



7 January 2022

DECISION OF THE IPC LEGAL AND ETHICS COMMITTEE

Complaint concerning alleged breaches of the IPC Code of Ethics

International Paralympic Committee

Complainant

and

Mr. Mansour Pourmirzaei

Respondent

IPC Legal and Ethics Committee Hearing Panel:

Mark Copeland, Committee Chair

Jeong Min Lee, Committee Member

Tiago Carvalho, Committee Member

Assistants:

Louis Muncey, Clerk

Anne-Marie McLoughlin, Clerk

Leen Coudenys, IPC Executive Assistant

Complainant:

IPC, represented by Elizabeth Riley, General Counsel

Respondent:

Mr. Mansour Pourmirzaei

National Paralympic Committee:

the National Paralympic Committee Islamic Republic of Iran ("**NPC Iran**")



1. Introduction

- 1.1 This is the reasoned decision of the IPC Legal and Ethics Committee Hearing Panel (**'Hearing Panel'**) in relation to a complaint brought by the Complainant against the Respondent (**'Complaint'**) in respect of alleged breaches of the IPC Code of Ethics (**'Code'**) and the Supplementary Regulations (Paralympic Games Tokyo 2020 Demonstrations) (**'Demonstration Regulations'**).
- 1.2 The Complainant is the International Paralympic Committee. The Respondent is Mr. Mansour Pourmirzaei, an Iranian athlete who competed at the Tokyo 2020 Paralympic Games in Para powerlifting.

2. Jurisdiction and Proceedings

- 2.1 The Demonstration Regulations were approved by the IPC Governing Board on 21 July 2021 and adopted as the supplementary regulations referred to in Article 2.2.2 of the Paralympic Games Principles, located at section 1, chapter 3 of the IPC Handbook.
- 2.2 The Demonstration Regulations apply during the "Games Period" meaning the period which commenced on 14 August 2021 (which was ten days before the opening ceremony of the Paralympic Games Tokyo 2020) and which ended at midnight on 5 September 2021 (the day of the closing ceremony of the Paralympic Games Tokyo 2020) (see Article 1.3 of the Demonstration Regulations).
- 2.3 Pursuant to Article 1.4 of the Demonstration Regulations, each "Participant", meaning a *"person participating in the Paralympic Games in any capacity, including (without limitation) each athlete..."* (as defined in Clause 2.1 of the Paralympic Games Principles), is bound by and required to comply with the Demonstration Regulations as a condition of participation with the Paralympic Games.
- 2.4 The Respondent competed at the Paralympic Games, within the "Games Period", as an athlete, and therefore is a "Participant" for the purposes of the Demonstration Regulations and is accordingly bound by and required to comply with the Demonstration Regulations.
- 2.5 The Respondent is also subject to the Code which states in the "Scope" section that it shall apply to the Paralympic Games and to any member of the Paralympic Family, which includes athletes.
- 2.6 Clause 1.1 of Appendix A of the Code, the 'IPC Regulations Governing the Procedures for Dealing with Complaints Regarding Alleged Breaches of the IPC Code of Ethics' (the **'Ethics Regulations'**) grants exclusive authority to deal with complaints brought under the Ethics Regulations to the IPC Legal and Ethics Committee (the **'Committee'**).
- 2.7 Clause 1.2 of the Ethics Regulations permits any person or body that falls within the scope of the Code to bring a complaint to the Committee that some other person or body (also falling within the Code) has breached the Code. Article 3.1 of the Demonstration Regulations requires that any complaint be heard and determined by the Committee and governed by the Ethics Regulations.
- 2.8 Clause 8.1 of the Ethics Regulations details that the Chairperson of the Committee shall form a hearing panel of three people to hear the Complaint (the **'Hearing Panel'**). Article 3.1(c) of the Demonstration Regulations requires the Hearing Panel to include at least one Paralympian



who has competed in at least one of the previous three editions of the summer or winter Paralympic Games at the time of appointment (such Paralympian may be a member of the Committee or co-opted ad hoc to sit on the Hearing Panel). The appointment of Jeong Min Lee satisfies this requirement.

2.9 The Hearing Panel was therefore formed in accordance with Article 3.1(c) of the Demonstration Regulations and Clause 8.1 of the Ethics Regulations, and has jurisdiction to hear the Complaint.

2.10 In accordance with Clause 7.5 of the Ethics Regulations, the Committee decided it appropriate to deal with the Complaint on the papers.

3. Background to the Complaint

3.1 The Respondent is an athlete from Iran who competed at the Tokyo 2020 Paralympic Games in Tokyo.

3.2 On 30 August 2021, the Respondent competed in the final of the Men's +107kg Para powerlifting, in which he won a silver medal.

3.3 Whilst on the podium to be awarded his silver medal, the Respondent wore a t-shirt bearing the image of former Iranian Para powerlifter Siamand Rahman and the words "Dear Siamand we will always remember" (the '**Demonstration**').

4. Alleged Breaches of the IPC Code of Ethics

4.1 The Complainant asserts that the Respondent breached Article 2.2 of the Demonstration Regulations which states:

"2.2 During the Games Period, Participants may not demonstrate, protest, and/or make political statements at any Paralympic venue or other area related to the Paralympic Games (including, without limitation, during Official Ceremonies, on the Field of Play, and/or in the Paralympic Village), save as set out in Article 2.3."

4.2 Article 2.3 states:

"As the sole exception to Article 2.2, during the Games Period, Participants may demonstrate, protest, and/or make political statements as follows, provided always that no Impermissible Elements are involved:

(a) in the mixed zones, the International Broadcasting Centre and the Main Media Centre, including when speaking to the media; and/or

(b) during press conferences and media interviews; and/or

(c) during team meetings; and/or

(d) using traditional media and/or digital media and/or social media channels. Such channels may be used at the above times and places and at any other time and place (except only that the Participant may not use these channels to demonstrate, protest, or make any political statement when on the Field of Play or when participating in any Official Ceremonies)."



4.3 Article 1.12 of the Code states:

"Members of the Paralympic Family shall abide by and respect the IPC Code of Ethics at all times and, in particular, adhere to the following ethical standards:

[...]

1.12 Respect the principle of neutrality in sport, including by (without limitation) complying with Article 2.2.2 of the Paralympic Games Principles and any related supplementary regulations issued by the IPC." [i.e. including the Demonstration Regulations]

4.4 The Claimant submitted that the Respondent breached Article 2.2.2 of the Paralympic Games Principles and Article 2.2 of the Demonstration Regulations, and thereby breached Article 1.12 of the Code.

5. Burden and Standard of Proof

5.1 As set out in Clause 4.1 of the Ethics Regulations, the Complainant must prove its case on the balance of probabilities.

6. Written Submissions

6.1 On the 6 September 2021, the Complainant sent a letter to NPC Iran (the Respondent's National Paralympic Committee) notifying them of the investigation into the Complaint and requesting that they:

- (a) notify the Respondent and ask that they provide an explanation of the Demonstration;
- (b) provide the Complainant with any further relevant information that they have about the Demonstration, including:
 - (i) any photographs or audio-visual footage of the incident;
 - (ii) whether the Respondent's t-shirt was visible throughout his time on the podium / during the medal ceremony; and
 - (iii) whether the Respondent's t-shirt remained visible after he left the podium (and if so, until what point).
- (c) confirm whether the Respondent participated in any way in the consultation carried out by the Complainant's Athletes Council on the topic of demonstrations and protests, including the athlete survey and athlete calls.

6.1.2 On 15 September 2021, NPC Iran responded to the Complainant's letter of the 6 September 2021 by e-mail setting out information they had received from the I.R. Iran Sports Federation for the Disabled which included:

- (a) three photos taken during the medal ceremony of the Respondent when he was awarded his medal and immediately thereafter;



- (b) confirmation that the Respondent's t-shirt was visible for a short time on the podium and during the medal ceremony;
- (c) confirmation that after showing his t-shirt for a short time the Respondent zipped up his jacket to show his medal; and
- (d) confirmation that the Respondent was given advice not to demonstrate, protest, and/or make political statements at any Paralympic venue or other area related to the Paralympic Games prior to his departure.

6.2 The Complainant subsequently provided written submissions in a Statement of Case to the Hearing Panel in relation to the Complaint.

6.3 The Complainant detailed the applicability of the Demonstration Regulations and the Code to the Respondent as an athlete. The Complainant specifically noted:

- (a) Applicability of the Demonstration Regulations and Code: As a participant of the Paralympic Games, the Respondent is subject to the Demonstration Regulations.
- (b) Jurisdiction: Pursuant to Clauses 1.1 and 1.2 of the Ethics Regulations and Article 3.1 of the Demonstration Regulations, the Committee has exclusive authority to deal with the Complaint.

6.3.2 The Complainant submitted that the Respondent had breached the Demonstration Regulations since:

- (a) the Respondent is a Participant in the Games;
- (b) the Respondent's conduct occurred on 30 August 2021, within the "Games Period";
- (c) the Respondent's conduct occurred during a podium/medal presentation/victory ceremony (i.e. an Official Ceremony); and
- (d) the Respondent's conduct was a demonstration of remembrance for the former Iranian Para powerlifter Siamand Rahman who passed away in 2020.

6.4 In the Statement of Case, when considering the breach, the Complainant wished to express that:

- (a) it was entirely sympathetic to the Respondent's desire to remember his teammate, and that there was no suggestion that the content of the Demonstration was not in support of a laudable cause. However, the Complainant's rules are (intentionally) not concerned with the substance of a prohibited demonstration, but with the location/timing of such demonstration. The Complainant's rules are intended to strike a balance between protecting the athlete experience; advancing the vision and mission of the Complainant and the Paralympic Movement; reflecting the global nature of the Paralympic Movement; and allowing participants to demonstrate or protest on matters that are important to them.
- (b) the Complainant's rules, as set out in the Ethics Regulations, Demonstration Regulations and other linked regulations, have been applied by the Complainant in relation to a wide range of similar remembrance requests, including during Tokyo



2020, with such requests being denied. In those cases the Complainant works with members to proactively identify ways in which demonstrations can be carried out in compliance with the rules; and that

- (c) the Demonstration Regulations were drafted following a lengthy, global consultation process, which provided athletes with opportunities to express their views.

6.5 On 3 November 2021, the Committee and the Complainant received an email from NPC Iran stating that they had imposed their own sanctions on the Respondent in relation to the Demonstration including a 3-month suspension (effective immediately), a written warning and a record of the disciplinary issue in the sporting profile of the Respondent. The Committee and the Complainant also received a letter of apology from the Respondent expressing regret for breaching the Demonstration Regulations.

6.6 On 8 November 2021, the Committee gave the Complainant and the Respondent an opportunity to provide further written submissions in reply, to which no further written submissions were made. However, the Complainant did reiterate that it was their view that a sanction of public written warning alone would be proportionate in all the circumstances whilst acknowledging that NPC Iran had imposed its own sanctions regarding the Demonstration.

6.7 The Complainant noted in their Statement of Case that, while indicating sanctions were a matter for the Hearing Panel, a public written warning would be sufficient.

7. Decisions and Reasons

The Hearing Panel finds that the Complaint has been proven on the balance of probabilities.

7.1 The Hearing Panel is satisfied that the Respondent's conduct constitutes a breach of Article 2.2 of the Demonstration Regulations as:

7.1.1 pursuant to Article 1.4 of the Demonstration Regulations, the Respondent is bound and required to comply with the Demonstration Regulations as a "Participant" in the Paralympic Games.

7.1.2 the Code applies to the Respondent as an athlete participating in the Paralympic Games and as a member of the Paralympic Family.

7.1.3 the Demonstration occurred on 30 August 2021 within the "*Games Period*" and during a podium/medal presentation/victory ceremony i.e. an "*Official Ceremony*"; and in any event took place at a Paralympic venue; and

7.1.4 the Respondent's conduct was a demonstration of remembrance and does not fall within any of the exemptions detailed in Article 2.3 of the Demonstration Regulations (set out at paragraph 4.2 above).

8. Sanctions

8.1 As the Hearing Panel has found that a breach of the Code has occurred, the matter of sanctions arises.



- 8.2 The possible sanctions for breaches of the Demonstration Regulations are set out in Article 4 of the Demonstration Regulations.
- 8.3 Pursuant to Article 4.3 of the Demonstration Regulations, the Hearing Panel assess proportionality to determine the appropriate sanction. Specifically, The Hearing Panel acknowledged that:
- (a) this would constitute a first offence by the Respondent (Article 4.3(i) Demonstration Regulations);
 - (b) the Respondent has expressed regret for breaching the Demonstration Regulations, and apologised to the I.R. Iran Sports Federation for the Disabled, NPC Iran and the Complainant (Article 4.3(j) Demonstration Regulations);
 - (c) there was a degree of premeditation on behalf of the Respondent (Article 4.3(a) Demonstration Regulations); and
 - (d) the Demonstration did not cause harm to others (Article 4.3(d) Demonstration Regulations).
- 8.4 Considering all the circumstances, the Hearing Panel finds, having regard to all the relevant circumstances, that the appropriate outcome is issuance of a public written warning in accordance with Article 4.1(b) of the Demonstration Regulations which states:
- "4.1 The Hearing Panel may impose any one or more of the following sanctions for a Demonstration Violation, based on what it considers to be proportionate in all of the circumstances of the case:*
- [...]*
- (b) a warning, which may be either private or public;"*
- 8.5 The Decision of the Hearing Panel will be made publically available on the website of the Complainant pursuant to Clause 2.1 of the Ethics Regulations.

Mark J Copeland
IPC Legal and Ethics Committee Chairperson