



## **AIBA DISCIPLINARY COMMITTEE**

AIBA vs Jarno Mustonen  
Disciplinary Case No. 2021/01

**DECISION**  
30 June 2021

Disciplinary Panel for this Proceeding:  
Chairman – Francois Strydom, South Africa  
Member – Glenn Feldman, USA  
Member – Alexandra Monkhouse, Canada

### **I. Introduction**

This is the first disciplinary proceeding conducted in terms of the new AIBA Procedural Rules, adopted by the AIBA Board of Directors on 8 April 2021. The new Procedural Rules provide for a central role to be fulfilled by the AIBA Integrity Officer who has the power *inter alia* to investigate and prosecute any alleged violation of the Disciplinary Code before the Disciplinary Committee (“the DC”).

In the present proceeding, the appointed Integrity Officer is Mr. Claude Ramoni, an attorney of the legal firm Libra Law in Lausanne, Switzerland. The Integrity Officer acts as the accusing party.

The accused party in this proceeding is Mr. Jarno Mustonen, an AIBA referee and judge from Finland and associated to the Finnish Boxing Federation.

The matter relates to an incident which occurred in the foyer of the Qubus Hotel after midnight on Saturday, 10 April 2021 on occasion of the 2021 Youth World Boxing Championships held in Kielce, Poland. It is alleged that Mr. Mustonen, who was a guest at the hotel, had made himself guilty of inexcusably aggressive, threatening and disrespectful behavior, including the use of vulgar language, towards the receptionist on duty whilst under the influence of medication and alcohol.

Mr. Mustonen is accused of a violation of the following disciplinary offences as provided for in the AIBA Disciplinary Code:

- A violation of Art. 6.4 – Disparagement of AIBA’s Reputation and Interests (subject to a possible sanction of a fine of CHF 1,000 to 10,000 and/or a suspension for 6 months to 2 years);
- A violation of Art. 6.11 read with Art. 3.1(a), (e), (f) & (g) – Violation of the Principles of Conduct (subject to a sanction to be determined by the DC in its absolute discretion).

The Integrity Officer submitted his initial brief which, at the request of the DC, was later supplemented with further witness statements as well a supplementary brief on the issue of an appropriate sanction. The DC considered the written statements from the hotel receptionist, hotel general manager and the LOC manager, and an e-mail report from the AIBA Project Coordinator. On the other hand, the accused party submitted statements regarding his alleged guilt and an appropriate sanction, four in total.

The DC decided that the matter can fairly and properly be disposed of by an examination of the written statements filed by the parties alone and that there was no need for an oral hearing. The DC enjoyed the benefit of good cooperation by Mr. Mustonen and a high quality of the submissions by the Integrity Officer.

## **II. The decision**

- (i) Upon a proper consideration of all the documentary evidence, the accused party, Mr. Jarno Mustonen, is found GUILTY of the following disciplinary offences:
- **A violation of Art. 6.4 of the AIBA Disciplinary Code**, namely conduct which has adversely affected the reputation or interests of AIBA and the Finnish Boxing Federation externally amongst the general public or which has harmed the image of boxing generally; and
  - **A violation of Art. 6.11 of the AIBA Disciplinary Code**, read with art. 3.1(a) thereof and art. 2 of the AIBA Code of Ethics, namely a failure to comply with the principle of non-violence, including abstaining from any kind of pressure and harassment, physically and/or mentally.
- (ii) Upon a proper consideration of the gravity of the offences and all the aggravating and extenuating factors, including the personal circumstances of the accused party, the DC imposes the following sanction in accordance with *inter alia* art. 9.10, 9.15, 10.3 and 10.4 of the Disciplinary Code:

A temporary ban of Mr. Jarno Mustonen from all boxing activities at international level (including administrative and executive functions), whether inside or outside of Finland, for a period of 12 months of which –

- A period of 6 months is effective and will apply from 1 July until 31 December 2021; and
- A period of 6 months is suspended on condition that Mr. Mustonen does not make himself guilty at any time during the period 1 July 2021 until 31 December 2022 (a suspensive period of 18 months) of any behavioral offence under art. 6 of the AIBA Disciplinary Code.

(iii) For the sake of clarity, the DC points out:

- During the effective period of the ban, Mr. Mustonen is free to participate in any domestic (regional or national) boxing activity in his home country, Finland;
- Upon having served the effective period of the ban and from 1 January 2022, Mr. Mustonen will be free to participate in any boxing activity both in Finland and internationally;
- In the event of a violation of art. 6 of the AIBA Disciplinary Code during the suspensive period of the ban, the suspension shall automatically be revoked and the original ban applied and added to the sanction imposed for the new violation.

### **III. Parties' rights to motivated reasons for the decision, and a reconsideration of, or appeal against, the decision**

The parties are informed in terms of art. 47.2 and 47.3 of the Procedural Rules that they have ten (10) days from notification of this decision to request, in writing, the motivated reasons for the decision. Failure to make such a request results in the decision becoming final and binding and the parties being deemed to have waived their right to lodge an appeal. If the motivated decision is requested within the stipulated period, the time limit for lodging an appeal begins only on notification of the motivated decision.

The parties are further informed in terms of art. 50 and 52 of the Procedural Rules, that a party may seek a reconsideration of the decision within thirty (30) days of the discovery of the need to have the decision reconsidered when new pertinent facts arise or if new evidence is discovered, unless they could have been brought forward during the proceedings leading to the decision, and the decision may be appealed against before the Court of Arbitration for Sport (CAS) in accordance with article 48 of the AIBA Constitution within thirty (30) days following notification of the motivated decision.

AIBA Disciplinary Committee

By: *F P Strydom*

Francois Strydom  
Chairman

Dated: June 30, 2021