

# **DECISION OF THE** **ADJUDICATORY BODY**

**As per Article 32.3 of the World Aquatics Integrity Code**

Decision by:

**Raymond Hack (South Africa), Chairperson**  
**Anna Peniche (Mexico), Member**  
**Alexandre Miguel Mestre (Portugal), Member**

In the matter related to:

**Water Polo Italian Team (ITA), Respondent**

Regarding:

**Article 5 of the World Aquatics Integrity Code - Duties of good conduct**

Lausanne, 17 October 2024

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## **I. Overview**

1. The present case relates to the verbal and physical abuse of World Aquatics officials and to the staging of a protest by athletes and officials of the Italian men's water polo team (the "Respondent" or the "Team") at the 2024 Paris Olympic Games.

## **II. Factual background**

2. The following summary of the facts does not purport to include every single contention put forth by the parties during these proceedings. However, the Adjudicatory Body of the Aquatics Integrity Unit ("AQIU") has thoroughly considered the evidence and arguments submitted, even if no specific or detailed reference has been made to those arguments in the following outline of its positions and in the ensuing discussion on the merits.
3. On 7 August 2024, during the 2024 Paris Olympic Games, a men's water polo quarterfinal match was played between the representative teams from Italy and Hungary (the "Quarterfinal Game").
4. With 2 minutes and 22 seconds remaining in the second quarter of the Quarterfinal Game, Italian player Francesco Condemi ("Mr. Condemi") took a shot towards the Hungarian goal. His shot entered the Hungarian team's net, but his hand struck one of the Hungarian players in the face during his shooting motion. Before allowing the goal, the two referees [*name redacted*] and [*name redacted*] (the "Referees") officiating the Quarterfinal Game reviewed the action using Video Assisted Review ("VAR") technology to determine whether Mr. Condemi committed an exclusion foul.
5. After reviewing the VAR, the Referees ruled that Mr. Condemi committed a "violent action" under Part Six, Article 9.14 of the World Aquatics Competition Regulations (the "Regulations"), when he struck the Hungarian player in the face.
6. Part Six, Articles 9.1 and 9.14 of the Regulations state:  
*"It shall be an exclusion foul to commit any of the following offences (Part Six, Article 9.4 to 9.18) which shall be punished (except as otherwise provided by the Rules) by the award of a free throw to the opposing team and the exclusion of the player who committed the foul. [...] To commit a violent action, including kicking, striking, or attempting to kick or strike with malicious intent an opponent. [...] Should this occur during the game, the offending player shall be excluded from the remainder of the game and must leave the competition area and a penalty throw awarded to the opposing team. The offending player may be substituted when four minutes of actual play have elapsed."*
7. Accordingly, the Referees disallowed the goal and Mr. Condemi was excluded from the remainder of the Quarterfinal Game. As a result, Italy played with one less player for four (4) minutes before being able to return to full strength for the rest of the Quarterfinal Game.
8. The Quarterfinal Game ended in a tie score at the expiration of regular time, and Hungary won 12-10 after a penalty shootout. Shortly after, the Team Coach, Mr. Alessandro Campagna ("Mr. Campagna") protested against the Referees in a very aggressive and unsportsmanlike manner.

9. The Team then filed a protest with the Referees, pursuant to Part One, Article 13.1 of the Regulations, asserting that Mr. Condemi did not intend to strike the Hungarian player, and the contact was part of Mr. Condemi's follow-through from his shot on goal. The Team argued that this penalty changed the outcome of the game, which should be replayed in its entirety or from the time that Mr. Condemi was excluded.
10. The Referees reviewed the protest but rejected it and informed the Team Leader of their decision.
11. After being informed of the rejection of the protest, the Team left the venue and headed back to their bus to return to the Olympic Village.
12. As the bus was about to leave, the Team observed the Referees congregating in the parking area.
13. The members of the Team then proceeded to step off their bus to surround and verbally and physically abuse the Referees, as well as World Aquatics delegates and officials. In particular, Mr. Campagna began railing against the Referees, accusing them of being responsible for what happened during the Quarterfinal Game. Mr. Campagna also threatened [name redacted] with expressions such as: *"What do you know for water polo? You are from Montenegro... Your career as a referee is finished"*.
14. As a result, the Referees had to run back inside the venue to seek cover. Several members of the Team attempted to follow the Referees inside the venue. A World Aquatics delegate, [name redacted] blocked the entrance and tried to close the doors of the venue, but several members of the Team held him back, preventing him from doing so.
15. Despite the players' attempts, [name redacted] maintained his position at the doorframe, preventing them from entering the venue. At the same time, a female World Aquatics official, [name redacted] tried to intervene and calm the situation. Some players pushed [name redacted] and others began shouting at her.
16. Furthermore, [name redacted], a staff member of the AQIU, tried to record the incident on his phone but was obstructed by a member of the Team who tried to cover the camera view. One of the players then used force to steal the phone from [name redacted]'s hands.
17. The situation eventually calmed down and the Team returned to their bus and left the premises.
18. On 8 August 2024, the Team appealed to the World Aquatics Jury of Appeal against the Referees' decision of 7 August 2024 to dismiss the Team's protest.
19. On the same day, pursuant to Part One, Article 13.2 of the Regulations, six members of the Jury of Appeal met to consider the appeal and received the testimony from Mr. Condemi, Team personnel, and one of the Referees.
20. The Jury of Appeal concluded that it could not find that the Referees acted irrationally, arbitrarily or in abuse of their discretion, even if the Jury of Appeal might have reached a different decision after reviewing video that was not available to the Referees during the Quarterfinal Game. The Jury of Appeal

also cited Part Six, Article 20.7.5 of the Regulations which states that “[t]he result of a match should not be invalidated because of [...] wrong decision(s) involving the VAR [...]”. It, therefore, denied the Team’s appeal.

21. The next day, and following the decisions of the Jury of Appeal, the Team played in a classification match against Spain (the “Classification Game”). As so required in the rules (see Part One, Article 7.5.7.3.3.1 of the Regulations), the Team did not go to the Call Room before the Classification Game and turned their backs to the officials and to the official table during the national anthems, in order to protest against the decision taken against them in the Quarterfinal Game. Separately, at the 5 second mark of this match, Mr. Campagna called a time-out and replaced all players in the pool, deliberately interrupting the Classification Game as an act of protest. Following the time-out, Mr. Condemi left the field-of-play also in protest.

### **III. Procedural background**

#### **a. Preliminary procedure before the CECO**

22. On 9 August 2024, the Chief Ethics and Compliance Officer of the AQIU (the “CECO”) wrote to the Team, informing them of the initiation of an investigation and reminding them of the obligation to comply with the World Aquatics Integrity Code (“Integrity Code”) and the IOC Guidelines on Athlete Expression - Olympic Games Paris 2024.
23. In the context of the Preliminary Investigation, the AQIU collected statements from the Referees, as well as from World Aquatics delegates and officials.

#### **b. Main procedure before the CECO**

24. On 23 August 2024, based on all information and documents received, pursuant to Article 23 of the Integrity Code, the CECO decided to formally charge the Team by means of a notice of charge (“Notice of Charge”) for possible violation of Articles 5.3, 5.5, 5.7 and 5.9 of the Integrity Code:
- i. 5.3 Covered Persons must avoid acts or omissions that give the appearance of impropriety, or that disparage World Aquatics, or that bring (or have the potential to bring) World Aquatics, Aquatics and/or sport generally into disrepute.*
  - ii. 5.5 Covered Persons must avoid any offensive, violent or disrespectful behaviour towards other participants, including, the officials, other athletes, media, and/or spectators during the entire conduct of a competition. [...]*
  - iii. 5.7 Covered Persons must avoid interference, disobedience or obstruction to the orderly conduct of any sporting event within or outside of the venue(s).*
  - iv. 5.9 Covered Persons must actively participate in the full conduct of the competition, including victory ceremonies and, if applicable, presentations and/or press conferences. [...]*
25. According to the Notice of Charge, the CECO determined that a suspension for a fixed period of six (6) months from taking part in any Aquatic-related

events on behalf of World Aquatics and/or Continental Organisation and/or World Aquatics Member, a fine of USD 100,000 and a letter of apology from a representative of the Team addressed to the Referees and to the World Aquatics delegates and officials should be the applicable consequences in this case.

26. Furthermore, the Team was also informed that in accordance with Article 23.3 of the Integrity Code, they may respond to the Notice of Charge in one of the following ways:

- a. admit the charge and accept the consequences and sanctions;
- b. admit the charge, but dispute and/or seek to mitigate all or any of the potential consequences and have the Adjudicatory Body determine the consequences and sanctions; or
- c. deny the charge, and have the Adjudicatory Body determine the charge and any consequences and sanctions.

27. On 9 September 2024, the Team admitted the allegations but requested the Adjudicatory Body to cancel or to mitigate the sanctions, exercising its right under Article 23.3 b) of the Integrity Code.

28. In this context, the Team argued that while most Team members attempted to remain calm, the simultaneous and unintended exit of the Team and the Referees and delegates after the Quarterfinal Game which was particularly stressful, contributed to the inappropriate behaviour.

29. As for the protest they staged during the Classification Game, the Team argued that the disappointment and frustration, stemming from years of hard training and perceived injustice, contributed to their misconduct. They also noted that the Italian Swimming Federation was unaware of the Team's intended actions. They also added that after the protest, the Classification Game concluded without any other incident.

30. Finally, the Team attached a letter of apology from Mr. Campagna addressed to the Referees and to the World Aquatics delegates and officials:

*About what, unfortunately, happened, it has been certainly influenced by the great bitterness for an error, objectively then recognised in all fields, which has excluded the Italian Team from the possibility of fighting for medals and, as everyone knows, the Olympic medal is the dream of any athlete, which motivates the commitment for an entire four-year period.*

*This bitterness overcame us and triggered an emotional mechanism that we were unable to handle with due respect towards you.*

*Without esteem and trust towards the sporting institutions and those who, like You, represent them, it would not even be conceivable to cultivate competitive sports, nor to believe in the values of sport, aware of the full good faith and transparency that underlies the international water polo movement and World Aquatics.*

*We trust, therefore, that you will accept our heartfelt apologies, personally and on behalf of the whole team, to you and to all those who may have*

*considered our reaction inappropriate.*

31. Notwithstanding the apology, the Team did not deny any of the allegations against them.

**c. Procedure before the Adjudicatory Body**

32. On 11 September 2024, the CECO referred the matter to the Adjudicatory Body.

33. On 12 September 2024, the Chair of the Adjudicatory Body, informed the Team of the composition of the panel appointed to adjudicate the case (the “Panel”) and its rights. The Chair also afforded the Team a further opportunity to submit additional information or written submissions.

34. On 19 September 2024, the Team again admitted the violations but requested the Adjudicatory Body to cancel or to mitigate the consequences and sanctions, citing their commendable disciplinary record and consistent positive example of fair play and correct sporting conduct.

**IV. CONSIDERATIONS OF THE ADJUDICATORY BODY**

**A. Jurisdiction, applicability of the Integrity Code and hearing**

35. In accordance with Article 24 of the Integrity Code, the Adjudicatory Body of the AQIU is responsible for adjudicating cases where a respondent has admitted the charges laid by the CECO but requested the Adjudicatory Body to cancel or to mitigate the sanctions.

36. The above shows that the AQIU, and, more precisely, the Adjudicatory Body, has jurisdiction over the case and is entitled to pass a decision on the basis of the Integrity Code.

37. Article 29.1 of the Integrity Code clearly states that the Adjudicatory Body has full discretion to decide whether or not a hearing shall be convened. In this case, the Panel considers itself sufficiently informed to render a decision based on the written submissions. In coming to this conclusion, the Panel noted the fact that the Team did not request that a hearing be held in this matter. Moreover, the Team was afforded several opportunities to provide their position on this matter by the CECO and the Adjudicatory Body.

38. Having clarified the foregoing, the Panel proceeded to consider the merits of the case.

**B. Merits of the case**

39. The Team admitted having violated the following articles of the Integrity Code:

- i. Article 5.3 - Covered Persons must avoid acts or omissions that give the appearance of impropriety, or that disparage World Aquatics, or that bring (or have the potential to bring) World Aquatics, Aquatics and/or sport generally into disrepute.*
- ii. Article 5.5 - Covered Persons must avoid any offensive, violent or disrespectful behaviour towards other participants, including, the officials,*

*other athletes, media, and/or spectators during the entire conduct of a competition. [...]*

- iii. Article 5.7 - Covered Persons must avoid interference, disobedience or obstruction to the orderly conduct of any sporting event within or outside of the venue(s).*
- iv. Article 5.9 - Covered Persons must actively participate in the full conduct of the competition, including victory ceremonies and, if applicable, presentations and/or press conferences. [...]*

40. In light of the Team's admission of their violation of Articles 5.3, 5.5, 5.7 and 5.9 of the Integrity Code, the Panel will confine its deliberations to determining the appropriate sanction to be imposed.

### **C. Applicable sanction**

41. As per Article 33.1 of the Integrity Code, any one or more of the following sanctions may be imposed for an Integrity Code Violation:

- a) a warning as to future conduct;*
- b) a reprimand;*
- c) a fine in an amount proportionate to the seriousness of the violation;*
- d) an order of reimbursement or restitution;*
- e) a suspension from carrying out specific activities on behalf of World Aquatics and/or Continental Organisation and/or World Aquatics Member for a specified period;*
- f) a period of ineligibility, the length of which is to be determined based on what is proportionate in the circumstances of the case, taking into account in particular (i) the nature of the violation(s), (ii) the degree of fault of the Covered Person, (iii) the harm that the violation(s) has/have done to the sport, (iv) the need to deter future violations, and (v) any specific aggravating or mitigating factors; and*
- g) any other sanction deemed appropriate, including, but not limited to disqualification of results, annulment of results of any Event, removal from office, forfeiture of points and/or of quota places and/or of hosting rights, other loss of privileges, no contact directives, requirement to complete educational or other programs, and return of World Aquatics awards.*

42. Pursuant to Article 33.2 of the Integrity Code, the sanction(s) to be imposed in a particular case shall be determined by reference to all of the relevant circumstances of the case, including an assessment of the seriousness of the violation, and any mitigating or aggravating factors that may be present.

43. In this regard, the Panel first notes that the Team admitted that their behaviour was inappropriate and expressed deep regret for their conduct.

44. Notwithstanding the commendable admission of the charges and the accompanying letter of apology, the Panel considers that the Team's violation

of the Integrity Code was serious and cannot be taken lightly.

45. The Team's conduct was in clear violation of the principles of sportsmanship and respect, and undermined the authority of officials. It had the potential of creating an environment of intimidation and hostility, fundamentally incompatible with the spirit of fair competition.
46. Moreover, the Team's protest, which disrupted the orderly conduct of the Classification Game through disrespectful behaviour, unquestionably brought aquatics into disrepute. The impact was even more significant considering that the protest was done during the Olympic Games, an event watched by millions of spectators all over the world.
47. The Panel considers the fact that the Team had never violated the Integrity Code in the past as a mitigating factor. This said, the fact that the Team violated several articles of the Integrity Code is an aggravating factor.
48. The Team's actions within a period of less than 48 hours amount to a severe and repeated violation of the Integrity Code, which cannot be punished lightly:
- i. First, verbal abuse was directed at the Referees during the Quarterfinal Game, which escalated post-match into more severe misconduct, including verbal abuse and threats towards Referees, World Aquatics delegates, and officials.
  - ii. Later, the gravity of the situation intensified when physical abuse occurred, as members of the Team pushed a female official<sup>1</sup> and forcibly prevented another official from closing the venue doors. Additionally, the members of the Team obstructed the AQIU's ability to document the incident by forcibly taking the phone of a staff member of the AQIU to prevent the recording of events.
  - iii. Finally, during the Classification Game, the Team continued their protest by turning their backs during the national anthem, an act of blatant disrespect to their sport, themselves, their country and their opponents.
49. These repeated infractions demonstrate a serious disregard for the values of Olympism, which include, among others, fair play and respect for others, in particular, the referees. Such behaviour cannot be tolerated since it sets a bad example for the next generation of athletes, who may feel legitimised to disrespect the authority of the referees as a result.
50. What is more, the Respondent's actions had a significant and detrimental impact on their opponents. First, their actions after the Quarterfinal Game stole a precious moment of celebrations for the Hungarian team who had trained equally hard for this unique moment. Moreover, their protest during the anthems of the Classification Game had the potential to disrupt the preparations of the Spanish Team.
51. Considering the above, the Panel has decided to impose on the Team a six-month suspension from taking part in any World Aquatics competitions and

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<sup>1</sup> The Panel recommends that the CECO conduct further investigation to identify the specific members of the Team responsible for the physical abuse of the female official, in order to consider the imposition of further sanctions, as appropriate.



events, effective from the date of issuance of this decision, i.e., 17 October 2024, and a fine of USD 100,000. For the sake of clarity, the six-month suspension prevents the Respondent from taking part in the next World Aquatics Water Polo World Cup, which is due to be held between January and April 2025. While it doesn't prevent the Respondent from being part of a draw for competitions to be held after the end of their suspension, it precludes them from having any representative attend the draw. In the unlikely event that the World Aquatics Water Polo World Cup is rescheduled, the Adjudicatory Body will automatically review the matter and impose a new decision accordingly.

52. That said, considering the Team's clean disciplinary record, the prompt admission of the charges and the accompanying letter of apology as mitigating factors, the Panel decides that, with respect to the fine of USD 100,000, only an amount of USD 50,000 shall be payable within 90 days from the date of issuance of this decision, i.e., by 15 January 2025. The remaining USD 50,000 is suspended and will only become payable if the Team commits another violation of the Integrity Code before 17 October 2026.
53. While the proportionality of the sanction must be interpreted from the view of the offence committed in each specific case, the Panel notes that equally severe sanctions were imposed by panels in cases involving abuse of officials.
54. In CAS 2008/A/1603, Jahangir Shagaev v. AWPI, the coach of the Sydney University Water Polo team was subjected to a three-year suspension from all water polo events in Australia and elsewhere as a coach, athlete or official, following an incident in which he verbally insulted and physically assaulted the referee in the aftermath of a match. In reaching this conclusion, the CAS panel found that the charge was established by the factual findings of hitting a referee and the language used by the coach.
55. In CAS 2022/A/8694, Novica Toncev v. Football Association of Serbia, Mr. Toncev, a member of the Football Association of Serbia Executive Committee, entered the referee's dressing room at the end of the first half of the match contesting some of the referees' decisions and arguing with them. As a result of this incident, he was sanctioned with a 9-month ban on participating in any sports-related activity on the Football Association of Serbia.
56. In 2023, the coach of the football club AS Roma was suspended by UEFA for four UEFA club competition matches, for directing abusive language at a match official.<sup>2</sup>
57. In 2019, the football player Diego Costa was suspended for eight matches by the Spanish Football Federation after insulting the referee and grabbing his arm during a game.<sup>3</sup>
58. As to the imposition of the USD 100,000 fine, the Panel notes the Integrity Code does not prescribe a specific range for such sanctions. However, the Panel considers the fine to be proportionate to the gravity of the conduct in question and consistent with sanctions imposed in disciplinary cases by other

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<sup>2</sup> See: <https://www.france24.com/en/live-news/20230621-mourinho-given-four-match-ban-for-insulting-referee>

<sup>3</sup> See: <https://www.theguardian.com/football/2019/apr/11/diego-costa-eight-match-ban-insulting-referee-atletico-madrid>

sport federations.<sup>4</sup>

59. In light of the above, the Panel is confident that the sanction imposed should have an educational and preventive effect. It shall serve to instruct that such conduct is not and will not be tolerated in aquatic sports.

**V. DECISION OF THE ADJUDICATORY BODY**

- (i) The AQIU has jurisdiction over this matter.**
- (ii) The Respondent has violated Articles 5.3, 5.5, 5.7 and 5.9 of the Integrity Code.**
- (iii) The Respondent is sanctioned with a six-month suspension from taking part in any World Aquatics competitions and events, effective from the date of issuance of this decision, i.e., 17 October 2024, and a fine of USD 100,000. An amount of USD 50,000 is payable within 90 days from the date of issuance of this decision, i.e. by 15 January 2025, while the remaining USD 50,000 is suspended and will only become payable if the Respondent commits another violation of the Integrity Code before 17 October 2026.**
- (iv) This decision is rendered without costs and be made public.**
- (v) As per Article 35 of the World Aquatics Integrity Code, this decision can be appealed to CAS within twenty-one (21) calendar days of the appealing Party's receipt of the written reasoned decision in question by email.**


On behalf of the Panel of the Adjudicatory Body of the Aquatics Integrity Unit:



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Member



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<sup>4</sup> For instance, see: CAS 2021/A/7736, *Qarabag FC v. UEFA*.