



**INTERNATIONAL TABLE TENNIS FEDERATION
ITTF TRIBUNAL**

2023/INT/075dae – ITTF Integrity Unit v. Abdulla AL-MULLA

DECISION

Issued by the
ITTF Tribunal

Sitting in the following Hearing Panel composition:

President: Mr Kok-Keng **Lau**, Advocate & Solicitor, Singapore
Panel Members: Ms Morenike **Obi-Farinde**, Solicitor & Advocate, Nigeria
Mr Olivier **Ducrey**, Attorney-at-law, Switzerland

In the following Matter:

ITTF Integrity Unit

Represented by Mr Dev Kumar Parmar and Mr Manuel Boguszewski of Parmars in London

The **Claimant**

Mr Abdulla AL-MULLA

Represented by Mr Alexandre Zen-Ruffinen and Ms Emilie Weible of INLAW Associés in Switzerland

The **Respondent**

I. THE PARTIES

1. The Claimant is the Integrity Unit of the International Table Tennis Federation (“**ITTF**”).
2. The Respondent is the Chair of the Nominations Committee (“**NomCom**”) of the ITTF.

II. SUMMARY OF FACTS

3. This is a summary of the main relevant facts and allegations based on the Parties' written submissions, witness testimonies, and oral arguments at the hearing held on 4 December 2024. Additional facts and allegations may be set out, where relevant, in connection with the other sections of this Decision that follow. Although the Hearing Panel has considered all the facts, allegations, legal arguments and evidence

submitted by the Parties in the present proceedings, it refers in this award only to the submissions and evidence it considers necessary to explain its reasoning.

4. The Respondent, Mr Abdulla Al-Mulla, was appointed to act as the Chair of the NomCom of the International Table Tennis Federation (the "**ITTF**") in 2021. The NomCom is responsible for vetting and recommending candidates for various committee positions within the ITTF, in accordance with the ITTF Statutes and the NomCom Terms of Reference.
5. On 21 June 2023, the NomCom held a meeting via video conference (the "**June Meeting**") to implement the vetting process for recommending candidates. During the June Meeting, 52 out of 102 reviewed CVs were recommended for the available committee positions. Following the dissemination of the minutes of the June Meeting, issues were raised by some members of the NomCom via email, particularly concerning the representation of the Oceania Continent and the selection of candidates for the Rules Committee and the Sustainability Committee.
6. On 7 July 2023, another meeting via video conference (the "**July Meeting**") was held to finalise the names of the Deputy Chairs and to address any unresolved issues from the June Meeting. During the July Meeting, the ITTF President's proposal to consider Ms Ina Jozepson as Chair of the Veterans Committee was brought up, but was not accepted by the Respondent. This led to significant tension and disagreement among the NomCom members. Ms Petra Sörling, the ITTF President and a NomCom member, proposed a motion to discuss her proposal and to vote on it, which was supported by six other NomCom members, including Mr Pedro Moura and Mr Anthony Moore. However, the Respondent refused to allow a vote on the motion, claiming that it was not in accordance with the ITTF Statutes and the NomCom Terms of Reference, and that the NomCom had already reached a decision on this matter at the June Meeting. The Respondent also dismissed the objections and questions raised by some NomCom members regarding his interpretation of the relevant provisions and his conduct as Chair. The July Meeting ended without a resolution of the issue.
7. On 14 July 2023, Mr Moura, Mr Moore and four other members of the NomCom filed a complaint against the Respondent with the Claimant, alleging that the Respondent had breached his duty of care, diligence, integrity and impartiality as Chair of the NomCom, and that he had obstructed the democratic process and the will of the majority of the NomCom members.
8. The Claimant conducted an investigation into the complaint, which involved reviewing the relevant documents, interviewing the Respondent and some NomCom members, and seeking legal advice from the ITTF Group Head of Legal Mr Dylan Mah, who also acted as the Secretary of the NomCom. On 1 May 2024, the Claimant issued a Notice of Charge to the Respondent, accusing him of violating Article 6.2.1 of the ITTF Statutes 2023 (Code of Ethics), which requires the ITTF parties to use due care and diligence in fulfilling their mission, and to act with the highest degree of integrity, impartiality, objectivity, independence, and professionalism. For ease of reference, Article 6.2.1 provides as follows :

*"6.2.1 **Duty of care, diligence, integrity, etc.:** The Table Tennis Parties shall use due care and diligence in fulfilling their mission. At all times, they shall act with the highest degree of integrity, and particularly when taking decisions,*

they shall act with impartiality, objectivity, independence and professionalism.

- 6.2.1.1 **Prohibition against acts likely to cause disrepute:** *The Table Tennis Parties shall not act in a manner likely to tarnish the reputation, name or goodwill of the ITTF or the sport of table tennis.*
- 6.2.1.2 **Prohibition against defamatory statements:** *The Table Tennis Parties shall not knowingly or recklessly cause any statement to be made or distributed, whether orally or in written, that is of a defamatory nature towards ITTF, the sport of table tennis, or any other Table Tennis Party.*
- 6.2.1.3 **Prohibition against falsehood:** *The Table Tennis Parties shall not knowingly or recklessly cause any false statements to be made in respect of ITTF, the sport of table tennis, or any other Table Tennis Parties.*
- 6.2.1.4 **Prohibition against forgery and falsification:** *The Table Tennis Parties shall not forge any document, falsify any authentic document, or knowingly or recklessly use a forged or falsified document.*
- 6.2.1.5 **Prohibition against abuse of authority:** *Individuals of Table Tennis Parties shall not abuse their position in any way, especially in seeking to take advantage of their position for aims or gains that benefit themselves or any persons or entities related or associated to them.*
- 6.2.1.6 *Violation of any provision within this Article shall be sanctioned with a fine of up to CHF 20,000 and/or a ban on taking part in any table tennis-related activity for a maximum of two years. For violations committed by an individual, sanctions shall be increased accordingly if the individual holds a high position in table tennis. Particularly, for a breach of Article 6.2.1.3, any interested Table Tennis Party may seek a declaration from the ITTF Tribunal (and on an expedited basis, if deemed appropriate by the ITTF Tribunal) that the subject statement is false and/or that the subject material contains a false statement of fact, without limiting any other order that the ITTF Tribunal may grant."*
9. The Claimant based its charge on two key findings from the investigation, namely: (i) the Respondent's failure to correctly apply the relevant provisions of the ITTF Statutes and the NomCom Terms of Reference to the proceedings of the NomCom and the vetting process; and (ii) the Respondent's overruling of the will of the majority of the NomCom to have a vote on discussing Ms Sörling's motion. The Claimant sought a sanction of prohibiting the Respondent from being appointed or acting as Chair of any permanent ITTF committee.
10. On 15 May 2024, the Respondent through his legal counsel INLAW, contested the charge and the sanctions sought to be imposed. He requested a hearing before the ITTF Tribunal to contest his liability and the proposed sanctions. INLAW's response highlighted several key arguments, including the violation of the principle of legality and the lack of specificity in the alleged violations

III. PROCEEDINGS BEFORE THE ITTF TRIBUNAL, THE PARTIES' EVIDENCE AND THE COUNSELS' RESPECTIVE SUBMISSIONS

Commencement of Proceedings

17. It was only almost 6 months later on 8 November 2024, that the Claimant submitted a formal Request for Proceedings to the ITTF Tribunal. This request included the Notice of Charge, the response from the Respondent through INLAW, and additional evidence and witness statements. The Claimant sought an expedited procedure due to the upcoming ITTF Executive Board meeting on 9 December 2024. The ITTF Executive Board was to select members for the next NomCom at this meeting, and the Respondent had put himself forward for re-election to the NomCom and also sought to be reappointed as its Chair. The outcome of these proceedings would therefore directly impact the Respondent's eligibility for selection to the next NomCom. Further, the year 2025 is an election year for the ITTF, making the role of the NomCom even more significant. Any delays in determining the charges against the Respondent could disrupt the NomCom's operations, and by extension, the ITTF's governance and election processes. Given the critical role of the NomCom, it was therefore essential for the Respondent's charge to be determined before 9 December 2024.
18. On 14 November 2024, INLAW representing the Respondent requested for an extension of the deadline to file its answer to the Request for Proceedings, citing a heavy end-of-year workload and the need to meet with the Respondent, who was living abroad, as reasons for the request. INLAW pointed out in its letter that the Notice of Charge was contested by the Respondent in May 2024 and as such, the Claimant cannot in good faith, wait until November 2024 to impose an extremely short deadline for the Respondent to present its defence on the grounds of urgency. On the same day, the ITTF Tribunal Chair wrote to the Claimant to request that it provided its position on the Respondent's extension request and the reasons why the matter should be decided before 8 December 2024. Meanwhile, the deadline for the Respondent to file his answer would be suspended.
19. On 15 November 2024, the Claimant responded to the ITTF Tribunal Chair to explain the reasons for the delay in opening proceedings against the Respondent, including resource constraints and prioritisation of other cases. The Claimant agreed to an extension of 10 days for the Respondent to filing his answer, proposing a new deadline of 25 November 2024. On the same day, the ITTF Tribunal Chair informed the Parties that it would extend the deadline for the Respondent to file his answer to 29 November 2024, and that further information regarding the procedure and a hearing date would follow.
20. On 18 November 2024, the ITTF Tribunal Chair informed the parties that the Hearing Panel had been constituted and would comprise the following members:
 - Mr Kok-Keng Lau, from Singapore, as the Chair of the Hearing Panel
 - Ms Morenika Obifarinde, from Nigeria
 - Mr Olivier Ducrey, from Switzerland
21. On 19 November 2024, the Claimant wrote to address the issue of missing recordings from the June 2023 meeting. It appeared that the Claimant's efforts to retrieve the recordings were unsuccessful as the recordings were only kept in the ITTF's cloud storage for a limited period of time, and that time has now passed. However, the Claimant asserted that the absence of the recording would not hinder the Respondent's ability to defend himself, as the official minutes of the June meeting

- have been provided, and that in any event, the charge against the Respondent was not based on his conduct during the June Meeting.
22. On 27 November 2024, the Hearing Panel Chair notified the Parties that it would proceed with the hearing of the case on 4 December 2024. He requested specific confirmations and documents from both the Claimant and the Respondent to facilitate the hearing process. In particular, the Claimant was requested to submit by 2 December 2024, the following documents which were referred to in the Claimant's Notice of Charge dated 1 May 2024 :
- a. Initial response provided by the Claimant on 17 August 2023 to the complaint made by members of the NomCom;
 - b. Notes/minutes of face-to-face interview with the Respondent on 23 August 2023 conducted in Bangkok, if any;
 - c. Document titled "Response to the Registered Concern, NomCom Chair" dated 20 August 2023 provided by the Respondent to the Claimant during the aforesaid Bangkok interview; and
 - d. Notes of the video call between the Integrity Unit ("IU") and the Respondent on 25 October 2023, if any.
23. On 2 December 2024, the Claimant responded to the Hearing Panel's request for the aforesaid documents as follows:
- a. The initial response has been superseded by the Notice of Charge;
 - b. A handwritten note was taken but is confidential and not disclosable to the ITTF Tribunal.
 - c. Same response as b above.
 - d. A handwritten note was taken but is confidential and not disclosable to the ITTF Tribunal.
24. On 29 November 2024, the Respondent submitted his answer to the Request for Proceedings. In his answer, which essentially reiterated the arguments made in his earlier response to the Notice of Charge, he argued that: (i) the charge violated the principle of legality, as Article 6.2.1 of the ITTF Statutes 2023 was too vague and general to constitute a valid basis for disciplinary action against the Respondent; (ii) the charge was based on a mere disagreement over the interpretation of the ITTF Statutes and the NomCom Terms of Reference, which did not amount to an ethical breach; (iii) the charge was not supported by sufficient and reliable evidence, as the Claimant failed to produce the recordings of the June and July Meetings, which were essential for the Respondent's defence; and (iv) the charge was disproportionate and unjustified, as the sanction sought by the Claimant was excessive and not part of the exhaustive list of sanctions provided by the ITTF Statutes. The Respondent also requested that two NomCom members, Mr Khaled El-Salhy and Mr Lotfi Guerfel, be heard as witnesses in his favour.

Parties' Respective Cases

25. The hearing took place via video conference on 4 December 2024. The Claimant was represented by Mr Dev Kumar Parmar and Mr Manuel Boguszewski of Parmars in London, while the Respondent was represented by Mr Alexandre Zen-Ruffinen and Ms Emilie Weible of INLAW Associates in Switzerland. Mr Pedro Moura and Mr Anthony Moore gave evidence as witnesses for the Claimant, while Mr Khaled El-Salhy gave evidence as witness for the Respondent. Mr Lotfi Guerfel was listed as a witness for the Respondent but he was not called as a witness during the hearing. The Hearing Panel heard the oral submissions of the Parties and the testimonies of the witnesses, and asked various questions to clarify the issues in dispute. The Hearing Panel also considered the written submissions and the documentary evidence submitted by the Parties. The Hearing Panel noted the urgency of the case, as the ITTF Executive Board was due to meet on 9 December 2024 to select the NomCom members and Chair, and the Respondent had put himself forward for re-election.
26. The charge brought against the Respondent is for alleged breaches of Article 6.2.1 of the ITTF Statutes 2023. Article 6.2.1 requires ITTF officials to act with the highest degree of integrity, impartiality, objectivity, independence and professionalism. The crux of the issue was the Respondent's conduct during the June Meeting and the July Meeting, where the NomCom was tasked with recommending the chairs and deputy chairs of various ITTF committees for the next term. The Claimant alleged that the Respondent had failed to correctly apply the relevant provisions of the ITTF Statutes and the NomCom's terms of reference, and had overruled the will of the majority of the NomCom members who wanted to reconsider the nomination of the chair of the Veterans Committee, following a request from the ITTF President, Ms Petra Sörling, made via email on 6 July 2023 to replace Mr Reto Bazzi of Switzerland with Ms Ina Jozepsone of Latvia.
27. The Respondent denied the charge and submitted that he had acted in accordance with his role, powers and responsibilities as the chair of the NomCom, and in line with the usual practice and procedure of the committee. He argued that the NomCom had no authority to recommend the chairs of the various ITTF committees, as this was the prerogative of the ITTF Executive Board, and that the NomCom had only voted on the chairs as a courtesy and a gesture of support. He also argued that the decision to nominate Mr Bazzi as the chair of the Veterans Committee at the June Meeting was final and could not be reopened at the July Meeting, unless there were exceptional circumstances, which were not present in this case. He further argued that he had not abused his discretion or acted in bad faith, but had tried to maintain the proper function and order of the committee, and to respect the principles of universality and gender equity in the nominations. He was of the view that the charge under Article 6.2.1 was vague, ambiguous and disproportionate, and that his conduct did not amount to an ethical violation in any event.
28. In addition to the written submissions and exhibits exchanged by the Parties prior to the hearing, the Hearing Panel heard oral testimonies and arguments from both sides in the course of the hearing on 4 December 2024. The evidence given by the Parties' respective witnesses are summarized below.

Witness Testimonies

29. The ITTF Integrity Unit called upon Mr Pedro Moura (President of the European Table Tennis Union) and Mr Anthony Moore (President of ITTF-Oceania) to give oral

evidence as to the events surrounding the June Meeting and July Meeting. Prior to the hearing, both Mr Moura and Mr Moore had submitted written witness statements.

30. In his witness statement, Mr Moura explained that he was unable to attend the June Meeting due to email issues which he had encountered. However, he expressed his thoughts after the meeting based on information provided by another committee member, Ms Sandra Deaton. He disagreed with the Respondent's assertion that decisions made in the June Meeting could not be modified, was of the view that the process was still open for discussion, and expressed disappointment at the Respondent's stance. Mr Moura supported the ITTF President's suggestion to appoint Ms Ina Jozepsone as Chair of the ITTF Veterans Committee in order to increase female gender representation among Committee Chairs.
31. Mr Moura attended the July Meeting via video conference, and put forward his view that the NomCom should at least consider the President's request. Ms Deaton and Mr Moore also spoke up in support of Mr Moura's view and the President's proposal. When the Respondent refused to budge, Mr Moura then informed the meeting that he would report the matter to the Claimant as the refusal by the Respondent to allow for a vote to be taken on the matter was in his view not democratic.
32. At the hearing, Mr Moura reiterated and expanded upon the points made in his witness statement. He confirmed that the main topic of the email from the ITTF President Ms Petra Sörling on 6 July 2023 was a request to consider Ms Ina Jozepsone for the chair of the ITTF Veterans Committee. He stated that he had insisted three times during the July Meeting that the NomCom should consider the President's request, and that some other members of the NomCom had supported his stance, including Mr Moore and Ms Sandra Deaton. He described the atmosphere of the July Meeting as "tense", and stated that no resolution was reached regarding the proposal to appoint Ms Jozepsone. However, he added that there was a communication some days after the July Meeting which indicated that Ms Jozepsone would be proposed as the Chair of the Veterans Committee after all.
33. Mr Moore provided a detailed witness statement on 31 October 2024, expressing his concerns about governance issues and the conduct of the Respondent during ITTF NomCom meetings. He had attended the June Meeting via video conference, and had found the meeting to be difficult to follow due to his unfamiliarity with many of the nominees and confusion over the number of representatives from each Member Association and Continent. He also noted a lack of representation for Oceania, with only one nominee for all ITTF Committees. When he questioned the Respondent about the shortlisting process and the application of ITTF rules, he found the Respondent's response to be rather unprofessional, which Mr Moore initially attributed to a possible cultural nuance.
34. Following the June Meeting, Mr Moore engaged in email correspondence to clarify his comments and address issues of gender representation and nominations from Oceania. He claimed that there was disagreement among Committee members regarding the Respondent's view that decisions made on Committee Chairs at the June Meeting were final and should not be revisited. This disagreement was evident from the various emails exchanged between Committee members and the Respondent.

35. Mr Moore added that the July Meeting further highlighted governance issues, as the Respondent's refusal to allow a vote on the ITTF President Ms Sörling's proposal to replace the Chair of the Veterans Committee was something which Mr Moore found to be wholly objectionable and undemocratic. Mr Moore also alleged that the Respondent bore a high degree of personal animosity towards Ms Sörling, given his comments and his aggressive stance. As such, Mr Moore found it fit to subsequently submit a formal complaint to the ITTF Executive Board and Claimant regarding the Respondent's conduct.
36. During the hearing, Mr Moore provided a more vivid account of the July Meeting, describing it as one of the most remarkable and chaotic meetings he had ever attended in his 30 years of working with boards in the sporting sector, and claiming that he had never experienced such poor behaviour and a flagrant disregard for the democratic process from a Committee Chair before. He emphasized the Respondent's refusal to allow a discussion on the President's request to replace the Chair of the Veterans Committee, and the resulting tension and frustration among the NomCom members.
37. The Respondent chose not to give evidence. Instead, he called upon Mr Khaled El-Salhy as his sole witness. Mr El-Salhy did not submit any written witness statement prior to the hearing.
38. During the hearing, Mr El-Salhy testified that he was a member of the NomCom and the former President of the African Table Tennis Federation. He stated that he had been a member of the NomCom for 14 years, and that he was familiar with the practice and procedure of the committee. He explained that the NomCom would generally take into account the opinions of the various ITTF committees as to their standing Chairs, giving priority to principles of universality and gender equity, while seeking to create opportunities for qualified and experienced nominees. He stated that the NomCom would then prepare a list of recommendations and present it to the ITTF Executive Board, who had the ultimate authority to elect the Chairs and Deputy Chairs of the various ITTF committees.
39. Mr El-Salhy also testified that he had attended both the June Meeting and the July Meeting, and that during the June Meeting, the NomCom had voted on the Chairs of the various ITTF committees based on the CVs of the nominees and the evaluations of the current Chairs. He stated that he had supported the nomination of Mr Bazi as the chair of the Veterans Committee, as he had been the chair for the previous term and had received a positive evaluation. He stated that he did not hear any objection or encounter opposition to Mr Reto Bazzi's nomination during the June Meeting, and that he had considered the decision to be final and conclusive. According to El-Salhy, the selected candidates, including Mr Bazzi as Chair of the Veterans Committee, were approved by all members present.
40. Mr El-Salhy highlighted that the meeting was conducted efficiently, with members actively participating and providing their insights and recommendations. He noted that the committee reached a consensus on the candidates, and it was agreed that a second meeting would take place to finalize the list of Deputy Chairs. Thus, in Mr El-Salhy's view, during the June Meeting, the Respondent had acted consistently with the procedures that the NomCom usually adhered to. From this, Mr El-Salhy had expected the agenda of the July Meeting to be confined to voting on matters which

had been expressly regarded as being left open in the June Meeting, including the recommendations of the undecided Deputy-Chair positions.

41. However, during the July Meeting, a question arose as to whether the discussion of the previously agreed Chairs should be re-opened, particularly in light of an email sent by ITTF President Ms Petra Sörling on 6 July 2023. In her email, Ms Sörling had suggested replacing the agreed Chair for the Veterans Committee with Ms Ina Jozepsone, citing the ITTF's low ranking by the IOC regarding gender representation.
42. On this issue, Mr El-Salhy explained that the Respondent as Chair of the NomCom insisted that any review of the previously agreed decision required justification, which had not been provided by Ms Sörling. Only three members out of the twelve present were in favor of re-opening the discussion about the Veterans Committee Chair. Mr El-Salhy supported the Respondent's stance that without valid grounds, there was no need to re-visit the earlier decision as there was no justification or exceptional circumstance to re-open the decision that had been made at the June Meeting. Mr El-Salhy added that he had agreed with the Respondent's interpretation of the ITTF Statutes and the NomCom's Terms of Reference, which was that the NomCom had no authority to recommend the Chairs of the various ITTF committees, and that this was the prerogative of the ITTF Executive Board. As such, the ITTF Executive Board could take into account any relevant policy goals of the ITTF on their own terms.
43. Throughout his testimony, Mr El-Salhy emphasized that Mr Al-Mulla's actions were consistent with the established practices of the NomCom. He pointed out that the Chair's responsibility was to ensure the smooth running of NomCom meetings and to uphold the decisions made by the majority of the members. As such, the Respondent's decision to not re-open the discussion was legally correct and in line with democratic principles, where the majority's decision must be respected. Re-visiting decisions made earlier without valid reasons or exceptional circumstances would undermine the committee's integrity.

Parties' Submissions

44. The Claimant reiterated that the standard of proof under the ITTF Statutes was that of "comfortable satisfaction" (Article 5.3.1, ITTF Statutes 2024), which sets a higher standard than a balance of probabilities, but falls far short of the criminal standard of beyond reasonable doubt. It argued that where a number of facts exist, it follows that the Hearing Panel should draw the conclusion that the comfortable satisfaction threshold has been satisfied.
45. Relying on this threshold, the Claimant argued that the facts show that the Respondent had intentionally breached his duty of care, and had acted inconsistently and unprofessionally. Being an experienced member of the NomCom, he had regularly facilitated committee discussions and enabled communication, and commands the "unwavering support" of his members, but had on this occasion refused Mr Moura's motion notwithstanding that the Respondent was aware of Ms Sörling's request and the support of other members for the motion. The Claimant stated that the Respondent had also misinterpreted the relevant provisions of the ITTF Statutes and the NomCom's terms of reference, and had claimed that the NomCom had no authority to recommend the chairs of the various ITTF committees, and that the decision to nominate Mr Bazzi was final and could not be re-opened. The

Claimant added that the Respondent had failed to act with the highest degree of integrity, as he had acted in bad faith and in his own interest, and had abused his position as the chair of the NomCom to impose his will on the other members. In addition, the ITTF Integrity Unit argued that the Respondent had failed to act with impartiality, objectivity and independence, as he had shown bias and favouritism towards Mr Bazzi, and had refused to consider the merits and qualifications of Ms Jozepsone, as well as the policy goals of the ITTF regarding gender equity.

46. The Claimant also submitted that the Respondent had behaved in a disrespectful, aggressive and dictatorial manner, and had denied the democratic rights of the other members to express their opinions and preferences. In its view, it follows that the threshold of comfortable satisfaction has been satisfied, that the Respondent had intentionally breached his duty of care and integrity under Article 6.2.1. It also suggested that the Respondent's subsequent decision to replace Mr Bazzi with Ms Jozepsone on the NomCom's finalised list of nominations after the July Meeting had ended in chaos and farce, should be considered a dereliction of his duty of care, this being made through his own unilateral choice.
47. Finally, the ITTF Integrity Unit addressed the issue of the proportionality and reasonableness of the sanction sought by the Claimant, it being an indefinite prohibition from being appointed or acting as Chair of any permanent ITTF committee. It argued that the proposed sanction was reasonable and appropriate given the seriousness of the breach. It stated that the sanction was not intended to be punitive but rather to uphold the integrity of the ITTF's governance processes, and pointed out that the sanction was less severe than the maximum possible sanction, which was a complete ban from all table tennis-related activities. The Claimant explained that while the proposed sanction set no limit in terms of time, it did set a limit in terms of the scope of prohibited activities in that the Claimant was not seeking to prevent the Respondent from taking on other positions within the sport of table tennis.
48. The Respondent did not dispute that he did not agree to allow a vote on whether Ms Jozepsone could be nominated for the role of Chair of the Veterans' Committee in place of Mr Bazzi. However, he took the view that his acts and conduct could not amount to an ethical violation pursuant to Article 6.2.1.
49. The Respondent explained that the present issue must be viewed in the context of what he had understood to be his role, powers and responsibilities as Chair of the NomCom. In this regard, he argued that since the terms of reference of the various ITTF committees do not provide any specific guidance as to the role and powers of the Chair, reference should be made to Article 1.47 of the ITTF Statutes, which pertain to the role and powers of the Chair of the ITTF Annual General Meeting. The sub-provisions of Article 1.4.7 grant the Chair of the AGM significant discretion to permit its members to speak on various matters, as well as the power to decide whether a motion can be rediscussed and revoted (Article 1.47.5). From this, the Respondent argued that an inference may be drawn that he, acting as Chair of the NomCom, should likewise enjoy similar powers of discretion. As such, the Hearing Panel should not infer an ethical violation on his part, unless his actions amounted to an abuse of this discretion.
50. The Respondent further explained that having regard to the wording of Article 6.2.1 of the ITTF Statutes, as well as general principles of law, it was not open to the

Claimant to allege that Article 6.2.1 can be extended to apply to the acts of the Respondent. First, on the basis that Article 6.2.1 was derived from Article 2 of the IOC Code of Ethics, the fact that ITTF sought to detail specific ethical breaches must mean that the ITTF had deemed the IOC Code to be insufficiently precise. While it was open to the ITTF to make the sub-provisions of Article 6.2.1 exemplative, deeming words such as “among others” were not used in this provision, indicating that these sub-provisions were meant to be exhaustive.

51. The Respondent added that the facts do not show that he had caused a failure of democratic procedure, as alleged by the Claimant. He pointed out that during his oral testimony, Mr Moore had admitted to a discussion regarding the Veterans’ Committee position having taken place, where all parties could have expressed an opinion on the matter, even if they chose not to. Ultimately, there were only 3 out of 11 members present that day who were in favour of the motion to further discuss the merits of replacing Mr Bazzi with Ms Jozepsone as chair. Further, the Respondent argued that it was acceptable for him to refuse to re-open the nomination of the Chair of the Veterans’ Committee, in the absence of sufficient justification. In this regard, other members of the NomCom had come prepared for the June Meeting, having familiarised themselves with the various CVs of the nominees under consideration. Hence, it was contrary to the proper functions of the NomCom to re-open discussions due to Mr Moura’s absence from that meeting, or on the basis of Mr Moore having suggested that the omission to consider Ms Jozepsone for chair at the first meeting was a mistake. The Respondent also addressed the issue of his having misinterpreted the Article 1.55.1.2 of the ITTF Statutes and the NomCom’s Terms of Reference. He argued that he was correct in his interpretation of this provision, and even if he was mistaken about the Executive Board holding sole authority to submit recommendations for chair positions (to the exclusion of the Nominations Committee), his view was shared even by the President of the ITTF herself, Ms Petra Sörling. The latter was the person who originally raised the suggestion to recommend Ms Jozepsone for the chair position. Further, even Mr Dylan Mah, then legal counsel to the ITTF, had expressed the understanding that the Board was competent to modify the NomCom’s recommendation as they saw fit. In any case, there was no clear understanding or guidelines which the Respondent could have relied upon in making his decisions.
52. Finally, in rebuttal of the Claimant’s submissions, the Respondent argued that the former had not advanced any positive argument on the standard by which the ITTF Tribunal could determine a breach of integrity, impartiality, objectivity, independence, and professionalism.

IV. APPLICABLE LAW

53. The applicable law in this case includes the ITTF Statutes 2023 (which applies to alleged breaches committed in 2023) and 2024 (which applies to the procedures before the ITTF Tribunal in 2024), particularly Article 6.2.1, which outlines the duty of care, diligence, integrity, and other ethical standards expected of ITTF members.

54. According to article 8.16 of the ITTF Statutes 2024, the ITTF Tribunal's decisions shall be based on:
- a. Article 8.16.1.1: primarily on the ITTF Constitution, the Laws of Table Tennis, the other chapters of the ITTF Handbook, and the decisions of any competent ITTF body; and
 - b. Article 8.16.1.2: subsidiarily, on Swiss law or such other law that the Hearing Panel deems applicable, in the latter case, the Hearing Panel shall give reasons for its decision.

V. JURISDICTION OF THE TRIBUNAL

55. The Respondent has been charged with a breach of Article 6.2.1 of the ITTF Statutes 2023. According to Article 8.15.2 of the ITTF Statutes 2023, the ITTF Tribunal has the original jurisdiction to hear and decide any alleged infringement of any provision of such other claims arising from any provision under Chapter 6 of the ITTF Handbook, in which Article 6.2.1 is contained.
56. Neither the Claimant nor the Respondent has disputed the jurisdiction of the ITTF Tribunal to hear and determine this case.
57. Therefore, the ITTF Tribunal has jurisdiction to hear and rule on this matter.

VI. MERITS OF CASE

Summary of the Parties' Respective Cases

58. The Claimant's case is essentially that the Respondent had, in breach of Article 6.2.1, failed to use due care and diligence in fulfilling his duty as Chair of the NomCom by refusing to allow discussions over the nomination of the Chair of the Veterans Committee to be re-opened at the July Meeting, and by not allowing a vote on the ITTF President's proposal to consider Ms Ina Jozepson for the position of Chair of the Veterans Committee. The Claimant contended that the Respondent's actions amounted to a lack of impartiality and objectivity, an abuse of his position as Chair of the NomCom, a failure to correctly apply the relevant provisions of the ITTF Statutes and the NomCom's Terms of Reference, and an obstruction of the democratic process, all of which justified a sanction to prohibit his being appointed or acting as Chair of any permanent ITTF committee with no limitation in time.
59. On the other hand, the Respondent is adamant that the decision reached by the NomCom during the June Meeting on the nomination of the Chair of the Veterans Committee should not, for the sake of good order, be re-opened for further discussion, unless there were exceptional circumstances, which he argued were not present. The Respondent reiterated that even if his interpretation of the rules was incorrect, his actions did not constitute an ethical violation. Rather, it was a matter of legal interpretation, and any error in this regard should not be treated as an ethical breach. The Respondent contended that the sanction of prohibiting him from being appointed or acting as Chair of any permanent ITTF committee was excessive, inappropriate and disproportional to the alleged violation. He pointed out that as the sanction sought by the Claimant was not limited in time, this was contrary to the provisions of Article 6.2.1.6 of the ITTF Code of Ethics, which specifies a maximum

ban of two years, and violated Article 28 of the Swiss Civil Code (which protects the right to engage in sporting and economic activities as part of personality rights) as well.

The Hearing Panel's Findings

60. At the outset, the Hearing Panel notes that the Claimant first brought the charge of a violation of Article 6.2.1 of the ITTF Statutes against the Respondent on 1 May 2024 via a Notice of Charge issued by the Claimant. Following that, the Claimant then sat on the matter for a good 6 months before seeking an urgent decision from the ITTF Tribunal via a Request for Proceedings submitted on 8 November 2024. The significant delay in prosecuting the case against the Respondent was, as explained by the Claimant, due to a lack of resources and the occurrence of Olympic and Paralympic Games in Paris. These reasons were, in the Hearing Panel's view, unconvincing, and the long delay coupled with a requirement that the case be disposed of urgently before 9 December 2024 was far from ideal and ought not to be repeated by the Claimant in the future.
61. Next, having noted that the charge concerned Article 6.2.1 of the ITTF Statutes, the Hearing Panel informed both Parties during the President's opening remarks that since this provision was modelled after and was in *pari materia* with equivalent provisions in Article 2 of the IOC Code of Ethics¹, the Parties should refer the Hearing Panel to the relevant Court of Arbitration for Sport ("**CAS**") awards and other jurisprudence involving allegations of breaches of Article 2 of the IOC Code of Ethics. However, neither Party did so in the course of presenting their respective cases. During the closing submissions of the Parties, the President once again reiterated the importance of considering CAS and other jurisprudence which have interpreted Article 2 of the IOC Code of Ethics. However, despite being offered the opportunity to put in post-hearing written submissions on this issue, neither Party opted to do so. Such submissions would have been of considerable assistance to the Hearing Panel in deciding the types of breaches that would fall within Article 6.2.1, whether Article 6.2.1 should be considered an independent clause or if it was circumscribed by its 6 sub-clauses (Articles 6.2.1.1 to 6.2.1.6), and whether these 6 sub-clauses were exhaustive or if Article 6.2.1 could stand alone in defining breaches of duty.
62. In the case of *Cruzeiro Esporte Clube v FIFA* (CAS 2017/A/5465), the primary issue concerned the failure of Cruzeiro Esporte Clube to comply with a previous CAS ruling to pay Al-Wahda FC. The case addressed the issue of ethical breaches in the context of the club's conduct in failing to comply with the previous CAS ruling. The CAS Panel made several key points regarding ethical breaches, and discussed the scope of review for sanctions imposed by FIFA, the legal basis for such sanctions under FIFA's Disciplinary Code, and the proportionality of the imposed penalties. The CAS Panel found that the club's failure to comply with the earlier CAS ruling undermined the principles of integrity and good governance in sports, as such conduct could tarnish

¹ Article 2 of the IOC Code of Ethics states as follows:

"The Olympic parties must use due care and diligence in fulfilling their mission. At all times, they must act with the highest degree of integrity, and particularly when taking decisions, they must act with impartiality, objectivity, independence and professionalism.

They must refrain from any act involving fraud or corruption. They must not act in a manner likely to tarnish the reputation of the Olympic Movement."

the reputation of the sport and the governing bodies involved. More importantly, the CAS Panel held that the principle of legality requires that offences and sanctions must be clearly and previously defined by law. This principle precludes the "adjustment" of existing rules to enable their application to situations or conduct that the legislator did not clearly intend to penalise. CAS awards have also consistently held that sports organisations cannot impose sanctions without a proper legal or regulatory basis for them, and that offences and sanctions must be provided by clear rules enacted beforehand.² Any lack of clarity in the rules sought to be relied upon as the basis of a charge of an ethical violation should therefore not be used to the detriment of the individuals or entities subject to those rules.

63. Another jurisprudence of relevance is the decision by the Ethics Commission of the IOC involving the NOC of Antigua and Barbuda ("**ABOA**") in the Rio 2016 Ticketing case (IOC Ethics Commission Case No. 2016/2). Following the London Olympics ticketing scandal³, the IOC had implemented stricter measures to protect the integrity of the Olympic Games Ticketing Programme. The ABOA proposed the company WSH as its Authorised Ticketing Reseller, but the Rio 2016 Organizing Committee had rejected this proposal. Notwithstanding such rejection, the ABOA nonetheless went ahead to involve WSH in the ticketing process and allowed third party payments which were expressly prohibited under the Ticket Sale Agreement which was signed by the ABOA. The ABOA officials allowed WSH to use the ABOA President's access codes to make payments on the Rio 2016 ticketing platform, which was a misuse of their authority. WSH had also instructed the ABOA on how to cover up the illegal payment.
64. The IOC Ethics Commission found that the ABOA had breached Article 2 of the IOC Code of Ethics by the aforesaid actions and conduct, and that its actions had collectively tarnished the reputation of the Olympic Movement and violated the ethical standards expected of NOCs and their officials. The IOC Ethics Commission's decision provides some guidance on what constitutes a breach of ethics within the context of the Olympic Games Ticketing Programme. Such a breach would include non-compliance with clear and established rules and binding contracts, acting in a manner which a respondent has already been made aware is prohibited, collusion with an unauthorised third party to circumvent and breach clear prohibitions, and failure to act with integrity, personal responsibility and accountability.
65. Applying the aforesaid cases to the facts of this case, the Hearing Panel is of the view that:
 - a. It is by no means clear at all that the conduct of the Respondent which forms the subject of the charge against him falls within the purview of Article 6.2.1. The decision not to reopen discussions despite some members of the NomCom insisting that this be done to accommodate the ITTF President's request was within the Respondent's discretion as Chair of the NomCom. A refusal to re-visit the earlier choice /decision made by the NomCom at the June Meeting for Mr Reto Bazzi to be the Chair of the Veterans Committee and to consider Ms Ina Jozepsone as Chair instead does not amount to an abuse of authority or

² See for instance CAS 2020/A/7008 - CAS 2020/A/7009

³ The 2012 London Olympics had multiple ticket-related scandals, including the sale of sponsor tickets to the public, the sale of fake tickets, and the claim that many seats were unoccupied even though the events were reported to be sold out.

lack of integrity, especially since there were no exceptional circumstances which justified such re-consideration. Such exceptional circumstances which would have otherwise warranted re-visiting and potentially overturning a decision that had already been agreed upon by a majority of the committee members include the emergence of new information or evidence that was not available during the initial decision-making process and that could significantly impact the outcome of the process, the presence of procedural irregularities that could have affected the fairness or validity of the initial decision, discovery of a conflict of interest involving one or more committee members that could have influenced the initial decision, and changes in priorities or policies that may necessitate a re-consideration of the initial decision in order to align with the new priorities or policies.

- b. None of these exceptional circumstances were shown by those who had advocated for the consideration of Ms Ina Jozepson's nomination at the July Meeting. The initial decision-making process at the June Meeting – which was validly constituted, with decisions taken with majority - had been conducted fairly and in accordance with the ITTF Statutes and the NomCom Terms of Reference. Indeed, no procedural irregularities have been alleged by the Claimant that would justify re-opening the discussions involving the choice of the Chair of the Veterans or any other Committee. There was also no indication of any conflict of interest involving any NomCom members that would have influenced the initial decision. The decision had been made based on the collective judgment of the NomCom. While the ITTF President's proposal had emphasized the need for gender equality, this in and of itself did not constitute an exceptional circumstance requiring the re-opening of discussions.
- c. The fact that the Respondent did not allow the NomCom members to vote on whether or not to re-visit the earlier choice of Chair of the Veterans Committee is also not a breach of Article 6.2.1 or any of its sub-articles 1 to 6. There is nothing in the ITTF Statutes or the NomCom Terms of Reference that requires that voting be allowed on such a matter, nor indeed was it even a practice of the NomCom to vote on such a matter. Given the lack of exceptional circumstances to justify re-visiting the earlier decision, it cannot be said that the Respondent had failed to act with the highest degree of integrity, or had failed to act with impartiality, objectivity, independence and professionalism as required under Article 6.1.2. The assertion of authority by a committee Chair over the conduct of proceedings during a committee meeting and the exercise of discretion by such Chair not to allow matters already validly decided upon at an earlier meeting to be re-opened for discussion in the absence of exceptional circumstances, does not fall within the type of conduct that is within the ambit of Article 6.2.1, and the Hearing Panel cannot and ought not to resort to the "adjustment" of existing rules to enable their application to situations or conduct that the drafters of Article 6.2.1 did not clearly intend to penalise.
- d. It is also clear that the types of conduct that would fall within the scope of Article 6.2.1. would be conduct like or akin to those engaged in by the ABOA in IOC Ethics Commission Case No. 2016/2. Such conduct would typically involve deliberate breaches of and non-compliance with clear and established rules and agreements, engaging in acts involving moral turpitude, fraud or dishonesty, or failing to act with integrity, responsibility and accountability. The Hearing

Panel is not comfortably satisfied that the conduct which the Respondent has been accused of and charged for falls within such conduct as prohibited under Article 6.2.1.

66. Accordingly, the charge brought by the Claimant against the Respondent is dismissed. The Hearing Panel finds that the Respondent's conduct did not amount to a breach of Article 6.2.1 of the ITTF Statutes 2023. The Hearing Panel's decision herein is based on a thorough examination of the evidence, the applicable law, and relevant case precedents. This ruling and the costs order that follows reflect the ITTF Tribunal's commitment to fairness and justice in the proceedings.

VII. COSTS ORDER

67. Article 8.36 of the ITTF Statutes 2024 provides as follows:

"8.36 COSTS

8.36.1 *The Hearing Panel may, at its sole discretion, order any party to the proceedings to pay some or all of the costs of the proceedings, including any one or more of the following:*

8.36.1.1 *the costs of holding the hearing; and*

8.36.1.2 *the legal fees, the accommodation costs, travel costs or such other expenses incurred as a result of the proceedings for*

8.36.1.2.1 *the fees of the Hearing Panel members, as approved by the ITTF Executive Board;*

8.36.1.2.2 *any party to the proceedings;*

8.36.1.2.3 *any witness; and*

8.36.1.2.4 *any independent expert.*

8.36.2 *Without limiting the Hearing Panel's discretion as stated in R8.36.1, the Hearing Panel may award costs against a party for advancing any claim that is frivolous, vexatious, or entirely without merit."*

In view of the outcome of these proceedings, and taking into account all relevant circumstances, the Claimant is ordered to bear the costs of the procedure and to pay the Respondent CHF 5,000 as a contribution to his legal fees and other expenses.

VIII. RULING

The ITTF Tribunal rules that:

1. The charge brought by the Claimant against the Respondent under Article 6.2.1 of the ITTF Statutes 2023 is dismissed.
2. The Claimant shall bear the costs of this procedure.

3. The Claimant is ordered to pay to the Respondent CHF 5,000 by way of contribution to his legal fees and other expenses.

Lausanne, 21 February 2025.



Lau Kok Keng
President of the Hearing Panel



Morenike Obi-Farinde
Panel Member



Olivier Ducrey
Panel Member