DECISION

In the case of Chinese Taekwondo Association ./. Mr. Tarik Benradi

Case no.: DR19-018

13th May 2020

I.
PROCEDURAL HISTORY

29 May 2019	**Complaint Chinese Taekwondo Association at World Taekwondo**
08 August 2019	**Notice of charge and preliminary suspension World Taekwondo**
22 August 2019	**Statement by Mr. Tarek Benradi**
01 September 2019	**Nomination of Dr. Michael Lehner as sole arbitrator**
01 September 2019	**Acceptance by Dr. Michael Lehner**

II.
FACTS

1. The respondent, Mr. Tarik Benradi, is an experienced referee in the sport of Taekwondo and has been active as such also on an international level for many years. He managed the women's gold medal contest in weight category +73 kg between Bianca Walkden (GBR-1501) and Shuyin Zheng (CHN-1511) at the 2019 Taekwondo Championships in Manchester 2019.

2. The gold medal contest was won by Bianca Walkden after Shuyin Zheng had been disqualified in round 3 because of several gam-jeoms.

3. The Competition Supervisory Board (CSB) of the 2019 World Taekwondo Championships reviewed Mr. Benradi's management of the women's gold medal contest in weight category +73 kg at the Manchester 2019 World Taekwondo Championships between Bianca Walkden (GBR-1501) and Shuyin Zheng (CHN-1511).

4. The CSB concluded that the judgement on giving gam-jeoms was not consistent and that it was misjudged by Mr. Benradi 8 times during round 3 of the contest. The CSB believes that the calls of Mr. Benradi were not biased or intentional but erroneous.

5. With its letter dated 29 May 2019 directed to Dr. Chungwon Choue, the President of World Taekwondo, the Chinese Taekwondo Association requested the following, making reference to alleged and numerous misjudgments by Mr. Tarik Benradi in the final match:

   - *Correcting the match result of the women's +73 kg of the 2019 Manchester World Taekwondo Championships;*
   - *Disqualifying Mr. Tarik BENRADI as an international referee, and imposing a life-long suspension on Mr. Tarik BENRADI;*
   - *Requesting the Local Organizing Committee of this event to apologize to Ms. Shuyin ZHENG in an official manner;*
   - *Amending the Referee Regulations and related documents, with an aim to avoid similar incidents on World Championships and Olympic Games, etc. from happening.*

6. WT concluded that there is a disciplinary case for Mr. Tarik Benradi to answer and therefore decided to issue a notice of charge in accordance with Article 3.5 of the WT Disciplinary Actions and Appeal Code (hereinafter: the Disciplinary Code). Based on the CSB's investigation, WT assumes that Mr. Tarik Benradi cannot be found guilty of intention as regards his misjudgments. WT states that for this reason a one-year suspension should be imposed on Mr. Tarik Benradi for non-intentional misjudgment as requested. The WT did not include the requests made by the Chinese Taekwondo Association, i.e. No. 1 "Correcting the match results", No. 3 "Requesting the Local Organizing Committee to apologize to Ms. Shuyin ZHENG in an official manner" and No. 4 "Amending the Referee Regulations and related documents" into the notice of charge.

7. World Taekwondo has decided to provisionally suspend Mr. Tarik Benradi as an international referee with immediate effect. Please be advised that provisionally suspended international referees shall no longer be able to participate in any official events of World Taekwondo.

8. Mr. Tarik Benradi took the opportunity offered to provide a detailed statement on the charges raised against him. By his email dated 20 August 2019, he justified the decisions he made in the contest in detail. In particular, he referred to the instructions relating to the application of rules which were given in advance to all referees assigned to the world championships. He pointed out that all objections raised by the Chinese athlete against the decisions he made during the contest were rejected. Mr. Tarik Benradi claims that the investigation committee had been biased as regards the composition of its members.

10. Without objection by Mr. Tarik Benradi, World Taekwondo nominated Dr. Michael Lehner, a member of the WT Juridical Committee, as sole arbitrator by its letter dated 1 September 2019. Dr. Michael Lehner accepted the nomination by his letter dated 4 September 2019.

11. The sole arbitrator has looked at a video of the final that has been uploaded to YouTube in order to obtain his own assessment of possible misjudgments in case of the Gam-jeoms that have been given by Mr. Benradi to Shuyin Zheng.

III.
Legal basis

11. The Regulations on the Administration on the International Kyorugi Referees stipulate the following:

> *"15.1.1 If turned out that intentional fabrication of judgment has been committed at any international Taekwondo events promoted or approved by the WT, the qualification of the pertinent International Referee shall be deprived. Even though it is proved that the misjudgment has been committed by mistake, not intentionally, any kind of disciplinary measures shall be taken to the pertinent International Referee."*

12. Article 20 of the WT Competition Rules 2019 stipulates the following:

> 3.5 Responsibilities for decisions:
> Decisions made by the referees and judges shall be conclusive and they shall be responsible to the Competition Supervisory Board for the content of those decisions.

IV.
DISCUSSION

13. The WT rightly did not further pursue the request made by the Chinese Taekwondo Association for correcting the match result of the women's +73 kg contest of the 2019 Manchester World Taekwondo Championships. Such request would also have to be rejected as according to Article 20 Section 3.5 of the WT Competition Rules 2019, decisions made by the referees are conclusive. The rules expressly provide that the result of a contest cannot be challenged by one party outside the possibilities provided in the immediate course of a match. The referees' final decision on a match is conclusive.

14. The WT is not authorized either to ask any person and/or a referee to apologize for a specific behavior or misjudgment. The WT Regulations do not contain any provisions regarding someone's obligation to apologize for a specific behavior and such obligation can therefore not be enforced and have prevalence over a referee's decision.

15. As regards the request for amending the Referee Regulations and related documents: This is a matter the WT's general assembly and not an arbitral tribunal has to discuss and decide on.

16. The fundamental decision of the WT Rules that decisions in contests are conclusive suggests that the conclusive result of a contest should not be reduced to absurdity by the subsequent punishment of a referee whose misjudgments brought the result of the contest about. It is hard to explain in general how the result of a contest is left undisputed on the one hand and, on the other, to publicly describe the result as a

serious misjudgment by imposing sanctions on the referee. Imposing sanctions on a referee because of misjudgments in just **one** contest would also mark down the winner as the loser and make the loser the actual winner in the eyes of the public audience. It is precisely this effect which would create the risk that the party which is unhappy with the result of the contest tries to make itself the real winner, maybe even through unjustified challenges. In this way, the athletic result of a contest could be indirectly questioned later on by sanction proceedings against a referee. In his interpretation of the rules, the sole arbitrator needs to consider the message conveyed here by a possible sanction imposed on Mr. Tarik Benradi and thus the future invitation to manipulate conclusive decisions made in contests by challenging the referee.

17. What is striking is the fact that according to the WT's rules a decision made by a referee which turns out to have been an intentional misjudgment later on only leads to sanctions imposed on the referee but not to the subsequent cancellation of the result affected by the intentional misjudgment. As an example, according to the rules the proved bribery of a referee, which does not necessarily result in the subsequent disqualification of the athlete benefiting from it, does not have any direct consequences for the contest which would even be criminally manipulated in such cases. This is why it seems justified to understand Article 15 of the Regulations on the Administration on the International Kyorugi Referees only in such a way that the basic prerequisite for imposing sanctions on a referee is that such referee's performance cannot be evaluated by taking only one single contest into account. Even though a referee's intentionally fabricated decisions in just one contest – depending on how serious the fabrication is – may suffice for imposing sanctions on such referee, the sole arbitrator thinks that, if the rules are properly interpreted, several contests managed by the referee should be considered in case the misjudgments were unintentional. Only this interpretation of the rules will – in consideration of the athletic result following a referee's decisions based on the facts – prevent a direct reference to the final evaluation of a contest which is to be conclusive according to Article 20 Section 3.5 of the WT Competition Rules 2019. As regards the decision in the present case, it may therefore be left open whether a great number of unintentional misjudgments made in only one contest – which could already be corrected with the means available during the contest and thus had no

influence on the final result – justify direct subsequent sanctioning of the referee. The present case is not about such obvious misjudgments already rectified in the contest.

18. Based on the statements made above, it is not relevant for the decision to be made here whether the decisions made by Mr. Tarik Benardi in the gold medal contest can actually and, above all, objectively and undisputedly be rated unintentional misjudgments afterwards. The misjudgments seen by the CBS are not misjudgments resulting from the review of several contests managed by Mr. Tarik Benardi or misjudgments which, as they were obvious, could be rectified with the means directly available during the contest. For this reason, it is also irrelevant whether Mr. Tarik Benardi actually only implemented a preset interpretation of the rules. In particular, the sole arbitrator is therefore not obliged to check the assessment by the CBS – which is not binding on the sole arbitrator in his procedural competency – for correctness. Consequently, it does not matter for this decision either whether the concerns of bias raised by Mr. Tarik Benardi against the members of the CBS are actually justified or not.

19. Irrespective of the decision to be taken based on the applicable rules, the sole arbitrator recommends clarifying the rules in future in order to state under precisely which conditions a referee's decisions can be re-evaluated and sanctions can be imposed on referees for misjudgments after the completion of a contest or even a tournament as in the present case. It should also be reconsidered whether sanctions imposed subsequently on a referee should result in a subsequent cancellation of contests. What does not seem quite clear to the sole arbitrator either is the allocation of competencies between the Technical Delegate during a tournament and – if the Technical Delegate does not intervene as in the present case – the CBS and the sole arbitrator after the completion of the tournament.

20. As a precaution, the sole arbitrator points out that according to his own assessment of the referee´s decisions though they have been provoked by Bianca Walkden however they stayed within the limits of the regulations. It appears obvious that and how properly feasible Shuyin Zheng in the competition has not opposed the attacks of Bianca Walkden sufficiently. With increased commitment by Shuyin Zheng leaving

the mat would not have been inevitable for her. As well as other independent comments of the final fight (for example from Taekwondo Magazine for Olympic Taekwondo Germany "Taekwondo 20" issue July 2019) the warnings issued by Mr Benradi against Shuyin Zheng were consistent and compliant with the regulations.

V.
DECISION

- **The request for sanctions because of violation of Article 15.1.1 of the Regulations on the Administration on the International Kyorugi Referees is rejected.**

- **The preliminary suspension dated 8 August 2019 is cancelled.**

- **The applicant shall bear the costs of the proceedings.**

Under Article 3.15 of the World Taekwondo Disciplinary Codes, this decision can be appealed within 20 days after receiving this decision.

Heidelberg (Germany), 13th May 2020

Dr. Michael Lehner
Sole Arbitrator