

# INTERNATIONAL SKATING UNION

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## Disciplinary Commission

Case No. 2018-07

24.10.2018

Panel:

Volker Waldeck (Chair)  
Dr. Allan Böhm  
Albert Hazelhoff

### **Final Decision in the matter of**

**Skating Federation of Bosnia and Herzegovina**

**- Complainant -**

against

**Mr. Slobodan Delić,**

**- Alleged Offender -**

**regarding the violation of the ISU Constitution and Code of Ethics**

## **I. History of the Procedure**

On August 6, 2018 the Skating Federation of Bosnia and Herzegovina, represented by President Zikrija Donko, filed a letter with the ISU Disciplinary Commission called “an official Claim” against the Alleged Offender. At the instigation of the ISU Disciplinary Commission the Complainant complemented the statement of complaint on August 26, 2018 together with 2 exhibits.

On August 28, 2018, the Alleged Offender was invited by the ISU Disciplinary Commission to file a statement of reply within 21 days upon receipt of the complaint.

On September 21, 2018 the Alleged Offender filed a Statement of Reply together with one exhibit.

## **II. Procedural Matters**

The letter of the Skating Federation of Bosnia and Herzegovina of August 6, 2018 did not fulfill the requirements of a Statement of Complaint as prescribed in Article 9 of the ISU Disciplinary Commission Rules of Procedure. The function and address of the Alleged Offender was missing as well as the facts giving rise to the complaint. Therefore, the Chair of the Disciplinary Commission asked the Skating Federation of Bosnia and Herzegovina to complete their Statement of Complaint within 21 days.

The Alleged Offender objects that the first letter of the Skating Federation of Bosnia and Herzegovina, (SFB&H) dated on August 6, 2018 was an invalid complaint and did not implement the time limit of 60 days for a complaint as prescribed in Article 8 Para 1 Rules of Procedure. The Complainant has learned of the facts which may have constituted a disciplinary or ethical offence through a report on June 22, 2018. The correct Statement of Complaint was filed with the Disciplinary Commission on August 26, 2018, that means 65 days after the event. Therefore, the Alleged Offender is of the opinion that the Complaint should be declared inadmissible.

In the view of the Panel the first letter of the Skating Federation of Bosnia and Herzegovina of August 6, 2018 has set the time limit of 60 days in motion. Although the letter did not fulfill all requirements of a complaint the Disciplinary Commission could order a supplement to the complaint. According to Article 12 of the Rules of Procedure the Panel may at any time order the production of additional documents. Thus, the letter of August 6, 2018, supplemented on August 26, 2018, is considered as a Statement of Complaint, which was filed within 45 days after being informed through the report of June 22, 2018. The Complaint was filed within the prescribed time.

## **III. Admissibility**

The ISU Disciplinary Commission decides, in accordance with Article 25, paragraph 1 of the ISU Constitution 2016, all charges and Complaints referred to it by any party against any skater, Official, Office Holder or other participant in ISU activities (the Alleged Offender) accused of a disciplinary or ethical offence; (see Article 1 of the ISU Disciplinary Commission Rules of Procedure).

A disciplinary or ethical offence shall consist of any violation of any material ISU disciplinary or ethical rule, including violations of the ISU Code of Ethics.

The cause of the complaint is the appearance of the Alleged Offender at a meeting of representatives of the European Youth Olympic Festival Ltd and of representatives of the SFB&H which was held on July 13, 2018 in Sarajevo.

The European Youth Olympic Festival (EYOF) is owned, organized and regulated by the European Olympic Committees. The Festivals are held under the patronage of the International Olympic Committee. Local organizing committees lead the delivery of the EYOF, in partnership with the host city. (<http://www.eyof.org/governance/>)

A dedicated commission within the European Olympic Committees is responsible for managing the EOC's work on delivering the EYOF. The EYOF 2019 in Sarajevo are organized by EYOF Ltd..

The host of the EYOF 2019 are the cities of Sarajevo and East Sarajevo, these two cities founded the limited liability company "EYOF 2019 doo" Ltd. (<https://eyof2019.net/en/stranica.php?idstranica=48>).

This Limited Company is the Organizer of the EYOF 2019 in Sarajevo. Neither the ISU nor the Complainant are members of this company.

The meeting of EYOF Ltd. doo was held on July 13, 2018. The Alleged Offender attended this meeting. He said he was

*"merely assisting the EYOF team in understanding the field of implementation of Rule 107 of the ISU Constitution and the ISU Communication 2171. Moreover, he was never officially appointed by EYOF as Technical Delegate for the 2019 festival."*

The Complainant was represented at this meeting by Mr. Elvis Husedzinovic, Board Member of SFB&H. His report of the meeting of July 13, 2018 led to the Complaint of SFB&H. According to this report the Alleged Offender during that meeting has:

*"Misinterpreted the ISU Communication 2171 to representatives of EYOF Ltd in order to maintain his position of "Technical Delegate, and a person who will form the 'technical body' and lead the organization of the competition" at which he has been appointed by EYOF Ltd contrary to the proposed person by SFB&H Mr. Jan Cejvan.*

*Supported the exclusion of SFB&H as a technical organizer of skating competitions within EYOF 2019 after it has been announced by Sports Director of EYOF 2019 Mr. Jasmin Mehic.*

*Claimed that the skating competitions can be held without SFB&H and that these competitions will be considered as International Competitions and not as Open International Competitions. He also claimed that the position of the ISU in this matter clearly explained in a letter by the ISU Director General dated June 6, 2018, is wrong thus causing harm to the integrity of the ISU and its Office Holders, ISU Director General and ISU Vice President.*

*When confronted about his misinterpretation of ISU Communication 2171 and the official stance of the ISU, he stated, to our dismay, that Figure Skating and Short Track Speed Skating should be removed from EYOF."*

The Alleged Offender is listed as International Referee and Starter for Short Track Speed Skating and as ISU Judge and International Referee for Single & Pair Skating.

**Evidence:** 1. ISU Communication 2177 List of Referees and Starters 2018/2019  
2. ISU Communication 2187 List of Referees and Judges 2018/2019

The Alleged Offender has worked as the Director of the Venue Technology Management and Results Services of the 2014 Olympic Winter Games in Sochi. In 2014, following the completion of his tenure at the 2014 Olympic Winter Games in Sochi, the Alleged Offender moved on to register a private entrepreneurship in Belgrade, Serbia, dealing with provision of consultancy services in the field of Information Technology, telecommunications and organization of major sport events.

The Alleged Offender has sent an email to the Sports Director of EYOF Ltd., summarizing the meeting of July 13, 2018 and suggested the following:

*“1. To formalize my role and explain it both to the Federation [Skating Federation of Bosnia and Herzegovina] and the ISU. If EOC indeed suggested in writing the appointment of Jan Cejvan as T(echnical) D(elegate) for Figure Skating, and the EYOF already agreed with it, it should not be disputed. On the other hand, if there is a potential possibility of my engagement in other fields of organization as well, then it is not recommendable to mix the two roles, due to obvious conflict of interests. J. can perform the role, although I would rather see in that role M. J. from Zagreb, because she organizes 4-5 international competitions in Zagreb every year. In that case, I can act as an advisor for skating sports (Figure Skating and Short Track), and even broader for all sports on ice (plus Curling and Ice Hockey), as the EYOF deem appropriate. If such decision is made, one should immediately inform the EOC about it.*

*2. To study in detail the Host City Contract, ISU Regulations (Rule 107, and additional rules too) and ISU Communication, as well as correspondence between the Federation and the ISU, the ISU and EOC, and to analyze correctness of the BiH Federation’s approach, both concerning Figure Skating and Short Track.*

*3. To put together a strategy of communication with EOC and the ISU related to point 2 above.”*

The Complainant alleges that the Alleged Offender has violated Article 7 Para 1 b of the ISU Constitution. Article 7 of the ISU Constitution 2016 reads as follows:

#### **Article 7**

##### **1. Obligations of ISU Members, their members and participants**

*ISU Members, their affiliated clubs, their individual members and/or all other persons claiming standing as participants in the international activities of an ISU Member or of the ISU:*

- a) Are bound by the ISU Statutes (see Article 6, paragraph 3.b) (v) and are subject to decisions of the Congress, the Council, the President and the Director General concerning all international matters; and*
- b) Have the obligation in all national and international matters to support the objects, activities and unity of the ISU, and shall not participate in any activities, national or international, against the integrity, the exclusive role and interests of the ISU.*

Article 7 deals with the obligations of ISU Members or persons who are involved in the international activities of the ISU or of an ISU Member. As the Alleged Offender attended the meeting on July 13, 2018 he did not officiate as ISU Referee, ISU Starter, or representative of the ISU or the Skating Federation of Bosnia and Herzegovina. He attended the meeting as an expert in Figure Skating and Short Track with experience from organizing the Olympic Winter Games 2014 in Sochi and as the owner of a company in the field of Information Technology, telecommunications and organization of major sport events. Article 7 of the ISU Constitution does not apply to a person who acts without an assignment of the ISU or a Member Federation.

The Complainant further alleges that the Alleged Offender has violated the ISU Code of Ethics Para 4 f) and i).

ISU Code of Ethics Para 4 f) rules:

*f) I agree that my performance, conduct and comments while serving the ISU should genuinely stimulate trust and confidence among the ISU Members, Skaters, Officials, media and the public at large. I understand that my actions can reflect on the ISU and the sport of skating both positively and negatively. I recognize that even the appearance of misconduct, impropriety, insincere attitude or purpose can be damaging. I agree not to hold any official position within my ISU Member organization that at any time could be, or reasonably appear to be, in conflict with my independent status, duty and loyalty to the ISU.*

This rule postulates, that the person is serving the ISU (*while serving the ISU*). But the Alleged Offender did not serve the ISU during the meeting of July 13, 2018. He attended the meeting for personal reasons and to offer his expertise as a Technical Delegate or as a freelancer.

ISU Code of Ethics Para 4 i) rules:

*i) I agree to avoid evaluating, voting upon, or in any other way influencing, directly or indirectly, any decision respecting possible conflict of interest (direct or indirect) on my part. I agree to withdraw from the room during any discussion, evaluation or vote respecting such matter. This includes, but is not limited to, the award of contracts, the purchase of goods and services, engaging consultants, hiring of employees and the allocation of ISU resources.*

The Panel finds, that the Alleged Offender did not violate this rule as he applied for the position of Technical Delegate or for a contract as free lancer because he was not in a conflict of interest between the ISU or the SFB&H.

The Panel holds that the dispute between the Skating Federation of Bosnia and Herzegovina and the Alleged Offender is neither a disciplinary nor an ethical case. In point of fact the dispute is a question of authority between the Complainant and the Alleged Offender regarding the influence on the Organizing Committee of the European Youth Olympic Festival 2019 in Sarajevo.

The Complaint is not subject to the jurisdiction of the ISU Disciplinary Commission. The Complaint is inadmissible and dismissed.

**IV. Decision**

1. The Complaint is dismissed.
2. All Parties bear their own costs.



Volker Waldeck



Dr. Allan Böhm



Albert Hazelhoff

The present decision is subject to appeal to the Court of Arbitration for Sport, Avenue de Beaumont 2, CH-1012 Lausanne, Switzerland, within 21 days upon receipt of the decision, in accordance with Article 25 Paragraph 12 and Article 26 of the ISU Constitution 2016.