know who has a relationship with whom and that in any case this would be between adults.
 - She stated she was certain that the fake testimonies do not come from women but from men, who are jealous as female referees are more successful.

- She stated that the content of the article published by *The Guardian* regarding Mr Grant was “completely false” and that during the first match day of the championship, matches were officiated by female referee brigades, which would have been impossible if they did not have the required experience and competence.
- h) Position of refereeing management/officials - Mr Thomas Deland (CONA vice-president), who provided clarifications about the functioning of CONA. and Mr Toussaint Dogbe (fitness trainer of referees at FHF), who confirmed being in charge of the referee fitness training and preparation.
- i) Resignation letter of Mr Jacques Letang, former chairman of the Normalization Committee of the FHF, dated 1 July 2021,
- j) Email exchanges from 27 March 2019 between Mr Jacques Robert Arthur, Mr Alain Lim and Mr Grant, in relation to the selection of FIFA referees in Haiti in 2019
- k) Various media articles, social media posts and videos about women referees and refereeing in Haiti, including an article written by Mr Grant and an interview with him.

c) Hearing

59. The following sections do not intend to fully transcribe all the statements made at the hearing but rather to summarize the main arguments presented by the participants, which will be further detailed and discussed in the second part of the decision (II. Considerations of the adjudicatory chamber).

1. Witness oral statements

a. Ms. Ronide HENRIUS (FIFA Referee)

60. Ms Henrius, a FIFA referee since 2018, lauded the good character and general achievements of Mr Grant to promote female referees as well as specific instances in which he defended her and other women referees against aggressive players and officials. Ms Henrius explained that although women referees tend to discuss extensively about their problems, she has never heard about any complaint of sexual abuse from her colleagues. She pointed out that the press accused Mr Grant of having abused minor referees, which is impossible since all FHF referees are required to be over 18 years old.
61. Upon questions from the Panel and Mr Ngoga, Ms Henrius clarified the following points:
- a) she first met Mr Grant when she started her refereeing career in 2013/2014 and she is still currently active as a referee;
 - b) the day she was insulted by another referee (Mr Damas Arthur), Mr Grant had asked the perpetrator to leave the pitch/premises and suspended him for several matches;
 - c) the CONA, a commission composed of seven members and presided by Mr Grant (recently replaced by Mr Thomas Deland), is responsible for her recruitment as a referee and appointment to matches and Mr Deland was generally the person appointing her to matches;

b. Mr Jean-Evensck DESJARDIN (National Referee)

62. Mr Desjardins, national referee since 2010 (as well as secretary, jurist and accountant), asserted that the false testimonies on which the accusations against Mr Grant were based emanated from disgruntled referees who were left out of/removed from prestigious refereeing lists. He stressed that the accusations of sexual abuse against Mr Grant were false and that he first became aware of them through the press.
63. Upon questions from the Panel and Mr Ngoga, Mr Desjardins clarified that although, in his eleven-year refereeing career (starting at 22 years old), he had never heard of nor witnessed any act of sexual harassment/abuse, he stated that women referees regularly suffered from discrimination.

2. Closing statements of the investigatory chamber

64. In his closing statements, Mr Ngoga made clear that he fully endorsed the findings and conclusions of Ms Rojas' Final Report. He confirmed that Mr Grant should be held responsible for having breached arts. 13, 23 and 25 of the FCE, by failing to protect respect and safeguard the integrity and personal dignity of others, by having harassed, instigated and physically and sexually approached female referees, as well as by having threatened, promised advantages or coerced female referees in exchange of sexual favors by using his influence and position as vice president and National Head Coordinator of Referees.
65. Mr Ngoga quoted the FIFPRO report, the victim's testimonies (dated 6 October 2020, 23 February 2021 and email dated 15 May 2021), and Witness A's statement describing several acts of sexual harassment to support and corroborate the patterns of Mr Grant's recurring misconduct.
66. Regarding Mr Grant statement of defense denying any involvement in acts of sexual abuse, Mr Ngoga specified that the cases of Mr Jean-Bart and Grant were separate and the alleged conducts took place in different locations, involving different individuals.
67. Mr Ngoga also highlighted that Mr Grant had not supported the allegation he had made according to which the accusations against him came from a conspiracy orchestrated by his opponents, Messrs Allan Jacques and Jacques Robert Arthur. Mr Ngoga, pointed out that Mr Grant's activities were carried out not only at confederation and international level but also nationally, extending thus far beyond the RAP courses. Mr Ngoga justified the use of anonymous witnesses and the anonymity of the Victim throughout the proceedings by the increased safety risks posed if their identity would have been revealed and by the fact that both the Victim and Witness A were duly identified by the investigatory chamber.
68. Further Mr Ngoga stated that since one of Mr Grant's witnesses (Ms Henrius) confirmed the existence of cases of sexual harassment in Haiti, while the other (Mr Desjardins) claimed there has never any case of sexual harassment within FHF refereeing, both testimonies should be regarded as contradictory and thus unreliable.

3. Closing statements of Mr Grant

69. At the outset of his closing statements, Mr Grant once more denied all accusations of sexual abuse/harassment.

70. Firstly, Mr Grant claimed that it is common knowledge in Haiti that he never had any role and never participated in any delegation, organized activity or competition allowing him to be in contact with female players and coaches. He even insisted that the FHF's headquarters and the Croix des Bouquets Center be separated by a wire-mesh fence, a project that was led by Mr Gary Nicolas, an engineer. Similarly, Mr Grant explained that he did not have an office at the federation and only went to the Center to attend specific meetings known as "congresses" and did so only once a year in 2012, 2016, and 2020. Mr Grant stated that he was only FHF vice-president for two months, between February and April 2020, at a time when due to Covid-19 measures all competitions were suspended. In short, he never had any authority whatsoever on players and coaches.
71. Secondly, concerning the accusations that Mr Grant harassed/abused referees, he claimed, as it had been proven by the testimonies of Ms Henrius and Mr Desjardins, that those accusations were baseless and part of a smear campaign by which his opponents were trying to take him down to be reinstated on the FIFA International Referees List.
72. Since 2019, a conflict has opposed Jacques Robert Arthur, a former FIFA referee, to other FIFA instructors and Mr Grant due to the fact that Mr Arthur was underperforming and did not speak English. For these reasons, in 2018, Messrs Lim and Mbacke decided not to include Mr Arthur on the FIFA list and replaced him by Mr Emmanuel Luca.
73. As for the refereeing courses, Mr Grant argued that the instructors and the referees were always accommodated in different places, except on two occasions due to safety issues (in 2012 and 2019).
74. Mr Grant added that other referees, including the potential victim, were not included on the FIFA International Referees List simply because they did not meet the requirements of the fitness tests. In that regard, Mr Grant considered that the Victim should have explained which test(s) she failed, since most likely the decision not to include her in the FIFA International Referees List was taken not by Mr Grant but rather by the fitness instructor conducting the fitness test.
75. Similarly, Mr Grant explained that, as it had been corroborated by both Mr Desjardins' and Mr Deland's testimonies, the captain of sectors are the ones responsible for the distribution of football/referee equipment, which contradicts the victim's story according to which she had to go to Mr Grant's house to collect her uniform for a match.
76. Further, Mr Grant referred to a press article in which he commented that certain female referees – including the potential victim – were not selected due to their current/recent pregnancies. That is because the vast majority of FHF's female referees who gave birth never came back to officiate at football matches.
77. Moreover, the appointment of referees to matches was not within Mr Grant's remit but one of the tasks assigned to the regional leaders and Mr Deland (3rd division, 2nd division, women football, etc.), except for the "top 15" 1st division to which referees were appointed by Messrs Grant and Deland.
78. Similarly, CONCAFAF is involved in the selection process of the Haitian referees appointed on the FIFA International Referees List, through which, in addition to the successful completion of fitness tests, the candidates participate in U-15 Concacaf tournaments. Mr

Grant asked that FIFA investigate whether the plaintiffs were left out for failing the required fitness tests.

4. Rebuttals of the investigatory chamber

79. Mr Ngoga clarified that the investigatory chamber considered that the charges against Mr Grant only related to harassment/abuse committed against referees, not players nor coaches.
80. It was also stressed that the investigatory proceedings conducted against Mr Grant were separate and independent from those against other Haitian officials (notably, Mr Jean-Bart). Mr Ngoga also noted that Mr Grant's position had changed at the hearing since he never mentioned a plot against him during the investigatory stage. Mr Ngoga added that Mr Grant's witness (Ms Henrius), confirmed that female referees operated in a hostile environment. In conclusion, Mr Ngoga reiterated that he fully endorsed Ms Rojas' investigations and Final Report.

5. Final words of Mr Grant

81. Mr Grant replied that on 10 February 2021, the investigatory chamber did not mention referees as victims but only coaches and players. The victims were only described as referees in the Final Report, sent to Mr Grant on 28 June 2021.
82. Regarding the hostile environment in which the female referees operated, Mr Grant pointed out that he was one of the few people trying to support women referees in Haiti against everyone else, including Jean-Bart, former FHF president. In the two incidents mentioned by the witnesses, the perpetrators (Mr Damas Arthur and a Goalkeeper of the national team), were subsequently sanctioned.
83. Lastly, Mr Grant claimed that the investigatory chamber should have asked questions to the Victim to clarify some facts, among which the fact that she only participated in two tests (which she failed) out of twenty that she had to undergo between 2011 and 2018.

II. CONSIDERATIONS OF THE ADJUDICATORY CHAMBER

A. COMPETENCE AND APPLICABLE LAW

a) Competence

1. Art. 30 of the FCE defines a primary (par. 1) and subsidiary (par. 2) competence of the FIFA Ethics Committee. The second paragraph reads:

“Where such conduct affects a confederation, a single association or several associations from the same confederation and where said conduct is not directly related to FIFA matters, the Ethics Committee shall only be entitled to investigate and judge the case when said conduct has not been investigated and judged, and/or cannot be expected to be investigated and judged, by the relevant judicial bodies of the association or confederation concerned. In particular, should no proper proceedings be taken at national and/or confederation level within three months as from when the matter became known to the Ethics Committee, the Ethics Committee shall be entitled to investigate and judge the respective matter.”

2. In this regard, the Final Report states that when Concacaf was requested to inform about the status of the proceedings against Mr Jean-Bart, it responded on 5 May 2020, that since it did not have an established Ethics Committee, it could not investigate the case further.
3. As a result, since Concacaf cannot conduct proper ethics proceedings, in the present case the FIFA Ethics Committee is entitled and has decided to exercise its jurisdiction as established by article 30 par. 2 of the FCE.

b) Applicability of the FCE *ratione materiae*

4. The adjudicatory chamber notes that, according to the Final Report of the investigatory chamber, there are several indications of potential improper conduct in terms of the FCE by Mr Grant.
5. Consequently, the FCE is applicable to the case according to art. 1 of the FCE (*ratione materiae*).

c) Applicability of the FCE *ratione personae*

6. 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.
7. Mr Grant was a football official attached to the FHF. He joined the FHF in 1993 and since then, until his suspension dated on 10 February 2021, he carried out technical and administrative tasks, notably as National Head Coordinator and Vice-President of the FHF.
8. As a consequence, at the time the relevant actions and events occurred, and in view of Mr Grant’s position in football at the time, the FCE applies to him according to art. 2 of the FCE (*ratione personae*).

d) Applicability of the FCE *ratione temporis*

9. The relevant facts described in the previous sections of this decision occurred between 2011 and 2021.
10. With regard to the applicability of the FCE in time, art. 3 of the FCE establishes that the current FCE shall apply to conduct whenever it occurred, unless a more favorable provision was in force at the time of the facts (principle of *lex mitior*).
11. CAS has acknowledged and accepted that although art. 3 of the FCE departs from the traditional *lex mitior* principle by reversing it so that the new substantive rule applies automatically (unless the old rule is more favorable to the accused), the FCE's approach on intertemporal issues is equivalent to the traditional principle of *lex mitior* based on the *tempus regit actum* principle (CAS 2016/A/4474, CAS 2019/A/6489 par. 84 *et seq.*)
12. In the present case, the legal provisions of the respective articles are deemed equivalent in the various editions of the FCE (i.e., 2009, 2012, 2018, 2019 and 2020).
13. In this context, following the relevant case-law and jurisprudence, the adjudicatory chamber notes that the spirit and intent of the previous editions of the FCE are duly reflected in the below articles of the 2020 FCE, which contain equivalent provisions.
 - Art. 23 of the FCE (Protection of physical and mental integrity) has a corresponding provision in the 2018 and 2019 editions of the Code (art.23), as well as in the 2009 (art. 8), and 2012 (art. 24) editions of the code;
 - Art. 25 of the FCE (Abuse of position) has a corresponding provision in the 2018 and 2019 editions of the Code (art.25), as well as in the 2006 (art. 3), 2009 (art. 3), and 2012 (art. 13) editions of the code;
14. In consideration of the above, the adjudicatory chamber concludes that the different FCE editions cover the same offense that would not be more favorable to the accused, and thus the 2020 FCE is applicable to this case as per art. 3 of the FCE.

B. PROCEDURAL ISSUES

15. The Panel took into consideration that on various occasions, including in his position to the adjudicatory chamber and at the hearing, Mr Grant requested that specific questions be asked to the victim(s) and witness(es). Although no specific reference was made to the relevant provision of the FCE in that regard, the Panel acknowledges that the Party intended to benefit from the content of art 44 par 2, providing that:

If no other evidence is available to corroborate the [anonymous] testimony provided by the person concerned, such testimony may only be used in the context of imposing sanctions under this Code if:

a) the parties as well as their legal representatives had the opportunity to pose questions to the person concerned at least in writing; and

b) the members of the judicial body had the opportunity to interview the person concerned directly and in full awareness of his identity and to assess his identity and record in full.

16. With respect to the first condition, requiring that in cases in which the anonymous statement of a person is not corroborated by other evidence, the accused must be provided with an opportunity to pose questions to the person concerned at least in writing, the Panel holds that this condition is to be construed cumulatively (i.e., in addition to the identity confirmation) and not alternatively (i.e., as an optional obligation that could be lifted by the mere fulfillment of the identity confirmation).
17. In the present case, the Panel resolved that the question of the application of art. 44 par 2 had to be addressed with special regard to the exceptional circumstances of the case, including the seriousness of the accusations, the urgency of the proceedings deriving from the imminent expiry of Mr Grant's provisional ban (entailing his potential return to football) as well as the various indications that Mr Grant was persistently pressuring the victims and witnesses, including with death threats. It follows that, having considered similar cases involving anonymous witnesses (CAS 2011/A/2384 & 2386 UCI & WADA v. Alberto Contador Velasco & RFEF; CAS 2010/A/2267-2281 Football Club "Metalist" et al. v. UEFA, CAS 2009/A/1920 FK Pobeda, Aleksandar Zabrcanec, Nikolce Zdraveski v. UEFA) as well as the particulars of the case relating to the intimidation of various victims/witnesses, the Panel concluded that there was a concrete danger in relation to their personal safety justifying that their anonymity be protected.
18. Moreover, after carefully reviewing the content of the questions that Mr Grant addressed to the Victim in his position dated 11 July 2021, the Panel considered these were mainly aimed at uncovering the identity of the Victim, rather than clarifying the facts.
19. Furthermore, the members of the Panel, having vast discretion regarding the assessment of the proof (cf. art. 47 of the FCE), considered that the FIFPRO report was a sufficient and reliable corroborating source of evidence. In that sense, FIFPRO, which was (together with HRW) the organization responsible for establishing direct communications with the victims and witnesses and liaising with a multidisciplinary team of trauma clinician providing assistance to the victims, stated that Mr Grant raped and/or sexually abused and/or attempted to rape more than 11 players and referees. By the same token, the Panel considered that the statement of Witness A partially confirmed the Victim's testimony.
20. The second condition imposing the identity confirmation of the victim(s) and witness(es) was met when the Victim and Witness A were identified by the chairperson of the investigatory chamber during their respective interviews. In that sense, the members of the Panel did not deem relevant to reconfirm the identities of the Victim and Witness A nor to call them to testify again at the hearing. The wording of art. 44 par. 2 lit. b refers to "the members of judicial bodies", without further specification, which encompass the members of either chamber of the Ethics Committee indistinctively.
21. For the aforementioned reasons, in view of the particularly sensitive circumstances of the case and the dangerous situation of the Victim (who has claimed on several occasions to have been threatened and harassed by Mr Grant) and taking into account that her identity had been duly confirmed by the Ethics Committee and Mr Grant's intention to expose such identity through questions specifically aimed in this respect, the adjudicatory chamber considered that there was no requirement to grant any cross-examination of the Victim to the Party.

C. ASSESSMENT OF POTENTIAL ETHICS VIOLATIONS

i. Scope of Mr Grant's conduct and allegation of a "plot"

22. The Final Report of the investigatory chamber presented three separate and independent sources of evidence (consisting of the Victim's and Witness A's extensive testimonies, as well as a report from external organisation FIFPro) to conclude that Mr Grant has violated his duty to protect the physical and mental integrity of others, and has abused his position within the FHF, when he sexually harassed and abused at least one female referee in his capacity as National Head Coordinator of Referees within the FHF.
23. In his position, Mr Grant 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 led by Jacques Robert Arthur, a former FIFA referee. Mr Grant also claims that the victim and witness who testified against him were lying, having a personal interest (either political or financial) to accuse/damage him.
24. 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) Victim

25. As specifically stated in the Final Report, the Victim has provided her testimony both before the ad hoc Panel (in the form of a declaration dated 6 October 2020) and as part of an extensive interview conducted by the former chairperson of the investigatory chamber (Mr Maria Claudia Rojas) on 23 February 2021, which allowed her to provide a detailed account of the accusations made against Mr Grant. The Victim's identity was verified by the investigatory chamber.
26. The Victim's testimony contains the following factual statements:
 - Since starting her refereeing career in Haiti in 2011, the Victim was the target of sexual harassment and abuse from Mr Grant for a period of seven years;
 - The harassment and abuse manifested through various "indecent proposals", as well as improper gestures and conduct, such as touching, sexual advances and various attempts to have sex with the Victim;
 - Mr Grant promised several times to cease his behaviour, but did not do so. Instead, he took advantage of his position as FHF National Head Coordinator of Referees to continue his advances and indecent proposals towards the Victim;
 - Mr Grant also retaliated against the Victim, following her rejection of his advances, by influencing her refereeing career (preventing her from being appointed to matches, or taking part in competitions);

- Due to the continuous harassment and abuse, the Victim was forced to quit refereeing in 2018, as she could not cope with Mr Grant's conduct towards her and could not see any way forward for her football career;
 - When she tried to report Mr Grant's conduct to the media, he found out about it and scolded her for doing that;
 - After the Haiti scandal broke and her testimony to the ad hoc Panel, the Victim received several calls and threats, including from Mr Grant, asking her to keep quiet. Some of the threats came from an unknown person who identified himself as "a bandit" hired to kill her. The Victim also stated that the persons threatening her were aware of her secure location, which had been chosen for her protection with the members of the ad hoc Panel.
27. In his position, Mr Grant claims that the Victim was tied to the persons involved in the conspiracy against him, in particular Mr Jacques Robert Arthur, the members of the FHF normalisation committee (in particular Mr Letang) and others. However, he has failed to produce any kind of evidence with respect to any such "conspiracy" or people involved in it. Based on the documents of the case file, the Panel could not find any indication of a link between the Victim and Mr Robert Arthur, the members of the FHF Normalisation committee (apart the fact that Mr Letang had been a member of the ad hoc Panel, before which the Victim testified in October 2020) or any other FHF officials.
28. Mr Grant also seemed to claim in his position that the Victim quit refereeing because she did not have the required skills, failed the fitness tests and/or due to a pregnancy. In this respect, the Panel would like to mention that, according to the testimony, the Victim only quit her refereeing career in 2018, after seven years. Furthermore, the fact that she was pregnant when she ended her career (even if proven, which it is not) would not in any way contest or rebut her testimony about the sexual harassment and abuse she suffered during the 2011-2018 period.
29. In this respect, the Panel could not find any elements that would contradict the Victim's testimony and statements, affecting their trustworthiness, or that would support Mr Grant's claims regarding her participation in a conspiracy against him.

b) FIFPro report

30. With respect to the FIFPro report provided on 13 August 2020, the Panel would like to make the following considerations.
31. First of all, it should be stressed 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.
32. 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.

33. 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 focus on the conduct of Mr Grant, but refers to the allegations of sexual abuse within the FHF, its findings have identified thirty-four (34) possible victims of sexual abuse and ten (10) potential perpetrators (including Mr Yves Jean-Bart, who has already been sanctioned by the FIFA Ethics Committee).
34. Moreover, the conclusion in the FIFPro report concerning Mr Grant was inferred from direct statements given to the organisations by at least eleven (11) alleged victims and mentioned extremely serious allegations such as rape, sexual abuse and/or attempted rape of more than 11 players and referees, repeated abuse of his position to coerce or persuade young women into having sex with him, offering refereeing opportunities and accommodation in exchange for sex, as well as threats to referees and the offering of jobs to those Mr Grant had previously sacked for refusing his sexual advances. Moreover, FIFPro informed that most of the alleged victims making the statements against Mr Grant were reluctant to give testimony due to fear of retaliation.
35. Based on the above, the Panel considers that there are no reasons to doubt the credibility of FIFPro or its report, including the serious conclusions regarding Mr Grant's conduct, which can be correlated and is consistent with the Victim's testimony in describing a pattern of sexual harassment and abuse of authority within the FHF. According to the detailed description in the FIFPro report, such pattern was unfortunately widespread in the FHF, and perpetrated by several individuals including Mr Jean-Bart, the president of the association.

c) Witness A

36. As mentioned in the Final Report, Witness A (a former FHF official) provided his testimony to the investigatory chamber as part of an interview conducted on 28 January 2021. He was also identified by the investigatory chamber in the scope of such interview and made the following most notable statements:
 - Mr Grant abused referees and coerced them by threatening that they would have to leave the profession if they did not accept his advances;
 - On one occasion, Mr Grant brought a female referee to a hotel for a training session, entered her room during the night, got into her bed naked and tried to have sex with her;
 - Mr Grant would inform the referees that they had to agree to "fulfil his wishes" and agree with his conduct in order to advance in their careers and become a national or FIFA referee.

37. With respect to Witness A (and the related testimony), Mr Grant also claimed that the witness would be linked to the conspirators against him, without substantiating such evidence. Based on the content of the file in its possession, the Panel could not find any indication that Witness A had any relation with Mr Robert Arthur or the members of the FHF normalisation committee or any involvement in a conspiracy against Mr Grant.
38. Moreover, it should be stressed that the testimony of Witness A, given a month before the interview of the Victim, directly referred to an allegation that was described in detail by the latter, in relation to an event that occurred in a hotel (where Mr Grant apparently entered the room of the Victim and got into her bed naked, attempting to have sex with her). This not only corroborates the Victim's specific statement, increasing its reliability, but also proves that Mr Grant's conduct and pattern of sexual harassment/abuse was notorious within the organisation

d) Mr Grant's "plot" allegation

39. The Panel is unconvinced by Mr Grant's argument according to which he faced opposition and resentment for having raised the standards of the selection process of the referees, which led to a conspiracy to overthrow him and the accusations of sexual abuses.
40. First of all, the only evidence submitted by Mr Grant in support of his conspiracy theory is represented by an email thread, which does not indicate that any referee would be vengeful or willing to compromise Mr Grant in any way, let alone that the specific allegations levelled against him are false or part of a smear campaign. In fact, the respective email exchanges date from March 2019, therefore long before the start of the ethics proceedings against Mr Grant and more than a year before the Haiti sexual abuse scandal surfaced. Moreover, the email from Mr Jacques Robert Arthur (former FIFA referee from Haiti) to a FIFA refereeing official (Mr Alain Lim), does not criticize, accuse or even mention at all Mr Grant. Furthermore, Mr Grant has failed to establish any connection between the persons he identified as alleged leaders of the plot against him (primarily Mr Jacques Robert Arthur) and Victim or Witness A from the present proceedings or the members of the Normalization Committee (who allegedly wanted to replace him from CONA). In the opinion of the adjudicatory chamber, Mr Grant did not corroborated these claims at all through documentary and/or witness statements.
41. Another aspect undermining Mr Grant's conspiracy theory is the fact that Mr Desjardin, his own witness at the hearing, stated that the accusations against Mr Grant appeared after the publication of the FIFA referee list in December (as the conspirators were taken out of the list). However, the Victim's written complaint is dated October 2020, long before the publication of such list, or the appointment of the Normalisation Committee, and therefore there can be no link between these elements. In addition, in the email exchanges from March 2019 that Mr Grant submitted, he comments on Mr Arthur's email to Mr Lim by stating "since he has been taken off the FIFA list he has lost his head". It therefore appears, according to Mr Grant's own statements, that the alleged leader of the conspiracy against him had been off the coveted FIFA referee list almost two years before the Victim submitted her written complaint in October 2020.

42. Lastly, the Panel took into account the various testimonies depicting Mr Grant's exemplary behavior in the leadership and development of Haitian refereeing. However, Mr Grant's career, management skills, and professional achievements are not called into question. Rather, the present proceedings concern specific allegations of sexual harassment and abuse which have not been fully addressed by the Party, especially the acts of sexual abuse, harassment and threats detailed by the Victim and Witness A in their respective statements.

e) Conclusion

43. 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 a victim referee, a former officials of the FHF, and an internationally recognized organisation specialized in dealing with football players and cases of sexual abuse – who has been in contact with a number of victims and witnesses and have provided direct and indirect evidence. In the view of the Panel, after examining such evidence, as well as the position expressed by Mr Grant, it is highly implausible that such a diverse group could be involved in a complex and detailed plot against Mr Grant. In fact, the mere existence of such plot has never been proven by the party, who did not provide any relevant evidence in support of his allegation. In particular, no document or element has been provided to substantiate the theory of a "plot" or "conspiracy" organised by Mr Jacques Robert Arthur, or any other FHF official (and no links have been found or identified between Mr Robert Arthur and any other alleged participants in such "plot", including the witnesses in the present proceedings). Even the motive of such conspiracy could not really be sustained by Mr Grant, who contradicted himself, by claiming on one hand that the plot's purpose was to remove him from the FHF, but on the other that he did not wield significant influence in Haitian football refereeing and that his prerogatives were extremely limited (including the fact that he was not even responsible for the delegation of referees in the internal competitions or their selection procedure).
44. Moreover, 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".
45. 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 Grant:
- Mr Grant has been involved in sexual harassment abuse of at least one female referee, and possibly other victims (eleven according to the FIFPro report);
 - The abuse was perpetrated at various locations (such as hotels, Mr Grant's car or his domicile), over a period of eight years, and consisted of various conduct such as indecent remarks and advances, touching and other sexual-related behaviour and attempts to have sex with the victim(s);

- Mr Grant used his senior position as National Head Coordinator of Referees within the FHF in order to coerce or convince the female referees to engage in sexual activity with him, by promising to help or threatening to damage their football careers;
- The referees' silence (and cooperation) was ensured through various types of coercion and rewarding related to Mr Grant's authority, such as exclusion from taking part in competitions or from appointment to matches, but also the offer of opportunities to advance in their careers;
- The Victim who testified against Mr Grant was threatened by various individuals, including menaces to her physical integrity and life, in order to refuse to cooperate or stop her cooperation in the investigation.

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

46. 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

47. 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 established, Mr Grant was at the relevant time a football official, and as such, a person bound by the FCE.

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

48. As an FHF official, Mr Grant had the particular duty to protect, respect, and safeguard the integrity and personal dignity of all the FHF's persons involved, whether as players, coaches, referees or any other officials.

49. Instead, Mr Grant's conduct as established above created and maintained an environment of fear, danger, and frustration for the female referees working with him.
50. In particular, the Victim specifically stated that, since the start, from the first day of her training, Mr Grant had already started to harass and touch her.
51. The Victim also detailed the various occasions in which Mr Grant harassed and abused her, which paints a picture and a pattern of conduct that has been confirmed by other witnesses and sources.

3. Physical or mental abuse, harassment, and all other hostile acts intended to isolate, ostracize or harm the dignity of a person.

52. The Victim goes to great lengths to give precise details about the multiple times that Mr Grant abused her physically, mentally, harassed her and intended to isolate and ostracize her or harm her personal dignity.
53. Mr Grant persistently tried to abuse the Victim between 2011 and 2018. He started abusing her physically on the very first day of her training, by touching her inappropriately and telling her she was beautiful. In that sense the Victim stated:

"since the start, from the first day of my training, Mr had already started to harass me; he had already started to touch me, to tell me that I was beautiful and that I can progress in the circle; he started to touch me, to make indecent proposals to me."

54. On another occasion he sneaked into her bed while she was sleeping in a hotel room, after having kept the key of her room. She rejected him and asked him to stop. Mr Grant however did not stop as he attempted to touch her and kiss her forcibly after having taken her to an isolate place with his car at night. Once more, the Victim asked him to stop his improper advances. In relation to that incident, the Victim stated:

"he actually left the room and I stayed there. But I did not go to get the key, it did not cross my mind. I got ready and then I started to sleep. During the night, I felt something strange on the bed, I felt a hand, I woke up, strangely. What I found that day, I saw Mr, he was naked, on the bed, his hand inside my pants. He went too far that day. As I woke up, I spoke to him, we spoke to each other. He even cried and he said "never again", that he was not going to start with that again and he loves me, that he wants us to be together. That he was not going to prevent me living my life when I will find the man that I really love, he is not going to prevent that, he was not going to prevent me from leaving, he only wants to spend moments with me, etc. That day, he did not actually manage to do what he wanted to do..."

55. The Victim was also forced to go to Mr Grant's house after he asked her to come collect her uniform for a match. There is no doubt that Mr Grant intentionally asked the Victim to come collect her equipment and made her stay late in the evening to make her sleep at his house and abuse her. The relevant passage of the Victim's statement reads:

"he asked me to go to his house, to go to collect new uniforms. And I did not have any choice. I had a match with other referees. The girls told me "we will

wear the new uniform". I said "I do not have the new uniform yet; I do not have time to deal with that" because I was at university. It is not that I did not have time, it was that I did not want to go to Mr's house. They insisted and seeing that they insisted I was obliged to go to his house. When I arrived at his house, he was not there. The maid told me that Mr is not there. [unaudible]. It was 8-9 o'clock in the evening and the maid told me "Mr has come back". He made sure to say that he was not there so that I stayed at his house. He had met me very late that day, I went into his bedroom. It is always like that, one cannot refuse, to collect the new uniforms. He asked me to lie down, "make yourself comfortable, you can sleep on my bed", I told him no I am not going to stay and he said "it is 9 o'clock already, I am not going to give you a lift, my car has broken down, therefore you will sleep with me you can't go now. Tomorrow I will take you to the university. You can sleep with me."

56. Mr Grant also maintained a constant psychological pressure on his victims. In that regard, the Victim stated that he was often looking for her with his car, and that once he would take her into his car, he would take her wherever he wanted. In that regard, the Victim stated the following:

"he comes to look for me in his car. When he comes to look for me in his car, he takes me where it wants"

57. Witness A confirmed the Victim's testimony both stressing the overall conduct of Mr Grant and corroborating specific events with great details, such as the incident at the hotel when Mr Grant entered the Victim's room at night. Witness A stated:

"One day, there was a training session in [...]. He brought a referee with him. She didn't want to stay at the hotel. It was late and she therefore had to stay. At night, he entered her room, got into her bed completely naked and tried to touch and penetrate her."

58. FIFPRO report confirmed the allegations of abuse and harassment and gave further details regarding the scope of Mr Grant's misconduct which was estimated to have affected at least eleven players/referees. FIFPRO not only confirmed that Mr Grant repeatedly abused his position to coerce or persuade young women into having sex with him, offering refereeing opportunities and accommodation in exchange for sex, but also that Mr Grant was threatening referees and also offering jobs to those he sacked for refusing to have sex with him. The relevant part of the report reads:

"Rosnick Grant: raped and/or sexually abused and/or attempted to rape more than 11 players and referees, repeatedly abused his position to coerce or persuade young women into having sex with him, offering refereeing opportunities and accommodation in exchange for sex. Grant is now threatening referees and also offering jobs to those he sacked for refusing to have sex with him."

59. Based on the various sources of evidence, it is clear that Mr Grant abused both mentally and physically, harassed, and engaged in hostile acts intended to isolate, ostracize and harm the dignity of his victims.

4. All forms of sexual abuse, harassment and exploitation

60. 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.
61. The Victim explicitly described Mr Grant's sexual advances towards her, which started on the first day of her training and continued consistently on any occasion when Mr Grant managed to find himself relatively alone with the Victim, in his car, hotel rooms, at his home. In those situations, Mr Grant would physically and mentally abuse and harass the victim by touching her inappropriately (thighs, breasts etc.) and by telling her he wanted to have a sexual intercourse with her, including to take her virginity and "make her a woman". The relevant part of her statement reads:

"A few days later, he called me to ask if I could let him take my virginity, and this day, he had told me that he wanted to make me a woman, he insisted on it"

62. This appalling behavior, which occurred over a longer period of time, was part of a pattern of sexual abuse and exploitation of female referees, which Mr Grant used together with others, most notably his previous victims turned accomplices, but also other football officials. This is supported by Witness A's statement mentioning that whenever an (identified) football official would come to Haiti, he would always be given a woman as a gift.

5. Threats, the promise of advantages, and coercion

63. Mr Grant's sexual advances and behavior towards FHF female referees were always based on the influence he was wielding on them through his preeminent position as CONA president. This was manifested either by threats or coercion, or by the offering of gifts, and the promise of various benefits.
64. From the statements gathered (including from the Victim and Witness A), it is clear that his decisions as Head Coordinator of Referees were used as a tool to blackmail and pressure the female referees. Mr Grant made clear that in order to have a career and be appointed on the most prestigious matches and referees list, the Haitian female referees had to accept his advances.
65. This blackmail was known as "sex per match", the nickname Mr Grant had been given. This is confirmed by the Victim's testimony, which stated that in the case of refusal she would no longer be appointed to matches. She further explained that she needed money, and that most female referees were in the same precarious financial situation. Living in a poor country, the female referees needed money, and therefore, had to sleep with Mr Grant. The advantages promised by Mr Grant to his victims extended beyond his support of their careers, and could include material benefits such as the payment of their studies (as it was the case for the Victim). She explained:

"He had told me that if I accepted to sleep with him, he would pay for my studies and allow me to have a career."

66. Conversely, Mr Grant pressured and coerced his victims by the use of threats, including death threats. The pressure exerted on the victims and witnesses after the start of the

FIFA proceedings sent a message of impunity and a show of force from Mr Grant's complete and enduring control over Haitian refereeing. More specifically, the threatening phone calls he made to the victims and the third parties he used to pressure them (i.e., other referees, a hitman), pose a high security risk. The Victim sent a distressing email on 15 May 2021, in which she warned that after her conversation with the members of the Ad Hoc Panel, she had received a call from Rosnick Grant, intimidating her and informing that he was aware of her testimony and told her he was untouchable. The Victim complained about Mr Grant harassing and threatening her with his constant phone calls. The relevant part of her email reads:

"after my conversation with the members of the ad hoc panel, I received a call from Rosnick Grant, the person I had just testified against. During his call, Mr Grant intimidated me by clearly letting me know that he was aware of my testimony, although confidential, that I had just given. Mr Grant also told me he was untouchable.[...] Since last week, Rosnick Grant keeps calling me either to intimidate me or to ask me questions about my current situation."

67. By putting pressure on the victims and witnesses, Mr Grant not only failed to cooperate with a FIFA investigation, but also actively obstructed ongoing proceedings. By the same token, Mr Grant shall not be seen as a mere passive element allowing a system of abuses, but as the main perpetrator.
68. His actions were carefully planned and organized, including by forcing the Victim to collect the uniform she needed at his personal home or by retaining the key of her hotel room on a different occasion to abuse while she was asleep. Mr Grant also used his previous victims to help him abuse new ones, as it is described in various parts of the Victim's statement.
69. This is illustrated by an incident described by the Victim in which another female referee staying at Grant's house (presumably one of Grant's mistresses) instructed her to sleep with him. When the Victim went to the other referee for protection, asking her to share a bed at Grant's house, the other female referee replied:

"no, you know that it is like that, you must sleep with him. You do not need to be afraid of the maid. You do not have to be afraid, you know that you have to sleep with Mr [N.B. Grant]."

70. 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, Mr Grant exerted his reign of abuse over female referees in Haiti.

6. Conclusion

71. In summary, the Panel considers that, by the conduct as described above, Mr Grant has breached art. 23 of the FCE, by threatening and by failing to protect the physical and mental integrity of the female referees under his authority and responsibility.

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

72. Art. 25 of the FCE reads as follows:

1. Persons bound by this Code shall not abuse their position in any way, especially to take advantage of their position for private aims or gains.

2. 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. The sanction shall be increased accordingly where the person holds a high position in football, as well as in relation to the relevance and amount of the advantage received.

1. Persons involved

73. The first requirement set out in art. 25 par. 1 of the FCE is that the person acting must be bound by the FCE. As already established, Mr Grant was at the relevant time a football official, and as such, a person bound by the FCE.

2. Take advantage of their position

74. Mr Grant took full advantage of his position as National Head Coordinator of Referees, and thus the highest-ranked official in Haitian refereeing, to create situations in which various female referees would be in a subordinate relation to him.
75. The Panel refers once more to the testimony of the Victim who was harassed between 2011 and 2018 and rejected Mr Grant's advances persistently. When she did not give in, she was eventually pushed out of Haitian refereeing. Part of her testimony (notably the excerpts relating to the incident that happened at a hotel) were corroborated by the testimony of witness A. More generally, the FIFPRO report confirmed that Mr Grant raped and/or sexually abused and/or attempted to rape more than 11 players and referees,.
76. These testimonies express a clear form of blackmail that was used by Mr Grant, who abused his function as president of CONA, which provided him with the power to influence the sportive career of the victim referees, in order to coerce them into engaging in sexual relations with him. This despicable behavior can be best expressed by the declaration of Witness A, who declared that Mr Grant had been nicknamed "SPM", which is short for "sex per match".
77. It is also clear from the content of the final report that Mr Grant's control extends even outside the FHF and it can manifest by his various efforts to intimidate and prevent victims and witnesses from testifying. Most of the victims and witnesses who accepted to collaborate in the current proceedings were extremely frightened and asked that safety and/or anonymity is guaranteed.
78. For example, the Victim specifically stated that after she testified, Mr Grant kept calling her either to intimidate her or to ask her questions about her current situation. More worryingly, the Victim expressed that she received a call from a person claiming that he was contracted to kill her.
79. All the above testimonies, coming from various sources, paint a very dark and dangerous picture of Mr Grant. It is by abusing his position as the leader of Haitian refereeing that Mr Grant managed not only to create and implement a pattern of sexual abuse and exploitation, but maintain and develop it between 2011 and present. This is why in his position, although claiming not to be a powerful man, Mr Grant immediately contradicts

himself by stating that the position of CONA president is extremely alluring for his opponents in Haitian refereeing “calling for his head”. Similarly, during the hearing, Mr Grant confirmed that he had a strong personality (compared with Mr Deland) and that ultimately he was the one having the final say in the decisions taken by the CONA on Haitian refereeing.

3. For private aims or gains

80. It has been established that the reason why Mr Grant would take advantage of his position as CONA president was to leverage it in order to obtain sexual favors from/relations with female referees. He would use one of the approaches and methods described previously (i.e., to lure them into his car, his house or hotel rooms), in order to put the referees in a situation where they would find themselves either alone with him or unable to refuse his advances, due to his influence and power as CONA president over their sportive career.
81. Mr Grant’s sexual behavior and advances ranged from inappropriate touching, to sexual harassment and abuse and it was not a singular and isolated accident, but rather a planned and repetitive scheme made possible by his powerful professional position.
82. Mr Grant pursued private gains in the form of sexual favors repeatedly and over a period of several years. In that endeavor to abuse female referees, Mr Grant persistently used his position as highest-ranked official in Haitian refereeing as a leverage tool to the extent that he was deciding the persons appointed to officiate in prestigious matches and tournaments. In that sense, all the victims were working within football, which makes Mr Grant’s misconduct a football-related issue, not a private matter.
83. Based on the above, Mr Grant’s abuse of position was therefore for private aims (obtaining sexual favors), which directly falls under the meaning and scope of the definition at art. 25 of the FCE.

4. Conclusion

c) Overall conclusion

84. Taking the above considerations into account in their entirety, the adjudicatory chamber is comfortable to conclude that Mr Grant has violated arts. 23 (Protection of physical and mental integrity) and 25 of the FCE (Abuse of position).

D. SANCTIONS AND DETERMINATION OF SANCTIONS

85. 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.
86. 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).

87. 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 National Head Coordinator of Referees, Mr Grant had a special responsibility and a position of trust vis-a-vis the refereeing community. Further, Mr Grant's prominence extend beyond his leadership and seniority in Haitian refereeing since he also held the position of FHF vice-president (i.e., one of the highest position in Haitian football, after the president). However, it is also worth mentioning that in his role he received orders and was held accountable by higher-ranked FHF officials, notably by the FHF president.
88. Mr Grant's behavior is inexcusable and a disgrace for any football official. The pain and suffering caused to the Victim, and possibly other 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." There is no doubt that the nature of the misconducts, especially given the context in which they occurred (i.e., following various cases of sexual abuse in FHF), had a negative impact and caused reputational damages to FHF, FIFA, and football in general.
89. FIFA, as the international governing body of football, has a direct interest in deterring similar conducts, which undermine the trust placed in the organization by football officials and third parties worldwide.
90. 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 gravity. Firstly, Mr Grant held a position of trust with respect to the referees, since as National Head Coordinator of Referees he was meant to be a mentor and an example on and off the pitch, and someone the referees could confide in. Instead he decided to use that influence to harass and abuse the female referees.
91. The last circumstance that is relevant in the assessment of Mr Grant's degree of guilt is the fact that his conduct spanned not only during a long period (2011-2021), but it also continued after the FIFA proceedings had started and FIFA had provisionally banned him (in February 2021). In other words, by his actions, Mr Grant did not only engaged in sexual misconducts over the years, but also tried to conceal those misconducts and hamper the investigations.
92. As for the assistance and cooperation that Mr Grant has shown during the proceedings, the adjudicatory chamber has taken into account that he has provided various statements of position to the Ethics Committee and participated in a hearing in which he brought two witnesses to clarify the facts.
93. However, the Panel also notes that Mr Grant has not demonstrated, at any point during these proceedings, and in spite of the evidence against him and the repeated requests for statements, any awareness of wrongdoing, which is also a circumstance that is suited to mitigate the culpability of an offender, according to the case-law of FIFA's judicial bodies.
94. To sum up, the adjudicatory chamber deems that the guilt of Mr Grant in the present case is extremely serious.

95. With regard to the type of sanction to be imposed on Mr Grant, the adjudicatory chamber deems that only a lifetime 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 Grant 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) for life 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 terms of the decision are communicated.
96. As regards the severity of the sanction the Panel took into account CAS recent jurisprudence on similar cases of sexual abuse and concurred with the conclusions of the CAS Panel in the Karim case (CAS 2019 A 6388 Karim Keramuddin v. FIFA pars. 220 et seq.), in particular at par. 231 of the award:
- “...in the past CAS has imposed on FIFA officials a lifetime ban for match-fixing (CAS 2017/A/5173), as well as bans ranging from two to ten years for bribery (see CAS 2017/A/5003, CAS 2016/A/4501, CAS 2016/A/4474, CAS 2011/A/2426, CAS 2011/A/2425 and TAS 2011/A/2433). In the Panel’s view, those offenses of bribery, corruption and match-fixing, while very serious in their own right, are far less severe than the vile and horrendous offenses committed by the Appellant which have never before been (and hopefully never again will have to be) dealt with by the CAS. Indeed, unlike bribery and match-fixing which damaged the integrity of sport, the offenses committed by the Appellant violated basic human rights and damaged the mental and physical dignity and integrity of young female players. With his appalling acts, the Appellant has destroyed not only their careers, but severely or irreparably damaged their lives. As such they warrant the most severe sanction possible under the FCE. ”*
97. 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 Grant adequately, in particular given the gravity of the matter, the damage caused. Hence, the adjudicatory chamber considers that the ban imposed on Mr Grant should be completed with a fine, a financial sanction with a strictly punitive purpose in the present case.
98. 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 various circumstances of the case, the adjudicatory chamber found that a fine of CHF 100,000 is appropriate. Accordingly, Mr Grant shall pay a fine of CHF 100,000.

E. PROCEDURAL COSTS

99. The procedural costs are made up of the costs and expenses of the investigation and adjudicatory proceedings (art. 54 of the FCE).

100. As a principle, procedural costs shall be borne by the party that has been sanctioned (cf. art. 56 par. 1 of the FCE). In the event of closure of proceedings or acquittal, the procedural costs shall be borne by FIFA (art. 55 par. 1 of the FCE).
101. Mr Grant has been found guilty of a violation of arts. 23 and 25 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 Grant shall bear the procedural costs (art. 56 par. 1 of the FCE).
102. In the present case, the costs and expenses of the investigation and the adjudicatory proceedings add up to [...].
103. According to art. 57 of the FCE, no procedural compensation shall be awarded in proceedings conducted by the Ethics Committee. Consequently, Mr Grant shall bear his own legal and other costs incurred in connection with these proceedings.

III. DECISION OF THE ADJUDICATORY CHAMBER

1. Mr Rosnick Grant 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, abuse, as well as threats and coercion towards female referees during the period 2011 - 2021. In this respect, Mr Grant took advantage of his position of authority in Haiti football refereeing in exchange for sexual favours.
2. Mr Grant 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 Grant shall pay a fine in the amount of CHF 100,000 within 30 days of notification of the present decision.
4. Mr Grant shall pay costs of these proceedings in the amount of [...] within 30 days of notification of the present decision.
5. Mr Grant shall bear his own legal and other costs incurred in connection with the present proceedings.
6. This decision is sent to Mr Grant. A copy of the decision is sent to the FHF, Concacaf and to Mr Ngoga, chairperson of the investigatory chamber of the FIFA Ethics Committee.

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. "FED-20" 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 anonymized (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, decisions taken by the adjudicatory chamber are final, subject to appeals lodged with the Court of Arbitration for 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 (10) 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