

Case: trib_2024/04

Suspension of proceedings

by the

Chairperson of the Boxing Independent Integrity Unit's Tribunal,

on

18 March 2024

regarding

disciplinary proceedings

involving

1. **Mr. Ryan Savage**, President and Director of Boxing Canada, rsavage@tmlawyers.com
2. **Mr. Roland Labbé**, Vice-President and Director (West) of Boxing Canada,
3. **Mr. David Booth**, Director (Ontario) of Boxing Canada,
4. **Mr. Mike Summers**, Director (East) of Boxing Canada,
5. **Mr. Éric Lamoureux**, Director (Quebec) of Boxing Canada,
6. **Mr. Yvon Michel**, Director at Boxing Canada,
7. **Mr. Daniel Trépanier**, former High-Performance Director of Boxing Canada,
8. **Mr. Samir El-Mais**, coach of the national team of Boxing Canada,
9. **Mr. John Mumba**, former coach of the national team of Boxing Canada,
info@boxingcanada.org
10. **Ms. Jill Perry**, coach of the national team of Boxing Canada,
jillnperry8@gmail.com

- Accused Parties -

and

Mr. Marco Steiner, Managing Director of the Boxing Independent Integrity Unit (BIIU),
acting as ad-hoc Investigation and Prosecution Officer
director@biiu.sport

- Accusing Party -

I. Parties

1. According to Art. 18 of the AIBA Procedural Rules adopted by the AIBA Board on 08 April 2021 ("AIBAPR") [substantially equivalent to Art. 18 of the Boxing Independent Integrity Unit Procedural Rules adopted by the IBA Board on 25 August 2023 ("BIIUPR")], the parties are the accusing and the accused party.
2. According to Art. 18 AIBAPR, the accused party is a person bound by the Code of Ethics and/or the Disciplinary Code, which allegedly committed a breach of the regulations made by the IBA Board in accordance with the IBA Constitution.
3. Ms. Monia Karmass, IBA Safeguarding Officer ("Safeguarding Officer"), who originally submitted a request for implementation of safeguarding measures to the IBA Ethics Committee referred that Mr. Ryan Savage, Mr. Roland Labbé, Mr. David Booth, Mr. Mike Summers, Mr. Éric Lamoureux, Mr. Yvon Miehél, Mr. Daniel Trépanier, Mr. Samir El-Mais, Mr. John Mumba and Ms. Jill Perry breached:

Article 29.1 of the AIBA Code of Ethics (adopted by the AIBA Board on 30 June 2021 ("CoE")) [substantially equivalent to Article 37 of the IBA Disciplinary and Ethics Code adopted by the IBA Board on 08 December 2023 ("DEC")].

The AIBA Anti-Harassment Policy (adopted by the AIBA Board on 30 June 2021 ("AAHP")) [substantially equivalent to the IBA Anti-Harassment Policy adopted by the IBA Board on 15 July 2023 ("IAHP")].

4. Mr. Ryan Savage, Mr. Roland Labbé, Mr. David Booth, Mr. Mike Summers, Mr. Éric Lamoureux, Mr. Yvon Miehél, Mr. Daniel Trépanier, Mr. Samir El-Mais, Mr. John Mumba and Ms. Jill Perry ("Accused Parties") are the parties accused by the Complainant. The Accused Parties are individuals associated with Boxing Canada. The Accused Parties are bound by the CoE according to Art. 2.1 CoE and therefore falls under the jurisdiction of the Boxing Independent Integrity Unit's ("BIIU") Tribunal ("Tribunal"), which took over the IBA Ethics Committee. However, Boxing Canada withdrew its IBA membership as per its letter to IBA dated 11 August 2023.
5. On 13 March 2024, Mr. Marco Steiner, the Managing Director of the BIIU, informed the Tribunal that based on Art. 24.2 BIIUPR, he will be acting as an ad-hoc Investigation and Prosecution Officer (IPO) responsible for investigating and prosecuting the case based on the applicable regulations. Therefore, he represents the accusing party ("Accusing Party"), as per Art. 18 AIBAPR [substantially equivalent to Art. 18 BIIUPR].

II. Factual background

1. On 05 May 2022, 121 Canadian Athletes, Coaches, Officials and Provincial Sport Organizations published an open letter calling for the immediate resignation of Daniel Trépanier. They denounced a toxic culture and physical and psychological abuse within Boxing Canada during the past decade. The letter was supported by no less than 255 Athletes, former Athletes, Coaches and Officials from Boxing Canada.
2. The open letter was already preceded by various reports of the Athletes resp. the Athletes' Representatives, which also showed their exhaustion of the chosen administrative procedure of Boxing Canada in cases of systemic harassment. On 12 December 2021, e.g., an Athlete notified a complaint which was compiled with the help of Sport Solution to Mr. Ryan Savage, President of Boxing Canada. The Athlete stated that the procedure has resulted in her emotional and

psychological exhaustion and that she is not strong enough to continue to undergo this. On 19 April 2022 an Athlete's Representative received Ryan Savage's answer regarding his complaint, which has not fulfilled the proper process of a safe sport complaint in Mr. Savage's view. On the same day, the Athlete's Representative reacted to Mr. Ryan Savage and stated, that since the filing to Ilan, the "independent third party safe sport administrator" did not respond despite Daniel Trépanier and Samir El-Mais being aware of the complaint and expecting a first mediation session. No responses were provided and nothing further was done on this aspect of the complaint. Ilan did not follow all the necessary procedures here.

3. On 06 May 2022, István Kovács, Secretary General of IBA, sent a letter to Ryan Savage expressing his concerns and requesting information on how the complaints were treated by Boxing Canada.
4. On 19 May 2022, Ryan Savage replied by stating that Boxing Canada is not aware of any concerns of harassment or abuse from their current National Team and that there is no reasonable basis to allege or suggest that their Athletes attending the World Championships could be in danger or be subjected to harassment or abuse. Further he stated that complaints of harassment are directed to an "independent third party safe sport administrator" and that they are made with full confidentiality, such that Boxing Canada is not aware of them initially.
5. On 13 July 2022, the Safeguarding Officer sent the request for safeguarding measures (provisional sanctions) and all evidence collected so far, including an Interim Report of a Case of Systemic Harassment ("Interim Report") to the Chairman of the IBA Ethics Committee. The Safeguarding Officer explicitly stated that the investigation is still ongoing and expected to take additional weeks. She announced that a proper full report and complaint, aiming at sanctioning the authors would be referred to the IBA Ethics Committee in due time.

III. Proceedings

1. On 14 July 2022, disciplinary proceedings against the Accused Parties were opened by the decision of the Chairman of the IBA Ethics Committee as a result of the Interim Report. These proceedings are related to alleged breaches of Art. 29.1 (Breach of Anti-harassment Policy) CoE and the AAHP.
2. On 25 July 2022, the Chairman of the IBA Ethics Committee split up the proceedings against Mr. Ms. Jill Perry.
3. On 25 July 2022, the Chairman of the IBA Ethics Committee delivered the Order on Provisional Measures according to Art. 13.1 CoE and Art. 8.4 AAHP which requested Commonwealth Sport Canada to put in place appropriate measures to ensure the safety of the Canadian Boxer participating at the Commonwealth Games 2022 in Birmingham starting on 28 July 2022, monitor the coaching and supervision of officials from Boxing Canada and send a report to the Chairman of the IBA Ethics Committee after the end of the Commonwealth Games.
4. On 09 August 2022, Commonwealth Sport Canada submitted "Team Canada 2022 Commonwealth Games Boxing Team Monitoring Report", which concluded that the Security Liaison Officer did not observe any safe sport violations.

IV. Submissions of the parties

1. On 17 July 2022, Mr. Ryan Savage, President of Boxing Canada sent a statement to the Chairman of the IBA Ethics Committee in which he pointed out that he is not in a position to speak on behalf of former employees of Boxing Canada like Mr. Daniel Trépanier or Mr. John Mumba. In addition, he is

further not able to speak on behalf of Ms. Jill Perry as she is neither an employee of Boxing Canada, nor a permanent staff member assigned to Boxing Canada's High-Performance Program.

2. On 18 July 2022, the Safeguarding Officer filed her position to the statement made by Mr. Ryan Savage.

V. Jurisdiction

1. According to Art. 25.1 of the BIIU Rules adopted by the IBA Board on 08 December 2023 ("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.

According to Art. 11.1 AIBAPR [substantially equivalent to Art. 11.1 BIIUPR], the Tribunal shall declare whether it is competent to hear the case.

2. On 13 July 2022, the Safeguarding Officer filed a complaint against the Accused Parties.

On 14 July 2022, disciplinary proceedings against the Accused Parties were opened by the decision of the Chairman of the IBA Ethics Committee as a result of the aforementioned complaint. The proceedings are related to alleged breaches of Art. 29.1 (Breach of Anti-harassment Policy) CoE and the AAHP.

3. The Safeguarding Officer's complaint relates to an alleged breach of the IBA regulations by the Accused Parties.
4. Based on Art. 3.2 AAHP [substantially equivalent to Art. 3.2 IAHP], the IBA regulations shall apply even to incidents occurring outside of IBA, if IBA's reputation is harmed by the said conduct.
5. Arti. 3.4 AAHP [substantially equivalent to Art. 3.4 IAHP] states that IBA shall take action to safeguard the concerned boxer/person, by taking any disciplinary action, if necessary, if (i) the relevant national federation does not have an appropriate procedure to safeguard its members, namely boxers, from abuse and (ii) that relevant national federation fails to act within a reasonable time to safeguard the concerned boxer/person.
6. In view of the inward complaints filed with the appropriate instance of Boxing Canada and Mr. Ryan Savage's behaviour as stated before, the conditions set in Art. 3.4 AAHP are to be considered fulfilled. Further, it is evident that IBA's reputation is or could be harmed by the inactivity seen by Boxing Canada in relation to the complaints filed.
7. According to Art. 2.2 CoE [substantially equivalent to Art. 2.2 DEC], the Tribunal is entitled to investigate and judge the conduct of the accused party who was bound by the applicable Disciplinary and Ethics Code at the time the relevant conduct occurred, regardless of whether the federation which the accused party is associated with remains at IBA.

VI. Applicable Law

1. According to Art. 12 BIIUPR, which is not regulated in AIBAPR, in their application and adjudication of law, the Tribunal shall apply the IBA Constitution as well as the regulations made by the IBA Board in accordance with the IBA Constitution, and, subsidiarily, Swiss law.
2. According to Art. 93.3 BIIUPR: *"The procedures which are pending before adoption of these Procedural Rules remain subject to the IBA Procedural Rules approved by the IBA Board on 8 April 2021 and 5 November 2022 respectively, unless both Parties request the application of these*

Procedural Rules. In case the IBA Procedural Rules approved by the IBA Board on 8 April 2021 and/or 5 November 2022 do not regulate any matter significant for the proceedings, these Procedural Rules shall apply”.

3. Since the disciplinary proceedings against the Accused Parties were opened on 14 July 2022 and the Tribunal has not received the requests from both of parties, AIBAPR shall be applied to these proceedings.
4. According to Art. 52.2 DEC: *“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 Safeguarding Officer that the breaches of the Accused Parties were conducted on 05 May 2022 or before, the CoE shall be applied in these proceedings.
6. According to Art. 34 AIBAPR [equivalent to Art. 33 BIIUPR]: *“The Chairperson may at his own initiative or upon request, suspend the proceedings at any point if (s)he considers it necessary to do so”.*

VII. Merits

1. According to the aforesaid Art. 34 AIBAPR, the Chairperson of the Tribunal may at his own initiative, suspend the proceedings before or after the closing of the investigations if he considers it necessary.
2. Considering that the Boxing Canada’s membership in IBA was withdrawn on 11 August 2023.
3. Considering that the Accused Parties do not appear to hold any position in IBA or its Confederations.
4. In light of the above, the Chairperson of the Tribunal is of the opinion that the proceedings should be suspended against them. If, in the future, the Accused Parties request or petition to become subject to the IBA jurisdiction or seek to become a coach, official or affiliate of any National Federation in any capacity, the Tribunal may reopen this matter for the purpose of considering if any sanction should be imposed based on the current proceedings.

VIII. Costs

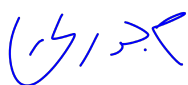
1. According to Art. 48 AIBAPR [equivalent to Art. 47 BIIUPR], no procedural costs shall be imposed. The Tribunal therefore does not impose procedural costs.
2. According to Art. 49 AIBAPR [equivalent to Art. 48 BIIUPR], no costs of the parties related to the proceedings are awarded. Therefore, the parties shall bear their own costs incurred by this procedure.

**The Chairperson of the Boxing Independent Integrity Unit's Tribunal
decides what follows.**

1. The proceedings against the Accused Parties shall be immediately suspended. If, in the future, the Accused Parties request or petition to become subject to the IBA jurisdiction or seek to become a coach, official or affiliate of any National Federation in any capacity, the Tribunal may reopen this matter for the purpose of considering if any sanction should be imposed based on the current proceedings.
2. No procedural costs are imposed.
3. The Parties shall bear their own costs incurred by this procedure.
4. The present decree is notified to the Parties by email, immediately.

Yours sincerely,

Boxing Independent Integrity Unit's Tribunal

A handwritten signature in blue ink, appearing to read 'Malek Badri'.

Malek Badri, Chairman

Copy by email to:

- International Boxing Association (IBA) represented by its CEO and Secretary General, info@iba.sport
- Boxing Canada, represented by its Executive Director, info@boxingcanada.org; clindsay@boxingcanada.org