

Disciplinary Commission

Case No. 2022-02

28th September 2022

**Decision
of the
ISU Disciplinary Commission**

Panel: - Sue Petricevic, Chair
- Jean-François Monette,
- Dr Keith King.

In the matter of

**Short Track Speedskating Technical Committee (STSTC),
International Skating Union**

- Complainant -

against

Mr. Choi Yong Koo
Republic of Korea

- Alleged Offender -

and

The Korean Skating Union,
Republic of Korea

- Interested ISU Member-

Regarding Violations of the ISU Code of Ethics

I. History of the Procedure

- [1] The Complainant filed a complaint against the Alleged Offender, together with 4 exhibits. This was received by the ISU Disciplinary Commission the following day.
- [2] On 22 June 2022, the Alleged Offender and the Interested ISU Member were invited by the ISU Disciplinary Commission (the DC) to file a statement of reply within 21 days upon receipt of the complaint.
- [3] The Alleged Offender filed a statement of reply on 4th July 2022.
- [4] The DC requested further information from the complainant in two matters on 17 July 2022.
 1. Details of the information on the Clip Database and alleged access;
 2. Material from an anonymous person, proposed as a witness. Since the identity of the proposed witness should be available to the respondent, the DC requested clarification.
- [5] On 21st July 2022 the complainant replied, withdrew that part of the complaint and provided further information about the Clip Database.
- [6] An email response to this was received from the Alleged Offender on 24th July 2022.

II. Procedural Matters

- [7] According to Article 25, Paragraph 1 of the ISU Constitution 2021, the ISU Disciplinary Commission serves as a first instance authority to hear and decide all charges referred to it by an ISU authority against an Alleged Offender accused of a disciplinary or ethical offence.
- [8] In the “Declaration for Competitors and Officials entering ISU Events” signed on October 26, 2021, the Alleged Offender confirms:

I/we, the undersigned,

I) accept the ISU Constitution, which establishes an ISU Disciplinary Commission (Article 25) and recognizes the Court of Arbitration for Sport (CAS), in Lausanne, Switzerland as the arbitration tribunal authorized to issue final and binding awards involving the ISU, its Members and all participants in ISU activities, excluding all recourse to ordinary courts (Articles 26 & 27);

VI) am familiar with the ISU Code of Ethics (ISU Communication 2215 or any update of this Communication).

(Exhibit 5)

- [9] According to Article 25 Paragraph 6 a) of the ISU Constitution 2021 complaints must be filed with the Disciplinary Commission within one year of learning of the facts or events, which constitute a disciplinary or ethical offence. The Statement of Complaint arrived at the ISU Disciplinary Commission via e-mail on 21st June 2022 and respects the one years’ time limit according to Article 25 Paragraph 6 a) of the ISU Constitution 2021.

III. Facts

- [10] The Alleged Offender is Mr Choi Yong-Koo, a Referee on the ISU List of Officials for the season 2021-2022. He has been on the International List of Referees since 2000 and on the ISU List since 2015.

- [11] In February 2022, Mr Choi was an accredited Member of the Korean (KOR) Delegation for the Short Track Team for the Beijing Winter Olympic Games. He was the Assistant Team Leader, with access to the Field of Play.
- [12] Mr Choi did not inform the STSTC or the ISU of his role with the KOR Short Track Team during the season and/or at the Beijing Winter Olympic Games so he remained an active Referee for the season with participation in workshops and an active connection to the Clip Database. This could potentially have given him access to information that no other Team Leader would have.
- [13] On February 10th, 2022, during the Olympic Games, the STSTC Chair was notified that Mr Choi was accredited during the Beijing Winter Olympic Games with team KOR during the set of 1000 metres men's semi-finals which ended up with 2 penalties to KOR Skaters.
- [14] On that same day of February 10th, the Chair of the STSTC removed the access of Mr Choi to the Clip Database. (The DC notes that there is no evidence that Mr Choi accessed the Clip Database, or attempted to do so).
- [15] On February 8th, Mr Choi was part of the KOR delegation speaking on behalf of the Korean Team at the Press Conference. They were protesting the decisions and asked for a review of Day 2 of the Short Track competition. Specifically, the Referee's calls and decisions of the 1000m semi-final implicating Korean skaters Hwang Dae-heon and Lee Jun-Seo. Mr Choi was introduced as the head of the Short Track National Team Support Team.
- [16] During another occasion, at the Junior World Championships (Gdansk, Poland, March 4th -6th, 2022), an ISU Championship, the STSTC Chair was advised that Mr Choi was an Assistant Team Leader for Team Korea and that the Technical Committee must immediately remove him from the list of ISU Officials. The Chair decided to discuss this in its next meeting as there was no emergency since Mr Choi had no further appointment and his access to the Clip Database has been removed.
- [17] Around April 16th, Mr Choi posted on his Facebook page an image saying: "The Referee should not control the game under any circumstances. If the misjudgment is repeated, it's intentional." It was accompanied by the following message: "This is what I wanted to say at the Games".

Alleged Offender's submissions

- [18] The Alleged Offender admits being at the Beijing Winter Olympic Games in the role of Assistant Team Leader, speaking at the Press Conference and posting the remarks on Facebook.
- [19] In his reply of 24th July 2022 he apologizes, stating that he regrets his comments in the media conference and the comments uploaded to Facebook.
- [20] He further submits that he has not accessed or misused the Clip database, nor supplied information to anyone and asks for any evidence to support this allegation. He asks for any log of the alleged activity to be disclosed and inspected.

IV Law

- [21] The Disciplinary Commission has jurisdiction.
- [22] According to Rule 125/4 of the ISU General Regulations, eligible Officials participating in any ISU activity shall comply with any applicable statutes, ethical declarations and codes of conduct prescribed by the Council.

[23] According to Rule 125/5 of the ISU General Regulations, Officials who can be proved to have acted against the spirits of the ISU Statutes or otherwise improperly may undergo sanctions.

[24] According to Article 39/1 of the ISU Constitution, the ISU Code of Ethics, adopted by the ISU Council, forms part of the ISU Statutes.

[25] As an Official, Mr Choi is subject to the personal scope of the ISU Code of Ethics¹ according to Article 2.1. There are ISU interests involved, since the ISU is administering its sports at the 2022 Beijing Olympic Winter Games and bears the responsibility for their proper conduct (Article 2.2 a) ISU Code of Ethics).

[26] The conduct of Mr Choi went against the ISU Code of Ethics, Article 3 General Standards of Conduct, which states as follows:

“Persons subject to this Code of Ethics shall:

- exemplify, by their conduct and by their written and oral communications, the highest standards of honesty, respect, fairness, fair play, ethical behavior, and sporting attitude and shall not act in any manner which might damage the reputation of the ISU or the ISU sports;
- inspire internal and public confidence in the fairness, honesty and integrity of the ISU, the ISU sports and all who act under the auspices of the ISU sports.

The same ethical restrictions that apply to any form of statement also apply to the use of social media, especially, but not limited to, by ISU Officials.

In particular, ISU Officials shall neither post on social media any specific comments about other Officials, Skaters, Coaches, ISU Members or their representatives, volunteers or any related personnel, including employees of the ISU, nor post comments about Officials' assignments, decisions made by the ISU, or the evaluation or results of an ISU Event.”

[27] The conduct of Mr Choi also contravenes Article 11, including 11.3 of the Code of Ethics. This obliges persons subject to the Code of Ethics, while serving the ISU in an official position, not to hold any official position concurrently within their ISU Member that at any time could be or reasonably appear to be, in conflict with their independent status, duty and loyalty to the ISU.

[28] The DC notes a specific clarification on this Article for the Figure Skating Branch. This refines and clarifies the obligation for Figure Skating officials as follows:

Special Regulations & Technical Rules, Single & Pair Skating and Ice Dance 2021

Rule 430 General and Specific Duties and Powers, at 430(f) points 11 and 12:

- ISU Officials must not act as a Team Leader (or Assistant) in ISU Figure Skating (Single & Pair Skating/Ice Dance) Championships or Olympic Winter Games in the same season during which they serve as Referee, Judge, Technical Controller, Technical Specialist or OAC member in ISU Figure Skating (Single & Pair Skating /Ice Dance) Championships or Olympic Winter Games
- No official participating in an International Figure Skating event in any capacity may make any negative comment to the public concerning such event.

[29] The DC notes that no corresponding Rule appears in the Special Regulations & Technical Rules, Speed Skating 2021 for Speed Skating officials.

[30]

¹ ISU Code of Ethics, Communication 2450, 18 January 2022 applies for the period of the Olympic Winter Games and until 12 May 2022. This is now updated by ISU Code of Ethics 2022, Communication 2478, 13 May 2022.

[31] Mr Choi is subject to the ISU Code of Ethics. He acted as Assistant Team Leader of the Korean team and placed himself in a position of conflict at the most important event in the ISU calendar- the Olympic Games and at a Junior Worlds Championship.

[32] By verbally attacking the decisions of the Referee and posting his disagreement of Facebook, Mr Choi has breached the Code of Ethics. He has disqualified himself from being impartial, and has not acted to maintain the respect of his peers as a Referee. He has also acted in a manner which could damage the reputation of the ISU or ISU sports.

[33] Referees must be protected from this type of attack and pressure.

V. Sanction

[34] According to Article 25/9 a) iii) ISU Constitution, the ISU Disciplinary Commission may impose a sanction from a reprimand to suspension of participation in any specific ISU activity.

[35] The STSTC submitted that the appropriate sanction is to remove the Alleged offender from the list of Officials for the period of an Olympiade, i.e. four years or alternately for life.

[36] Mr Choi is found guilty of misconduct and violations of the ISU Code of Ethics in connection with his conduct at, and following, the 2022 Beijing Winter Olympic Games and World Junior Championships 2022. He is in violation of the general standards of conduct due to his public comments made both at media conferences and on social media. He has placed himself in a situation which could reasonably be conceived to create a conflict of interest in violation of Article 11 by serving concurrently as a member of Team Korea delegation at both the 2022 Beijing Winter Olympic Games and World Junior Championships.

[37] Based on the above considerations the ISU Disciplinary Commission rules as follows:

VI. Decision

1. A period of exclusion from all ISU activities of one year, starting from the date of the present decision, is imposed on Choi Yong Koo.
2. Choi Yong Koo bears his own costs.

Date : 28th September 2022



Sue Petricevic

Jean-François Monette



Dr Keith King

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 2018.