

UWW DISCIPLINARY CHAMBER

DECISION

Case:

United World Wrestling (UWW)

v.

**Mr Mohammadali Abdolhamid GERAEI (GR wrestler, IRI)
& IRI Amateur Wrestling Federation**

Panel (sole member):
Mr Belcho Goranov

Prosecutor: UWW

I. Introduction

1. This is the final Decision of the UWW Disciplinary Chamber as between United World Wrestling (“UWW”) and Mr Mohammadali Abdolhamid Geraei (also referred to as the “Athlete”) and the IRI Amateur Wrestling Federation relating to a violation arising from the Disciplinary Procedure & Dispute Resolution Regulations (“Disciplinary Regulations”) and other relevant UWW rules and regulations.
2. United World Wrestling (UWW) is the governing body for the sport of Wrestling, with headquarters in Corsier-sur-Vevey, Switzerland.
3. Mr Mohammadali Abdolhamid Geraei is a wrestler in Greco-Roman wrestling, member of the senior national team of the Islamic Republic of Iran, with Iranian citizenship. He is an active wrestler on the international level for this country since 2013 and has held the UWW international licence every year since then. The athlete is registered with the IRI Amateur Wrestling Federation, this one being a regularly affiliated member to UWW.

4. As a holder of a UWW international licence and as an athlete regularly entered in official international sanctioned events, and the IRI Amateur Wrestling Federation being an affiliated member of UWW, both are subject to the jurisdiction of UWW and bound to comply with all Regulations, rules and directives.

II. Facts

5. On the occasion of the 2023 Senior World Championship in Belgrade (SRB), Mr Geraei threw an open bottle of water to the mat from the tribune where he was watching his brother's match. This act disrupted the match and several minutes were taken to clean the mat for the bout to resume.
6. The security officers caught Mr Geraei. It has been alleged that a physical altercation between Mr Geraei and the security officers took place at this moment.
7. He was referred to the police and his accreditation was retired. The judge in charge of the incidents imposed a financial penalty against Mr Geraei and a ban against him.
8. These facts were reported by the Refereeing delegates in their report. A photograph of Mr Geraei immediately after he threw the bottle was taken and forwarded to the refereeing delegates.
9. All these elements were gathered by the UWW administration and were referred by the UWW Secretary General to the Chairman of the Disciplinary Chamber. The latter decided to initiate disciplinary proceedings for a violation of the UWW rules and regulations during a UWW Event.
10. On 4 October 2023, the Athlete and his Federation were formally notified of the commencement of disciplinary proceeding. The Disciplinary Regulations violations by the Athlete were described in this notification.
11. The defendants were offered a deadline of fifteen (15) days to provide a statement of defense in response to the notification.
12. A provisional measure was ordered against Mr Geraei by the chairman of the Disciplinary Chamber in accordance with article 18.2, namely the imposition of a provisional suspension from the date of the notification.
13. On October 18, 2023 a statement from athlete and the National Federation were received by the UWW administration.
14. In his statement, Mr Geraei mentioned that a copy of the report by the refereeing delegate and the picture of him was not provided with the notification. On 24 October, the picture and a print screen of the refereeing report's part concerning this incident was provided by the UWW administration to the athlete, providing the athlete to complement his statement thereafter. No further comments were made. The file was forwarded to this sole panel member for a decision.

III. Applicable rules

15. These proceedings are conducted in application of the UWW Regulations, rules and directives. This decision is rendered by the Chairman of the Disciplinary Chamber acting as a sole panel member in the present matter, in accordance with article 17 of the Disciplinary and Dispute Resolution Regulations. It is rendered based on all elements provided to him after initial prosecution.
16. Article 6 (“Sanctions against the Affiliated Members, the Associated Members and their bodies and members and the Organizers of Federation controlled events”) of the disciplinary regulations provides:

“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 to the Organizers of Federation controlled events, subject to specific sanctions being provided in these Regulations or in any other applicable regulations:

- warning;*
- reprimand;*
- fine, up to CHF 100,000;*
- suspension, from 1 month to 3 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”.*

17. Article 9 of the disciplinary regulations provide:

Article 9 – Violations and sanctions against the wrestlers

9.1. Sanctions (general)

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

- warning;*
- reprimand;*
- fine, up to CHF 10,000;*
- disqualification from the competition;*
- suspension for a period of time between 1 month and 3 years;*
- disqualification of any event held under the control of the Federation for life.*

9.2. Specific violations and sanctions

[...]

d) Assault

Any wrestler who assaults (verbally and/or physically) his/her opponent, a member of other teams or any other member of the Federation in the competition venue or in its surroundings shall be subject to suspension from international competitions held under the control of the Federation from 1 month to 3 years and is further subject

to a fine of CHF 1,000 to CHF 10,000. Exclusion for life can be pronounced if the assault has caused serious injuries.

Any wrestler who assaults (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 Federation from 1 month to 3 years and is further subject to a fine of CHF 1,000 to CHF 10,000. Exclusion for life can be pronounced depending on the gravity of the assault.

18. Article 10 (“Sanctionable Infringements”) of the Disciplinary and Dispute Resolution Regulations provide the following:

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

19. Article 13 (“Determination of the sanction”) of the Disciplinary and Dispute Resolution Regulations provides the following:

“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”.

IV. Discussion

20. The facts described above and submitted to the sole member of the panel were reported by the UWW Refereeing Delegates in their report. The footage of the match has been made available to the panel as well as a photograph of Mr Geraei right after the throw of the bottle.
21. These facts have neither been disputed by Mr Geraei nor the IRI Amateur Wrestling Federation, except concerning the allegations of assault against the security officers. While an assault pursuant to article 9.2 letter d and the fault by Mr Geraei are undoubtedly established by these facts and the submissions, this sole panel member considers that no sufficient evidence was provided in respect of this second assault, whether by the defendant or by the security officers, and therefore does not retain these facts in the present proceedings.
22. In his submission, Mr Geraei stated that he “*unintentionally threw the bottle on the mat due to the nervous pressure*” he was feeling, and that he had no intention of “*assaulting or beating others or disrupting the order of the competition*”. While he expressed regrets and stated that he did not flee his responsibilities immediately after the facts, he informed about a sanction imposed by his federation, namely a ban from participating in national events during two months, thereby depriving him from a significant source of income. He mentioned that he had no history of violations and underlined the impulsive character of his acts, contrary to a planned aggression. Finally, he submitted that he had already been “punished” by the judicial system of Serbia and by his own national federation.
23. The national federation of Iran expressed regrets for the acts of Mr Geraei. It also submitted that his acts were “unintentional” and also underlined the sanctions already imposed on him, which caused his absence from Iran’s Premier league.

24. It is considered by the panel that UWW has full jurisdiction to decide on violations taking place during official events in the calendar, in particular when such violation disrupts the course of a match (and potentially the outcome of such match) and put participants in danger. The Senior World Championship being the flagship event on UWW's calendar, UWW is the sole authority to make any decision for violations taking place during, and on the official venue of such event, independently from any further decisions made by the national federations. The same applies concerning the judicial system of a sovereign country when breaches to law take place on its jurisdiction, and to which UWW cannot oppose. The attempt by the athlete and his national federation to invoke the principle of *non bis in idem* because of a disciplinary sanction imposed by his federation and a financial penalty and ban imposed by the Serbian authorities on the athlete in this case is unfounded.
25. About the alleged unintentional and impulsive nature of his act, the panel simply cannot concur with this conclusion, simply by considering that his own brother was competing on the mat where he threw this object. In any case, article 10 of the Disciplinary Procedure & Dispute Resolutions Regulations do not provide for intention or negligence in the determination of the sanction.
26. As an affiliated member of UWW and as the body that entered the athlete in the event, the IRI Amateur Wrestling Federation has the duty to ensure that their athletes and participants comply with all UWW rules and regulations, behave in a honest and respectful manner and do not commit any violations, whether disciplinary or integrity violations. The panel finds that the acts perpetrated by Mr Geraei and his fault are so serious that the responsibility of the federation is fully engaged in this matter. It notes that this individual is not a simple fan, unknown by the federation, but an athlete entered in the competition and accredited for that occasion.
27. For the reasons above, given the facts presented, the profile of the athlete and the level of the competitions where the facts occurred, the athlete should be sanctioned with a period of ineligibility of twelve (12) months to any event under the control of United World Wrestling and a financial penalty of CHF 1'000.-. For it liability in these facts, the IRI Amateur Wrestling Federation should be imposed a fine of CHF 5'000.-.

V. Decision

Considering the above, pursuant to the UWW Regulations and rules as described here above, the Disciplinary Chamber rules that:

1. Mr Mohammadali Abdolhamid Geraei committed a violation of the Dispute Resolution & Disciplinary Procedure Regulations, namely article 9.2, letter d.
2. Mr Mohammadali Abdolhamid Geraei is sanctioned with a period of ineligibility of twelve (12) months and a fine of CHF 1'000.-.
3. The period of ineligibility shall commence from 4 October 2023, the date of imposition of the the provisional suspension, until 3 October 2024 included.
4. The IRI Amateur Wrestling Federation imposed a fine of CHF 5'000.-
5. For both fines, UWW shall issue an invoice on the name of the IRI Amateur Wrestling Federation.

VI. Right to Appeal

The conditions to appeal against this decision are described in the Disciplinary and Dispute Resolution Regulations.

To be notified to the Athlete (c/o the National Federation).



Beltcho Goranov
Sole Member
Chairman of the UWW Disciplinary Chamber

Sofia, 14 October 2023