



# **Disciplinary Code**

**Disciplinary Commission of First Instance**

**Disciplinary Appeal Commission**

**Functioning regulation**

**Version: 22/08/2019**



# International Judo Federation

## IJF STATUTES: ANNEXE 1:

### IJF DISCIPLINARY CODE

The present Code established in conformity with the provisions of Articles 30, 31 and 32 of the IJF Statutes, was adopted on.... by the IJF Executive Committee (EC) of...

The IJF disciplinary bodies have the authority to investigate any fact or incident contrary to the judo moral code, to the principle of mutuality, to the IJF Statutes and regulations or that is likely to be the subject of penal action in the country of origin of the accused person and attributable to IJF individuals or legal entities, of its members and members affiliated to them.

Anything contrary to the moral, ethical, deontological or sporting spirit of judo, affecting its image and reputation and the failure to comply with the rules defined by the Association of Summer Olympic International Federations (ASOIF) and the International Organizing Committee (IOC) in terms of **sports betting** are subject to sanction by the IJF disciplinary bodies.

The present code does not apply to the exercise of the disciplinary authority in terms of anti-doping.

## Section I

### PROVISIONS REGARDING THE DISCIPLINARY BODY OF IJF

#### ■ Article 1 Preamble

In accordance with the IJF Statutes, a disciplinary body is established by the IJF, The IJF Disciplinary Commission, ruling in first instance, which has the authority to discipline members of the IJF and its affiliates. It covers any fact or incident that occurs during IJF judo activities or related events. In the case of incontestable gross misconduct, the IJF President, in consultation with the General Secretary, may take provisional precautionary measures before the deliberation of any disciplinary body.

The same Disciplinary body will form the Disciplinary Appeal Commission for the cases judged in First Instance by Continental Unions or Member National Federations.

The appeal is suspensive unless otherwise decided by the disciplinary body of First Instance, duly motivated.

The Appeal Commission will come to a decision on the basis of the submitted argument.

*ALL APPEAL REQUESTS TO CONTINENTAL UNIONS THAT ONLY HAVE DISCIPLINARY BODIES OF FIRST INSTANCE WILL BE DEALT WITH BY THE IJF OR COURT OF ARBITRATION FOR SPORTS.*

The decision of the IJF Disciplinary Commission is subject to appeal by the person concerned or the IJF Executive Committee with the Court of Arbitration for Sport (CAS).

*Bylaw 1 a: In the case that the appeal does not emanate from the accused person, the disciplinary appeal body informs him /her immediately and indicates the deadline for submitting his/her observations. The IJF Executive Committee, if it does not agree with the decision, has the right to appeal.*



## ■ Article 2 Composition

The IJF Disciplinary Commission is comprised of three to five members, including a session Chair and Vice Chair; at least one of the members must have legal expertise. The IJF President shall designate for each session three (3) to five (5) members from a list of judges proposed by the Member Federations and approved by the IJF Executive Committee.

The Commission can validly debate while at least 3 members are present.

The members of the Disciplinary Commission must be independent and cannot be members of the IJF Executive Committee. The members cannot be indemnified or paid by the IJF, but their expenses will be reimbursed in accordance with financial regulation.

*Byelaw 2-a: In the case of the absence or definitive exclusion of the President of the IJF Disciplinary Commission of First Instance, the presidency is assumed by the Vice-President or, in his absence, by its oldest member. In the case of the definitive exclusion of a member of the list, a new member is appointed under the same conditions as his (her) predecessor for the remaining period of the mandate.*

## ■ Article 3 Admissibility of complaints and initiation of the procedure

The IJF members can ask the IJF Executive Committee to make use of the IJF Disciplinary bodies for any fact or incident that occurs during the judo activities of the national federations or the continental unions. Only the IJF Executive committee, represented by the IJF President, can decide on the initiation of the disciplinary procedure.

At the initiation of the procedure, the IJF General Secretary informs the person concerned and, if appropriate, the persons with parental/guardian responsibility and the legal representative that a disciplinary procedure is initiated against him/her by sending a written document informing them about the allegation, by a registered letter or any other means that allows proof of receipt by the addressee.

The instruction period then starts.

If the General Secretary has any connection to the case, the appointment of the Commission members and the notices are made by any member of the Executive committee appointed by the IJF President.

*Byelaw 3 a: The IJF Executive Committee can give authority to the disciplinary instance of a Union or a National federation member of the IJF in order to assume the disciplinary power usually coming within the competence of the IJF disciplinary bodies.*

*Byelaw 3 b: A case can be referred to the IJF Disciplinary Commission of First Instance by the IJF Executive Committee on the request of a private individual or legal entity affiliated to the IJF.*

*Byelaw 2 c: In the case of conflict of interest, the IJF Executive Committee decides which authority is most competent to hear the case.*

*Byelaw 3 d: Any member of the IJF Executive Committee with any connection to the case will not take part in the decision.*

## ■ Article 4 Conciliation between the parties

A member of the Executive Committee can be appointed before the initiation of the disciplinary procedure to proceed to conciliation. After the proposed agreement of the parties, the member of the EC will propose the conciliation to the IJF EC. In the case of the refusal of the parties or the EC to accept the decision, the disciplinary procedure will be initiated.



## ■ Article 5 Investigation and referral to the Disciplinary Commission

Referral is made either after the report required by the Executive Committee or the IJF President, or also directly by the IJF President.

## ■ Article 6 Notice

The accused individual accompanied, if appropriate, by persons with parental/guardian responsibility, is called before the Disciplinary body by the IJF General Secretary. This notice is sent at the request of the President of the concerned disciplinary body, by registered letter or by any other means that allows proof of receipt by the addressee, at least fifteen (15) days before the date of the session. The notices can be sent by email, if the instruction can be certain of a reliable email address.

When the disciplinary procedure is initiated against a legal entity, its legal representative is called under the same conditions.

The person concerned can choose to defend itself by setting up a file.

*Byelaw 6 a: The person concerned can only be represented by a lawyer. He/she can be assisted by a person of his /her choice.*

*If he/she does not understand English, French or Spanish well enough, he/she can be assisted by a translator.*

*Byelaw 6 b: The person concerned or his/her defender can consult the report and the contents of the file before the session. He/she can request witnesses of his/her choice; their names should be communicated at least eight (8) days before the meeting of the disciplinary body. The President of the Jury can refuse to hear any testimony that he deems abusive. These consultations can be made by electronic means.*

*Byelaw 6 c: The notice mentioned in paragraph 1 indicates to the person concerned his/her rights, as defined in the present article.*

*Travel expenses of the appellant will not be reimbursed.*

*The deadline of fifteen (15) days mentioned in the first paragraph can be reduced to eight (8) days in case of emergency or upon request. In this case, the right to require the hearing of the persons is applied without any deadline.*

*The deadline can exceptionally be shorter than eight (8) days, if the person against whom the disciplinary procedure is started is participating in a competition.*

*The place of the hearing will be determined by the President of the Jury, with the agreement of the IJF President taking into account the place of residence of the judges, and the parties and the suitability and availability of the venue.*

## ■ Article 7 Adjournment

In the emergency case mentioned in the last paragraph of the previous article and except in the case of a force majeure, the adjournment of the case cannot be requested.

The request for an adjournment in first instance or in appeal must be received at least eight days before the hearing and may only be requested once.

## ■ Article 8 Hearing

The President of the Jury can hear any person whose evidence is deemed useful. If such a hearing is decided upon, the President of the Jury informs the person concerned.

The person concerned and, where necessary, the defender is invited to speak at the end of the hearing.



## ■ Article 9 Confidentiality

All facts, incidents and information that the President of the Jury, the members of the disciplinary bodies and the secretaries of session gain knowledge of, whilst carrying out their duties, are confidential. Any breach of confidentiality will result in the termination of the functions of the disciplinary body member or the secretary of the session.

## ■ Article 10 Decision

The Disciplinary Commission makes a judgment based on the evidence.

*Byelaw 10 a: The decision will include the following points:*

*Debate, analysis, sanction, application details, information, means and deadline of appeal and the date of sanction commencement.*

*Byelaw 10 b: The decision is signed by the President of the Jury and the secretary of the session who is responsible for the drafting of the report of the session.*

*The Secretary of the session can be one of the members of the Disciplinary Commission.*

*The IJF President and the General Secretary are immediately notified by letter addressed under the same conditions as those defined in article 6. They then inform the persons concerned and the IJF Executive Committee.*

## ■ Article 11 Deadline

The IJF Disciplinary Commission of First Instance must pronounce its judgment within sixteen (16) weeks of the initiation of disciplinary proceedings. When the Commission is established in Disciplinary body of appeal the sixteen (16) weeks deadline is in effect as from its referral.

Where no decision is taken within this period, the case is removed from the disciplinary body of First Instance to the EC which should reorganize the procedure within two (2) weeks. Otherwise, the disciplinary procedure will be cancelled.

*Byelaw 11 a: In the case that the session was adjourned in accordance with article 7, the deadline mentioned in the previous paragraph is extended for a period equal to the adjournment period.*



## Section II

### DISCIPLINARY SANCTIONS

#### ■ Article 12 Sanctions

The disciplinary sanctions should be chosen from the measures below:

- 1) **Sports penalties** such as downgrade, disqualification, withdrawal of a medal or title.
- 2) **Disciplinary sanctions** chosen from the following measures:
  - a) Warning
  - b) Reprimand
  - c) Suspension from a competition or duties
  - d) Fines, though they cannot exceed the fines set for the contraventions under Swiss law.
  - e) Provisional or definitive withdrawal of the status of the IJF member and all its affiliated components.
  - f) Expulsion
- 3) Ineligibility to the governing bodies for a specified period.

In the case of the first sanction, suspension from a competition can be replaced, with the agreement of the person concerned and, if any, of his/her legal representative, by the performance of activities of general interest for a set period, for the benefit of a federation or a sports association.

#### ■ Article 13 Commencement of sanctions

The disciplinary body sets the date when the sanctions become effective. If this is not possible, the sanctions will be effective from the date of the notification of the decision to the person concerned.

#### ■ Article 14 Suspended sentence

The sanctions mentioned in point 2) c and 2) e of article 12 of the present byelaw may, in the case of the first sanction, be totally or partly suspended.

A suspended sanction is deemed void if, within 3 years of the sanction being pronounced, the person concerned was not the subject of any sanction mentioned in 2) c and 2) e of article 12. Any new sanction within this period results in the revocation of the suspension.