



DECISION

issued by the

ETHICS COMMITTEE

sitting in the following composition:

Chairman: Mr Bernhard Welten, Attorney-at-law, Switzerland
Members: Mrs Erika Riedl, Attorney-at-law, Italy/Switzerland
Prof Mike McNamee, Professor of Ethics, Belgium/UK
Mr Malek Badri, Attorney-at-law, Tunisia
Mr Henry Biggs, Attorney-at-law, USA/France

in the proceedings against

Mr. Umar Kremlev, Russia, IBA President

- Accused Person -

I. FACTUAL BACKGROUND

A. Facts

1. Below is a summary of the main relevant facts, as established by the Ethics Committee on the basis of the written submissions received by the IBA Whistle-Blower, the Accused Person, the exhibits produced during these proceedings and the additional evidence received by the Integrity Officer. Additional facts and allegations found in the submissions





and evidence may be set out, where relevant, in connection with the legal discussion that follows. While the Ethics Committee has carefully considered all the facts, allegations, legal arguments and evidence submitted in the present proceedings, in its Decision pursuant to Article 11 of the IBA Code of Ethics (the “CoE”) and Article 47 of the IBA Procedural Rules (the “Procedural Rules”) it only refers to the submissions and evidence it considers necessary to explain its reasoning.

2. On 24 February 2022, the invasion of the Russian Federation began in Ukraine.
3. On 25 and 28 February 2022, the IOC Executive Board published its resolutions which, amongst others, (i) urge the International Federations (IFs) *“to relocate or cancel their sports events planned in Russia and Belarus”* and (ii) recommend that IFs and sport event organizers *“not invite or allow the participation of Russian and Belarussian athletes and officials in international competitions.”*
4. On 4 March 2022, the IBA Board Meeting which was scheduled in late February 2022, was held by video-conference. The agenda of the IBA Board Meeting included the item “Russia – Ukraine situation”, which was listed as point 7 of the agenda.
5. At the beginning of the IBA Board Meeting, Mr. Edgar Tanner, an IBA Board Member from Australia read a statement in relation to the “Russia – Ukraine situation” and asked for a total of 9 motions to be resolved as follows:
 - “1. *IBA condemns the invasion of the sovereign nation of Ukraine by the Russian and Belarusian Governments.*
 2. *Effective immediately IBA will cancel, relocate and/or will not sanction any international boxing events in Russia and Belarus, until such time the IOC reinstates Russia’s and Belarus’ ability to be part of the Olympic movement.*
 3. *IBA prohibits participation of Russian and Belarusian boxers, coaches, officials, and administrators in any and all IBA international competitions, in order to protect the integrity of boxing competitions and for the safety of all the participants.*
 4. *Prohibition of the Russian or Belarusian national flags and anthems at IBA international boxing events.*
 5. *Prohibition of the Olympic abbreviations for Russia (RUS) and Belarus (BLR) on boxer uniforms, whenever it is not possible to implement a ban on participation of Russian*





or Belarusian boxers for organizational or legal reasons.

6. *Strong recommend to all IBA National Federations to adopt and implement these minimum sanctions.*
7. *Immediate cessation of the IBA partnership with Gazprom – a Russian state-owned company.*
8. *Commitment to abstain from partnerships with any Russian or Belarusian state-owned companies.*
9. *Strongly insist IBA President Umar Kremlev immediately resign or, place himself on “administrative leave” and declare he cannot carry out the duties as President, at no fault of his, until such time the IOC resends it position regarding the governments of Russia and Belarus and direct the Vice-President to assume the powers of the Presidency as directed by the IBA Constitution.”*

6. Based on this statement brought forward by Mr. Edgar Tanner, the Accused Person replied to the personal reproaches made, before the Integrity Officer intervened and proposed, as the motions brought forward by Mr. Edgar Tanner and seconded by Mr. Ray Silvas, were all related to the “Russian – Ukraine situation”, to come back to the before stated motions under point 7 of the agenda. The IBA Board agreed with this proposal and continued the Board meeting in accordance with the agenda.

7. Under agenda point 7, the draft minutes of the IBA Board meeting state:
“ 7. Russia-Ukraine situation. Implementation of the IOC recommendations.

Before proceeding with the agenda, IBA President thanked the Directors for their valuable feedback on the previously presented points and confirmed that he will abstain from presiding the meeting, discussions and voting on the matters related to the Russia-Ukraine situation in view of conflict of interests. He temporary left the meeting.

Mr Mark Cooper, IBA consultant, outlined the IOC position on the Russia-Ukraine situation, the stance adopted by other International Federations and described the support provided to the Ukrainian team that participated at the Strandja Memorial.

The Board enquired if and to which extent the current situation affected the IBA President and ability to fulfil his obligations and whether the IBA’s financial stability was in jeopardy.





Mr Cooper and Mr Ramoni noted that Mr Kremlev is not personally sanctioned and continues to fulfil his tasks, including representation of IBA in its dealings with the Confederations, National Federations, national governments, international sports federations, etc. As for financial stability, while Gazprom is not currently under sanctions, the situation is being constantly monitored and the IBA Head Office is working on diversifying the IBA's resources.

A vote was proposed on

- (i) providing humanitarian assistance to the Ukraine Boxing Federation and to Ukrainian team members;*
- (ii) constant review of any decision on events and athletes.*

The proposal was approved by the Board.

The Board was also proposed to vote on reallocation or cancellation of events currently scheduled for Russia, including Global Boxing Cup.

The proposal was approved by the Board.

The final proposal was to vote on allowing the participation of athletes and competition officials, including R&Js, from Russia or Belarus in IBA events.

The first voting contained 4 options and did not result in the decision-making due to the lack of the absolute majority. It was therefore decided to leave only 2 options in the poll:

- 1. not to invite or to allow to participate athletes and officials, including R&Js, from Russia or Belarus in IBA events, unless this is not possible for organizational or legal reasons, whereby boxers and competition officials from Russia or Belarus may be allowed to participate as neutrals;*
- 2. to invite or to allow to participate athletes and officials, including R&Js, from Russia or Belarus in IBA events as neutrals, under an IBA flag and without their national anthem.*

Option 1 (not to invite or to allow to participate athletes and competition officials, including R&Js, from Russia or Belarus in IBA events, unless this is not possible for organizational or legal reasons, whereby boxers and competitions officials from Russia or Belarus may be allowed to participate as neutrals) was approved by the absolute majority of the Board members.





*Mr Ted Tanner proposed a motion to vote on condemnation of the breach of the Olympic Truce caused by the Russian invasion of Ukraine, as supported by Belarus.
The proposal was approved by the Board.*

No further motions followed from the Board members."

8. On 25 April 2022, the Ethics Committee received the Whistle-Blowing complaint dated 15 April filed against the Accused Person. The complaint asserted that the Accused Person violated the IBA Constitution, more specifically Articles 29.4 and 29.7 thereof, as well as the CoE.
9. On 2 May 2022, the Ethics Committee informed the Accused Person about the complaint received and formally opened a procedure against the Accused Person. Further, the Ethics Committee invited the Accused Person to file his statement to the Whistle-Blowing complaint within 3 days.
10. On 4 May 2022, the Accused Person filed his statement. As a summary, he stated that he did not violate Articles 29.4 and 29.7 of the IBA Constitution and Article 21.1 of the CoE. He also pointed to Article 34.1 (c) of the IBA Constitution which grants only the Congress the right to remove the IBA President. Regarding agenda point 7, he pointed out that he temporarily left the IBA Board Meeting when the several points under agenda point 7 were discussed and he did not vote on this issue. He provided two witness statements in support of his submission regarding point 7 of the agenda. Finally, the Accused Person waived his right for a hearing in pointing out that the matter at hand was not complicated, the evidence provided clearly demonstrated that the complaint was based on pure speculations and misleading statements, and the Whistle-Blower will possibly remain anonymous and not now show up at a hearing anyway.
11. On 5 and 6 May 2022, the Ethics Committee received several documents from the Integrity Officer/IBA Headquarters, amongst others, a video recording of the IBA Board Meeting of 4 March 2022, translations of the statements made during the meeting which were not in English, and the draft minutes of the meeting.





II. JURISDICTION OF THE ETHICS COMMITTEE

12. Based on Articles 4.1 (c) and 9.1 of the CoE, the Ethics Committee has jurisdiction to impose sanctions for any breach of the rules of conduct defined in section 4 of the CoE and in the present matter more specifically Article 21 of the CoE (Conflict of Interests).
13. The Accused Person is the IBA President and, therefore, bound by the AIBA/IBA rules. Article 2.1 of the CoE explicitly refers to any Officials elected, appointed, contracted or accredited by AIBA/IBA, the Confederations or National Federations.
14. The Ethics Committee, as a consequence, confirms that it has jurisdiction to decide on matters contained in the complaint received against the Accused Person.

III. LEGAL DISCUSSION

15. Article 12.1 of the CoE lists the sanctions for breaches of section 4 of the CoE – including conflict of interests - by persons bound by the CoE which ranges from a warning to a ban of 4 years and in addition a fine of up to CHF 50,000.
16. It is the Ethics Committee's task to assess and decide if the allegations brought forward in the Whistle-Blower complaint were fulfilled by the Accused Person and whether the Accused Person breached any provision in section 4 of the CoE.

A. Breach of Articles 29.4 and 29.7 of the IBA Constitution

17. Article 29.4 of the IBA Constitution states:
"In the event that a motion put to a Board meeting in any way affects the position of the President and/or the Vice President, then neither shall preside over the debate and the vote on the motion. In such circumstances, those other Directors attending the meeting shall elect one of their number to preside over the meeting."

Article 29.7 of the IBA Constitution states:

"All Directors shall be entitled to vote on all matters put to a vote at meetings of the Board; save only that any Director with a conflict of interest regarding such matter shall not be entitled to vote on the same."





18. The Whistle-Blower is of the opinion that the Accused Person breached the aforementioned provisions of the IBA Constitution, as he allegedly ignored and disregarded the motion filed by Mr. Edgar Tanner in the beginning of the Board Meeting of 4 March 2022.
19. Based on the video registration of the IBA Board Meeting of 4 March 2022, the translation of the statements made during this meeting and the draft minutes, it is clear to the Ethics Committee that the Accused Person left the virtual IBA Board meeting of 4 March 2022 before agenda point 7 was discussed and votes were taken on the several motions.
20. The Accused Person did reply in a few sentences to the statement read by Mr. Edgar Tanner in the beginning of the IBA Board Meeting, before, based on the intervention of the external legal counsel of the IBA, the IBA Board approved treating the several motions read by Mr. Edgar Tanner under agenda point 7 as all motions were related to the subject matter of the Russia – Ukraine situation.
21. The Ethics Committee is of the opinion that the Accused Person possibly should have refrained from responding to the statement read by Mr. Edgar Tanner in the beginning of the IBA Board Meeting. However, as the Accused Person was accused by the statement read by Mr. Edgar Tanner, he certainly had a right to be heard on the allegations made against him. Further, the Ethics Committee could independently verify from documents received that the Accused Person did not preside and vote on the deliberations made with regard to agenda point 7.

B. Breach of the IBA Code of Ethics

22. The Whistle-Blower alleged that the Accused Person breached the CoE and damaged IBA's image and reputation as he *"failed to '... immediately disclose and notify the organization ...' of his actual or perceived conflict of interest as a Russia citizen and his personal relationship with Russian President Vladimir Putin and persons within the Russian Government and failed to take proactive measures to resolve the conflicts."*
23. First, the Ethics Committee holds that for all member federations, and thus also the IBA Board members, it should have been clear that the Accused Person is a Russian national when elected as IBA President in December 2020. As a consequence, the possible conflict of interests in relation to the "Russia – Ukraine situation" as included in the agenda under point 7 of the IBA Board Meeting of 4 March 2022 was obvious.





24. Second, the Ethics Committee is satisfied that the evidence shows that the Accused Person left the meeting held by video-conference before the IBA Board members started with the discussion of agenda point 7. The Accused Person pointed out his conflict of interest and announced his temporary leave of the IBA Board Meeting.
25. Under agenda point 7, Mr. Edgard Tanner did not repeat his motion he outlined at the beginning of the Board Meeting, but instead proposed a motion to vote on condemnation of the breach of the Olympic Truce caused by the Russian invasion of Ukraine, as supported by Belarus. His initial motions have therefore been considered as withdrawn.
26. As a consequence, the Ethics Committee holds that the allegations brought forward by the Whistle-Blower against the Accused Person for breach of Articles 29.4 and 29.7 of the IBA Constitution and/or Article 21 of the CoE do not have any merit. As a result, the Ethics Committee finds that the Accused Person's behavior during the IBA Board Meeting of 4 March 2022 did not lead to any breach of the conflict of interest provisions outlined in the CoE and the IBA Constitution respectively.

C. Consequences

27. As a consequence, the Ethics Committee is of the opinion that the Accused Person with its statement given in reply to Mr. Edgar Tanner's statement did not breach any provision of the IBA Constitution or the CoE. Further, as the Accused Person left the digital IBA Board meeting before the agenda point 7 was discussed, the Accused Person, as a fact, could not breach any provisions of the IBA Constitution or the CoE.
28. Therefore, the Ethics Committee is closing this procedure without issuing any measures or sanctions against the Accused Person.
29. Based on Article 48 of the IBA Procedural Rules, IBA shall cover all costs related to the proceedings, except to the Parties' costs. No procedural costs shall be imposed to the Parties.





ON THESE GROUNDS

the Ethics Committee rules that:

1. The investigation against Mr Umar Kremlev for alleged breaches of the IBA Constitution and the IBA Code of Ethics as brought forward in a complaint dated 15 April 2022 are closed without taking any measures or sanctions.
2. The costs of the present Decision shall be borne by AIBA/IBA, based on Article 48 of the AIBA Procedural Rules.

Bern, 9 May 2022



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AIBA Ethics Committee
Bernhard Welten, Chairman



