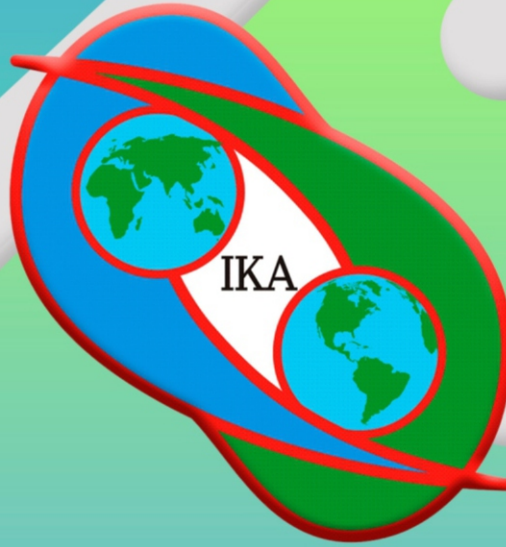




# INTERNATIONAL KURASH ASSOCIATION

## **IKA** Ethics and Disciplinary code



[www.kurash-ika.org](http://www.kurash-ika.org)

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## **PREAMBLE**

With specific references to Article 34.6 of the Statutes of the International Kurash Association (IKA) enacts the following Ethics and Disciplinary Committee, by-laws, called the IKA Ethics and Disciplinary Code.

Unless otherwise specifically stated in these IKA Ethics and Disciplinary Code, defined terms shall have the meaning ascribed to them in the IKA Statutes.

## **SECTION 1 – GENERAL PRINCIPLES**

### **Article 1 – Scope of application (natural and legal persons)**

These Regulations shall apply to the IKA Affiliated Members, the Associated Members, the members of the Affiliated and Associated Members, the holders of an IKA license, including without limitation to the athlete, and to all officials of the Affiliated and Associated Members, including but not limited to leaders, officials, coaches, and referees.

These IKA Ethics and Disciplinary code shall also apply to all members of the IKA Commissions to any other official of the Federation.

These IKA Ethics and Disciplinary code shall also apply to Organizers of events sanctioned by IKA or where the event is not being conducted in accordance to the Rules and Regulations by IKA (EOR).

### **Article 2 – Scope of application (substantive law)**

These IKA Ethics and Disciplinary code shall apply in the event of a breach of regulations of the Federation unless the application of another procedure is specifically provided for.

These IKA Ethics and Disciplinary code shall notably apply to anti-doping matters, which are governed by the Anti-Doping Regulations.

## **SECTION 2– DISCIPLINARY MEASURES AND SANCTIONS**

### **Article 3 – General Obligations**

Without prejudice to violations specifically set forth in these IKA Ethics and Disciplinary code or in other regulations of the Federation, persons or entities subject to these Regulations (art.1) shall have the obligation to:

- comply with all their obligations deriving from the statutes and/or from any other Regulations of the Federation, as well as from directives and decisions issued by the Federation based on the Statutes and regulations;
- comply with the fundamental principles of integrity and fair play;
- avoid any act, behaviour or declaration, which may harm the reputation and interests of the Federation.

Any violation of the above obligations may be sanctioned in the application of these IKA Ethics and Disciplinary code.

#### **Article 4 – Sanctions applicable in case of act, behavior or declaration against the reputation and interests of the International Kurash Association (IKA)**

Acts, behavior or declarations which may harm the reputation of the Federation, its bodies or officers and employees shall be sanctioned as follows:

- Warming;
- Reprimand;
- Suspension from IKA meetings, programs and/or competitions for a period from 6 month to 2 years with the possibility of an additional fine of 500 USD to 2000 USD;
- Suspension from the IKA for a period from 6 months to 2 years, plus a fine of 2000 USD to 5000 USD.

#### **Article 5 – Relationship with suspended Members**

Any Affiliated or Associated Member of the IKA which maintains a sport relationship with a suspended or Associated Member of the IKA shall be sanctioned as follows:

- Warming;
- Reprimand;
- Fine, from 1000 USD to 2500 USD;
- Suspension, from 6 months to 2 years;

#### **Article 6 – Sanctions against the Affiliated Members, the Associated Members and their bodies and members, and the Organizers of Federation-controlled events.**

##### **6.1. Sanctions**

The following sanctions are applicable in case of violations of their obligations by the Affiliated Members, the Associated Members, and their respective bodies and members, and the Organizers of IKA-controlled events and seminars, including events or seminars within the IKA calendar, subject to specific sanctions being provided in these Regulations or in any other applicable regulations:

- Warming;
- Reprimand;
- Fine, up to 5000 USD;
- Suspension, from 6 months to 2 years;
- Prohibition to organize international events for a certain period of time;
- Prohibition to participate in international events for a certain period of time;
- Exclusion from the Federation.

##### **6.2. Specific violations and sanctions**

- a) Omission to declare events

Omission (i) to announce to the IKA the Organization of an international event or of a competition involving more than 2 nations, which is to be held under the control of the IKA, not to the result of the competitions to IKA or Continental Body.

b) Infringement of a suspension period

Participation in an international event held under the control of the IKA during a suspension period is subject to an extension of such suspension period, which may be up to the initial period of suspension and in addition to a fine of a minimum of 500 USD and a maximum of 2000 USD.

c) Withdrawal from a competition

Non-participation in a competition while conditions set out in Article 26 of the Regulations for Championships and International Competitions are met, is subject to suspension from all international events held under the control of the IKA for a period from 6 months up to 2 years and a fine of minimum 500 USD and maximum 2000 USD.

In addition, and if applicable, the infringer shall be condemned to pay an amount related to the accommodation fee payable per participant entered in the nominative list.

d) Withdrawal of a team

Any national team that withdraws from an event in an inopportune way shall be subject to a suspension from participation in international events for a period from 6 months to a maximum of 2 years. In addition, the Member from which such national team originates shall be condemned to indemnify the organization for all expenses incurred in respect of the expected participation of such national team.

e) Cancellation of a World Championship, a World Cup, a Continental Cup, or an event which is in the IKA Calendar.

If the Organizer of such event cancels without legitimate reason a World Championship, a Continental Championship, World Cup, Continental Cup, or an event which is in the IKA Calendar, less than 3 months before the beginning of the competition, or if the Member does not comply with the requirements decided by the IKA for the organization of such competitions, the Member shall be subject to a fine of minimum 5000 USD and maximum 10000 USD excluding the penalties imposed by the HCA if any exchanged between the concerned parties. In addition, it shall be subject to a suspension from the organization of international competitions for a period of 6 months to 2 years.

If the Organizer does not comply with the IKA standards applicable to the organization of World Championships, Continental Championships, World Cups, Continental Cups or an event which is in the IKA Calendar, then the Organizer shall be subject to the sanctions and penalties outlines in the HCA and/or IKA EOR. In addition, it shall be subject to a suspension from the organization of international competitions for a period of 3 months to 1 year.

f) Cancellation of a tournament registered with the IKA Calendar

If a member without legitimate reason, cancels or changes the date of a competition registered with the IKA Calendar and published in the IKA website, a World Championship, a Continental Championship, a World Cup or a Continental Cup, then such Member shall be subject to a fine of minimum 2500 USD and maximum 5000 USD and be subject to a suspension for a period of 3 months to 1 year.

g) Misrepresentation on the age or the nationality of the athletes

Misrepresentation of the age or the nationality of an athlete is subject to a suspension for a period of 2 months to 2 years and a fine of 500 USD.

h) Failure to provide plane tickets

If the Organizer of an event fails to provide plane tickets in due time to the appointed referee and to the instructor (if applicable), except when mutually agreed between the concerned person and the organizer, then such Organizer shall be sanctioned by a fine of 1000 USD.

i) Absence of referees

Any Organizer which fails to comply with the table (IF) out in the Regulations for Organizing Championships and International Competitions with regard to the number of referees who must accompany their participating national delegations is subject to a fine of 200 USD per missing referee.

j) Participation of a individual

Any Member which permits the participation in an international event held under the control of the IKA of one of its members (player, referee, coach, leader) who is in a period of suspension decided by the competent body of the IKA is subject to a prohibition of participation in any international event held under the control of the IKA or Continental Body for a period of 6 month to 2 years and to a fine of 1000 USD. In addition, the Member may be subject to suspension for a period of 6 month to 2 years. (Including people sanctioned by WADA).

k) Harassment and abuse

Any incident of harassment and abuse by any person as listed in article 1 from the official day of arrival until the official day of departure of an IKA sanctioned event will be subject to a suspension from international competitions under the control of the IKA, from 6 months to 2 years and subject to a fine of up to 3000 USD

## **Article 7 – Sanctions against officials and coaches**

### **7.1. Sanctions**

The following sanctions are applicable in case of violations of their obligations by officials and coaches, subject to specific sanctions being provided in these Regulations or in any other applicable regulations:

- Warming;
- Reprimand;
- Fine up to 500 USD
- Suspension, from 6 months to 2 years;
- Prohibition to represent his/her national federation during events under the control of the IKA, from 6 months to 2 years;
- Exclusion from events held under the control of the IKA for life.

### **7.2. Specific violations and sanctions**

a) Indiscipline

Any official or coach who leaves inopportunistically an event held under the control of the IKA or Continental Association without legitimate reason shall be subject to a suspension for a period of 6 months to 2 years.

Any official or coach who incites a player to leave the victory to his/her opponent is subject to suspension from accreditation at events under the control of the IKA for a period of 6 months to 2 years. Should such infringement be revealed during an event held under the control of the IKA or Continental Association, the infringer shall be immediately excluded from such event.

b) Impropriety and assault

Any official or coach found guilty of impropriety and/or assault (verbal and/or physical) to refuse any organizing Committee to suspension from accreditation at events under the control of the Federation for a period of 6 months to 2 years and shall be subject to a fine of 1000 USD.

c) Refusal to testify as witness-false testimony

Any official or coach called to take part in disciplinary proceedings as a witness and who refuses to testify or makes a false testimony shall be subject to suspension from accreditation at events under the control of the Federation for a period of 1 month to 2 years.

## **Article 8 – Violations and sanctions against referees**

### **8.1. Sanctions (in general)**

The following sanctions are applicable in case of violations of their obligations by referees, subject to specific sanctions being provided in these Regulations or in any other applicable regulations:

- Verbal reprimand;
- Written reprimand;
- Official warning;
- Suspension throughout the competition;
- Downgrading (International Refereeing License);
- Suspension from international events held under the control of the Federation, from 6 months to 2 years;
- Exclusion from the list of international referees.

### **8.2. Specific violation and sanctions**

a) In general

Articles 7.2 a) “indiscipline”, 7.2 b) “Impropriety and assault” and 7.2 c) “Refusal to testify as witness-false testimony” are applicable to referees.

b) Partiality

Any referee found guilty of partiality or injustice shall be subject to suspension or exclusion for life from the list of international referees.

## **Article 9 – Violations and sanctions against the athlete**

## 9.1. Sanctions (general)

The following sanctions are applicable in case of violations of their obligations by athletes, subject to specific sanctions being provided in these Regulations or in any other applicable regulations:

- Warming;
- Reprimand;
- Fine, up to 2000 USD
- Disqualification from the competition;
- Suspension for a period of time between 1 month and 2 years;
- Disqualification of any event held under the control of the IKA for life.

## 9.2. Specific violation and sanctions

### a) Indiscipline

Any athlete who refuses without legitimate reason to compete in one or several match(es) of a competition shall be disqualified from the entire competition. The concerned athlete shall be subject to suspension from international competitions held under the control of the IKA or an affiliated or associated member from 6 months to 2 years.

Any athlete showing characterised indiscipline and who abandons competitions in an inopportune way or refuses to leave the gilam shall be subject to suspension from international competitions held under the control of the IKA from 1 month to 2 years.

### b) Impropriety

Any sports impropriety during a match, such as insult, inappropriate gesture, opposition to referees' decisions, opposition to the requirements of ITO'S, provocation and any act contrary to the propriety of the sport of kurash is subject to sanctions as follows:

- Disqualification from the fight during which the infringement takes place: this decision is issued by the referring body;
- Disqualification for the duration of the competition during which the infringement takes place: this decision is issued by the refereeing body, remove of accreditation; remove from hall;
- Prohibition to take part in international competitions held under the control of the Federation from 1 month to 2 years.

### c) Infringement of the athletes' rules

Any athlete who leaves the gilam without permission of referee to his/her opponent shall be subject to suspension from international competitions held under the control of the IKA from 1 month to 2 years.

Any athletes who attack, strikes or internationally wounds his/her opponent shall be disqualified from the competition instantly cancel accreditation and shall be subject to suspension from international competitions held under the control of the IKA from 1 month to 3 years. Exclusion for life can be pronounced in case of serious injury caused voluntarily.

### d) Assault

Any athlete who assault (verbally and/or physically) his/her opponent, a member of other teams or any other member of the IKA in the competition venue or in its surroundings shall be subject to suspension from international competitions held under the control of the IKA from 1 month to 2 years and is further subject to a fine of 500 USD to 3000 USD. Exclusion for life can be pronounced in the assault has caused serious injuries.

Any athlete who assault (verbally and/or physically) a referee, a judge or competition official, inside or outside the competition venue, shall be subject to suspension from international competitions held under the control of the IKA from 1 month to 3 years and is further subject to a fine of 500 USD to 2000 USD. Exclusion for life can be pronounced depending on the gravity of the assault.

Any athlete who vandalizes the competition venue or its surroundings (including the accommodation venue) shall be subject to suspension from international competitions held under the control of the IKA, from 1 month to 2 years and is further subject to a fine of 500 USD to 1000 USD.

e) Participation to non-authorised competitions

Any athlete who participates in kurash competitions, which are not authorised by the competent National Federation or by the IKA shall be subject to a suspension from international competitions under the control of the IKA, from 1 month to 2 years and subject to a fine of up to 1000 USD.

f) Participation in case of suspension

Any athlete subject to a suspension who nevertheless participates in an international event held under the control of the IKA shall be subject to a new suspension of a duration at least equal to the suspension already issued. Such new suspension shall take effect after the initial suspension has been served.

g) False testimony

Any athlete appearing as a witness in proceedings of the IKA and who gives a false testimony, shall be subject to suspension from international competitions held under the control of the Federation from 1 month to 2 years.

h) Misrepresentation on the age or the nationality

Any athlete misrepresenting his/her age or his/her nationality is subject to a suspension from international competitions held under the control of the Federation for a period of 1 month to 2 years.

### **SECTION 3– DISCIPLINARY MEASURES AND SANCTIONS**

#### **Article 10 – Sanctionable infringements**

Unless otherwise specified, sanctions are applicable regardless of whether infringements have been committed intentionally or negligently.

#### **Article 11 – Acts amounting to attempt**

Acts amounting to attempts are also subject to sanctions.

The sanction(s) applicable to the corresponding infringement may be reduced at the discretion of the decision-making body.

#### **Article 12 – Participation**

Anyone who participates to an infringement, either as instigator or accomplice, is subject to sanctions.

The sanction(s) set forth for the corresponding infringement is (are) applicable. They may be reduced at the discretion of the disciplinary body depending notably on the degree of involvement.

#### **Article 13 – Determination of the sanction**

The disciplinary body shall determine the type and duration of the sanction based on the seriousness of such infringement and the degree of fault.

The disciplinary body may take into consideration aggravating and mitigating circumstances.

#### **Article 14 – Statue of limitation**

Any infringement may no longer be prosecuted after 4 years.

The limitation period starts from the day on which the infringement is allegedly committed or, if the alleged infringement lasts for a certain period of time, from the last day of such period.

An infringement may be prosecuted and sanctioned provided disciplinary proceedings are initiated before the expiration of the limitation period, irrespective of the duration of the proceedings thereafter.

### **SECTION 4– ORGANIZATION AND PROCEDURAL RULES**

#### **Article 15 – Ethics and Disciplinary Committee**

The chamber is composed of 5 members, appointed by the Ethics and Disciplinary Committee upon proposal from the President.

The Ethics and Disciplinary Committee Chairman and 5 members.

The members of the Ethics and Disciplinary Committee shall meet the following requirements:

- They shall be members of the Legal Commission of the Federation;
- They shall speak fluently English or one of the IKA official languages;

The members of the Ethics and Disciplinary Committee are appointed for a period of 4 years.

The Chairman may decide to hold any hearings at any other place.

The members of the Ethics and Disciplinary Committee have the right to be reimbursed for their travel, hotel and daily representation expenses resulting from their activities for the IKA. The IKA shall set out the conditions of such reimbursement in specific regulations, which shall be borne by the IKA.

If a matter requires the assistance of experts or external counsels, such may be appointed by the Ethics and Disciplinary Committee upon proposal of its Chairman. A proposal to appoint experts or external counsels and the corresponding budget shall be subject to the approval of the IKA Directing Committee.

#### **Article 16 – Commencement of proceedings**

Potential violations shall be reported to the IKA Secretary General who shall collect the available information and promptly refer the matter to the Chairman of the Ethics and Disciplinary Committee. The latter shall decide whether disciplinary proceedings have to be initiated. The Chairman of the Ethics and Disciplinary Committee may request the IKA Secretary General to assist in collecting more information.

The Chairman of the Ethics and Disciplinary Committee may also commence proceedings ex-officio or upon a complaint of an infringement brought directly to his/her attention. In such case, the IKA Secretary General shall be informed.

The Chairman of the Ethics and Disciplinary Committee may decide not to open proceedings when the circumstance show that the complaint is obviously unfounded. This decision must be summarily motivated.

#### **Article 17 – Sole member or composition of panel**

For each disciplinary proceeding, the Chairman of the Ethics and Disciplinary Committee shall decide whether the matter shall be handled by a panel of three or five members, with a Chairman.

In each case, the sole member or the panel members and the panel chairman are appointed by the Chairman of the Ethics and Disciplinary Committee, who may him- or herself act as sole member or chairman of the panel.

Any appointed member of the panel shall recuse him/herself or be recused by the Chairman of the Ethics and Disciplinary Committee if or she is not independent from the concerned party(ies). Members of the panel shall disclose any circumstance, which may reasonably put their independence in question. These include, without limitation, personal or financial relationships with the parties against which the proceedings are directed.

If a party concerned by the proceedings challenges the independence of a sole arbitrator or of a member of a panel, the matter shall be decided by the Chairman of the Ethics and Disciplinary Committee, or, if he or she is concerned by the challenge, the Vice-President or a member of the Ethics and Disciplinary Committee designated for this purpose by the Ethics and Disciplinary Committee and who is not on the panel.

The decision on such a challenge is final and not subject to any independent appeal.

#### **Article 18 – General rules of procedure**

##### **18.1. Conduct of the case**

The sole member or the chairman of the panel shall conduct the proceedings and order all necessary instruction measures. The chairman of the panel may delegate the implementation of instruction of a case or part thereof to another member of the panel.

##### **18.2. Provisional measures**

The sole member or the chairman of the panel may order any necessary or adequate provisional measures given the circumstances. If required by the urgency and prior or in parallel to the appointment process, the provisional measures may be ordered by the Chairman of the Chamber

If required by the urgency, the decision may be issued without hearing the concerned party. In this case, the concerned party may however apply for reconsideration within 5 days, in which case the issuing

authority either reconfirms the provisional measure or lifts it. Subject to an application for reconsideration, decisions issuing or reconfirming provisional measures are final and not subject to any challenge.

If the provisional measure consists in a provisional suspension, the duration of such provisional suspension shall be deducted from a suspension, which may be issued as part of the decision on the merits.

### **18.3. Procedural rights**

The right to be heard of the parties shall be preserved. This right includes, without limitation, the right to be represented, the right to provide and present relevant evidence and to obtain a reasoned decision.

The proceedings may include a hearing but may also be conducted in writing, as decided by the Sole Member or the Chairman of the Panel, as the case may be. There is no right to an oral hearing.

### **18.4. Notification**

The parties shall be notified of any procedure opened against them, by any mean which the sole member or the chairman of the panel deems appropriate.

In case a procedure is opened against an individual (officials, coaches, referees and/or athletes), notification will be performed through his/her national federation. The national federation shall be in charge of contacts with the concerned individual (s).

An individual notified through his/her national federation is deemed to have been notified personally with such notification.

The notification shall inform the parties of their rights regarding the ongoing procedure, notably their right to be heard. The sole member or the chairman of the panel shall set the parties an appropriate deadline to exercise such rights. If the parties fail to exercise their rights before the deadline, they will be deemed to have waived such rights and the procedure will proceed.

### **18.5. Submissions**

The submissions of the parties shall present pertinent factual circumstances, legal arguments, the evidence proposed and their conclusions.

### **18.6. Deliberations and decisions**

Deliberations shall be and remain confidential.

Decisions within the panel are by majority.

The decision is notified in writing to the parties. The decision is signed by the sole member or by the chairman of the panel.

The decision shall be summarily motivated. The operative part of the decision may be notified first without grounds.

#### **18.7. Costs**

The decision may include a contribution towards the costs of the proceedings to be borne by the concerned party.

Subject to the issue of cost regulations, the amount of such contribution shall be determined by the sole member or the panel taking into account without limitation the outcome of the proceedings and the procedural behavior.

The Parties shall in any event bear the costs of their own counsels and experts.

#### **18.8. Immediate application**

Unless otherwise decided by the sole member or the panel, the decision shall become immediately applicable. An appeal has no suspensive effect subject to a decision of the appeal body.

#### **18.9. Amnesties, remission of sanction**

The Directly Committee of the IKA may at its entire discretion grant amnesties from or remissions, partial or total, of sanctions (already issued sanctions or potential sanctions based on proceedings in course or impending).

Subject to an application of the party concerned, the President of the IKA may also issue grant partial remission of an issued sanction. At least half of the sanction must be served, or in case of exclusion, such exclusion must be in force for at least five years.

Grant or refusal of amnesties or remissions are decided at the entire discretion of the Directing Committee or of the President of the IKA. Such decisions are not subject to any appeal nor recourse.

### **Articles 19 - Complaint procedure**

#### **19.1. Decisions subject to complaint**

The decisions rendered by a sole member or by a panel of 3 or 5 members are subject to complaint. Provisional decisions are not subject to complaint.

The complaint procedure aims at the reconsideration of the decision.

Only parties to the initial proceedings are entitled to file a complaint against the decision.

#### **19.2. Complaint**

A declaration of complaint must be addressed to the Chairman of the Ethics and Disciplinary Committee within 21 days following the receipt of the concerned decision. Within the same deadline, the party filing the complaint shall pay a complaint fee of 200 USD.

The declaration of complaint must be dated and signed and shall provide the arguments for the complaint as well as the conclusions. A copy of the decision shall be attached to the declaration of complaint, as well as the proof of payment of the complaint fee.

Whenever a complaint is filed the Chairman of the Ethics and Disciplinary Committee shall appoint a panel of 3 or 5 members of the Chamber to hear the complaint. The Chairman of the Chamber appoints the chairman of the panel. The sole member who issued the challenged decision may not be a member of the panel hearing the complaint.

#### **SECTION 5- APPEAL TO THE COURT OF ARBITRATION FOR SPORT**

To the extent appealable, decisions (if applicable complaint decisions) issued in application of the above provisions may be submitted exclusively 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.

The time limit for appeal is twenty-one (21) days from the notification of the concerned decision (motivated decision).

No appeal before CAS or any other jurisdiction shall be accepted against a decision rendered by the refereeing body of a bout.

#### **SECTION 6- DISPUTE RESOLUTION**

##### **Article 20 - Mediation**

Provided all concerned parties agree, Affiliated and Associated Members, as well as any member of a body of the IKA may request the services of the members of the Ethics and Disciplinary Committee to act as mediators in a dispute.

The following disputes may be subject to the mediation by members of the Ethics and Disciplinary Committee:

- Disputes between Affiliated and/or Associated Members;
- Disputes between members of the bodies of the IKA;

A party wishing to institute mediation proceedings shall file a request in writing to the Chairman of the Ethics and Disciplinary Committee. The request shall contain the identity of the parties and a brief description of the dispute.

Unless the parties agree to appoint a specific member of the Ethics and Disciplinary Committee as mediator, the Chairman of the Chamber shall appoint one member among the 5 members of the Chamber to act as mediator. Prior to confirm the appointment of the mediator, the Chairman shall consult the parties in respect of any objection they may have.

The mediator shall be and must remain independent of the parties and impartial.

The parties shall agree to a cost regulation proposed by the mediator at the beginning of the mediation. If no such agreement can be reached forthwith, the mediator shall terminate the mediation.