

Case: trib_2024/06

Decision

delivered by the
Boxing Independent Integrity Unit's Tribunal,

Sitting in the composition of:

Malek Badri, Chairperson;
Adrian Stangaciu, Member; and
Faisal Al Obidan, Member,

on **19 August 2024**

Regarding
disciplinary proceedings

involving
the Ukrainian Boxing Federation, the boxing national federation of Ukraine,
a member of the IBA and the EUBC

ubfbox@gmail.com

- **Accused Party** -

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 Boxing Independent Integrity Unit ("BIIU") Procedural Rules adopted by the International Boxing Association ("IBA") Board on 25 August 2023 ("BIIUPR"), the parties are the accusing and the accused party.

According to Art. 18 BIIUPR, the accused party is a person bound by the Disciplinary and Ethics Code enshrined at its Art. 2, who allegedly committed a breach of the regulations made by the IBA Board in accordance with the IBA Constitution.

2. McLaren Independent Investigation Team ("MIIT") issued a report of the Independent Investigation of the EUBC Men's Elite Championships Yerevan, Armenia 21-31 May 2022 ("MIIT Report") to the BIIU. The MIIT Report presents that, in relation to the Championships, members of the Ukrainian Boxing Federation brought the sport into disrepute following the bouts 188 and 193 Field of Play infringements, which allegedly constitute a breach of:

➤ **Paragraph 1.0 (Integrity) of the AIBA Code of Conduct ("CoC").**

3. The Ukrainian Boxing Federation ("Accused Party") is the party accused in these disciplinary proceedings. The Accused Party is the boxing national federation of Ukraine and a member of the IBA and the European Boxing Confederation ("EUBC"). The Accused Party is bound by the AIBA Code of Ethics adopted by the AIBA Board on 30 June 2021 ("CoE") and of the AIBA Disciplinary Code adopted by the Executive Committee on 17 July 2013 ("Disciplinary Code") according to Art. 2.1 CoE and Art. 2.1 Disciplinary Code [substantially equivalent to Art. 2.1 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 BIIUPR, 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 BIIUPR) as an Investigation and Prosecution Officer ("IPO") responsible for investigating and prosecuting the case based on the applicable regulations.

II. Factual background

1. On 21-31 May 2022, EUBC Men's Elite Championships ("Championships") were held in Yerevan, Armenia.
2. On 06 October 2022, MIIT issued the MIIT Report to the BIIU. The MIIT Report presents that, in relation to the Championships, members of the Ukrainian Boxing Federation brought the sport into disrepute following the bouts 188 and 193 Field of Play infringements, which allegedly constitute a breach of:

➤ **Paragraph 1.0 (Integrity) of the CoC.**

3. On 15 March 2023, the MIIT issued the Statement on Independent Investigation of the EUBC Men's Elite Championships in Yerevan 2022 to the BIIU.
4. On 12 October 2023, the MIIT Report was transmitted by the Managing Director of the BIIU to the Tribunal.

III. Proceedings

1. On 07 May 2024, disciplinary proceedings against the Accused Party were opened by the decision of the Chairperson of the Tribunal as a result of the MIIT Report. The said proceedings are related to alleged breaches of Paragraph 1.0 CoC. In this decision, the Tribunal informed the Accused Party of the appointment of Ms. Manal Rmeity as an IPO and requested the IPO to submit a written submission before the Tribunal.
2. On 08 June 2024, the IPO filed her submission ("IPO Submission") to the Tribunal, which alleged that the Accused Party committed a violation of Paragraphs 1.0 and 1.3 CoC.
3. On 21 June 2024, the Chairperson of the Tribunal issued the decree of "Request for Submission" which requested the parties to make a submission if:
 - the Accused Party wishes to submit a written reply to the IPO Submission; and
 - they wish a physical or an online hearing of the Tribunal to be held.
4. There had been no submission by the parties.
5. On 11 July 2024, the Chairperson of the Tribunal, according to Art. 32.1 BIIUPR, Art. 35.2 BIIUPR, Art. 44 BIIUPR and 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 July 2024 solely based on the documentary evidence;
 - 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.
6. There has been no request for the removal of any of the arbitrators.
7. On 01 August 2024, the Chairperson of the Tribunal, according to Art. 32.1 BIIUPR, issued a decision (dated 26 July 2024) on the postponement of the deliberation to 19 August 2024 announcing that it will be held in a hybrid format.

IV. Submissions of the Parties

A. The Integrity Officer's Submissions and Requests for Relief

1. On 08 June 2024, the IPO filed the IPO Submission to the Tribunal as follows:

"16. The IPO conducted her examination into the alleged violation of below stated Codes and established her conclusions in accordance with the above provisions.

- The AIBA Code of Conduct ("CoC"), particularly Paragraph 1.0 & 1.3 (Integrity).

(...)

18. The conduct of the members of the Ukrainian Boxing Federation within the FoP following the bouts 188 and 193 constituted severe breaches of the IBA Code of Conduct. These actions created

a hostile and unsafe environment for officials and participants alike, violating the Article 1.0 of the CoC, which states "I shall ensure that my conduct may not in any manner tarnish the reputation of the sport of boxing or IBA." & the Article 1.3 of the CoC, which states "I shall always conduct myself in a professional manner, respecting the organisation, the appointed Technical Delegate, all officials, and competitors to the event. This includes those supporting the LOC."

(...)

21. The undersigned IPO acknowledges that the actions of the Ukrainian Boxing Federation constitute serious breaches of the IBA Code of Conduct. The unsportsmanlike behaviour attempts to influence officiating, and threats to disrupt the competition not only undermine the integrity of the sport and violate the principles of fair play, but also present a significant legal risk to the successful running of the championship. Public protests halting the competition can have severe consequences, including financial losses, reputational damage, and potential legal challenges. These disruptions not only cast a shadow on the athletes' achievements but also impede the smooth functioning of the sport's governing body. It is paramount that any grievances with the results are addressed through the official channels established for such purposes, ensuring a fair and transparent process for all parties involved.

(...)

In light of the above, the undersigned IPO respectfully requests the BIUU Tribunal to:

- a. Impose a fine up to CHF 50,000 on the Ukrainian Boxing Federation for failing to uphold the standards of conduct expected in the sport.*
- b. Suspend the Ukrainian Boxing Federation representatives from on taking part in all boxing activities (including administrative and executive functions for one (1) year."*

V. Jurisdiction

1. According to Art. 25.1 of the Boxing Independent Integrity Unit Rules adopted by the IBA Board on 08 December 2023 ("BIIUR"), the Tribunal has jurisdiction to hear cases where a breach of the regulations made by the IBA Board in accordance with the IBA Constitution allegedly accrued.
2. According to Art. 11.1 BIIUPR, the Tribunal shall declare whether it is competent to hear the case.
3. Disciplinary proceedings against the Accused Party were opened on 07 May 2024 by the Chairperson of the Tribunal. The proceedings were related to alleged breaches of Paragraphs 1.0 and 1.3 CoC according to the IPO Submission.
4. The IPO's allegation relates to an alleged breach of the regulations made by the IBA Board in accordance with the IBA Constitution.
5. According to Art. 2.1 CoE and Art. 2.1 Disciplinary Code, the CoE and the Disciplinary Code apply to all officials, boxers, coaches, managers, promoters, and other persons elected, appointed, contracted or accredited by the IBA, a Confederation or a National Federation [substantially equivalent to Art. 2.1 DEC]. Also, according to Art. 4.3 Disciplinary Code, a National Federation is liable to be sanctioned for the behaviour of their boxers, coaches, competition officials, trainers, seconds, team doctors or administrative officials, members and any other person or organisation exercising a

function on behalf of the National Federation during an IBA competition [substantially equivalent to Art. 3.4 DEC].

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 07 May 2024, the BIIUPR 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 Party were conducted on 29 May 2022, the CoE and the Disciplinary Code shall be applied in these proceedings.

VII. Merits

1. According to Art. 27.2 BIIUR, the Tribunal has decided not to communicate the grounds of a decision in this case.

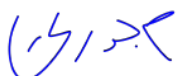
VIII. Costs

1. According to Art. 47 BIIUPR, no procedural costs shall be imposed. The Tribunal therefore does not impose procedural costs.
2. According 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. The Accused Party is found guilty of not complying with the principle of integrity in breach of Art. 18.1 (e) AIBA CoE. Therefore, he is ordered to pay a fine to the amount of CHF twenty thousand (20,000) according to Art. 12.1(b) CoE. The fine shall be settled within 30 days from the date of notification of this Decision.
2. The other requests made by the Accusing Party 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**



**Adrian Stangaciu,
Member**



**Faisal Al Obidan,
Member**

Request for grounds of decision.

According 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. 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. 89 of the Boxing Independent Integrity Unit Procedural Rules adopted by the IBA Board on 25 August 2023, the present decision may be appealed in English **within twenty-one (21) 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.

Note related to the payment of the fine:

Payment of the fine shall be made in Swiss francs (CHF) to the account with the following details:

Boxing Independent Integrity Unit
–
Tribunal



Beneficiary Account Name: Convera Switzerland, LLC, Zurich Branch
IBAN: CH44 0872 6000 0506 4201 0
SWIFT: BOFACH2X
Beneficiary's bank: Bank of America (BOAM)
Beneficiary's bank address: Stockerstrasse 23, 8002 Zürich, Switzerland

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