

Case: trib/2022/07

Decision

delivered by the
Boxing Independent Integrity Unit's Tribunal,
sitting in the composition of:

Malek Badri, Chairman,
Faisal Alobidan, Member,
Ennio Bovolenta, Member,

on

22 September 2023

regarding
disciplinary proceedings

involving

Valeria TRABUCCHI, a former employee of the International Boxing Association,
valtrabucchi@gmail.com,

and

others unknown

I. Parties

1. According to Art. 18 of the Boxing Independent Integrity Unit Procedural Rules (BIIUPR), the parties are the accusing and the accused party.

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

2. Valeria Trabucchi is the party accused by USA Boxing. She left IBA in October 2022 and has no current affiliation with IBA. However, according to Art. 2.2 of Disciplinary and Ethics Code, the Tribunal is entitled to investigate and judge the conduct of persons who were bound by the current or previously applicable Disciplinary and Ethics Code at the time the relevant conduct occurred, regardless of whether the person remains bound by Disciplinary and Ethics Code at the time proceeding commence or any time thereafter.
3. USA Boxing who originally submitted a complaint to IBA referred to other parties “*known and unknown*” on 9 September 2022. The investigations carried out by MIIT have not permitted to designate such parties.
4. The McLaren Independent Investigation Team (MIIT) is the accusing party, who is appointed as an Investigation and Prosecution Officer (IPO) responsible for investigating and prosecuting the case by the Boxing Independent Integrity Unit’s (BIIU) Managing Director (MD) according to the request from the Tribunal’s Chairman as per Art. 24.2 and Art. 25.2 of BIIUPR, based on the aforesaid complaint.

II. Factual background

1. On 9 September 2022, a complaint from USA Boxing was submitted to IBA through the whistleblower channel, directed against Valeria Trabucchi (then IBA staff member and Head of External Affairs) as well as against others known and unknown “*who are conspiring, attempting to conspire, and/or have influenced or are attempting to influence National Federation (NF) votes at the Extraordinary Congress to be held on September 25, 2022, in Yerevan, Armenia*”.

The aforesaid complaint was based on the circulation of a document among European National Federations concerning Mr. Boris van der Vorst (a candidate running for the aforesaid elections) and the document’s potential harm to Mr. van der Vorst’s reputation.

2. Valeria Trabucchi left IBA in October 2022 and has no current affiliation with IBA.
3. USA Boxing resigned its IBA membership as per its letter dated 26 April 2023.

III. Proceedings

1. On 16 September 2022, the BIIU Interim Nomination Unit referred USA Boxing’s complaint dated 9 September 2022 to the IBA Disciplinary Committee in accordance with its powers under Art. 14.2(6) and Art. 26.5 of the IBA Regulations on Congress and Elections.
2. On 20 September 2022, the Chairman of IBA’s former Disciplinary Committee decided to initiate disciplinary proceedings as per Art. 9 the IBA Procedural Rules and registered the case as *DC case no. 2022/07* with no cited accused parties.

Furthermore, the Chairman referred to the IBA Board on the same date asking for “*the appointment of an independent integrity officer and [highlighting that] the matter requires further investigation not only to determine the true facts and the identity of the persons involved, as well as the nature of the alleged false and misleading statements made, but to identify the appropriate articles of the Disciplinary (and Ethics) Code which may have been contravened*”.

3. On 31 July 2023, the Tribunal’s Chairman, based on Art. 9.1 of BIIUPR, endorsed the above decision

to open a procedure *ex officio* without accused persons for violation of Art. 25.1(15) of the IBA Regulations on Congress and Elections in addition to Art. 15, Art. 20.1, Art. 39.1 and Art. 50.1 of the IBA Disciplinary and Ethics Code.

On the same date, the Tribunal's Chairman, as per Art. 24.2 and Art. 25.2 BIIUPR, requested the MD to appoint an IPO responsible for investigating and prosecuting the case in accordance with the BIIUPR.

4. On 1 August 2023, the MD asked MIIT if they were willing to act as an IPO and able to provide their submission upon completion of the investigation within the conditions ordered by the Tribunal's Chairman.
5. By virtue of its report dated 29 August 2023 (IPO Report), MIIT informed the Tribunal's Chairman and the MD that:
 - *"[T]he availability of evidence and the reliability of witness testimony to support or disprove the allegations is considered unlikely to be of a standard to reach the 'comfortable satisfaction' of proof required for IBA ethics and disciplinary proceedings,*
 - *the reality is that (the suspected individuals) stories are not likely to have changed during the intervening period (of the Nomination Unit) and there is little or no punishment that could be applied should they be found guilty. Additionally, there would be no compulsion (for Valeria Trabucchi) to attend an interview to explain (her) part in the matter, if any, to investigators, and the likelihood of her wishing to do so voluntarily is considered remote.*
 - *(investigating the case) would prove costly and time/resource intensive with a limited likelihood of success".*
6. On 12 September 2023, the Tribunal's Chairman, based on Art. 14.1, Art. 27.2, Art. 32.1, Art. 44 and Art. 45.1 BIIUPR namely:
 - informed Valeria Trabucchi about the closing of the investigations,
 - notified Valeria Trabucchi about the closing of the proceedings,
 - announced that the Tribunal would deliberate by videoconference on 22 September 2023 afternoon,
 - announced the Tribunal's composition,
 - awarded that any request for the removal of any of the arbitrators must be submitted in substantiated writing to BIIU's Managing Board within five (5) days from the discovery of the grounds of challenge.
7. By withdrawing from IBA, USA Boxing lost all rights deriving from its IBA membership as per Art. 10 of the IBA Constitution including any procedural rights.
8. There has been no request for the removal of any of the arbitrators.

IV. Submissions of the parties

1. There have been no submissions by Valeria Trabucchi before the Tribunal.

V. Jurisdiction

1. According to Art. 25.1 the Boxing Independent Integrity Unit Rules (BIIUR), the Tribunal has jurisdiction to hear cases where a breach of the regulations made by the IBA Board in accordance with IBA Constitution allegedly accrued.

According to Art. 11.1 of BIIUPR, the Tribunal shall declare whether it is competent to hear the case.

2. On 9 September 2022, a complaint from USA Boxing was submitted to IBA through the whistleblower channel, directed against Valeria Trabucchi (then IBA staff member and Head of External Affairs) as well as against others known and unknown *"who are conspiring, attempting to conspire, and/or have influenced or are attempting to influence National Federation (NF) votes at the Extraordinary Congress to be held on September 25, 2022, in Yerevan, Armenia"*.



On 20 September 2022, the Chairman of IBA's former Disciplinary Committee decided to initiate disciplinary proceedings as per Art. 9 of the IBA Procedural Rules and registered the case as *DC case no. 2022/07* with no cited accused parties.

On 31 July 2023, the Tribunal's Chairman, based on Art. 9.1 BIIUPR, endorsed the above decision to open a procedure *ex officio* without accused persons for violation of Art. 25.1(15) of the IBA Regulations on Congress and Elections in addition to Art. 15, Art. 20.1, Art. 39.1 and Art. 50.1 of the IBA Disciplinary and Ethics Code.

3. USA Boxing's above complaint relates to an alleged breach of the regulations made by the IBA Board in accordance with IBA Constitution.
4. Considering what precedes, the Tribunal therefore has jurisdiction to hear the case.

VI. Applicable Law

1. According to Art. 12 BIIUPR, in their application and adjudication of law, the Tribunal shall apply IBA Constitution as well as the regulations made by the IBA Board in accordance with IBA Constitution, and, subsidiarily, Swiss law.

VII. Merits

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

VIII. Costs

1. According to Art. 47 BIIUPR, no procedural costs shall be imposed.
Considering what precedes, the Tribunal does not impose procedural costs.
2. According to Art. 48 BIIUPR no costs of the parties related to the proceedings are awarded.
Considering what precedes, Valeria Trabucchi shall bear her own possible costs incurred by this procedure.

**The Boxing Independent Integrity Unit's Tribunal,
decides what follows.**

1. All charges against Valeria Trabucchi are dismissed.
2. No procedural costs are imposed.
3. Valeria Trabucchi shall bear her own possible costs incurred by this procedure.
4. Any application or any request for relief is dismissed.
5. The present decision is notified to Valeria Trabucchi by email (valtrabucchi@gmail.com), immediately.
6. The present decision is notified to the International Boxing Association, represented by its Secretary General / Chief Executive Officer, by email (chris.roberts@iba.sport), immediately.

Boxing Independent Integrity Unit
Tribunal



Malek Badri
Chairman



Faisal Alobidan
Member



Ennio Bovolenta
Member

Request for grounds of decision

According to Art. 27.2 of the Boxing Independent Integrity Unit Rules, 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 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, the present decision may be appealed in English within 21 days after its reception, including by the International Boxing Association, before the Court of Arbitration for Sport in Lausanne, Switzerland, which will resolve the dispute definitively in accordance with its procedural rules.

Copy by email to:

- Boxing Independent Integrity Unit, Nomination Unit, Chairman, nomination@biu.sport
- Boxing Independent Integrity Unit, Managing Director, director@biu.sport
- McLaren Independent Investigation Team, richard.mclaren@mckenzielake.com