

**DECISION
BY THE
INTERNATIONAL HANDBALL FEDERATION ETHICS COMMISSION**

Participants:

Mr. Jorge Pulido Vázquez:	IHF Ethics Commission Member
Ms. Helen Boyd	IHF Ethics Commission Member
Mr. Amatékoé Kangni	IHF Ethics Commission Member

CONDUCT OF ENG. ALAA ELSAYED

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I.- DEFINITIONS.

The definitions established in the Article 2 of the IHF Ethics Code will be understood transcribed in this part of the decision, so they can be used interchangeably.

II.- FORMAL KNOWLEDGE OF THE CONDUCT.

Members of the IHF Executive Committee sent an official formal request to the IHF Ethics Commission dated on 9 March 2021, referring to an alleged violation of the IHF Ethics Code by Eng. Alaa Elsayed.

The formal request based on Article 4 of the IHF Ethics Code included:

- 1.- Facts: brief statement of the material facts (4).
- 2.- Legal Arguments: legal arguments on which the request is based (3).
- 3.- Proofs: evidences (3).

It was also addressed to Mr. Hussein Moustafa Fathy, Chairman of the IHF Ethics Commission, and sent to the IHF Head Office.

The content of this request and its annexes will be understood literally transcribed in this part of the decision forming an integral part of it.

III.- PROCEDURE BEFORE IHF ETHICS COMMISSION.

The Ethics Commission is an independent adjudicating body of the IHF, established by the Congress in accordance with the Article 22 of the Statutes and Article 6 of the Legal Provisions.

The responsibilities and functions of the Ethics Commission are stated in Article 22.1 of the Statutes, Article 6 of the Legal Provisions and in the IHF Ethics Code. In the event of any inconsistency between the Code and any other IHF Regulations except for the IHF Statutes, the relevant provisions of the Code shall prevail.

According to Article 4 of the IHF Ethics Code, when handling a case the Ethics Commission shall have the *authority* to determine for each case the rules of the procedure.

Consequently, based on the articles 1, 2, 3, 4, 5, 6, 7, 8 and 14 of the IHF Ethics Code, the Ethics Commission received the request referred to in point II of this Decision, and decided to admit the present case because it is related to the IHF Ethics Code. Also, the Ethics Commission determined the rules of procedure, gave to Eng. Alaa Elsayed the right to be heard before the Ethics Commission issues its final decision, and noted that the case would be analyzed in the period of thirty calendar days after Eng. Alaa Elsayed exercised his right.

In that sense, it is noteworthy that the rules of the procedure expressly established by the Ethics Commission were the following:

“...1).- Admission and determination of the rules of procedure...2).- The right to be heard before the IHF Ethics Commission makes its final decision (once notified of the present document and its annexes the interested party will have seven (7) calendar days non-extendable, to provide in writing and in English his response to the proofs accrediting his comments)...3).- Analysis of the concrete case by the IHF Ethics Commission and final decision (after the seven (7) calendar days indicated above, the IHF Ethics Commission will have thirty (30) calendar days to analyze the specific case and issue the respective decision. The term may be extended for another thirty (30) calendar days, taking into account the complexity of the matter)....”.

IV.- APPLICATION OF THE ARTICLE 10 OF THE IHF ETHICS CODE

According with the Article 10 of the IHF Ethics Code, the Ethics Commission members accepted the excuse presented by the IHF Ethics Commission Chairman, informing about conflict of interest and asking the Members to deal with this case, particularly because he has the same nationality as a party involved in the matter.

V.- THE POSITION OF ENG. ALAA ELSAYED: THE UPDATE OF THE RIGHT TO BE HEARD BEFORE IHF ETHICS COMMISSION ISSUES ITS FINAL DECISION.

Eng. Alaa Elsayed exercised his right to be heard before the Ethics Commission by email, letter and attachments sent to the Ethics Commission on March 31, 2021.

The content of those email, letter and attachments will be understood literally transcribed in this part of the decision forming an integral part of it.

VI.- CONDUCT ATTRIBUTED TO ENG. ALAA ELSAYED AND RELATED EVIDENCE

VI.A).- ESTABLISHMENT OF FACTS

In accordance with article 4 of the IHF Ethics Code:

“The EC shall have full power to establish the facts on which the application is based.”

In that sense, as a result of the analysis of the initial request of the IHF Executive Committee, the Ethics Commission has determined that the facts that are considered relevant to determine if the IHF Ethics Code has been violated by Eng. Alaa Elsayed are the following:

“...1.- Following the Preliminary Round match of the 2021 IHF Men’s World Championship between SWE and EGY played at Cairo Stadium, Egypt on 18 January 2021, Eng. Alaa Elsayed published several posts on his Facebook page on 19 January 2021 with regard to the aforementioned match, in which he was criticising several decisions taken by the referees during the match concerned. In all his posts, he quoted a religious phrase to express that the referees acted in an unfair way and he would appeal to God to give justice. The posts included different situations of decisions taken by the referees during the match concerned....3.- On 21 January 2021, Eng. Alaa Elsayed sent his comments on the aforementioned posts to the IHF. At the same time, he deleted all the posts concerned from his Facebook page....”

VI.B).- EVIDENCE OF THE FACTS BY THE IHF EXECUTIVE COMMITTEE

Analyzing the evidence presented by the IHF Executive Committee, we find that the aforementioned facts are accredited with the proofs exhibited in the initial brief, which are:

“...1.- Screenshot of post published on Eng. Alaa Elsayed’s Facebook page on 19 January 2021 with regard to 2021 IHF Men’s World Championship Preliminary Round match between SWE and EGY played on 18 January 2021...”

“...3.- Email from Eng. Alaa Elsayed sent to the IHF Head Office on 21 January 2021...”

Said proofs are understood to be fully transcribed in this part of the decision for the legal effects that may arise.

VI.C).- THE POSITION OF ENG. ALAA ELSAYED EXERCISING HIS RIGHT TO BE HEARD

In the letter sent to the Ethics Commission on March 31, 2021, Eng. Alaa Elsayed presents the following elements for his defense in relation to the alleged violation of the IHF Ethics Code:

*“...I received with great surprise the documents submitted to you by the IHF executive committee regarding the conducts alleged by myself. More so, the facts and legal arguments shocked me even more....**Introduction...Alaa Elsayed is not only the following:...** • chairperson of inspection working group... • IHF COC member... • Head of Egypt’s national teams...but also:... • a member of the executive organizing committee of Egypt 2021 World championship.... • national team player and manager for more than 39 years.... • technical delegate and event delegate of IHF events since 2009... I have never received any kind of sanction during my sports career.... During the preparation for the Egypt 2021 WC, I was supervising the construction of the three new venues risking, together with the manpower from the Egyptian side, to get infected by Covid-19, especially during 2020, where life almost stopped all over the world... Unfortunately, I got infected on the 17th of December one month prior to the championship started (final phase).... Stress, as a normal symptom of Covid-19 and due to the massive responsibility weighing on my shoulder, was triggered by the constructions and preparations of the Egyptian National team put at risk in the very last phase due to the pandemic.... **Attachment 01 _ covid positive report 17.12.2020 ... Facts...** • **I Have No Page on face book but only personal account (NOT page)....** • Post was on this account was **only once (no repetition).... Attachment 02 _ post of my personal Facebook account...** • It was not in the media or press (**no big effect or seriousness**).... • Translation of the comment on the post was totally incorrect in the facts sheet presented by the executive committee (important note: the four executive members signed the documents are (SWE,ROM,CZE and FRA nationality are none Arabic speakers and they will never be able to make translation of what was written on the post). **Attachment 03 _ the google translation of the comment** • Immediately after communicating with IHF, the post was **deleted, and apology of misunderstanding was sent Attachment 04 _ email communications with IHF office...** • Covid-19 report and pictures of myself in the first aid room in playing venue during matches is showcasing the stress and post Covid-19 side effects.... **Attachment 01 _ covid positive report 17.12.2020... Attachment 05 _ picture in the first aid room...** • Other stakeholders with serious offensive conduct against IHF and Egypt 2021 LOC took*

place with no reaction at all from IHF bodies.... **Attachment 06 _ picture of Sander Sagosen's press statement to the media...**The penalties already mentioned in this document: ... 1. Exclusion from the inspection working group as a chairman 2. Exclusion from commission of organizing and competition (COC).... 3. Submission of alleged conduct to the council according to article 14.3.27 as a noncompliance with the obligation.... 4. Submission of alleged conduct to the IHF Ethic Commission under article 5.... are totally unreasonable, exaggerated, and do not match the alleged conduct according to the IHF regulation status and legal provisions.... Where the **seriousness and the repetition** are totally absent in our case and the articles 8.4 and 8.5 (general rules) of the IHF regulations concerning penalties and fines were not taken into account when imposing sanctions.... the sanction imposed on Mr. Kim Rasmus by EC is an example where the valuation was done publicly during televised press IHF conference in women WC Kumamoto /Japan 2019 **Attachment 07_ Kim Rasmus-Case... Legal Argument...** 1. Submitting alleged conduct to the council according to article 14.3.27 as a noncompliance with the obligation.... 2. Submitting the alleged conduct to the IHF Ethic Commission under article 5 • are totally unreasonable, exaggerated, and do not match the alleged conduct according to the IHF regulation status and legal provisions.... • Where the **seriousness and the repetition** are totally absent in our case and the articles 8.4 and 8.5 (general rules) of the IHF regulations concerning penalties and fines were not taken into account when imposing sanctions.... • Duplication is being created in my case (Procedures are taken against me more than once) unlike **Kim Rasmus-Case**.... • The procedures against me together with the previous sanctions are in line with the tension between IHF from one side and EHF and the organizing committee on the other side (me as a member of OC executive committee).... **Attachment 08 _ EHF president sanction dated 14th of March 2021 ... Attachment 09 _ Appointment of EHF Interim Committee dated 15th March 2021... I trust your understanding of the situation and hope that IHF and Ethic Commission regulations are applied in my case.... ”.**

From what is transcribed, for this Ethics Commission, it is important to consider the following in relation to the facts that will be analyzed to determine if there is a violation of the IHF Ethic Code:

“...Alaa Elsayed is not only the following:... • chairperson of inspection working group... • IHF COC member... • Head of Egypt's national teams...but also:... • a member of the executive organizing committee of Egypt 2021 Word championship.... • national team player and manager for more than 39 years.... • technical delegate and

event delegate of IHF events since 2009..... • I Have No Page on face book but only personal account (NOT page).... • Post was on this account was only once (no repetition).... Attachment 02 _ post of my personal Facebook account... • It was not in the media or press (no big effect or seriousness).... • Translation of the comment on the post was totally incorrect in the facts sheet presented by the executive committee (important note: the four executive members signed the documents are (SWE,ROM,CZE and FRA nationality are none Arabic speakers and they will never be able to make translation of what was written on the post). Attachment 03 _ the google translation of the comment • Immediately after communicating with IHF, the post was deleted, and apology of misunderstanding was sent Attachment 04 _ email communications with IHF office...”.

VI.D.)- OFFICIAL ENGLISH TRANSLATION OF A EVIDENCE (PROOF)

Calling attention to what Eng. Alaa Elsayed said in the sense that: “...• Translation of the comment on the post was totally incorrect in the facts sheet presented by the executive committee (important note: the four executive members signed the documents are (SWE,ROM,CZE and FRA nationality are none Arabic speakers and they will never be able to make translation of what was written on the post)...”, this Ethics Commission, based on Article 14 of the IHF Ethics Code, requested an official translation into English of the post of Eng. Alaa Elsayed on April 01, 2021.

Consequently, on April 12, 2021, an English translation of said post was received, made by the translation agency *Swiss Translate*, based in Geneva Switzerland.

The official English translation provided state the following:

“I have confidence in God as He will compensate us! This is an example for the Referee’s decisions made yesterday...Meaning: The writer believes that the referee was unfair in the decisions and the photo is an example of what he considered an unfair decision. Further he expresses this feeling using a saying from the Holy Quran which provides that those who feel injustice shall have confidence that God will help them and He will compensate them for the same”.

VII.- REASONING AND CONCLUSIONS OF THE IHF ETHICS COMMISSION BEFORE THE FACTS AND EVIDENCE

Studying the request and evidence, the conduct attributed to Eng. Alaa Elsayed and his position, the following is considered:

VII.A).- The Ethics Commission is an **independent adjudicating body of the IHF**, established by the Congress in accordance with Article 21 of the Statutes and Article 6 of the Legal Provisions (Article 1 IHF Ethics Code).

Therefore, **the Ethics Commission can act within the framework of its competence independently of any other body of the IHF, and can impose the sanctions established in the IHF Ethics Code for violation of its provisions, without prejudice to the other actions or sanctions of IHF bodies, taking into account and evaluating each case that is presented in particular.**

VII.B).- **The Ethics Commission shall investigate and determine upon reports about alleged violations of the Code by any individual subject to the Code** (Article 4 IHF Ethics Code).

Eng. Alaa Elsayed is subject to the Code, as he himself pointed out, holds the following responsibilities in the handball community at the international and national level: “...● *chairperson of inspection working group...* ● *IHF COC member...* ● *Head of Egypt’s national teams...* ● *a member of the executive organizing committee of Egypt 2021 Word championship....* ● *national team player and manager for more than 39 years....* ● *technical delegate and event delegate of IHF events since 2009...”.*

VII.C).- The existence of the phrase presented by Eng. Alaa Elsayed and the sense in which it was used in his personal post, is credited with: 1) .- the proofs marked with number 1 and 3 in the initial request submitted by the members of the IHF Executive Committee, which are transcribed in this part for the legal effects that may take place. 2).- The confession, clarifications and apology made by Eng. Alaa Elsayed contained in his letter and Attachments 02, 03, and 04, sent by email on March 21, 2021, which are transcribed in this part for the legal effects that may arise. 3).- The official English translation of the proof marked with number 1 in the initial request submitted by the members of the IHF Executive Committee, made by the translation agency *Swiss Translate*, based in Geneva Switzerland, which is considered transcribed in this part for the legal effects that may take place.

VII.D).- Referring to the accredited facts and their context, it is important to point out that for the IHF Ethics Commission, any member of the handball family has the right to freely say, manifest and disseminate what they think, respecting their freedom of expression. Notwithstanding this fact, the IHF Ethics Commission considers that the exercise of this right must be done responsibly, with the use of respectful language, not affecting the honor, reputation and image of the institution of which they are part, that is, of the International Handball Federation, and of the sport of handball itself.

The phrase presented by Eng. Alaa Elsayed and the meaning in which it was used in his personal post, although it was only once and later deleted, was controversial and caught the attention of the handball authorities, and so much so that at this time the fact is being analyzed in the Ethics Commission itself.

Although the aforementioned phrase could go unnoticed by anyone in the non-Arabic world, and perhaps be considered not serious, in this case the Ethics Commission considers it constitutes reckless, irresponsible and imprudent behavior by Eng. Alaa Elsayed, as he himself acknowledges in this regard, having apologized at a later time for having carried it out, according to the evidence in the procedure.

Eng. Alaa Elsayed, as he himself pointed out in his submission, holds a series of relevant positions and responsibilities in the field of handball at an international and national level, which naturally means that his performance must be impeccable at all times, as it should be an example to follow given his respective offices.

What has been done by Eng. Alaa Elsayed, for this Ethics Commission goes beyond the exercise of his freedom of expression, since given the nature of his positions and responsibilities in the handball community, what he stated in his phrase and the meaning in which it was used in his personal post, proves that his action was inappropriate, materializing then an unsportsmanlike and irresponsible behavior, which, in the opinion of this Ethics Commission, naturally affects the reputation of the International Handball Federation and the handball community.

Nor does it go unnoticed that the meaning of the phrase used has an inappropriate criticism inserted in the background and that it is also not impartial, in a communication medium that can be seen by anyone, which in the long run can cause a loss of prestige for the sport of handball.

VII.E).- For this Ethics Commission, prudence must prevail in the actions of every member of the handball community and especially in international events, given their importance and projection, a situation that did not occur in the case of Eng. Alaa Elsayed, as evidenced by the proofs presented by the IHF Executive Committee, and the confession, apology and proofs from Eng. Alaa Elsayed.

VII.F).- Arriving at this point, with the exhibited evidence and the statements of both parties, it is proven that Eng. Alaa Elsayed's actions were contrary to the Integrity principle established in Article 5 of the IHF Ethics Code, which states the following:

“ARTICLE 5...V. Conduct...Integrity...Individuals shall not act in a manner likely to adversely affect the reputation of the IHF, or the sport of handball generally, nor shall they act in a manner likely to bring the sport into disrepute...”

(the underline is our).

This is so, because despite the fact that Eng. Alaa Elsayed apologizes, the truth is that it is fully accredited and recognized that his act was irresponsible, imprudent and reckless, under the exercise of the existing freedom of expression, and materializes unsportsmanlike behavior.

VII.G).- Having clarified the behavior of Eng. Alaa Elsayed and after valuing the proofs and reviewing the IHF Ethics Code in the Articles that are applicable to this case, the IHF Ethics Commission states:

The Ethics Code is to ensure that all the members observe and support the Ethical behavior of our sport Handball, not only in competitions but in the day by day relations. Integrity is a transcendent value that must be respected by all at anytime, and in opinion of this Ethics Commission, that was not respected by Eng. Alaa Elsayed, as it has been accredited, consequently he violated the article 5 of the IHF Ethics Code.

VII.H).- Taking into account all the information in the hands of the IHF Ethics Commission and the principle of proportionality of the sanction, the Ethics Commission have decided to impose on Eng. Alaa Elsayed: a).- a three month suspension counted from the day following notification of this resolution, from taking part in any handball related activity including any official international Event organized, endorsed or approved by the IHF, and b).- a fine of CHF 2,500, both for violation of the Integrity principle contained in Article 5 of the Ethics

Code, in accordance with the provisions of Article 9 of the IHF Ethics Code, further urging Eng. Alaa Elsayed not to repeat the conduct in the future.

VIII.- EXEMPTION FROM LIABILITY

According to Article 13 of the IHF Ethics Code, no member nor any investigator or assistant of the IHF Ethics Commission may be held personally liable for any act or omission relating to any investigation, case, procedure or decision.

**THE FINAL DECISION
ON THESE GROUNDS**

The **INTERNATIONAL HANDBALL FEDERATION ETHICS COMMISSION** rules that:

1.- The conduct attributed to Eng. Alaa Elsayed, represents a violation of the IHF Ethics Code, particularly its Article 5 according to the reasons and conclusions established in this decision.

2.- The decision rendered by the **INTERNATIONAL HANDBALL FEDERATION ETHICS COMMISSION**, given the serious nature of the failure and the principle of proportionality of the sanction, is to impose on Eng. Alaa Elsayed: a).- *a three month suspension counted from the day following notification of this resolution, from taking part in any handball related activity including any official international Event organized, endorsed or approved by the IHF, and b).- a fine of CHF 2,500*, both for violation of the Integrity principle contained in Article 5 of the Ethics Code, in accordance with the provisions of Article 9 of the IHF Ethics Code, further urging Eng. Alaa Elsayed not to repeat the conduct in the future.

3.- Notify the present decision to the **INTERNATIONAL HANDBALL FEDERATION Council**, the **EGYPCIAN HANDBALL FEDERATION** and Eng. Alaa Elsayed.

4.- This decision shall be enforceable immediately once notified.

Seat of procedure: Basel, Switzerland

This is signed by Mr. Jorge Pulido Vázquez, IHF Ethics Commission Member, by agreement and on behalf of most of the IHF Ethics Commission Members on April 28, 2021.

INTERNATIONAL HANDBALL FEDERATION ETHICS COMMISSION



Mr. Jorge Pulido Vázquez
IHF Ethics Commission Member

With a copy to:

Mr. Hussein Moustafa Fathy, IHF Ethics Commission Chairman

Mr. Marko Vujosevic, IHF Ethics Commission Member.

Mrs. Helen Boyd, IHF Ethics Commission Member.

Mr. Amatékoé Kangni, IHF Ethics Commission Member.

IHF Executive Committee Members.

**In accordance with the provisions of the Article 12 of the Ethics Code: “Decisions by the EC, except provisional decisions, shall be subject to appeal to the IHF Arbitration Tribunal within 21 days from the receipt of the decision. Upon filing the appeal, a non-refundable fee of CHF 10,000.- shall be paid to the IHF. Decisions by the IHF Arbitration Tribunal shall be subject to appeal to CAS in accordance with Article 22 of the Statutes...Decisions by the EC shall remain valid while under appeal, unless the proper appeal body determines otherwise”.*