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FAX +41 43/222 7755

To: Iraq Football Association
Fax: +44 161 66 27271

Date: 4 May 2012

Copy for**information:**

- Koninklijke Nederlandse
Voetbaldbond
Fax: +31 343 499 189

Total pages:
(incl. this page) 10

- AFC
Fax: +60 3 8994 2689

- UEFA
Fax: +41 848 01 27 27

Re: Request made by the Iraq Football Association
concerning the change of Association team of the
player Osamah Jabbar Shafeeq
(Ref. 11-01623/lza)

Fédération Internationale de Football Association

FIFA-Strasse 20 P.O. Box 8044 Zurich Switzerland Tel: +41 43/222 7777

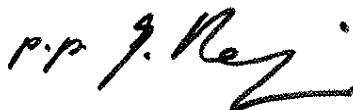
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Dear Sir,

Please find attached the decision passed in the aforementioned matter by the Single Judge of the Players' Status Committee on 27 April 2012 as well as a copy of the directives of the CAS regarding its appeal procedure.

Yours faithfully,

On behalf of the
Players' Status Committee



Omar Ongaro
Head of Players' Status and Governance



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Decision of the Single Judge of the Players' Status Committee

passed on 27 April 2012,

by

Geoff Thomson (England)

Single Judge of the Players' Status Committee,

on the request made by

The Iraq Football Association

and the player

Osamah Jabbar Shafeeq

concerning the change of Association Team



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I. Facts of the case

1. The aim of the present request is to obtain the authorisation for the eligibility of the player Osamah Jabbar Shafeeq (hereinafter: *the player*), to play for the Association teams of the Iraq Football Association in compliance with the 2010 edition of the FIFA Statutes and, in particular, art. 15 in connection with art. 18 of the Regulations Governing the Application of the FIFA Statutes.
2. In compliance with the instructions contained in the FIFA circular no. 877, dated 21 November 2003, which stipulates the modalities of the implementation of the rules regarding the eligibility of players for representative teams, the Iraq Football Association submitted a request concerning the player Osamah Jabbar Shafeeq to FIFA in July 2011 as well as additional information and documentation on various occasions, the last one on 18 April 2012.
3. The file comprises, *inter alia*, the following documents:
 - a formal written request of the Iraq Football Association, dated 18 July 2011;
 - a signed declaration of the player dated 18 July 2011, by means of which he confirms his desire to change association and play for the Iraq Football Association;
 - an additional undated statement of the player, by means of which he explains his motives for changing association team and specifies that he understands the impact of such a change. In the same correspondence, the player also mentions that he is aware that a change of association can only be requested once and, if granted, is of a definitive nature and irreversible;
 - a copy of an Iraqi passport, issued on 7 July 2011 and valid until 4 July 2019, bearing the name Osamah Jabbar Shafeeq. According to said passport, Mr Shafeeq was born in Iraq on 17 January 1992;
 - a copy of a Dutch passport, issued on 27 February 2009 and valid until 27 February 2014, bearing the name Osama Rashid. According to said passport, Mr Rashid was born in Kirkuk, Iraq, on 13 January 1992;
 - a copy of an "Iraqi Nationality Certificate" bearing the name of Osamah Jabbar Shafeeq, issued on 5 July 2011 by the "Kirkuk Nationality Director" in its original version as well as in its translation in English. According to said document, Mr Shafeeq was born in Kirkuk in 1992 and was son of Jabbar Shafeeq (father) and of Shafeeqa Khorsheed (mother);
 - a copy of an Iraqi "Identity Card" bearing the name of Osamah Jabbar Shafeeq issued on 4 July 2011 by the Directorate General of Nationality & Civil Status of the Republic of Iraq in its original version, as well as its "official translation" into English. According to said document, Mr Shafeeq was born in Kirkuk on 17 January 1992 and the "name of [his] father and grandfather" were "Jabbar Shafeeq" while "name of mother & grandfather" were "Shafeeqa Khorsheed";
 - a copy of an official document issued on 3 January 2012 by the "Directorate General for Travel and Nationality" of the "Kirkuk Statues Department" of the



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Republic of Iraq in its original version, as well as its translation into English, by means of which it is confirmed that "*Osamah Jabbar Shafeeq Rashid*) is of Iraqi nationality and (...) had been granted the Iraqi nationality since his birth in Kirkuk Governorate on the date 17/1/1992 (...)"

- a copy of an Iraqi passport bearing the name Jabbar Shafiq Rashid, supposedly the player's father;
- a copy of a Dutch passport bearing the name Jabbar Rashid, supposedly the player's father;
- a copy of the "*Iraqi Nationality Certificate*" of Jabbar Shafeeq Rashid, issued on 23 March 1971 by the "*Nationality Director*" in its original version as well as in its translation in English;
- a copy of an official document issued on 18 January 2012 by the municipality of Rotterdam, the Netherlands, by means of which it is confirmed that Osama Rashid was born on 13 January 1992 in Kirkuk Iraq and was son of Jabbar Rashid (father) and of Shafika Saleh (mother);
- a copy of an official document issued on 7 February 2012 by the municipality of Rotterdam, the Netherlands, in its original version, as well as its translation into English, in which it is stated that Osama Rashid, born on 13 January 1992 in Kirkuk, Iraq, settled in the Netherlands from Iraq on 21 November 1995;
- an unsigned and undated statement of the Iraq Football Association entitled "*Clarification on the difference in the player's name in his passports*" in which it is explained that, in Iraq, "*all names used in passports and official papers consists of first name, father's name and grandfather's name. So in Osamah's case, its Osamah Jabbar Shafeeq, while in the Dutch passport its Osama Rashud. Rashid is Osamah's father's grandfather. It is even shown in Shafeeq's (Osamah's father) Iraqi nationality card. His name [i.e. the name of the father of the player] in the Iraqi way is Jabbar Shafeeq Rashid (...). Based on that, the player's name in the Dutch passport is Osama (first name) Rashid (last name) (...) according to the Dutch law.*"
- a statement of the General Secretary of the Iraq Football Association dated 24 January 2012 confirming that Osamah Jabbar Shafeeq was born in Kirkuk, Iraq, on 17 January 1992. In the same document, it is specified that Mr Shafeeq had "*to leave Iraq to the Netherlands in 1995*" where he lived "*for some times as refugee*" before obtaining the Dutch nationality. In this respect and with regard to the difference in the date of births included in the player's Dutch and Iraqi passports, the General Secretary of the Iraq Football Association, referring to the player's family move to the Netherlands explained that "*Due to the hard situations which Osamah's family passed through (like the language and other issues) (...) it was recorded that he was born on the 13th of January 1992, which makes it four days different from the real date of birth (...)*";
- a statement of the player dated 27 January 2012 in which the latter explains that he and his family "*were expelled by Saddam Hussein's government for ethnic reasons*" and when they "*came to Holland, the Dutch government (...) registered my father's grandfather as my family name (Jabbar Shafeeq Rashid). (...) they chose*



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Rashid (my father's grandfather) to be used as my family name. In addition, my birthdate was registered as a different date (..) due [to] a mistake made by the translator at that time. He was the one responsible to transfer our data to the Dutch government, and by omission, he registered my birth date as the 13th of January 1992, but my real birthdate is the 17th of January 1992, and my place of birth is the Iraqi city of Kirkuk. (..) In fact, I assure you that "Osama Rashid" and "Osamah Shafeeq" is the same person who is me (..);

- a confirmation of the Royal Netherlands Football Association, dated 23 December 2011, attesting that no person named Osamah Jabbar Shafeeq "has never participated in our A national team" and "has never participated in our youth national teams";
- a confirmation of the Royal Netherlands Football Association, dated 15 February 2012, attesting that a person named Osama Rashid has played in several international matches in official competitions for the Netherlands, the first one having being disputed at U-17 level on 23 October 2008, as well as attesting that Osama Rashid never played any match in an official competition at "A" international level for the Netherlands.

II. Considerations of the Single Judge of the Players' Status Committee

1. First of all, the Single Judge of the Players' Status Committee (hereinafter: *the Single Judge*) established that on the basis of art. 8 par. 3 of the 2011 edition of the Regulations Governing the Application of the FIFA Statutes, in connection with art. 3 par. 2 of the Rules Governing the Procedures of the Players' Status Committee and the Dispute Resolution Chamber and art. 23 par. 3 of the Regulations on the Status and Transfer of Players, he was competent to deal with the matter before him and entitled to pass a formal decision with regard to the authorisation for the player Osamah Jabbar Shafeeq to change association team.
2. In continuation and turning his attention to the substance of the present matter, the Single Judge observed several discrepancies in the documentation provided by the Iraq Football Association. In particular, the Single Judge remarked that the player's official name seemed to be "Osamah Jabbar Shafeeq" in Iraq and "Osama Rashid" in the Netherlands. Furthermore, the Single Judge noticed that the date of birth of the player included in his Iraqi passport, *i.e.* 17 January 1992, was different from the one contained in his Dutch passport, *i.e.* 13 January 1992.
3. On account of the aforementioned, the Single Judge decided that he had to first clarify whether Osamah Jabbar Shafeeq and Osama Rashid were indeed the same person.
4. In doing so, the Single Judge carefully analysed the documentation on file as well as the explanation of the Iraq Football Association and the one of the player in



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accordance with which there had been a misunderstanding at the time of the latter's arrival as refugee in the Netherlands in 1995.

5. In this respect and first of all, the Single Judge remarked that, as clearly confirmed in most of the documents on file "both" Osamah Jabbar Shafeeq and Osama Rashid were born in Kirkuk, Iraq, in January 1992. Furthermore and in the same context, the Single Judge also took note that the first name of both the father of Osamah Jabbar Shafeeq as well as the one of Osama Rashid was Jabbar (*i.e.* Jabbar Shafeeq [Rashid] and Jabbar Rashid, respectively).
6. In addition, the Single Judge observed that in one of the document issued by the Iraqi government, Osamah Jabbar Shafeeq was called "Osamah Jabbar Shafeeq Rashid" (cf. above the official document issued on 3 January 2012 by the "Directorate General for Travel and Nationality" of the "Kirkuk Statues Department").
7. Finally, the Single Judge checked the picture included in Osamah Jabbar Shafeeq's Iraqi passport as well as the one contained in Osama Rashid's Dutch passport and stressed that, without being an expert, he could not see any significant difference.
8. On account of all the above, the Single Judge formed the conviction that the explanations provided by the Iraqi Football Association and the player as to why the player was carrying two passports, one from Iraq and one from the Netherlands, in which his name and date of birth were different, combined with the documentation on file issued by various state authorities in Iraq and the Netherlands, were indeed correct, and therefore concluded that Osamah Jabbar Shafeeq and Osama Rashid seemed to be the same person.
9. Having established the aforementioned, the Single Judge turned his attention to the contents of art. 18 par. 1 of the 2010 edition of Regulations Governing the Application of the FIFA Statutes (hereinafter referred to as: *the Regulations*) and emphasised that the relevant provision contains a clear and well-defined enumeration of objective and mandatory prerequisites which a player wishing to exercise his right to change Association team must fulfil.
10. After having thoroughly examined the entire documentation remitted by the Iraq Football Association, the Single Judge concluded that the player Osamah Jabbar Shafeeq fulfils the objective prerequisites as provided for in art. 18 par. 1 of the Regulations. In particular, the player has never represented the Netherlands in an official competition at "A" international level.
11. Furthermore, the Single Judge also took due note of the fact that, based on the document dated 3 January 2012 issued by the Directorate General for Travel and Nationality of the Kirkuk Statues Department, the player in question already held the Iraqi nationality before representing the Netherlands for the first time in an



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international match in a U-17 official competition on 23 October 2008, as he *"had been granted the Iraqi nationality since his birth in Kirkuk Governorate on the date 17/11/1992"*.

12. In view of all of the above, the Single Judge decided to admit the request of the Iraq Football Association and the player Osamah Jabbar Shafeeq.

III. Decision of the Single Judge of the Players' Status Committee

1. The request made by the Iraq Football Association and the player Osamah Jabbar Shafeeq for change of association team is accepted.
2. The player Osamah Jabbar Shafeeq is allowed to represent the national team of the Iraq Football Association as from the notification of the present decision.

*** * ***



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Note relating to the motivated decision (legal remedy):

According to art. 63 par. 1 of the FIFA Statutes, this decision may be appealed against before the Court of Arbitration for Sport (CAS). The statement of appeal must be sent to the CAS directly within 21 days of receipt of notification of this decision and shall contain all the elements in accordance with point 2 of the directives issued by the CAS, a copy of which we enclose hereto. Within another 10 days following the expiry of the time limit for filing the statement of appeal, the appellant shall file a brief stating the facts and legal arguments giving rise to the appeal with the CAS (cf. point 4 of the directives).

The full address and contact numbers of the CAS are the following:

Court of Arbitration for Sport
Avenue de Beaumont 2
1012 Lausanne
Switzerland
Tel: +41 21 613 50 00
Fax: +41 21 613 50 01
e-mail: info@tas-cas.org
www.tas-cas.org

For the Single Judge of the
Players' Status Committee:



Jérôme Valcke
Secretary General

Encl. CAS directives

Legal 



Directions with respect to the appeals procedure before CAS
(Code of Sports-related Arbitration, 2010 edition)

The CAS appeals arbitration procedure is provided by articles R47 et seq. of the Code of Sports-related Arbitration (2010 edition, hereafter: the Code). This procedure can be summarised as follows:

1. Any party intending to challenge a final decision issued by a FIFA legal body, in accordance with the FIFA Statutes, must file a statement of appeal with CAS within a 21-day time limit starting from the receipt of the grounded decision challenged (article 63 of the FIFA Statutes).

The exact address of the Court of Arbitration for Sport is:

Court of Arbitration for Sport
Avenue de Beaumont 2
CH-1012 Lausanne
Tel. (41.21) 613 50 00
Fax (41.21) 613 50 01
www.tas-cas.org

2. To be admissible, the statement of appeal shall be drafted imperatively in English or in French (see art. R29 of the Code) and contain the following elements :
 - the name and full address of the Respondent(s);
 - a copy of the decision appealed against;
 - the Appellant's request for relief;
 - the appointment of the arbitrator chosen by the Appellant from the CAS list unless the parties have agreed to a Panel composed of a sole arbitrator (see clause 3 below); the list of CAS members is published on the web site www.tas-cas.org;
 - if applicable, an application to stay the execution of the decision appealed against, together with reasons (the statement of appeal filed with CAS does not stay automatically the execution of the decision challenged, save for the decisions of a financial nature);
 - a copy of the provisions of the Statutes or Regulations or the specific agreement providing for appeal to the CAS;
 - the evidence of the payment of the Court Office fee of CHF 1,000 (Crédit Suisse, Rue du Lion d'Or 5-7, C.P. 2468, 1002 Lausanne; account n°: 0425-384033-71).

The statement of appeal and all written submissions to be filed with CAS shall be sent to the CAS Court office in as many copies as there are parties and arbitrators, together with one additional copy for the CAS itself and another one for FIFA (in principle a minimum of 6 copies in all).

3. The arbitration procedure is allocated to a Panel composed of three arbitrators and constituted pursuant to the rules provided by article R54 of the Code. Before the filing of the statement of appeal, the parties have nevertheless the opportunity to decide that the arbitration shall be submitted to a sole arbitrator. In this case, the evidence of this agreement must be attached to the statement of appeal. In addition, Art. R50 of the Code is applicable.
4. Within 10 days following the expiry of the time limit for the filing of the statement of appeal, the Appellant shall file with the CAS an appeal brief stating the facts and legal arguments giving rise to the appeal, together with all exhibits and specifications of other evidence upon which it intends to rely, failing which the appeal shall be deemed withdrawn (see article R51 of the Code). Furthermore, in its written submissions, the Appellant shall specify any witnesses, including a brief summary of their expected testimony, and experts, stating their area of expertise, whom it intends to call at the hearing and state any other evidentiary measure which it requests.
5. Within 20 days from the receipt of the appeal brief, the Respondent shall submit to the CAS an answer containing the following elements :
 - a statement of defence;
 - any defence of lack of jurisdiction;
 - any exhibits or specification of other evidence upon which the Respondent intends to rely, including the names of the witnesses and experts whom it intends to call at the hearing.

Since 1 January 2010, the CAS appeals procedure does no longer provide for the possibility of filing counterclaims.

6. In accordance with articles R64 and R65 of the Code, the CAS determines the possible advance of costs that the parties must pay to the CAS within a certain time limit. In the absence of payment of such advance of costs, the appeal shall be deemed withdrawn and the CAS shall terminate the arbitration.
7. At the end of the written proceedings, the CAS summons the parties to a hearing, without prejudice to article R57 §2 of the Code.
8. The CAS shall have full power to hear the case de novo. It may issue a new decision which replaces the decision challenged or annul the decision and refer the case back to the competent authority for a new decision.
9. The award, a summary and/or a press release setting forth the results of the proceedings shall be made public by the CAS, unless both parties agree that they should remain confidential. A copy of the award is notified to FIFA.

In case of discrepancy between the present document and the Code, the provisions of the Code shall prevail.