

Case: trib_2024/01

Decision

delivered by the

Boxing Independent Integrity Unit's Tribunal,

Sitting in the composition of:

Malek Badri, Chairperson;
Sally Clark, Member; and
Ennio Bovolenta, Member,

on **26 April 2024**

Regarding

disciplinary proceedings

involving

Hamlet Adamyán, a boxer affiliated with the Armenian Boxing Federation,
Samvel Grigoryan, a boxer affiliated with the Armenian Boxing Federation,
Artur Mkrtchyan, a boxer affiliated with the Armenian Boxing Federation,
Hakob Melkonyan, a coach affiliated with the Armenian Boxing Federation,
armboxfederation@gmail.com ; armboxfederation@hotmail.com

all represented by **Mr. Sahak Gaginyan**, Attorney-at-law,
Sarmen Str. 34, Yerevan, Armenia,
sahak888@mail.ru

- Accused Parties -

and

Ms. Manal Rmeity, Investigation and Prosecution Officer
West Bay, Al Bidaa Tower, Doha 27277, Qatar
manal.shakron@gmail.com

- Accusing Party -

I. Parties

1. According to Art. 18 of the Amateur International Boxing Association ("AIBA", currently "IBA") Procedural Rules adopted by the AIBA Board on 8 April 2021 ("AIBAPR") [substantially equivalent to Art. 18 of the Boxing Independent Integrity Unit ("BIIU") Procedural Rules adopted by the International Boxing Association ("IBA") Board on 25 August 2023 ("BIUUPR")], the parties are the accusing and the accused party.

According to Art. 18 AIBAPR, the accused party is a person bound by the AIBA Code of Ethics and/or the AIBA Disciplinary Code, who allegedly committed a breach of the regulations made by the IBA Board in accordance with the IBA Constitution.

2. Ms. Monia Karmass, the AIBA Safeguarding Officer, who originally filed a report of case of harassment to the AIBA Integrity Officer and the AIBA Ethics Committee, which has been replaced by the BIUU's Tribunal ("Tribunal"), requested the Tribunal to open disciplinary proceedings against Mr. Hamlet Adamyan, Mr. Samvel Grigoryan, Mr. Artur Mkrtchyan and Mr. Hakob Melkonyan and alleged that they respectively breached the AIBA Anti-Harassment Policy adopted by the AIBA Board on 30 June 2021 ("AIBA AHP").
3. Mr. Hamlet Adamyan, Mr. Samvel Grigoryan, Mr. Artur Mkrtchyan and Mr. Hakob Melkonyan ("Accused Parties") are the parties accused by the AIBA Safeguarding Officer. Mr. Hamlet Adamyan, Mr. Samvel Grigoryan and Mr. Artur Mkrtchyan are boxers affiliated with the Armenian Boxing Federation and Mr. Hakob Melkonyan is a coach affiliated with the Armenian Boxing Federation. The Accused Parties are bound by the AIBA Code of Ethics adopted by the AIBA Board on 30 June 2021 ("AIBA CoE") according to Art. 2.1 AIBA CoE [substantially equivalent to Article 2.1 of the Disciplinary and Ethics Code adopted by the IBA Board on 8 December 2023 ("DEC")] and therefore falls under the Tribunal's jurisdiction.
4. According to Art. 18 AIBAPR, Ms. Manal Rmeity (Lebanese in-house Legal Counsel, based in Doha, Qatar) is the accusing party ("Accusing Party"), following her appointment by the Managing Director (under Art. 24 BIUUPR) as an Investigation and Prosecution Officer ("IPO") responsible for investigating and prosecuting the case based on the applicable regulations.

II. Factual background

1. From 09 July 2021 to 11 July 2021, EUBC Junior Boxing Championships Final was held in Tbilisi, Georgia.
2. On 14 July 2021, Mr. Henrik Tavio, President of the Finnish Boxing Federation, sent a letter to AIBA informing it of a case of sexual harassment which allegedly occurred at the EUBC Junior Boxing Championships in Tbilisi, Georgia.
3. Mr. Tavio explained that on Sunday 11 July 2021, three young male boxers wearing Armenian team shirts allegedly entered the room of two Finnish female boxers without their permission.
4. The three young Armenian boxers allegedly sexually harassed the two Finnish boxers. Acts included *"touching, grabbing, and jumping on top of a girl laying in her bed in the room"*.
5. The girls apparently escaped the room and, with the help of a fellow Finnish male boxer, managed to expel the Armenian boxers from their room.

6. One of the Finnish female boxer victims also reported another incident which occurred on Friday 9 July 2021, when an Armenian coach improperly approached one of them during the dinner. He apparently grabbed her hand and she had to force herself free from the situation.
7. No criminal complaint was filed and no criminal proceedings were opened in Georgia.
8. On 19 July 2021, the case was referred to the AIBA Safeguarding Officer who opened investigations.

III. Proceedings

1. On 28 September 2021, the AIBA Safeguarding Officer filed the "Report of a Case of Harassment" ("Safeguarding Officer's Report") to the AIBA Integrity Officer and the AIBA Ethics Committee whereby she asked the AIBA Integrity Officer and the AIBA Ethics Committee to (i) open disciplinary proceedings against the Accused Parties and (ii) investigate the case.
2. On 02 November 2021, disciplinary proceedings against the Accused Parties were opened by the decision of the Chairperson of the AIBA Ethics Committee as a result of the Safeguarding Officer's Report. The said proceedings are related to alleged breaches of Article 29 of the AIBA CoE.
3. On 01 December 2021, Hayak Ghazayan, an Attorney-at-law representing the Accused Parties, filed the "Reply" to the AIBA Ethics Committee and requested to dismiss all the accusations.
4. On 24 December 2021, AIBA Ethics Committee sent a letter to AIBA Integrity Officers, Mr. Yury Zaytsev and Mr. Claude Ramoni, and requested them to start the investigations.
5. On 28 January 2022, the AIBA Safeguarding Officer interviewed Mr. Henrik Tavio in relation to this case.
6. On 10 February 2022, the AIBA Safeguarding Officer interviewed Mr. Marko Marovic in relation to this case.
7. On 24 February 2022, the AIBA Safeguarding Officer interviewed one of the Finnish female boxer victims with her further in relation to this case.
8. On 16 February 2024, the Chairperson of the Tribunal issued the decree of "Request for Submission" which informed the Accused Parties of the appointment of Ms. Manal Rmeity as an Investigation and Prosecution Officer ("IPO") and thus holding the capacity of Accusing Party and allowing the IPO to submit a written submission.
9. On 02 March 2024, the IPO filed the "Submission by the Investigation and Prosecution Officer" ("IPO Submission") to the Tribunal.
10. On 07 March 2024, Sahak Gaginyan, an Attorney-at-law representing the Accused Parties, filed the reply to the Tribunal.
11. On 08 March 2024, the Chairperson of the Tribunal, according to Art. 33.1 AIBAPR [substantially equivalent to Art. 32.1 BIIUPR], Art. 36.2 AIBAPR [substantially equivalent to Art. 35.2 BIIUPR], Art.

45 AIBAPR [substantially equivalent to Art. 44 BIIUPR] and Art. 46.1 AIBAPR [substantially equivalent to Art. 45.1 BIIUPR], issued a decision on the closing of proceedings namely:

- informing the Parties about the closing of the proceedings;
- announcing that the Tribunal would deliberate by videoconference on 26 April 2024;
- announcing the Tribunal's composition; and
- informing that any request for the removal of any of the arbitrators must be submitted in substantiated writing to the BIIU Managing Board within five (5) days from the discovery of the grounds of challenge.

12. There has been no request for the removal of any of the arbitrators.

IV. Submissions of the Parties

A. The AIBA Safeguarding Officer's Submissions and Requests for Relief

1. On 28 September 2021, the AIBA Safeguarding Officer filed the Safeguarding Officer's Report to the AIBA Integrity Officer and the AIBA Ethics Committee as follows:

"11. On 14 July 2021, Mr Henrik Tavio, President of the Finnish Boxing Federation, sent a letter to AIBA informing it of a case of sexual harassment which allegedly occurred at the EUBC Junior Boxing Championship in Tbilisi, Georgia.

(...)

34. Based on the foregoing, and at this stage of the investigation, the undersigned AIBA Safeguarding Officer believes that the version given by the athletes is not credible and that the reported cases of harassment are likely to have occurred.

(...)

35. In application of article 8.1 of the AIBA Anti-harassment policy, the undersigned AIBA Integrity Office respectfully requests the AIBA Integrity Officer/AIBA Ethics Committee to:

1) Inform the relevant criminal authorities if appropriate

2) Open disciplinary/ethics proceedings against Hamlet Adamyan, Samvel Grigoryan, Artur Mkrtyan, and Mr Hakob Melkonyan

3) Investigate the case

4) If found guilty of any violation of the AIBA AHP or any other AIBA relevant regulations, then take any disciplinary measures it deems appropriate against Hamlet Adamyan, Samvel Grigoryan, Artur Mkrtyan, and Mr Hakob Melkonyan".

B. The Accused Parties' Submissions and Requests for Relief

2. On 01 December 2021, Hayak Ghazayan, an Attorney-at-law representing the Accused Parties, filed the "Reply" to the AIBA Ethics Committee as follows:

" 10. There was no expressed conflict, whether verbal or physical, in and outside the room between Hamlet Adamyan, Samvel Grigoryan and the Finnish boxers. The allegations of "touching, grabbing, and jumping on top of a girl laying in her bed in the room" , are totally false and baseless.

(...)

14. Both Hamlet Adamyan and Samvel Grigoryan have never been involved in any incidents of unethical nature, and no sanction was ever imposed to them for any unlawful act. This is also confirmed by the Letter from the President of Armenian Boxing Federation which we enclose to this Reply (Exhibit 3).

(...)

27. Mr.Melkonyan has never been involved in any disciplinary or ethics proceedings and has never been subjected to any sanction for unlawful act (Exhibit 3).

(...)

36. Artur Mkrtychyan does not have any connection to the alleged incident of July 11, since he was out of the Hotel during most of the day of July 11. His involvement in this proceeding is made without any sufficient ground, and is inadmissible disregard to his rights and a status as a minor (15 y.o. at the time of the Competition).

(...)

52. Taking into consideration all the above-mentioned facts and grounds, we hereby request the Ethics Committee:

DISMISS ALL THE ACCUSATIONS

against under-age boxers Hamlet Adamyan, Samvel Grigoryan, Artur Mkrtychyan and a coach Hakob Melkonyan."

C. The Accusing Party's Submissions and Requests for Relief

3. On 02 March 2024, the IPO filed the IPO Submission to the Tribunal as follows:

"54. Taking all aforementioned factors into consideration, including the age of the accused boxers at the time of the alleged incidents and AIBA's then-existing zero-tolerance policy for harassment, abuse, unethical conduct, and inappropriate behavior as outlined in Article 29 of the Code, the BIUU Tribunal may consider the following sanctions:

a) Mr. Hamlet Admyan: Due to sufficient evidence suggesting a violation of Article 29, the Tribunal may consider a range of sanctions, including:

(i) A fine of up to CHF 2,000 and/ or

(ii) Suspension from boxing-related activities for a predetermined period, potentially up to 6 months.

b) Mr. Samvel Grigoryan & Mr. Hakob Melkonyan: While evidence against them may be insufficient to definitively prove a violation of Article 29, the Tribunal may consider a formal reprimand as a reminder of their professional conduct obligations and the seriousness of the alleged actions.

c) Mr. Artur Mkrtychyan: The available evidence does not establish his involvement in Incident 1, therefore, no sanction is required.

55. In light of the above, the undersigned IPO respectfully requests the BIIU Tribunal to:

- (i) Impose a fine up to CHF 2,000 on Mr. Hamlet Admyan; and/or Suspend Hamlet Admyan from all boxing related activities for up to 6 months;
- (ii) Impose a formal reprimand to Mr. Samvel Grigoryan;
- (iii) Impose a formal reprimand to Mr. Hakob Melkonyan;
- (iv) Dismiss the accusation for Mr. Artur Mkrtchyan."

D. The Accused Parties' Submissions and Requests for Relief

4. On 07 March 2024, Sahak Gaginyan, an Attorney-at-law representing the Accused Parties, filed the reply to the Tribunal as follows:

"With regard to the case: Trib. 2024/01, please be informed that Hamlet Adamyan does not have any income or salary, the possible disciplinary penalty in the form of a fine against him may cause sharp deterioration of his social condition.

I propose to discuss only the penalty in the form of suspension of his sports activities, for the shortest possible period, taking into consideration the fact that he was a minor at the time of the act."

V. Jurisdiction

1. According to Art. 9.1 AIBA CoE [substantially equivalent to Art. 25.1 of the Boxing Independent Integrity Unit Rules adopted by the IBA Board on 8 December 2023 ("BIIUR")], the Tribunal has jurisdiction to hear cases where a breach of the rules of conduct defined in the AIBA CoE allegedly accrued.
2. According to Art. 11.1 AIBAPR [substantially equivalent to Art. 11.1 BIIUPR], the Tribunal shall declare whether it is competent to hear the case.
3. On 28 September 2021, the AIBA Safeguarding Officer filed the Safeguarding Officer's Report against the Accused Parties.
4. Disciplinary proceedings against the Accused Parties were opened on 02 November 2021 by the Chairperson of the AIBA Ethics Committee as a result of the aforementioned allegation. The proceedings are related to alleged breaches of Article 29 (Breach of Anti-harassment Policy) of the AIBA CoE.
5. The AIBA Safeguarding Officer's allegation relates to an alleged breach of the regulations made by the IBA Board in accordance with the IBA Constitution.
6. According to Art. 2.1 AIBA CoE [substantially equivalent to Art. 2.1 DEC], the AIBA CoE applies to all officials, boxers, coaches, managers, promoters, and other persons elected, appointed, contracted or accredited by the IBA, a Confederation or a National Federation.

VI. Applicable Law

1. According to Art. 93.3 BIIUPR: *"The procedures which are pending before adoption of these Procedural Rules remain subject to the IBA Procedural Rules approved by the IBA Board on 8 April 2021, 5 November 2022 and 15 July 2023 respectively, unless both Parties request the application*

of these Procedural Rules. In case the IBA Procedural Rules approved by the IBA Board on 8 April 2021 and/or 5 November 2022 and/or 15 July 2023 do not regulate any matter significant for the proceedings, these Procedural Rules shall apply.”

2. Since the disciplinary proceedings against the Accused Party were opened on 02 November 2021, the AIBAPR shall be applied to these proceedings.
3. According to Art. 52.1 DEC: *“This Code is adopted by the Board on 8 December 2023 and comes into force immediately”*.
4. According to Art. 52.2 DEC: *“This Code applies to any Disciplinary or Ethics proceedings which have been formally opened after the date when this Code came into force. Any offence shall be governed by the substantive rules in force on the date of which the offence has been committed, unless the principle of lex mitior applies (implying that this Code is more favourable to the offender than prior regulations).”*
5. Since it is alleged by the Accusing Party that the breaches of the Accused Parties were conducted on 9 July 2021 and 11 July 2021 respectively, the AIBA CoE shall be applied in these proceedings.

VII. Merits

1. According to Art. 47.2 AIBAPR [substantially equivalent to Art. 27.2 BIIUR], in principle, the Tribunal issues the terms of decisions without grounds.

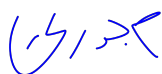
VIII. Costs

1. According to Art. 48 AIBAPR [substantially equivalent to Art. 47 BIIUPR], no procedural costs shall be imposed. The Tribunal therefore does not impose procedural costs.
2. According to Art. 49 AIBAPR [equivalent to Art. 48 BIIUPR]), no costs of the parties related to the proceedings are awarded. Therefore, the Parties shall bear their own costs incurred by this procedure.

**The Boxing Independent Integrity Unit's Tribunal,
decides what follows.**

1. Mr. Hamlet Adamyan is found to have breached the AIBA Anti-harassment Policy and therefore Art. 29.1 AIBA CoE. As a consequence, he is suspended from taking part in all boxing activities (including administrative and executive functions) for the period of six (6) months starting on the date of notification of this decision according to Art. 12.1 (g) of the AIBA CoE.
2. The requests made by the Accusing Party against the other 3 Accused Parties are dismissed.
3. No procedural costs are imposed.
4. The Parties shall bear their own costs incurred by this procedure.
5. The present decision is notified to the Parties by email, immediately.


Boxing Independent Integrity Unit's Tribunal



**Malek Badri,
Chairman**



**Sally Clark,
Member**



**Ennio Bovolenta,
Member**

Request for grounds of decision.

According to Art. 47.2 of the AIBA Procedural Rules adopted by the AIBA Board on 8 April 2021 [substantially equivalent to Art. 27.2 of the Boxing Independent Integrity Unit Rules adopted by the IBA Board on 8 December 2023], the parties have **ten (10) days from receipt of this decision** to request, in writing, the grounds of the decision, and that failure to do so will result in the said decision becoming final and binding.

According to Art. 47.2 and 47.3 of AIBA Procedural Rules [substantially equivalent to Art. 27.3 of the Boxing Independent Integrity Unit Rules], if a party requests the grounds of the decision, the motivated decision will be communicated to the parties in full, written form. The time limit to lodge an appeal, where applicable, begins upon receipt of this motivated decision.

Notice of appeal

According to Art. 52 of the AIBA Procedural Rules adopted by the AIBA Board on 8 April 2021 [substantially equivalent to Art. 89 of the Boxing Independent Integrity Unit Procedural Rules adopted by the IBA Board on 25 August 2023], the decision may be appealed **within thirty (30) days after its reception** before the Court of Arbitration for Sport in Lausanne, Switzerland, which will resolve the dispute definitively in accordance with its procedural rules.

Boxing Independent Integrity Unit
–
Tribunal



Copy by email to:

- Boxing Independent Integrity Unit, Managing Director, director@biu.sport
- International Boxing Association (IBA), represented by its CEO and Secretary General, info@iba.sport
- Armenian Boxing Federation, armboxfederation@gmail.com ; armboxfederation@hotmail.com