

Case: trib_2024/05

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 Armenian Boxing Federation, the boxing national federation of the Republic of Armenia, a member of the IBA and the EUBC

Ohanes Ovsepien, President of the Armenian Boxing Federation
Mkrichan Rudik, coach affiliated with the Armenian Boxing Federation
armboxfederation@gmail.com ; armboxfederation@hotmail.com

all represented by **Mr. Saksham Samarth**, Attorney-at-law,
C/Marqués de Dosaïgues 3, Office F, 46002-Valencia, Spain
ssamarth@uno-one.legal

- 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 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 BIUUPR, 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 BIUU. The MIIT Report presents that, in relation to the Championships, (i) members of the Armenian Boxing Federation brought the sport into disrepute following the bouts 188 and 193 Field of Play infringements; (ii) Mkrichan Rudik threw a bottle towards referee Lee Martin Innes, following the premature conclusion of bout 128; and (iii) Ohanes Ovsepian attempted to influence the referees and judges ("R&J") draw through his engagement with the Adam Kusior, Technical Director, by requesting that certain R&Js were removed from Armenian bouts and to influence the results of bouts through threats to cancel the Championships, which allegedly constitute a breach of:

– **in relation to item (i):**

- **Paragraph 1.0 (Integrity) of the AIBA Code of Conduct ("CoC");**

– **In relation to item (ii):**

- **Paragraph 1.3 (Integrity) of the CoC;**
- **Article 18.1(c) (General Principles of Conduct) of the AIBA Code of Ethics adopted by the AIBA Board on 30 June 2021 ("CoE"); and**
- **Article 6.1 (Misconduct towards a Competition Official) of the AIBA Disciplinary Code adopted by the Executive Committee on 17 July 2013 ("Disciplinary Code"); and**

– **In relation to item (iii):**

- **Article 24 (Abuse of Position) of the CoE;**
- **Article 25.1 (Bribery and Corruption) of the CoE; and**
- **Article 33 (Manipulation of Boxing Matches or Competitions) of the CoE.**

3. The Armenian Boxing Federation ("Armenian Federation") is the party accused in these disciplinary proceedings. The Armenian Federation is the boxing national federation of Armenia and a member of the IBA and the European Boxing Confederation ("EUBC"). The Armenian Federation is bound by the CoE and the 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. Mr. Ohanes Ovsepian ("Mr. Ovsepian") is the party accused in these disciplinary proceedings. Mr. Ovsepian is the President of the Armenian Federation. Mr. Ovsepian is bound by the CoE and the Disciplinary Code according to Art. 2.1 CoE and Art. 2.1 Disciplinary Code [substantially equivalent to Art. 2.1 DEC] and therefore falls under the Tribunal's jurisdiction.

5. Mr. Mkrichan Rudik ("Mr. Rudik") is the party accused in these disciplinary proceedings. Mr. Rudik is the coach affiliated with the Armenian Federation. Mr. Rudik is bound by the CoE and the Disciplinary Code according to Art. 2.1 CoE and Art. 2.1 Disciplinary Code [substantially equivalent to Art. 2.1 DEC] and therefore falls under the Tribunal's jurisdiction.
6. 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, (i) members of the Armenian Boxing Federation brought the sport into disrepute following the bouts 188 and 193 Field of Play infringements; (ii) Mkrichan Rudik threw a bottle towards referee Lee Martin Innes, following the premature conclusion of bout 128; and (iii) Ohanes Ovsepian attempted to influence the referees and judges ("R&J") draw through his engagement with the Adam Kusior, Technical Director, by requesting that certain R&Js were removed from Armenian bouts and to influence the results of bouts through threats to cancel the Championships, which allegedly constitute a breach of:
 - **in relation to item (i):**
 - **Paragraph 1.0 (Integrity) of the CoC;**
 - **In relation to item (ii):**
 - **Paragraph 1.3 (Integrity) of the CoC;**
 - **Article 18.1(c) (General Principles of Conduct) of the CoE; and**
 - **Article 6.1 (Misconduct towards a Competition Official) of the Disciplinary Code; and**
 - **In relation to item (iii):**
 - **Article 24 (Abuse of Position) of the CoE;**
 - **Article 25.1 (Bribery and Corruption) CoE; and**
 - **Article 33 (Manipulation of Boxing Matches or Competitions) CoE.**
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 Parties 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 (i) Paragraph 1.0 CoC by members of the Armenian Federation; (ii) Paragraph 1.3 CoC, Art. 18.1(c) CoE and Art. 6.1 Disciplinary Code by Mr. Rudik; and (iii) Art. 24 CoE, Art. 25.1 CoE and Art. 33 CoE by Mr. Ovsepien. In this decision, the Tribunal informed the Accused Parties of the appointment of Ms. Manal Rmeity as an IPO and requested the IPO to submit a written submission before the Tribunal.

2. On 23 May 2024, the IPO filed her submission ("IPO Submission") to the Tribunal, which alleged that the Accused Parties committed a violation of Paragraphs 1.0, 1.3, 4.4 and 5.0 CoC, Art. 18.1(c), 24, 25.1 and 33 CoE, and Art. 6.1 Disciplinary Code.
3. On 19 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 Parties wish 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. On 27 June 2024, Saksham Samarth, an Attorney-at-law representing the Accused Parties, requested to the Tribunal to extend the deadline for the submission of the Accused Parties' written reply to the IPO Submission.
5. On 1 July 2024, the Chairperson of the Tribunal granted both parties an extension until 10 July 2024.
6. On 10 July 2024, Saksham Samarth, an Attorney-at-law representing the Accused Parties, filed the reply to the Tribunal.
7. On 12 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.
8. There has been no request for the removal of any of the arbitrators.
9. On 02 August 2024, the Chairperson of the Tribunal, according to Art. 32.1 BIIUPR, issued a decision (dated 26 July 2024) on call for hearing on 19 August 2024 in Lausanne at the headquarters of the IBA.
10. On 19 August 2024 at 3:30 pm (CET), the hearing was held with the attendance of the Chairperson and the members of the Tribunal (Mr. Faisal Al Obidan attended online), the Accused Parties and the IPO in Lausanne, Switzerland.

IV. Submissions of the Parties

A. The IPO's Submissions and Requests for Relief

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

"24. 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).*
- *The AIBA Code of Ethics, adopted by the AIBA Board on June 30, 2021 ("CoE"), especially Article 18.1(c) (General Principles of Conduct) and Article 24 (Abuse of Position), Article 25.1 (Bribery and Corruption), and Article 33 (Manipulation of Boxing Matches or Competitions).*
- *The AIBA Disciplinary Code, adopted by the Executive Committee on July 17, 2013 ("Disciplinary Code"), particularly Article 6.1 (Misconduct towards a Competition Official).*

(...)

26. The conduct of the members of the Armenian Boxing Federation within the FoP following the bouts 188 and 193, including staging pls and threatening competition officials, 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."

(...)

28. The Coach Mkrichan Rudik engaged in violent and aggressive behavior during bout 128 between Armenia and Spain, wherein he physically assaulted the English referee Lee Martin Innes. The incident, captured on video and supported by multiple testimonies, involved Mr. Rudik throwing a punch and a filled water bottle at the referee following a contested decision.

(...)

30. This conduct violates the Article 1.3 of the CoC which provides that any Boxing Competition official should conduct himself in a professional manner, "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." Where Mr. Rudik failed to conduct himself in a professional manner, showing blatant disrespect towards the referee and the event's organizational structure.

31. Furthermore, Mr. Rudik's actions violated the principle of nonviolence, involving physical harassment and pressure against a competition official, violating the Article 18.1 (c) of the CoE which states, " A person bound by this Code must comply with the following principles:[...] nonviolence, including abstaining from any kind of pressure and harassment, whether physical, mental, professional or sexual;[...]"

32. Mr. Rudik acted improperly and engaged in misconduct towards a Referee, which demands significant sanctions; as per the Article 6.1 of the Disciplinary Code related to the misconduct towards competition official which states: "Any person subject to this Code who acts improperly towards a Referee, Judge or other Competition Official or engages in misconduct towards a Referee, Judge or other Competition Official will be sanctioned."

(...)

33. *Ohanes Ovsepián, the President of the Armenian Boxing Association, committed multiple infractions by entering the FoP on two separate occasions (after the conclusion of Bout 130 & 139) to confront the Technical Delegate, Adam Kusior, regarding the officiating of bouts.*

(...)

40. *Beyond the stated violations, Mr. Ovsepián's actions, as the president of the Armenian Boxing Federation, constitute a solid basis for using his position to influence and change results, which is considered a violation of Article 24 (Abuse of Position) of the AIBA Code of Ethics (CoE) which states, "A person bound by this Code shall not abuse his position in any way, especially to take advantage of his position for his private aims or gains or private aims or gains of related parties".*

41. *In addition, during a meeting with Mr. Kovacs on May 30, 2022, Mr. Ovsepián expressed concerns about the officiating of previous bouts and the impact on Armenian boxers. He implied the need for favorable treatment by stating that the Armenian leadership and potential sponsors, including a wealthy Armenian sponsor, expected better results. By suggesting that the IBA would benefit from the sponsorship if Armenian boxers achieved favorable outcomes, Mr. Ovsepián indirectly solicited an undue advantage to influence the competition's results, thereby breaching Article 25.1 (Bribery and Corruption) of the CoE which states, " A person bound by this Code shall not accept, give, offer, promise, receive, request or solicit any personal or undue pecuniary or other advantage in order to obtain or retain business or any other improper advantage to or from anyone. Such acts are prohibited regardless of whether carried out directly or indirectly through, or in conjunction with, third parties. In particular, a person bound by this Code shall not accept, give, offer, promise, receive, request or solicit any personal or undue pecuniary or other advantage for the execution or omission of an act that is related to his official activities and is contrary to his duties or falls within his discretion.*

(...)

43. *Mr. Ovsepián's threats to halt the competition and dismantle the ring unless the results of certain bouts were changed further illustrate his intent to manipulate the competition's outcome. By attempting to coerce officials into altering match results, Mr. Ovsepián directly engaged in activities that are explicitly forbidden under Article 33 (Manipulation of Boxing Matches or Competitions) of the CoE which stipulates, " A person bound by this Code is forbidden from being involved in the manipulation of boxing matches and/ or competitions, and shall immediately report to the Ethics Committee any approach in connection with activities and/ or information directly or indirectly related to the possible manipulation of boxing matches and/ or competitions."*

(...)

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

- a. Impose a fine up to CHF 50,000 on the Armenian Boxing Federation for failing to uphold the standards of conduct expected in the sport.*
- b. Suspend the Armenian Boxing Federation representatives from on taking part in all boxing activities (including administrative and executive functions for two years.*
- c. Impose a ban on the Coach Mkrichan Rudik from participating in official boxing competitions up to 2 years.*

d. Impose a ban on the President Ohanes Ovsepien from on taking part in all boxing activities and holding any official position within the IBA or its affiliated federations for four years.

e. Impose a fine of CHF 25,000 on the President Ohanes Ovsepien for his role in undermining the integrity of the competition. "

B. The Accused Parties' Submissions and Requests for Relief

1. On 08 June 2024, Saksham Samarth, representing the Accused Parties, filed the reply to the Tribunal as follows:

" Further, the Accused Parties respectfully request that the case be decided based on the written submissions and the evidence on the file and a hearing is not required.

(...)

96. Based on the factual and legal submissions, the Accused Parties submit request the Tribunal to rule the following:

a) The Armenian Boxing Federation has been charged under the wrong provisions and hence, no sanction should be imposed on them.

b) The Armenian Boxing Federation is not guilty of violating the IBA Regulations and hence, no sanction should be imposed on them.

c) Alternatively, any sanction on the Armenian Boxing Federation should be limited to the minimum sanction i.e. a warning.

d) As Mr. Rudik has already served sanctions imposed by the EUBC and the ABF, no further sanction be imposed on him or any sanction be limited to the minimum sanction i.e. a warning.

e) Mr. Ohanes Ovsepien is not guilty of violating the IBA Regulations and hence, no sanction should be imposed on him.

f) Alternatively, any sanction on Mr. Ohanes Ovsepien should be limited to the minimum sanction i.e. a warning.

g) If the Tribunal imposes a sanction which extends to suspension of Mr. Rudik and/or Mr. Ovsepien and/or imposition of fines, such suspension and/or fines be suspended for a probation period which is to be determined at the discretion of the Tribunal.

h) The costs of the proceedings, if any, should be borne by the IPO/IBA/EUBC or the proceedings be without any costs.

i) An amount should be awarded to the Accused Parties for their legal expenses which is to be determined at the discretion of the Tribunal."

C. Hearing

1. During The hearing held on 19 August 2024 at 3:30 pm (CET), the Accused Parties and the IPO in Lausanne, Switzerland, the Parties reiterated what was outlined in their respective written submissions.

V. Jurisdiction

1. According to Art. 25.1 of the Boxing Independent Integrity Unit Rules adopted by the IBA Board on 08 December 2023 ("BIUR"), 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 BIUPR, the Tribunal shall declare whether it is competent to hear the case.
3. Disciplinary proceedings against the Accused Parties were opened on 07 May 2024 by the Chairperson of the Tribunal. The proceedings were related to alleged breaches of Paragraphs 1.0, 1.3, 4.4 and 5.0 CoC, Art. 18.1(c), 24, 25.1 and 33 CoE, and Art. 6.1 Disciplinary Code 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 BIUPR: *"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 Parties were opened on 07 May 2024, the BIUPR 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 between 27 and 30 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 its decision in this case.

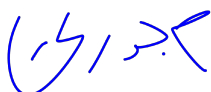
VIII. Costs

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 Armenian Boxing Federation is found not guilty and no sanction is imposed on it.
2. Mr. Rudik is found guilty of violating Art. 1.3 CoC, Art.18.1(c) CoE and Art. 6.1 Disciplinary Code. Therefore, he is suspended from taking part in all boxing activities (including administrative and executive functions) for the period of (30) months starting on the date of the breach according to Art. 6.1(c) Disciplinary Code.
3. Mr. Ovespian is found guilty of violating Art. 24, 25.1 and 33 CoE. Therefore, he is ordered to pay a fine to the amount of CHF eight thousand (8,000) according to Art. 12.1(b) CoE. The fine shall be settled within 30 days from the date of notification of this Decision.
4. The other requests made by the Accusing Party are dismissed.
5. No procedural costs are imposed.
6. The parties shall bear their own costs incurred by this procedure.
7. 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 relating to the Payment of the fine

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

Beneficiary: International Boxing Association (IBA)
Beneficiary address: Avenue de Rhodanie 54, 1007 Lausanne, Switzerland
Bank name: Vakif Katilim Bankasi A.S
Bank address: Saray Mh.Dr.Adnan Buyukdeniz 10, Umraniye, Istanbul
IBAN: TR15 0021 0000 0007 1714 0001 01
SWIFT: VAKIFTRIS
Ref: (Parties' name or Case reference number if known)

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