

**Case: trib\_2021/03**

**Decision on Reconsideration**

delivered by the  
**Boxing Independent Integrity Unit's Tribunal,**  
sitting in the composition of  
Malek Badri, Chairperson,  
Ennio Bovolenta, Member,  
Sally Clark, Member,

on  
**29 November 2023**

Regarding  
**request for reconsideration**

submitted by  
**Mr. Michael Conlan** (Ireland), former boxer registered with the Irish Athletic Boxing Association,  
Represented by Mr. Pdraig Ó Muirigh, Ó Muirigh Solicitors, Belfast, Ireland  
[padraig@omuirighsolicitors.com](mailto:padraig@omuirighsolicitors.com)

**- Petitioner -**

## **I. Parties**

1. Mr. Michael Conlan (Petitioner) was the party accused in the Disciplinary Procedure No. 2016/02 AIBA vs. Mr. Michael Conlan and the Irish Athletic Boxing Association the decision of which was issued on 7 December 2016 by AIBA Disciplinary Commission, currently taken over by the Boxing Independent Integrity Unit's Tribunal (Tribunal), (2016 Decision). In the 2016 Decision, it was confirmed that the Petitioner breached:

Article 3.1 of the Amateur International Boxing Association (AIBA) Disciplinary Code adopted by the AIBA Executive Committee on 17 July 2013 (AIBA Disciplinary Code) [substantially equivalent to Article 14 of the current IBA Disciplinary and Ethics Code adopted by the IBA Board on 17 July 2023 (Disciplinary and Ethics Code (Current))]. Principles of Conduct

Article 6.1 of the AIBA Disciplinary Code [substantially equivalent to Art. 17 Disciplinary and Ethics Code (Current)]. Misconduct towards a Competition Official

Article 6.4 of the AIBA Disciplinary Code [substantially equivalent to Art. 20 Disciplinary and Ethics Code (Current)]. Disparagement of AIBA's Reputation and Interests

The Petitioner submitted the request for reconsideration against the 2016 Decision on 1 October 2021. The Petitioner was, at the time of the confirmed facts in the 2016 Decision, a boxer registered with the Irish Athletic Boxing Association. Whether or not he has since left the federation, according to Art. 2.1 (f) AIBA Disciplinary Code, any boxer who participates in an AIBA Competition and who is licensed by a National Federation that is a member of AIBA is subject to the AIBA Disciplinary Code.

2. Claude Ramoni, an AIBA Integrity Officer (AIBA/IBA Integrity Officer) replied to the request for reconsideration submitted by the Petitioner.

## **II. Factual background**

1. The Petitioner was a boxer registered with the Irish Athletic Boxing Association and participated in the 2016 Rio Olympic Games as a member of the Irish team.
2. On 16 August 2016, the Petitioner played in a quarterfinal bout in the 56 kg class and his opponent was awarded the decision. Immediately following the announcement of the decision and while in the ring, the Petitioner removed the top of his boxing uniform and made an offensive gesture by sticking the middle fingers of each hand up in the direction of the ringside judges. His behaviour was recorded on television and subsequently re-broadcast internationally. After leaving the ring, the Petitioner entered an area where press and media people were grouped and made several disparaging and rash statements regarding the AIBA and accused it, as well as the assigned officials, of cheating, dishonesty and corruption in connection with the outcome of his bout.
3. The Petitioner was subsequently charged with breaches of Articles 3.1, 6.1 and 6.4 of the AIBA Disciplinary Code in relation to his conduct following his quarterfinal bout. On 7 December 2016, the AIBA Disciplinary Commission found the charges proved and, as a sanction for his conduct, held that *"in the future, Mr. Conlan requests or petitions to become subject to AIBA jurisdiction or seeks to become a coach or member of any National Federation in any capacity, he shall be subject to payment of the maximum fine of CHF 10,000 before he is allowed to proceed further (Article 6.4.1(a), AIBA Disciplinary Code)"*, and that *"[n]o sanctions are imposed on the Irish Athletic Boxing Association"*.
4. On 30 September 2021, the McLaren Independent Investigation Team issued its report regarding the investigation of *"the AIBA Boxing Competitions Prior to and During the Rio Olympic Games 2016"* (the McLaren Report). Amongst other matters, the McLaren Report commented on the Petitioner's quarterfinal bout.

5. On 1 October 2021, the Petitioner's counsel wrote to the AIBA's President, requesting that the 2016 Decision be "quashed" in light of the findings of the McLaren Report.
6. On 11 October 2021, the AIBA President wrote to the Petitioner's counsel, stating that he understood its letter as "a request for reconsideration" and referred it to the AIBA Disciplinary Committee, as the competent body in accordance with Article 50 of the AIBA Procedural Rules adopted by the AIBA Board on 8 April 2021 (AIBA Procedural Rules) [substantially equivalent to Article 49 of the Boxing Independent Integrity Unit Procedural Rules adopted by the International Boxing Association (IBA) Board on 25 August 2023 (BIIUPR (Current))].

### III. Proceedings

1. On 12 October 2021, the AIBA/IBA Integrity Officer requested the AIBA Disciplinary Committee to "[r]eopen the disciplinary case against Mr Conlan", and to "[i]ssue a new decision taking into consideration the content of the McLaren Report".
2. On 19 November 2021, the AIBA Disciplinary Committee requested the Petitioner to submit written representations in support of his request for reconsideration of the 2016 Decision. The representations should deal principally with regard to (i) the jurisdiction of the AIBA Disciplinary Committee to deal with the matter given the Petitioner's present status as a professional boxer, and (ii) the specific portions of the McLaren Report which, it may be contended, constitute "new pertinent facts" or "new evidence" bearing on the case.
3. After the exchange of submissions by the Petitioner and the AIBA/IBA Integrity Officer, on 16 October 2023, the Tribunal's Chairperson, based on Art. 28.1, Art. 33.1, Art. 45 and Art. 46.1 AIBA Procedural Rules [substantially equivalent to Art. 27.2, Art. 32.1, Art. 44 and Art. 45.1 BIIUPR (Current) respectively]:
  - informed the parties about the closing of the proceedings;
  - announced that the Tribunal would deliberate in a hybrid format on 29 November 2023 afternoon;
  - announced the Tribunal's composition;
  - advised that any request for the removal of any of the arbitrators must be submitted in substantiated writing to BIU's Managing Board within five (5) days from the discovery of the grounds of challenge.
4. There was no request for the removal of any of the arbitrators, hence the composition of the Tribunal was confirmed.

### IV. Submissions of the Parties

1. On 15 December 2021, the Petitioner submitted the statement for the request for reconsideration to the AIBA Disciplinary Committee through his attorney (Mr. Padraig Ó Muirigh, Ó Muirigh Solicitors, Belfast, Ireland) as follows:

*"the report of (...) Professor McLaren found that the hand-picked team of five-star referees and judges were involved in corruption. (...) There are numerous references to the Conlon-Nikitin bout in the McLaren report".*

2. On 21 January 2022, the AIBA/IBA Integrity Officer submitted his answer to the Petitioner's statement to the AIBA Disciplinary Committee as follows:

*"Mr Conlon's statements were made based on suspicions which have been now confirmed by the independent investigation led by Prof. McLaren as being relatively likely to be - at least in part – not completely ill-founded.*

*Therefore, Mr Conlan's complaint (...) has now proven to have been caused by true issues in the refereeing and judging processes".*

Specifically, the AIBA/IBA Integrity Officer requested the AIBA Disciplinary Committee to "[q]uash the decision issued in 2016 by the AIBA Disciplinary Committee with regards to the violation of article 6.4 of the Disciplinary Code", to "[c]onfirm the decision issued in 2016 by the AIBA Disciplinary Committee with regards to the violation of articles 6.1 and 3.1 of the AIBA Disciplinary Code", and to "[i]mpose a reduced sanction on the lower range of the spectrum".

## **V. Jurisdiction**

1. According to Art. 9.1 AIBA Disciplinary Code, the judicial body (which should currently be read as the Tribunal) may impose the sanctions listed in the AIBA Procedural Rules, meaning that the Tribunal has jurisdiction to hear cases which allege a breach of the AIBA Disciplinary Code.
2. Further, according to Art. 50.1 AIBA Procedural Rules [substantially equivalent to Art. 49.1 BIIUPR (Current)], the Tribunal may reconsider its decision when new pertinent facts arise or if new evidence is discovered, which evidence was not available at the time of the first instance proceedings. Therefore, the Tribunal has the jurisdiction to reconsider its and its former organization's decisions.
3. According to Art. 11 AIBA Procedural Rules [substantially equivalent to Art. 11.1 BIIUPR (Current)], the Tribunal shall declare whether it is competent to hear the case.
4. In the 2016 Decision, it was confirmed that the Petitioner breached Art. 3.1, Art. 6.1 and Art. 6.4 AIBA Disciplinary Code.
5. The Petitioner was, at the time of the confirmed facts in the 2016 Decision, a boxer registered with the Irish Athletic Boxing Association. Whether or not he has since left the federation, according to Art. 2.1(f) AIBA Disciplinary Code, any boxer who participates in an AIBA Competition and who is licensed by a National Federation that is a member of AIBA is subject to the AIBA Disciplinary Code.
6. The 2016 decision relates to alleged breaches of the AIBA Disciplinary Code.
7. On 1 October 2021, the Petitioner's counsel, wrote to the AIBA's President, requesting that the 2016 Decision be "quashed" considering the findings of the McLaren Report, and it was admitted as "a request for reconsideration" by the AIBA's President on 11 October 2021, and this is the reconsideration procedure under Art. 50.1 AIBA Disciplinary Code.
8. Considering what precedes, the Tribunal therefore has jurisdiction to hear the Petitioner's request for reconsideration.

## **VI. Applicable Law**

1. According to Art. 93.3 BIIUPR (Current), the procedures which are pending before the adoption of the BIIUPR (Current) remain subject to the IBA procedural rules approved by the IBA Board in the past respectively, unless both parties request the application of the BIIUPR (Current).
2. Since the reconsideration proceedings were requested on 1 October 2021, the AIBA Procedural Rules shall be applied to these proceedings.
3. According to Art. 51.2 IBA Disciplinary and Ethics Code (Current), 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.



4. Since it is alleged that the breaches of the Petitioner took place on 16 August 2016, the AIBA Disciplinary Code in effect at the time of the offences shall generally be applied in these proceedings. However, comparing the applicable sanctions of Art. 6.1 (a) and Art. 6.4.1 (a) AIBA Disciplinary Code with respectively Art. 17 (b) and Art. 20.1 (a) Disciplinary and Ethics Code (Current), the sanctions contained in the current Disciplinary and Ethics Code are cumulatively more favourable to the Petitioner, and consequently, on the basis of the principle of *lex mitior*, Art. 17 (b) and Art. 20.1 (a) Disciplinary and Ethics Code (Current) shall be applied in relation to the sanction in this decision.

#### **VII. Merits**

1. According to Art. 47.2 AIBA Procedural Rules [substantially equivalent to Article 27.2 of the Boxing Independent Integrity Unit Rules adopted by the IBA Board on 23 September 2022 (BIIUR)], in principle, the Tribunal issues the terms of decisions without grounds.

#### **VIII. Costs**

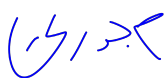
1. According to Art. 48 AIBA Procedural Rules [substantially equivalent to Art. 47 BIIUPR (Current)], no procedural costs shall be imposed. The Tribunal therefore does not impose procedural costs.
2. According to Art. 49 AIBA Procedural Rules [equivalent to Art. 48 BIIUPR (Current)], no costs of the 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 Part A of the 2016 Decision shall be amended as follows:

If, in the future, Mr. Conlan requests or petitions to become subject to AIBA jurisdiction or seeks to become a coach or member of any National Federation in any capacity, he shall be subject to payment of CHF 5,000 before he is allowed to proceed further. In that event, a judicial authority of IBA may reopen this matter for the limited purpose of considering if additional sanctions or penalties should be imposed.
2. The other requests by the Petitioner are dismissed.
3. This decision shall be final.
4. No procedural costs are imposed.
5. The Petitioner shall bear their own costs incurred by this procedure.
6. The present decision is notified to the Petitioner, the BIUU Managing Director and the IBA by email, immediately.

**Boxing Independent Integrity Unit's Tribunal**



**Malek Badri,**  
Chairman



**Ennio Bovolenta,**  
Member



**Sally Clark,**  
Member

Request for grounds of decision

According to Art. 47.2 of the AIBA Procedural Rules adopted by the AIBA Board on 8 April 2021 [substantially equivalent to Art. 27.2 of the Boxing Independent Integrity Unit Rules adopted by the IBA Board on 23 September 2022], the parties have ten (10) days from receipt of this to request, in writing, the grounds of the decision.

According to Art. 47.2 and 47.3 of AIBA Procedural Rules [substantially equivalent 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.

Final decision

According to Art. 50.3 of the AIBA Procedural Rules adopted by the AIBA Board on 8 April 2021 [substantially equivalent to Art. 49.3 of the Boxing Independent Integrity Unit Procedural Rules adopted by the IBA Board on 25 August 2023], the decision made after the reconsideration process shall be final.

Copy by email to: Irish Athletic Boxing Association (IABA), [info@iaba.ie](mailto:info@iaba.ie)