

# **INTERNATIONAL BOXING ASSOCIATION**

## ORGANIZATION AND PROCEDURAL RULES OF THE JUDICIAL AUTHORITIES OF AIBA

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(English version)

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## ORGANIZATION AND PROCEDURAL RULES OF THE JUDICIAL AUTHORITIES OF AIBA

### *In accordance with the AIBA Statutes, in particular Article 61.*

#### **Article 1            Scope of application**

Subject to specific rules present in other regulations, these rules lay down the organization and the procedure to be followed by the judicial authorities of AIBA as well as the appeal proceedings. Particular dispositions included in other rules remain valid.

### **CHAPTER I            GENERAL PROVISIONS**

#### **Article 2            The judicial authorities of AIBA**

The judicial authorities of AIBA are:

- The Disciplinary Commission
- The Chairman of the Disciplinary Commission ruling alone
- The Appeal Authority (Executive Committee of AIBA)

#### **Article 3            Number of members**

The Disciplinary Commission shall consist of a Chairman and a maximum number of 5 ordinary members.

#### **Article 4            Headquarters**

The seat of the judicial authorities is based at the headquarters of AIBA. However, if justified by the circumstances, the judicial authorities may hold the hearings elsewhere.

#### **Article 5            Composition of the panel of the Commission which will hear the cases**

- 1 To hear a case, the panel of the Commission shall consist of three members including the Chairman (except in cases where the Chairman acting alone may determine the proceedings in accordance with the Disciplinary Code).
- 2 The Chairman, if absent, shall designate the members who will hear the case.
- 3 If a member called upon to rule is prevented from doing so, is challenged, withdraws or is revoked, the Chairman or failing that, the Vice Chairman will designate a replacement from among the members of the concerned authority.
- 4 The panel may be helped in its task by a court clerk and/or a legally qualified secretarial assistant who is not part of any other body of AIBA and who is not part of any other authority of AIBA and who is chosen by the Chairman or the Vice Chairman in charge.
- 5 The tasks of the authorities' secretariat are, unless decided otherwise by the Chairman or the Vice Chairman in charge, carried out by the AIBA HQs Office.

## **Article 6 Assistance to the judicial authorities**

The members of the permanent Commissions of AIBA must, at the request of the Chairman, assist the judicial authorities with their inquiries in any proceedings.

## **Article 7 Official language of the proceedings**

- 1 The language of the proceedings is either English or French. The Chairman shall decide the language which the concerned authority will use at the outset of the proceedings. Appeal proceedings shall be held in the same language as the decision being appealed.
- 2 Regardless of the language chosen by the Chairman, each party may submit any written or orally expressed act of procedure in English or French. Subject to paragraph 3 below, acts of procedure written in any other language are without effect.
- 3 Upon the joint request from all parties, the Chairman may authorize the use of a different language from among the official languages of AIBA. Both the parties and the concerned authority will then express themselves exclusively in that language.
- 4 If a party produces a document that is written in a language that is not the one used for the procedure, the concerned authority may require, on its own initiative or upon request, that the document be accompanied by a certified translation in the language of the procedure. If a witness or an expert expresses themselves in a different language, the authority may require, on its own initiative or upon request, that an interpreter be present.

## **Article 8 Non-disclosure obligation**

- 1 All the members of the authority participating to the procedure and deliberation shall keep these confidential.
- 2 However, after the ruling, the concerned authority may divulge, in agreement with the parties and if it deems it opportune, the main points of the decisions or proceed to the publication of the decision. If this is the case, the authority will take steps to conceal the identity of the parties and of any other participants in the proceedings.

## **Article 9 Reversing precedent**

Whenever an authority is of the opinion that its legal position adopted in preceding cases should be changed, it is formally required to seek and obtain the agreement of the majority of the members except in the case where the constituted authority must apply a decision of either a competent state court or arbitral tribunal. The aforementioned agreement is to be reached either in a plenary session of the members or by means of an official circular.

## **Article 10 Archives**

The authority that has ruled will ensure that all the documents pertaining to the finished case are filed in the archives of AIBA. The records in the archives are not available to the public and are to be kept over a period of ten years.

## **Article 11                      Unforeseen cases**

In the cases not foreseen or not regulated by these Rules, the judicial authorities are called upon to decide a case according to customary law and failing that according to the Rules the authorities would establish if they were a legislator.

## **CHAPTER II                      GENERAL RULES OF PROCEDURE**

### **A.    Authorities**

#### **Article 12                      Conduct of the case**

The Chairman of the authority called upon to rule shall conduct the proceedings and carry out all necessary acts of investigation to reach a decision. The Chairman may delegate the examination of the case to another member of the authority. In particular, the Chairman may conduct investigatory hearings or hear pleadings of the parties acting alone, and may set mandatory time limits with respect to the conduct of the proceedings. Further, the Chairman may relax any of these procedural rules if it is considered expedient to do so and such action does not deny justice to any party to the proceedings.

#### **Article 13                      The decision**

The concerned authority makes its decisions by a majority vote. Every member is obliged to vote, there can be no abstention.

#### **Article 14                      Jurisdiction**

- 1    The concerned authority verifies whether it is competent to hear the case.
- 2    If in doubt, the authority shall proceed with an exchange of points of view with the authority it considers to have jurisdiction.
- 3    If the authority considers that it is not competent to hear the case, it renders a decision of refusal to proceed. The authority then immediately sends the case to the authority it considers competent and informs the parties of the situation.
- 4    Any agreement between the parties will have no effect to the competence of the authority.

#### **Article 15                      Conflict of jurisdiction**

Conflicts of jurisdiction between authorities are settled by the Executive Committee of AIBA.

#### **Article 16                      Withdrawal**

Any member of the authority called upon to rule, including any member of the Executive Committee, the court clerk and the secretarial assistant, must withdraw from the proceedings in the following circumstances:

- They have a personal interest in the outcome of the case;
- They have previously taken part in the same case in a different role, notably having acted as counsel to one of the parties or having participated in the case as an expert or witness;

- They are married, or related by parenthood to one of the parties, or the counsel or a person that has already participated in the same case as a member of an earlier authority;
- That due to other circumstances, they do not consider themselves able to reach a decision in a totally independent and impartial manner.

## **Article 17            Challenge of the authority**

- 1    A party may request that a member of the authority handling the case, which includes the court clerk and the secretarial assistant, be removed from the case if any serious reason or reasons cast doubt on the impartiality or the independence of the person concerned.
- 2    The party that wishes to challenge a member must do so in writing to the authority within 5 days from the discovery of the grounds of the challenge or shall forfeit the right to challenge. Motions must be substantiated.
- 3    Should grounds for a challenge arise during the proceedings, the party shall make them known immediately and without delay.

## **Article 18            Decision regarding the challenge**

- 1    If the challenge of a member of the authority appears to be neither unfounded nor without effect, the Chairman of the authority called upon to rule will transmit the request to the member being challenged and will fix a time within which said person may take a stance on the challenge.
- 2    If the member (or the clerk) admits the validity of the request, that member shall withdraw from the case and the authority shall designate a replacement.  
If the reason for disclaiming competence is contested, the authority shall decide summarily on the challenge in the absence of the member concerned. The decision can be taken without having heard the plaintiff, if there is one to be heard.
- 3    If a request from one of the parties challenges all of the members of the authority, it will decide itself on the validity of the request after having consulted the other parties of the case.

## **Article 19            Consequences of a challenge**

- 1    Any acts of procedure where a person is challenged according to Art. 16 shall be cancelled provided that the party requesting the withdrawal requested it at the same time and shall then be reissued. However, any evidence submitted during the original procedure (witnesses statements, expert opinions, etc.) shall remain valid as long as the challenged member was not in a position to influence such evidence.
- 2    If the grounds to challenge are only discovered once the case has been closed, the articles governing the reconsideration of the decision are applicable.

## **Article 20            Revocation**

The concerned authority may upon its own initiative and at any time revoke a member, if it has knowledge of a reason as stated in Art. 16. and Art. 18 par. 1 and 2, and Art. 19 par. 1 applies by analogy.

## **Article 21**            **Provisional Measures**

- 1    The authority called upon to rule may on its own initiative or on that of its Chairman, or following the request of one of the parties, order any necessary provisional measures according to the circumstances.
- 2    In urgent cases, provisional measures may be directly ordered without prior hearing of the party affected by them. The decision on provisional measures (rendered by a written order) may be contested by a written and motivated submission sent within 5 days to the authority which is to decide on the matter in 10 days following receipt of the submission.
- 3    If the provisional measures were requested by one of the parties, the authority dealing with the case or its Chairman may order such measures subject to the deposit of sufficient guarantees.

## **B. Parties and Counsel**

### **Article 22**            **Parties**

- 1    Those persons or establishments subject to the AIBA Statutes who/which are affected by a decision which could or will be reached and who/which have a right of appeal against such a decision once it is made can be considered as parties.
- 2    Those parties unable to effectively participate in the procedure must do so through their legal representative.

### **Article 23**            **Place of residence or headquarters**

The parties are obliged to inform the authority of their exact address of residence or of their headquarters. Failing that, the authority may send any notifications to the last known address or refrain from sending any notifications.

### **Article 24**            **Intervention and participation of third parties**

- 1    A party which considers that a third party also subject to the AIBA Statutes should participate in the hearing of the case may submit a reasoned request to effect to the concerned authority. The authority will then decide to either accept or reject the request after having heard the third party concerned as well as the other parties to the case.
- 2    A third party subject to AIBA Statutes which considers that its rights and obligations will be or could be affected by the decision to be reached by the authority may make a request to intervene in the case concerned. The authority will decide to accept or reject the request after having heard the third party as well as the other parties to the case.
- 3    If the request to participate or to intervene in the procedure is granted, the third party concerned becomes a party to the case and the authority will fix a deadline for that party to submit a formal submission.
- 4    AIBA is entitled to assist the judicial authorities and make submissions to the judicial authorities on all proceedings, and should be kept informed of the progress of the proceedings.

## **Article 25            Basic procedural rights**

- 1    The fundamental rights of procedure are guaranteed to all parties, notably rights to equality without discrimination and the right to be heard (in particular the right to present one's case, the right to access the case file, the right to provide and present evidence, to obtain a reasoned decision, and the right to legal representation) before a decision is made which affects their rights and obligations.
- 2    If the protection of an overriding private interest makes it necessary, the concerned authority may accept that evidence be shown to it in the absence of the parties. In this case, if the authority intends to use this proof against one or other of the parties, it must indicate the essence of the proof and give the party the opportunity to present counter-proof.

## **Article 26            Legal representation**

- 1    During all phases of the procedure, each party is free to be represented by a counsel of its choice except where individual and personal action is required.
- 2    The concerned authority may require counsel to present proof of powers of representation or attorney. If such proof is not provided, the authority will declare null and void the acts of procedure accomplished by such a person unless the party concerned expressly confirms them.
- 3    Such powers automatically imply full rights to do whatever may be necessary to bring the case up to the point where a final judgment is made. Any restriction to the contrary decided upon between the party and his counsel will be considered as ineffective and disregarded by the authority and the other parties.
- 4    The withdrawal of powers of representation or of attorney will only take effect for the authority and the other parties once they are notified.

### ***C.    Procedural Acts***

## **Article 27            Notification of acts of the concerned authority**

- 1    The authority notifies the parties of its acts of procedure, as well as its decisions, in writing at their respective address of residence or at any other address that has been indicated. The notification is validly made at that address if notice of any change has not been given to the authority by the party concerned. Email or facsimile notifications are permitted where an email address or fax number is specified by a party.
- 2    If a party is represented by a counsel, the authority is to notify its acts of procedure to the party's counsel. If the party has numerous counsels, the notification is valid when made to one of them.
- 3    The notification of an act of procedure is considered effective the moment the act arrives within the sphere of influence of the person or the establishment it is sent to. A refusal to accept the act is still considered to be correctly notified.

## **Article 28**            **Faulty notification**

Faulty notification of an act of procedure by the concerned authority, notably due to the wrong indication of how to appeal an act, or in absence of such an indication which is legally prescribed, shall not cause any damage to, or loss of rights of, any party to the case.

## **Article 29**            **Submission of the parties**

The submissions of the parties must contain an explanation of the facts pertinent to the case, be motivated in law, contain conclusions, indicate the means of proof and be signed.

## **Article 30**            **Errors in a submission of the parties**

If a submission does not meet all the formal requirements of the procedure, the concerned authority shall fix a short deadline for the party concerned to correct it while indicating that a submission still failing to meet procedural requirements after that time will not be taken into consideration.

## **Article 31**            **Proof of notification or of transmission of acts**

- 1    The onus of proof of notification of an act of procedure lies with the authority and the one for the transmission of an act lies with the party sending it.
- 2    An act of procedure of the authority is accomplished by means of proof of reception and that of a party by means of proof of transmission.

## **D. Statute of Limitations**

### **Article 32**            **Ordinary period of prescription**

- 1    The ordinary period of prescription to appeal against a decision is 10 days from the notification of the decision to be appealed.
- 2    An appeal based on the denial of justice or unjustified delay may be filed at any time.

### **Article 33**            **Respect of the period of prescription**

- 1    A party will accomplish its acts of procedure within the prescriptive periods fixed in these present rules or those fixed by the concerned authority, other applicable rules being reserved.
- 2    A prescriptive period is considered as having been respected once the act is either directly given to the authority or sent by post before midnight on the last day of the deadline or if it was sent by fax or email but within the same delay. However, the sender is responsible for any delay should technical difficulties arise.
- 3    It is also considered as having been respected if the act is sent to an incompetent authority of AIBA within the time limit prescribed. That authority shall transmit the act to the competent authority without delay.

## **Article 34 Start and end of period of prescription**

- 1 If the prescription depends on the reception of an act, the time limit starts on the day following this reception.
- 2 If the last day of the prescriptive period coincides with an official holiday or a day where normal business is not conducted in the place of residence or the seat of the party concerned, respectively that of its counsel, the deadline expires at the end of the next following business day.
- 3 Official holidays and days on which business is not normally conducted form an integral part of the prescriptive period for calculating the deadline.

## **Article 35 Extension of period of prescription**

- 1 The prescriptive period fixed by the Rules cannot be extended.
- 2 The Chairman of the competent authority is permitted to vary periods of prescription at his discretion, provided that no such variation may cause injustice to any party.

## **Article 36 Restitution of the period of prescription**

If a party or party's counsel has been prevented by no fault of their own from acting before the fixed deadline, for other reasons than faulty notification, the time within which the act would otherwise have been accomplished is renewed, provided that:

- the party concerned makes a motivated request for the renewal of the deadline within 10 days from the moment of becoming free to act once again and furnishes proof of what prevented the party or party's counsel from acting in time;
- the party accomplishes the missing act within the renewed deadline;
- the accomplishment of the missing act may still have an effect on the ruling.

## ***E. Default***

### **Article 37 Default at the hearing**

- 1 Whenever a party, in spite of having been correctly assigned to appear, is at fault for not being present at a hearing, the procedure continues and the acts carried out in their absence cannot be contested.
- 2 If the party in default is the , the concerned authority may simply reject the claims submitted.
- 3 If the party in default is the defendant, the facts presented by the plaintiff, the concerned authority shall be considered as being admitted in full. The authority however will take steps to obtain all proof it deems pertinent.

## **F. Course of the Procedure**

### **Article 38 Powers of the Chairman of the concerned authority**

- 1 The Chairman conducts the procedure and may take any action required of the authority by acting alone without the presence of the additional members of the authority, except that decisions must be made by all members.
- 2 The Chairman ensures the smooth progress of the procedure and is competent to call to order and/or denounce any party in breach of the Rules of appropriate conduct to the Disciplinary Commission.
- 3 The Chairman may decide at his own initiative and under a simplified procedure, to not study a request, demand or appeal that obviously inadmissible and may directly reject it without further process. Such a decision must be summarily substantiated and indicate the cause of rejection.

### **Article 39 Suspension of the procedure**

The Chairman of the authority called upon to rule or the judge in charge of the case may at his own initiative or upon request suspend the procedure at any point if he considers it necessary to do so.

### **Article 40 Standpoints and exchanges of submission**

- 1 Once the concerned authority has received the plaintiff's first submission, the other party to the case is invited to reply. If the circumstances or the complexity of the case makes it justifiable, the authority may require a second exchange of submission.
- 2 At any point in the procedure, the authority is free to require a clarification of standpoints or an additional exchange of submission on one or a number of specified points.

### **Article 41 Procedural particularities**

- 1 Once the initial exchange of submission is completed, the concerned authority determines the means of establishing the facts of the case and communicates this to the parties.
- 2 The authority may assign the parties to appear for a hearing on evidence, for the decision or decide to rule only on the basis of the documentary evidence in its possession.  
The authority will indicate to the parties the evidence which it accepts and those it refuses to consider. It can also decide to reserve certain evidence for a later stage.

## **G. Administration of Evidence**

### **Article 42 Means of evidence**

- 1 The concerned authority is in charge of establishing the facts of the case and will proceed where necessary by obtaining the evidence, in particular using the following:

- interrogation of the parties;
  - hearing of witnesses;
  - production of documents, including audio or video evidence;
  - expert appraisal;
  - direct observation.
- 2 Evidence may only be gathered for pertinent facts to the case.

### **Article 43 Evaluation of evidence**

- 1 The concerned authority is free in its appraisal of the evidence obtained. It will admit the means of evidence proposed by a party if it appears to the authority as being apt to clarify the facts of the case.
- 2 The authority will draw up a written report summarizing the administration of the evidence.

### **Article 44 Presence of the parties and consultation of the documents**

The parties have the right to be present during the administration of the evidence and to examine all the documents pertaining to it.

### **Article 45 Obligation to collaborate in the administration of evidence**

- 1 Only persons subject to the AIBA Statutes are obliged to testify truthfully, to act as an expert, to give documents including audio or video evidence and to permit direct observation or give other types of evidence. Those persons who are bound by professional secrecy (unless freed from their obligation), as well as those related to the party by marriage, by descent or ascent parenthood, or by collateral parenthood up to and including the 3rd degree, are not obliged to collaborate in the administration of evidence.
- 2 If a party refuses to collaborate with the administration of evidence, the authority will appreciate this according to the prevailing circumstances and rule based on the proof in its possession. If the party who refuses is the plaintiff, the authority may decide to reject the claims.
- 3 Any party in violation of the obligation to collaborate may be denounced to the Disciplinary Commission by the authority.

### **Article 46 Interrogation of the parties**

The concerned authority will solemnly exhort the parties to tell the truth.

### **Article 47 Hearing of witnesses**

- 1 Once the concerned authority has verified the identity of the witnesses, the witnesses shall be required to tell the truth. The authority shall remind those who are subject to the AIBA Statutes of the penalties which are incurred for false testimony.

- 2 The concerned authority will interrogate the witnesses. The parties are then allowed to ask questions, the authority intervening if the questions are not admissible.

## **Article 48            Expert appraisals**

- 1 Whenever specialized knowledge is necessary for the determination or the appreciation of the facts of the case, the authority may call in an expert.
- 2 The authority designates the expert and draws up a list of questions to which the expert is to reply once the parties have been consulted. The expert communicates a written report to the authority within the time allotted by the authority.
- 3 The authority may, on its own initiative or on a party's request:
  - ask the expert additional questions;
  - assign the expert to appear at the hearing;
  - demand a new expert appraisal if the report is incomplete, unclear or contradictory.
- 4 The rules concerning the withdrawal, challenge and revocation of members of the authority apply to the expert by analogy.

## **Article 49            Television and video images**

In disciplinary matters, television and video images may be taken into consideration whether they are favorable or unfavorable to the person concerned.

## **Article 50            Closing of the constitution of the facts**

At the end of the administration of the evidence, the concerned authority shall close the proceedings.

## ***H. Judgment***

### **Article 51            Pleadings**

- 1 The Chairman of the authority called upon to rule may, either on his initiative or upon request, demand that the case be pleaded. The parties are to appear before the authority for a hearing during which they give their final oral pleadings.
- 2 If more than one party is present, the Chairman allows each party two turns in pleading. The defending party or the accused is to speak last.
- 3 The Chairman may request the parties to submit a final written pleading without holding a hearing.

## **Article 52                    Deliberations**

- 1     The parties shall not be present while the authority deliberates.
- 2     The authority that decides to rule on the case at the end of a hearing may do so by orally communicating the order of the decision to the parties along with a summary motivation. The reasoned decision shall be communicated to the parties within a reasonable time period considering the complexity of the case.  
If the authority decides to defer its decision, the authority may first notify the parties of the order of the decision and shall communicate the reasoned decision to the parties within a reasonable time period considering the complexity of the case.  
In any case the prescriptive period for the appeal shall only start upon the communication of the written and reasoned decision.

## **Article 53                    Form, contents and notification of decisions**

- 1     The decision is notified in writing to the parties. It must be signed by the Chairman of the authority that ruled and must contain the following:
  - a)    the date and the place of the ruling;
  - b)    the names of the members of the authority, if present the court clerk or secretary of the authority, of the parties and if present their counsel;
  - c)    the conclusions and briefly explained the allegations, the means of proof and the standpoints of the parties if they are not clear from the documents of the case;
  - d)    the points retained in fact and in law, in particular the articles of law that apply to the case;
  - e)    the decision itself;
  - f)    indications on how to appeal the decision.
- 2     The decision is also notified to the AIBA HQs Office as well as, where applicable, to the authority which rendered the previous decision.

### ***I.    Costs and Fees of Counsel***

## **Article 54                    Costs, advance payments**

- 1     The concerned authority collects the necessary amount to pay for the cost of the proceedings which includes the cost of the decision and all other expenses according to the table drawn up by the AIBA Executive Committee.
- 2     The Chairman of the authority called upon to rule will request the parties or the plaintiff, as the case may be, to pay in advance the costs of the procedure. Such a payment may become a condition in order to proceed with the administration of evidence requested by one of the parties.
- 3     The Chairman fixes an appropriate deadline for the parties or the plaintiff, as the case may be, to pay the amount requested. If the party has not paid by the end of the deadline, another deadline is given to the party accompanied by a warning that if the amount is not paid, that party's conclusions will be rejected without further process, or the acts requested by the party will be abandoned.
- 4     If the postal or banking order has been sent before midnight on the day of the deadline, the payment is considered to have met the deadline. The onus of evidence lies with the party or the appellant concerned.

## **Article 55            Allocation of costs**

- 1    In principle, the authority declares that the party losing the case must pay for the costs of the proceedings. The authority may forego costs or divide them differently if justified in doing so, in particular if the party who wins the case has abusively prolonged the proceedings or incurred unnecessary expenses.
- 2    If no party loses, AIBA shall bear the costs of the proceedings.

## **Article 56            Fees of counsel**

No fees for counsel are awarded. Therefore, the party losing the case does not pay any of the fees of counsel of the party that has won the case.

## **J.    *Reconsideration, Interpretation and Rectification***

### **Article 57            Reconsideration**

- 1    The concerned authority proceeds with the reconsideration of its decision, either on its own initiative or upon request of one of the parties, when new important facts arise or if new evidence is discovered, unless they could have been brought forward during the proceedings leading to the decision or could have been introduced by means of appeal.
- 2    The request must be made to the authority within 30 days of the discovery of the need to have the decision reconsidered.
- 3    The decision made may be appealed against in the same way as the other decisions.

### **Article 58            Interpretation or rectification**

- 1    If a decision is unclear or ambiguous or if it contradicts the elements of the case or with the motivation of the decision, or if it contains editing mistakes or errors of calculation, the concerned authority will interpret or rectify the decision on its own initiative or upon a written request made by one of the parties.
- 2    Whether made spontaneously or on request, the interpretation or rectification procedure does not modify the appeal deadline.

## **CHAPTER III        APPEAL PROCEDURE**

### **Article 59            Decisions subject to appeal**

Only final decisions are subject to appeal. Provisional or interim decisions made by the concerned authority during the course of the procedure cannot be appealed against.

### **Article 60            Qualification to appeal**

- 1    Any person subject to the AIBA Statutes, who is affected by the decision and who has an interest in the case worthy of protection that the decision be quashed or modified, is qualified to make an appeal.

- 2 If the case concerns a person against whom a disciplinary measure has been taken, his/her employer, be it a club or Federation, cannot appeal a decision if that person has already renounced to doing so.

## **Article 61 Reason to appeal**

An appeal may be made for:

- a) breach of law, including excess or misuse of the power of appreciation;
- b) breach of statutory dispositions or of the Bylaws or regulations;
- c) inexact or incomplete appreciation of pertinent facts, if the correction of such an error is liable to affect the decision appealed against.

## **Article 62 Declaration of appeal**

- 1 The party deciding to appeal must send a declaration of appeal to the authority of appeal (Executive Committee of AIBA) within 3 days of receiving notification of the decision to be appealed against or the appeal will be directly rejected without further process. The appellant must, within the same deadline, pay an advance charge of CHF 500.-- to the AIBA HQs Office.
- 2 The declaration of appeal must contain the mandatory following items:
  - a) the decision appealed against and the names of the opposing parties;
  - b) the conclusions;
  - c) the proof of payment of the advance charge specified above.
- 3 A declaration of appeal is not necessary if the party sends a fully motivated submission to the authority of appeal within the deadline indicated for the declaration.
- 4 The advance charge for costs of the court is kept by AIBA if the appellant does not confirm the appeal or withdraws it.

## **Article 63 Submission in appeal**

- 1 The submission in appeal must contain an explanation of the facts pertinent to the case, be briefly motivated in law, put forward conclusions as to what is requested in the appeal, indicate the evidence, and be signed.
- 2 If the submission does not meet with these requirements but appears to be acceptable, the authority of appeal shall fix a short deadline for the appellant to correct it while indicating that a submission still failing to meet the requirements after that time will not be taken into consideration.
- 3 The appellant may present any new facts or evidence in the case. However, new conclusions will be rejected.

## **Article 64 Suspensive effect**

- 1 An appeal automatically has the effect of suspending the decision appealed against.
- 2 In the presence of an overriding interest, the deciding authority shall indicate in its decision, or as the case may be, the authority of appeal shall indicate after having received the submission of appeal, that the suspensive effect shall be withdrawn.

- 3 The authority of appeal or its Chairman may restore this effect if it has been withdrawn by the previous authority. The request for the restitution of this effect must be decided upon immediately.

## **Article 65**            **Passing of powers**

The power to handle the case passes to the authority of appeal the moment the appeal is lodged.

## **Article 66**            **Communication of the appeal**

- 1 The authority of appeal communicates the submission of appeal to the previous authority and to the other parties of the case.
- 2 The previous authority and the other parties have 10 days to formulate their eventual observations. During this time, the previous authority has the power to reconsider its decision.

## **Article 67**            **Power of the authority of appeal**

The authority of appeal is not bound by the motives invoked in the submission of appeal.

## **Article 68**            **Reformatio in peius**

The authority of appeal may not set aside the conclusions of the appellant and modify the decision appealed against to his or her detriment unless the appellant has been informed and has been given a deadline to either state his or her standpoint or to withdraw the appeal.

## **Article 69**            **Decision on appeal**

- 1 Normally, the authority of appeal rules itself without returning the case to the previous authority.
- 2 The decision is normally rendered within 20 days of having received the submission of appeal.

## **Article 70**            **Court of Arbitration for Sport (CAS)**

- 1 Once all the internal channels have been exhausted, the decisions of the judicial authorities of AIBA are subject to an appeal to the Court of Arbitration for Sport (CAS), the headquarters of which are in Lausanne (Switzerland), except for the cases dealing with:
  - the breach of sporting rules;
  - suspension of less than or equal to three months and fines less than or equal to CHF 5000.--, except in doping cases;
  - decisions against which an appeal to an ordinary court of the country is mandatory in the country in which AIBA, its Confederations or Members are seated.
- 2 The provisions of the CAS Code of Sports-Related Arbitration shall apply to the appeal proceedings. The CAS shall primarily apply the AIBA Statutes, Bylaws and regulations and subsidiarily Swiss law.

- 3 The appeal does not have a suspensive effect, except if the case concerns the payment of a sum of money. However, the judicial authorities of AIBA or the CAS may grant such an effect.

## **CHAPTER IV FINAL DISPOSITIONS**

### **Article 71 Exclusion of responsibility**

The members of the judicial authorities of AIBA cannot be held personally liable to the parties on any procedure; intentional harm or grave error being reserved.

### **Article 72 Divergence in texts**

These Rules are written in English and French. In case of divergences between the two versions, the English text shall prevail (Art. 5.3 of the AIBA Statutes).

### **Article 73 Transitory provision**

These Procedural Rules are to be applied to all the procedures introduced after its coming into force.

### **Article 74 Measures in execution**

The AIBA Executive Committee shall take all necessary steps to ensure the application of these Rules.

### **Article 75 Adoption and Coming into force**

The present Rules were adopted by the Executive Committee on January 29, 2010 in Xiamen, China, who fixed the date for its coming into force on January 29, 2010.

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## **PROCEDURE COSTS**

The authority collects the necessary amount to pay for the procedure costs which is of:

- CHF 1'000.-- if the case is heard by the Chairman of the Disciplinary Commission as a sole judge
- CHF 2'000 to CHF 5'000.-- if the case is heard by the Disciplinary Commission or the Appeal Authority (Executive Committee of AIBA)

These procedure costs were provisionally adopted by the AIBA Executive Committee on August 18, 2008 in Beijing and were ratified by the AIBA Executive Committee on November 17, 2008 in Geneva.