

WT APPEALS PANEL

In the Matter DM 22-101

Between:

Mr. Hadi Saei
(Appellant)

and

CSB of the Guadalajara 2022
World Taekwondo Championships
(Respondent)

Before

Mr. Corbin Min
(Sitting as Sole Arbitrator or the "Panel")

Introduction:

1. The present case concerns the appeal of a decision, made by the Competition Supervisory Board of the Guadalajara 2022 World Taekwondo Championships, to suspend an MNA official for conduct in violation of article 23.3 of WT Competition Rules and Interpretation (**Competition Rules**).
2. In agreement of the Parties, this case was heard in an expedited process by Mr. Corbin Min, WT's Legal Counsel and Integrity and Safeguarding Officer, as sole arbitrator.
3. Both Parties represented themselves during the proceedings.

Parties:

4. Mr. Hadi Saei is the President of the Islamic Republic of Iran Taekwondo Federation, which serves as the governing body of Taekwondo in the Islamic Republic of Iran and is a Member National Association (**MNA**) of World Taekwondo (**WT**).
5. The Guadalajara 2022 World Taekwondo Championships (**Guadalajara Championships**) was a WT Promoted Event. Its Competition Supervisory Board (**CSB**) was appointed by WT and was composed of the following individuals:
 - Mr. Songchul Kim, Technical Delegate and Chair of WT's Technical Commission
 - Mr. Mohamed Shaaban, CSB Member, and Chair of WT's Games Committee

- Ms. Amely Moras, CSB Member, and Chair of WT's Referee Committee
- Mr. Daehyoun Jeong, CSB Member, and Chair of WT's Medical Committee
- Mr. Kee Ha, CSB Member, and President of Taekwondo Canada

Factual Background:

6. The following is a summary of the relevant facts and allegations based on the Parties' written submissions, pleadings, and evidence presented. Additional facts and allegations found in the Parties' submissions, pleadings, and evidence may be set out in connection with the legal discussion that follows. While the Panel has considered all the facts, allegations, legal arguments, and evidence submitted by the Parties, it refers in its Decision only to the submissions and evidence it considers necessary to explain its reasoning.
7. On 16 November 2022, the third day of the Guadalajara Championships, the Appellant had an altercation with the referees near the IR room of the event's venue. Then on 18 November 2022, the Appellant verbally harassed referees and aggressively responded when approached by competition officials.
8. On 20 November 2022, the CSB, sitting as an Extraordinary Sanctions Committee as per Competition Rules Article 20.1.2, issued a Letter of Suspension (**the Decision**) to the Appellant, finding him in violation of the following provisions of the Competition Rules:
 - 23.3.2.1 Complaining about or/and arguing against an official's decision during or after a round
 - 23.3.2.2 Arguing with the referee or other official(s)
 - 23.3.2.3 Violent behavior or remark toward officials, opponents or the opposing side, or spectators during a match
 - 23.3.2.4 Provoking spectators or spreading false rumor
 - 23.3.2.7 Not following instructions of competition officials to leave the Field of Play or Venue
9. Based on the incidents outlined above, in accordance with Article 23.4.6 of the Competition Rules, the CSB issued a decision to suspend the Appellant for a period of one year, effective as of the date of the letter, 20 November 2022.
10. The following day, on 21 November 2022, the Appellant wrote a letter to World Taekwondo President Dr. Chungwon Choue, expressing his deep apologies for the incidents and pledged that such conduct would not be repeated, and asked for his suspension to be reconsidered.
11. The Appellant's letter was provided to the CSB. WT viewed the letter as a request for appeal. This was subsequently confirmed by the Appellant.
12. Both the Appellant and the CSB agreed to an expedited process whereby WT would issue a decision directly, instead of forming a 3-Council-Member Panel, in order to resolve the matter as soon as possible and give the Appellant and his federation more certainty in planning for events in early 2023.

Hearing Procedure:

13. On 07 December 2022, the Parties were sent Hearing Guidelines that listed the Parties, provided a background of the case, and listed the relevant provisions of the Competition Rules and Disciplinary Actions and Appeals Code (DAAC) governing the appeal process. The guidelines were accompanied by the following Exhibits:

- Exhibit 01: CSB Decision of 20 Nov
- Exhibit 02: Appellant Letter to WT of 22 Nov
- Exhibit 03: Statement of Appeal of 24 Nov
- Exhibit 04: Incident Report Luis Mendoza

14. The guidelines proposed that the hearing be conducted solely via written submission; that the Parties would be given until 14 December 2022 to add any additional information to the case file (documents, reasoning, or other evidence); that additional time would be provided if needed; and that, barring no new issues, an operative award would be provided before the end of the year.

15. No objections were raised to the guidelines. A response to Exhibit 04 was received from the Appellant and provided to the CSB.

Jurisdiction Analysis

16. The Decision was issued under Article 23 of the Competition Rules, with at 23.4.6 provides for appeal in accordance with the Disciplinary Actions and Appeals Code. In addition, Appealable Decisions under the DAAC Article 4.2 include those expressly provided for under WT rules.

17. Based on the above, the Panel finds that it has jurisdiction to decide on the present appeal.

Admissibility Analysis

18. As per DAAC Article 4.5, for an appeal to be heard under the DAAC it must be filed within 20 days of receiving the appealed decision or the date of its discovery. The letter from the Respondent was received one day after the issuance of the Decision, no fee is required, and the other elements of Article 4.5 were satisfied.

19. Therefore, the Panel concludes that the appeal is admissible and can be entertained.

Mandate of the Panel

20. Under DAAC Article 4.7(A) Composition:

- i. Panels shall be composed of three (3) WT Council or Committee Members unless otherwise agreed by the Parties;
- ii. Panel members shall have no prior involvement with the case;
- iii. Parties shall be given the opportunity to challenge Panel members....

21. In this case, the Parties agreed to the Sole Arbitrator instead of a 3-member panel in order to help ensure an expedited procedure.
22. Under DAAC Article 4.7, the Panel has the power to establish its own procedures so long as the Parties are treated equally and fairly and given a reasonable opportunity to present their case or respond to the case of another Party. The Panel may take such steps and conduct the proceedings as considered necessary or desirable by the Panel to avoid delay and to achieve a just, speedy and cost-effective resolution of the dispute. The Panel shall approve Hearing Guidelines at the outset of the hearing process which shall include target timelines and expected costs
23. Here, the Panel issued Hearing Guidelines setting for the procedure and timelines, to which no Party objected.
24. Under DAAC Article 4.8(A), the moving party has the burden to establish the facts by a preponderance of the evidence. Credibility of the parties and witnesses is a consideration that can be taken into account by the Panel as the finder of facts.
25. Under DAAC Article 4.8(B), the Panel has discretion to conduct a *de novo* review of facts and law.
26. And under DAAC Article 4.8(G), the Panel has full scope to affirm, invalidate, reduce, increase, or modify any penalty applied.

Merits:

27. As set out in the Factual Background above, there was a letter of suspension issued by the CSB, including the misconduct at issue and the relevant rules. This was followed by an Apology letter for the misconduct by the Appellant.
28. The submissions of the Parties contain no relevant disagreement on either facts or rules. That is:
 - a. The CSB issued a one-year sanction against the Appellant for violations of various provisions of Competition Rules Article 23 for conduct that, in sum, demonstrated unsportsman-like conduct and conduct unbecoming a WT MNA official, including inappropriately and aggressive and abusive behavior towards referees and competition management officials.
 - b. Upon being informed of this sanction, the Appellant promptly sent in a written apology and pledge to avoid such misconduct in the future.
29. Thus, the Panel finds that the Respondent did violate the provisions of Article 23.3.2 of the Competition Rules.
30. The Panel notes that the DAAC provides for consideration of Aggravating and Mitigating Factors (Article 3.10), including (ii) a timely admission of guilt, and (vi) displaying remorse.

31. In addition, the Panel notes the practice of CSBs, which was verbally confirmed by members of the CSB in this case, for forgiving or reducing the penalties for misconduct when a prompt and sincerely apology is received.
32. Given the prompt and unambiguous apology and statement of regret by the Appellant, the Panel finds that an application of Mitigating Factors is appropriate in this case.
33. However, a full removal of the sanction issued is not appropriate. Indeed, the misconduct is not disputed and also, as an MNA President, the Appellant Respondent has a heightened responsibility as a role model to display appropriate decorum, especially at an event such as the World Championships, and in particular in regards to dealings with event officials.

**In light of the evidence presented and the arguments made by the parties,
the WT Appeals Panel rules as follows:**

34. The period of suspension of the Appellant shall be reduced from one year to three months (thereby ending on 20 February 2023).
35. During the remaining period of the suspension, the restriction shall covers WT Promoted and Sanctioned events only. The Appellant is free to manage the day-to-day activities of his federation. His is also eligible to pre-register for events taking place after 20 February.
36. The reduction in the sanction is based on the Appellant's prompt and sincere apology, which serves as a mitigating factor in the eyes of both the CSB and the Disciplinary Actions and Appeals Code (DAAC) Article 3.10(C). It should be noted that any future incidents of misconduct will be considered as an aggravating factor under DAAC Article 3.10(B).

Right of Appeal

37. In accordance with DAAC Article 4.12(A) (Appeal of Appeal Panel Decisions):
 - a. Final Decisions made by a WT Appeal Panel may be submitted exclusively by way of appeal to the Court of Arbitration for Sport in Lausanne, Switzerland, which will resolve the dispute definitively in accordance with the Code of sports-related arbitration.
 - b. The number of arbitrators shall be one unless otherwise agreed by the Parties. The language of the arbitration shall be English.
 - c. The time limit for appeal is **twenty-one days** after the reception of this decision concerning the appeal.

This Decision is issued on 31 January 2023

**Corbin Min, Sole Arbitrator
WT Appeals Tribunal**