

**IN THE MATTER OF PROCEEDINGS
BROUGHT BY THE ATHLETICS INTEGRITY UNIT UNDER
THE REPORTING, INVESTIGATION AND PROSECUTION RULES (NON-DOPING)**

BETWEEN

INTERNATIONAL ASSOCIATION OF ATHLETICS FEDERATION (IAAF)

Applicant

and

AHMAD AL KAMALI

Respondent

DECISION OF THE DISCIPLINARY TRIBUNAL

1. Earlier today, in my capacity as Chairman of the IAAF Disciplinary Tribunal, I made an order in the following terms:

Further to an ex parte application filed by the Integrity Unit earlier today the 25th September 2019 seeking an order for the provisional suspension of Mr Ahmad Al Kamali from his position as an IAAF Official and Candidate at the 2019 IAAF Election Congress, the Chairman of the Disciplinary Tribunal Mr

Michael Beloff QC, having considered the application and supporting documentation, grants such provisional suspension, which is to remain in place until such time that the alleged breach of the Rules and/or the Integrity Code of Conduct has been investigated by the Integrity Unit and/or prosecuted under the Rules before the IAAF Disciplinary Tribunal.

Reasons for the above order will be provided as soon as possible.

These are my reasons for that order.

2. Together with its Application, the Integrity Unit, in accordance with rule 5 of the *Reporting, Investigation and Prosecution Rules (Non-Doping)* ("the Rules"), served on Mr Al Kamali a Notice ("the Notice") of Prima Facie Case of a Non-Doping Violation ("NDV") of the Integrity Code of Conduct ("the Integrity Code") which it has, as appears from the Notice itself, determined to exist.
3. Rule 6 of the Rules provides as follows:

6. PROVISIONAL SUSPENSION

6.1 At any time where a prima facie case of a Non-Doping Violation of the Integrity Code of Conduct has been determined to exist pursuant to Rule 5 of these Rules, the Head of the Integrity Unit may make an ex parte application to the chairperson of the Disciplinary Tribunal to impose a Provisional Suspension on the Applicable Person pending the determination of the investigation and potential charge.

6.2 Upon an application made under Rule 6.1, the chairperson of the Disciplinary Tribunal may impose a Provisional Suspension if he considers that the integrity of the sport could otherwise be seriously undermined. Any Provisional Suspension imposed under Rule 6.1 will take effect from the date the chairperson's decision is notified to the Applicable Person.

4. In making this application, the Integrity Unit notes that an order for provisional suspension (and the application by the Integrity Unit that the Chair of the Disciplinary Tribunal make such an order) may be made on a precautionary basis to safeguard the integrity of the sport, and support public confidence in the sport and its integrity, pending the conclusion of any ethical investigation and disciplinary proceedings which may ensue. Equally, it recognises that, against the interests of the sport must be set and considered the interests and prejudice which an individual will suffer if an order for provisional suspension is made and the outcome of the investigation and any disciplinary proceedings is that no breach of the Code (or the Rules) is established. I agree with that analysis.
5. For the purpose of ruling on the Application, I have read and duly considered the application itself, the Notice and, the associated material referred to therein, which includes Mr Al Kamali's several explanations in defence of his position vis à vis the prima facie case.
6. It is not in issue that Mr Al Kamali is bound by both the IAAF Candidacy Rules and the Integrity Code of Conduct, which relevantly prohibits candidates from offering gifts of more than nominal value to electors.
7. The core of the AIU's case for the Provisional suspension is set out in paragraph 22 of the application which I quote in full:

In support of its application, the Integrity Unit identifies the following factors which it submits support the imposition of an order for provisional suspension on the basis that the integrity of the sport could otherwise be seriously undermined:

- a. First, the role of Vice President of the IAAF is a position of very senior responsibility within the sport (second only to the IAAF President), and the IAAF Family must repose considerable trust in its Vice Presidents.
- b. Second, the prima facie case warranting investigation against Mr Al Kamali concerns very serious matters, namely whether Mr Al Kamali has breached the Candidacy Rules and other provisions of the Code by offering gifts or benefits to an Area Official and (indirectly) to Members of the Oceania Area Association as persons who were to vote in the 2019 Election Congress. The facts are that

the invitation was made the day before the Elections for a dinner to be enjoyed the day after the Elections. The Integrity Unit considers such conduct to constitute a serious breach of the Rules (being one that has the potential to seriously undermine the authenticity and integrity of the election and/or the reputation of Athletics).

- c. Third, on the basis of the factual circumstances as they are currently known, the Integrity Unit submits that the prima facie case against Mr Al Kamali is a strong one and the explanation that he has provided is not credible. The Integrity Unit relies on the fact that Mr Al Kamali's initial response when the allegation was put to him by the Election Oversight Panel was not to deny that he had offered a gift or benefit to an Area Official but to seek to draw a distinction in the Rules by stating that the dinner was only to happen after the Congress and that the invitation had been cancelled before Ms Mullins had passed on the information to the Area Members. It was only when the Election Oversight Panel made it clear that "the breach of the rule was the extension of the invitation prior to the election, via the Executive Director of the Oceania Area Association, not whether or not the dinner is actually held" that Mr Al Kamali submitted a further version of events in which he stated that the invitation had in fact been made by Ms Euton without his knowledge. The Integrity Unit considers it of some significance that Mr Al Kamali made no mention in his first response to the Election Oversight Panel that the invitation had been offered without his knowledge.
- d. Fourth, whilst the Integrity Unit recognises the interests of Mr Al Kamali in being prevented from participating in the 2019 Elections and then being cleared of any wrongdoing, it considers equally important to recognise the interests of the other Candidates for Vice President and the injustice that would be administered to them if Mr Al Kamali were to be permitted to participate in the 2019 Elections, be successful, and then be rendered ineligible to serve as an IAAF Official because he is serving a period of ineligibility for a serious breach of the Code. The other candidates would have lost the opportunity to have been elected.
- e. Fifth, the Integrity Unit submits that it would cause considerable damage to the integrity of the sport if Mr Al Kamali were allowed to continue as a Candidate,

be elected to a position of trust, and then he ultimately be found to have committed violations of one or more of these ethical standards in the sport. The Integrity Unit recognises that an order for provisional suspension may interfere with Mr Al Kamali's interests but submits that such an interference is justified and that the balance favours the imposition of an order for provisional suspension in light of the seriousness of the matters to be investigated and the strength of the prima facie case against Mr Al Kamali based on the evidence obtained to date.

8. After careful consideration of the Integrity Unit's application and the material adduced in support of it, it is sufficient for me to say that I was persuaded, without indulging in gratuitous paraphrase, that for the reasons advanced by the Integrity Unit, as set out in paragraph 7 above, I should make the order set out in paragraph 1 above.
9. I have borne in mind that the decision on such an application engages a discretion, not a duty: I repeat that against the interests of the sport must be set and considered the interests and prejudice which an individual would suffer if an order for provisional suspension were made and the outcome of the investigation and any disciplinary proceedings were that no breach of the Integrity Code were established.
10. As at present advised, I find it not easy to see in what circumstances I would refuse to impose a provisional suspension if I considered that, in its absence, the integrity of the sport could be seriously undermined. Circumstances justifying such refusal have certainly not been shown, in my view, to exist in the present case.

Michael J Beloff QC

Michael J Beloff QC

Chairman of the IAAF Disciplinary Panel

25th September 2019

Doha, Qatar



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