



IBA DISCIPLINARY COMMITTEE

Disciplinary Case No. 2022/06

IBA versus

Mr. Michael McAtee (USA)

Mr. Stephen Hartley (New Zealand)

Mr. Per-Axel Sjöholm (Sweden)

Mr. Lars Brovil (Denmark)

Mr. Boris van der Vorst (Netherlands)

DECISION

11 May 2022

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

I. Introduction

On 28 April 2022 the IBA Disciplinary Committee (DC) received a referral from the IBA Interim Nomination Unit in terms of art. 26.5 of the Regulations on Congress and Elections (“the Regulations”) to consider and decide whether the conduct of certain candidates for election onto the IBA Board of Directors constitute a breach of the IBA Disciplinary Code, read with the IBA Constitution and the aforementioned Regulations.





The IBA Procedural Rules provide for a central role to be fulfilled by the IBA Integrity Officer who has the power *inter alia* to investigate and prosecute any alleged violation of the Disciplinary Code before the DC. For purposes of the present proceeding, the Integrity Officer is Mr. Claude Ramoni, an attorney of the legal firm Libra Law in Lausanne, Switzerland.

At the request of the DC, the Integrity Officer prepared a “Brief to the Disciplinary Committee”, containing the relevant facts, a formulation of the alleged breaches of the Constitution and Regulations as well as relevant exhibits, based exclusively upon the grounds of referral by the Interim Nomination Unit. The Brief was received by the DC on 6 May 2022.

The accused parties in this proceeding are Messrs. Michael McAtee (USA), Stephen Hartley (New Zealand), Per-Axel Sjöholm (Sweden), Lars Brovil (Denmark) and Boris van der Vorst (Netherlands). All of the accused parties are candidates in the upcoming IBA Board of Directors election. They are all associated with an influence group of national boxing federations within IBA called the Common Cause Alliance of National Boxing Federations (“the CCA”).

The matter concerns principally an introductory letter sent by the CCA, together with its manifesto, to all national boxing federations. It is alleged that the accused persons’ association with the CCA and the latter’s actions constitute a breach of the IBA Constitution and the Campaign Rules as incorporated in the IBA Regulations on Congress and Elections.

The accused parties are accused of the possible violation of art. 5.1(a) and 6.11 (read with art. 3.1(a)) of the Disciplinary Code on the basis of the complaint that they have acted against art. 27.7(c) of the IBA Constitution and the Campaign Rules in art. 25.1(2) & (12) of the Regulations.





On 6 May 2022 the accused persons were invited to deliver their written submissions (as envisaged by rule 29 of the IBA Procedural Rules) in answer to the accusations against them, but in view of the proximity of the elections, within a short deadline of 9 May 2022 at 17:00 (Lausanne time).

On 9 May 2022 within the appointed time, the DC received a joint submission from a law firm acting on behalf of all five accused parties.

The DC has decided that the matter can fairly and properly be disposed of by an examination of the written statements filed by the parties and there is no need for an oral hearing.

II. The decision

- (i) In the light of the DC's findings on the merits (hereafter), the DC finds it unnecessary to rule on the procedural objections raised by the accused parties in their Answer.
- (ii) Upon a proper consideration of all the documentary evidence submitted by the parties and the relevant provisions of the Constitution, Disciplinary Code and Regulations, the DC finds all five accused parties NOT GUILTY on all of the charges.

The basis for the acquittal is, in brief, the following:

- The reference in art. 3.1(a) and art. 5.1(a) of the Disciplinary Code (2013) to the "AIBA Statutes" and "AIBA Bylaws" must be taken as having been substituted by a reference respectively to the "IBA Constitution" and "IBA Regulations on Congress and Elections" (in the latter instance, particularly so far as the Campaign Rules are concerned);





- Art. 27.7(c) of the IBA Constitution sets out an eligibility requirement for election and not a prohibition, the non-compliance with which may result in ineligibility but not disciplinary action for a violation thereof;
- In any event, the CCA is not an “international boxing organization” as contemplated by art. 27.7(c) of the Constitution;
- Furthermore, it would appear that the mission and goals of the CCA are in alignment with and supportive of IBA’s mission and goals and no existence of an actual conflict of interest has been shown by the evidence;
- The CCA is a grouping of national boxing federations, not of individuals, and neither the CCA’s communications with the IBA President and other national federations, nor the CCA’s actions generally can on the evidence be imputed to the accused candidates personally;
- The CCA letter of 29 March 2022, although sent prior to the commencement of the Electoral period on 22 April 2022, did not amount to electoral campaigning in the sense of announcing the intention of any candidates to seek election or canvassing support for any of the accused parties;
- There is no evidence of any collaboration or collusion between the candidates as representatives of the CCA for any anti-democratic or illegal purposes;
- In the result, the DC finds no contravention of the Disciplinary Code on the facts of this matter.

Obiter: Any potential or perceived conflict of interest can be avoided in the case of election of any or all of the accused candidates, if the candidates voluntary undertake or it is required of them not to represent their national boxing federation in any of the activities of the CCA as long as they are IBA Board members.





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

The parties are informed that:

- in terms of art. 47.2 of the Procedural Rules they have ten (10) days from notification of this decision to request, in writing, the full motivated reasons for the decision.
- in terms of art. 50 of the Procedural Rules, 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;
- in terms of art. 52 of the Procedural Rules, the DC decision may be appealed against before the Court of Arbitration for Sport (CAS) in accordance with article 49.2 of the IBA Constitution within thirty (30) days following notification of the motivated decision.

IBA Disciplinary Committee

F P Strydom

Francois Strydom

Chairman

Dated: May 11, 2022

