

**Case: trib\_2023/08**

**Decision**

delivered by the  
**Boxing Independent Integrity Unit's Tribunal,**

Sitting in the composition of:

Malek Badri, Chairperson;  
Sally Clark, Member; and  
Ennio Bovolenta, Member,

on

**06 February 2024**

Regarding  
**disciplinary proceedings**

involving

- 1) **Agostinho Cassequele**, Interim Secretary General of *Federacao Angolana de Boxe* (the boxing national federation of the Republic of Angola, member of the IBA and the AFBC)

[cassequel8@hotmail.com](mailto:cassequel8@hotmail.com), [faboxeangola@gmail.com](mailto:faboxeangola@gmail.com)

- 2) **Carlos Luís Gonçalves**, President of *Federacao Angolana de Boxe*

[carlosolete@gmail.com](mailto:carlosolete@gmail.com), [faboxeangola@gmail.com](mailto:faboxeangola@gmail.com)

**- Accused Parties -**

and

**Mr. Giulio Palermo**, an Italian attorney, member of the Geneva Bar,  
BIIU Investigation and Prosecution Officer (IPO)

[gpalermo@archipel.law](mailto:gpalermo@archipel.law)

**- Accusing Party -**

## **I. Parties**

1. According to Art. 18 of the Boxing Independent Integrity Unit (BIIU) Procedural Rules adopted by the International Boxing Association (IBA) Board on 25 August 2023 (BIIUPR), the parties are the accusing and the accused party.

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

2. Yury Zaytsev, an IBA Legal Counsel (IBA Legal Counsel), who originally filed a complaint to the Managing Director of BIIU (Managing Director) and requested the BIIU's Tribunal (Tribunal) to open disciplinary proceedings, alleged that Agostinho Cassequele and Carlos Luís Gonçalves breached:
  - Article 34 (Forgery and Falsification) of the IBA Disciplinary and Ethics Code adopted by the IBA Board on 15 July 2023 (Disciplinary and Ethics Code).
3. Agostinho Cassequele is the Interim Secretary General of Federacao Angolana de Boxe (FABOXE) and Carlos Luís Gonçalves is the President of FABOXE, and both of them (Accused Parties) are the parties accused by the IBA Legal Counsel. The Accused Parties are the officials of the boxing national federation of the Republic of Angola, which is a member of the IBA and the African Boxing Confederation (AFBC). The Accused Parties are bound by the Disciplinary and Ethics Code according to Art. 2.1 Disciplinary and Ethics Code and therefore fall under the Tribunal's jurisdiction.
4. According to Art. 18 BIIUPR, Mr. Giulio Palermo (Italian attorney, member of the Geneva Bar, whose address is Ruelle du Couchant 11, 1207 Geneva, Switzerland) is the accusing party (Accusing Party), following his appointment by the Managing Director (under Art. 24 BIIUPR) as an Investigation and Prosecution Officer (IPO) responsible for investigating and prosecuting the case based on the applicable regulations.

## **II. Factual background**

1. On 25 September 2023, the Nomination Unit of the BIIU (BIIU Nomination Unit) rendered decisions by which it declared Mr Mohamed El Kabbouri and Mr Bertrand Magloire Roland Mendouga eligible for the AFBC presidential election.
2. On 28 September 2023, the BIIU Nomination Unit additionally rendered decisions by which it declared Mr Moses Muhangi conditionally eligible for the AFBC presidential election and Mr Ferdinand Ilunga Luyoyo ineligible for the AFBC presidential election.
3. On 30 September 2023, FABOXE issued a "Statement of the Vote of No Confidence on IBA BIIU Nomination Unit" (Statement), which contained the logos of 30 African national boxing federations that allegedly endorsed the Statement. The accompanying email was signed by Agostinho Cassequele, and it was sent to the IBA, the BIIU and the AFBC.

## **III. Proceedings**

1. On 2 October 2023, the IBA Legal Counsel submitted a complaint (the IBA Complaint) whereby he (i) asked the BIIU to investigate the Statement and (ii) requested the Tribunal to open disciplinary proceedings if it considered it necessary.
2. On 9 October 2023, the IBA Complaint was transmitted to the Tribunal, which was requested to hear it *ex officio*.
3. On 23 October 2023, the Chairperson of the Tribunal opened disciplinary proceedings against the Accused Parties and the decree was communicated to the parties on 24 October 2023.

4. On 17 January 2024, the Chairperson of the Tribunal issued the Request for Submission and allowed the Accused Parties to submit a written reply to the Accusing Party's submission on 11 January 2024 within five (5) business days from the receipt of the Request.
5. On 28 January 2024, the Chairperson of the Tribunal, according to Art. 32.1 BIIUPR, Art. 35.2 BIIUPR, Art. 44 BIIUPR and Art. 45.1 BIIUPR, issued a decision on closing of proceedings namely:
  - informing the Parties about the closing of the proceedings;
  - announcing that the Tribunal would deliberate by videoconference on 06 February 2024;
  - announcing the Tribunal's composition; and
  - informing that any request for the removal of any of the arbitrators must be submitted in substantiated writing to the BIIU Managing Board within five (5) days from the discovery of the grounds of challenge.
6. There has been no request for the removal of any of the arbitrators.

#### **IV. Submissions of the Parties**

##### **A. The Accusing Party's Submissions and Requests for Relief**

1. On 17 January 2024, the Accusing Party communicated to the Tribunal his submission (IPO Submission) as follows:

*"41. Based on the above, the IPO concludes with comfortable satisfaction that Messrs Cassequele and Gonçalves violated Article 34 of the Code by using without permission the exact imitation of the logos of 6 African boxing federations in the Statement with the intention to deceive.*

*(...)*

*49. In light of the above, the undersigned IPO respectfully requests the BIIU Tribunal to:*

  - (i) Impose a fine up to CHF 20,000 on Messrs Cassequele and Gonçalves; and/or*
  - (ii) Suspend Messrs Cassequele and Gonçalves from all boxing related activities for up to 4 years".*

##### **B. The Accused Parties' Submissions and Requests for Relief**

2. The Accused Parties made no submission by the deadline set out in the Request for Submission by the Chairperson of the Tribunal dated 17 January 2024.

#### **V. Jurisdiction**

1. According to Art. 25.1 of the Boxing Independent Integrity Unit Rules adopted by the IBA Board on 23 September 2022 (BIIUR), the Tribunal has jurisdiction to hear cases where a breach of the regulations made by the IBA Board in accordance with the IBA Constitution allegedly accrued.
2. According to Art. 11.1 BIIUPR, the Tribunal shall declare whether it is competent to hear the case, which it hereby does.
3. On 2 October 2023, the IBA Legal Counsel submitted a complaint (the IBA Complaint) against the Accused Parties.
4. Disciplinary proceedings against the Accused Parties were opened on 23 October 2023 by the Chairman of the Tribunal as a result of the IBA Complaint. The proceedings are related to alleged breaches of Art. 34 (Forgery and Falsification) of the Disciplinary and Ethics Code.
5. The IBA Complaint relates to an alleged breach of the regulations made by the IBA Board in accordance with the IBA Constitution.

6. According to Art. 2.1 Disciplinary and Ethics Code, the Disciplinary and Ethics Code applies to all officials, boxers, coaches, managers, promoters, and other persons elected, appointed, contracted or accredited by the IBA, a Confederation or a National Federation.

#### **VI. Applicable Law**

1. According to Art. 93.1 BIIUPR: *“These Procedural Rules are adopted (...) on 25 August 2023 (...) and comes into force with immediate effect.”*
2. Since the disciplinary proceedings against the Accused Parties were opened on 23 October 2023, the BIIUPR shall be applied to these proceedings.
3. According to Art. 52.1 Disciplinary and Ethics Code: *“This Code is adopted by the Board on 15 July 2023 and comes into force immediately”.*
4. According to Art. 52.2 Disciplinary and Ethics Code: *“This Code applies to any Disciplinary or Ethics proceedings which have been formally opened after the date when this Code came into force. 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 (implying that this Code is more favourable to the offender than prior regulations).”*
5. Since it is alleged by the Accusing Party that the breaches of the Accused Parties were conducted on 30 September 2023, the Disciplinary and Ethics Code shall be applied in these proceedings.

#### **VII. Merits**

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

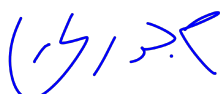
#### **VIII. Costs**

1. According to Art. 47 BIIUPR, no procedural costs shall be imposed. The Tribunal therefore does not impose procedural costs.
2. According to Art. 48 BIIUPR, 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 Accused Parties are found to have infringed Art. 34 of the Disciplinary and Ethics Code and consequently are collectively and jointly ordered to pay a fine of CHF 5,000 (five thousand Swiss Francs). The fine shall be settled within 30 days from the date that this Decision is communicated.
2. The other requests by the Accusing Party are dismissed.
3. No procedural costs are imposed.
4. The Parties shall bear their own costs incurred by this procedure.
5. The present decision is notified to the Parties by email, immediately.

**Boxing Independent Integrity Unit's Tribunal**



**Malek Badri,  
Chairman**



**Sally Clark,  
Member**



**Ennio Bovolenta,  
Member**

Request for grounds of decision

According 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 decision** to request, in writing, the grounds of the decision, and that failure to do so will result in the said 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 adopted by the IBA Board on 25 August 2023, the present decision may be appealed in English **within twenty-one (21) days after its reception** before the Court of Arbitration for Sport in Lausanne, Switzerland, which will resolve the dispute definitively in accordance with its procedural rules.

Note relating to the payment of the fine

Payment shall be made in Swiss francs (CHF) to the account with the following details:

Beneficiary: International Boxing Association (IBA)  
Beneficiary address: Avenue de Rhodanie 54, 1007 Lausanne, Switzerland  
Bank name: Vakif Katilim Bankasi A.S  
Bank address: Saray Mh.Dr.Adnan Buyukdeniz 10, Umraniye, Istanbul

**Boxing Independent Integrity Unit**  
–  
**Tribunal**



IBAN: TR15 0021 0000 0007 1714 0001 01  
SWIFT: VAKIFTRIS  
Ref: (Parties' name or Case reference number if known)

Copy by email to:

- Boxing Independent Integrity Unit, Managing Director, [director@biu.sport](mailto:director@biu.sport)
- International Boxing Association (IBA), represented by its CEO and Secretary General, [info@iba.sport](mailto:info@iba.sport) and its Legal Counsel, [zaytsev@silalawyers.com](mailto:zaytsev@silalawyers.com)