

CSIT
COURT OF ARBITRATION

File n. 1/2023

Panel composed of:

- Mr. Giancarlo Guarino (Head of the Court);
- Mr. Willi Hofer (Member of the Court connected on line);
- Mr. Robert Kaspar (Member of the Court);

Chairman appointed to the present case: Mr. Giancarlo Guarino

Facts: At the end of the football match between Italy and France on Sept. 7th, 2023, after some episodes sanctioned separately by the Technical Commission, the athlete XXXXXX, Italian team, approached the line referee Mr. De Nisi Salvatore and said to him in Italian "you should have disqualified that nigger," pointing with his arm to a French athlete. The referee reported the incident and the Technical Commission, in the immediacy, inhibited the Italian athlete from participating in the next competition.

The Court fixed the hearing concerning the complaint and invited Mr. De Nisi Salvatore (line referee) at 11.00 and Mr. XXXXXX at 18.30 o'clock at Dante Hotel Hall). Furthermore, all other 3 referees were heard during the course of the evening.

The Court required and has received the following from the Technical Commission:

- official reports and documents
- any other considerable information or evidence about the facts.

The Court made clear that the decision is taken founding on available elements and documents.

Content of the hearing:

Mr. De Niso appeared at 11 am, for reason of his scheduled activity as Referee of CSIT World Sport Games. He confirmed the facts as reported (annex.1)

Mr. XXXXX appeared at 7.20 pm and the declined any responsibility. He affirmed that a French athlete gave a knock to an Italian player and that maybe somebody from the Italian team pronounced offensive words to the French player. He said, that he just asked to the line referee "Who was the

person saying the offensive words". After this, he collaborated with the captain of the French team to calm the situation. He confirms also that when they went back to the dressing room, the Italian coach shook the hands with the French players (annex 2).

The court observes that the declaration of the referee and the player are in contradiction. So there was a need to complete the hearing with the other referees.

At 9.15 pm the 3 other referees appeared in front of the court. Mr. Pausco Valentino as 4th referee confirms what is written in the report. He precises that he was in the center of the football court and that all the athletes were moving in the direction of the dressing room so he did not hear or see anything (annex 3). The first referee Colonna Raffaele and the other line referee Madia Alberto declare not having seen or heard any knock or abusive language from their point of view (annex 4 and 5).

AWARD

Preliminarily, the Court finds that the sanction of disqualification for one match imposed by the Technical Commission is conclusive of the competition and justice on the field, but not of the disciplinary aspects, and correctly the Technical Commission referred the case to the Court of Arbitration for its own evaluations.

The Court of Arbitration is therefore competent to evaluate the disciplinary profile of the case. Acknowledging both the reports and the oral statement of the athlete, the court weighs the written report stronger than the oral statement of the athlete.

The above stated facts are leading to the conclusion that there is a potential breach of the CSIT Regulatory Framework by the athlete XXXXXX.

The principle of fairness, fair play and respect are the basis of modern sports and are echoed in the codes of conduct of the world's major sports organizations, including UEFA and FIFA.

These values are automatically valid in CSIT activities, which incorporates the official rules of all sports played.

Referring the word "nigger" ("negro") to an athlete by pointing at him or her is a disrespectful, offensive and racist gesture that must be punished.

CSIT has published in May 2016 the fair-play policy which is available on the CSIT website, as one of the most important codes of conduct of the association. In the first page "What is fair play" it is clearly stated that CSIT World Sports Games strives to more **fair competitions, respect and friendship**.

The same principles have been added in 2017 to the Technical Commissions General Regulations, chapter 5 on page 22. The fair play principles have also been added to the final invitation (Annex 5, page 13).

According to the point 5.6 of the CSIT Disciplinary Regulations, "failure to comply with a decision, award, obligation, requirement... set by a CSIT body is a major offence".

According to that, we have to apply one of the sanctions which are mentioned in Article 4.1.2. of the CSIT Disciplinary Regulations.

Therefore according to point 4.1.2.3 we have decided that the athlete XXXXXX will be disqualified from the next CSIT World Sports Games in 2025.

Communication:

This award shall be communicated immediately to the Technical Commission, and to the athlete through the head of the delegation and should be published on the CSIT website.

Cervia, 8th September 2023

Mr. Giancarlo Guarino (Head of the Court)

Mr. Willi Hofer (Member of the Court)

Mr. Robert Kaspar (Member of the Court)