

**BEFORE THE DISCIPLINARY COMMISSION
OF THE GYMNASTICS ETHICS FOUNDATION**

IN THE MATTER OF

**Mr Eric Demay (FRA) and Ms Cécile Pellerin Demay (FRA),
the Mexican Gymnastics Federation,
and
Mr Alain Kügel (FRA)**

DECISION OF 11 APRIL 2024

I. BACKGROUND ACCORDING TO THE GEF NOTIFICATION OF CHARGES

1. In March 2019, the Mexican Gymnastics Federation (“**Federation**”) hired the two French coaches Eric Demay (“**Demay**”) and Cécile [Pellerin] Demay (“**Pellerin**”), his wife, as “National Team Coordinators” to improve the performance and standing of the Mexican Gymnastics National Team, with the aim of ultimately qualifying for the Olympics.
2. On 21 November 2019, Ms Elsa Garcia, an elite gymnast and member of the Mexican National Gymnastics Team submitted a complaint via the GEF website stating that she had suffered physical and psychological harm resulting from actions/omissions of the coaches (Appendix 1 of the Notification of Charges (“**Notification**”). In her complaint, Ms Garcia notes that the alleged misconduct began in April 2019 and that it had kept escalating until the World Championships in October 2019 in Stuttgart, Germany. Her account is confirmed by the witness statement of her coach, Mr José Antonio Martínez Barraza (Appendix 5 of the Notification).
3. Ms Garcia outlines in her complaint that the top officials of the Federation were informed of the alleged abusive practices of the two coaches and yet they took no action to prevent or stop the alleged maltreatment.
4. GEF conducted an investigation lasting several years. The investigation includes an investigative report by Mr Ricardo de Buen dated 16 February 2020 (“**Report**”, Appendix 2 of the Notification), and several witness statements from Mexican, Swiss and French gymnasts and coaches, including a witness statement by Ms Elsa Garcia dated 29 May 2020 (“**WS Garcia**”, Appendix 3 of the Notification). Based on the

findings of the investigation it conducted and the witness statements, GEF considers that coaches Demay and Pellerin submitted gymnasts to repeated psychological abuse in their coaching practices. They were extremely controlling, and allegedly threatening not only to Ms Garcia but also her coach Mr Barraza. In addition, they repeatedly verbally abused and shamed Ms Garcia in front of her teammates. Finally, it is alleged that the coaches Demay and Pellerin submitted Ms Garcia and her teammates to excessive training, disregarding the needs of individual gymnasts and the injuries Ms Garcia had already sustained thus placing her at risk of further harm and injury.

5. In reviewing the alleged misconduct of the two coaches under the Notification, the GEF Disciplinary Commission was called upon to also consider:
 - the role of the Federation and whether its officials violated FIG policies and procedures by disregarding or inadequately addressing the complaints or concerns raised by Ms Garcia and the Mexican coaches Barraza and Gomez (see Appendices 5 and 6 of the Notification);
 - the conduct of Mr Alain Kügel as President of the gymnastics club Elan Gymnique Rouennais (EGR), given that Mr Kügel is a member of the Fédération Française de Gymnastique (FFGym) and that the gymnastics club EGR is a licensed club under FFGym, for failing to prioritize the safety and wellbeing of gymnasts in the club despite being informed of the alleged mistreatment of gymnasts by coach Demay (see Appendices 17 and 18 of the Notification).

II. INCIDENTS ALLEGED

6. Summary of Incidents Alleged in the Notification

15-20 April 2019

Training and selection camp in Tijuana, Mexico, the first qualifiers for the Pan American Games to select 16 gymnasts who may then compete to qualify for the Lima 2019 Pan American Games

Incidents

- *Coach Demay ordered the gymnasts to train with heavy weights despite Ms Garcia's request that she is not to lift such heavy weights as she had recently undergone back surgery. Despite this request, coach Demay instructs Ms Garcia to practice with the weights*
- *Coach Demay threw a weight at Ms Garcia narrowly missing her feet (Appendix 2, Investigation Report, p. 3 and Annex Video 2; Appendix 3, p. 2; Appendix 5, p. 3; Appendix 6, Ms Gomez's witness statement, p. 1)*
- *Coach Demay initially began to verbally harass and subsequently bully Ms Garcia, calling her "old", "senile", "grandmother" (at the age of 29, Ms Garcia was the most senior member of MNGT; Appendix 5, p. 3)*

- After qualifying for the team, Ms Garcia requested to skip the floor discipline due to pain in her Achilles heel, which coach Demay refused (**Appendix 2, Investigation Report, p. 3**)
- Video recordings from the facility where the training camp was held further show coach Demay slapping a gymnast on her behind and also pulling the arm of another gymnast (**Appendix 6, Ms Gomez's witness statement, p. 1 and video; also Appendix 5, p. 3**). With respect to the former, the gymnast involved was Victoria Mata, also a member of MNGT, whose complaint to the MGF was dismissed¹. These incidents were reported to the President of the Mexican Gymnastics Federation, who however dismissed the concerns raised by the coach Ms Gomez (**Appendix 6, Ms Gomez's witness statement, p. 1 and communication from the MGF of 22 April 2019**)

13 – 18 May 2019

Training and selection camp held in Mexico City for the 16 gymnasts that had qualified for the Lima 2019 Pan American Games

Incidents:

- On 16 May 2019, Ms Garcia had a medical exam (an MRI scan) at the National Commission for Physical Culture and Sport (CONADE), the following day at practice she requested to be exempted from certain exercises in light of the injuries confirmed during the medical exam; coach Demay refused and insisted Ms Garcia carry out all the exercises even if injured (**Appendix 5, p. 4**)
- Coaches Demay and Pellerin continued to verbally harass Ms Garcia by mocking her and calling her derogatory names (**Appendix 3, p. 3**)

1-3 June 2019

National Championships in Querétaro, qualifying competitions for Lima Pan American Games

Incidents:

- At the last minute just before performing her routine, coach Demay removed a springboard that Ms Garcia and the other team members had been using thus putting at risk her performance, safety and mental stability (**Appendix 3, pp. 4-5; Appendix 5, p. 4**)
- Similar to the previous incident, moments before Ms Garcia's performance coach Demay removes the springboard that the gymnasts had been using; this affected Ms Garcia's competition results while also putting her health at risk.
- See also incident of head injury of team member Ms Alexa Moreno while performing on the beam and subsequent pressure of coach Demay that she nevertheless competes despite having been taken to hospital and doctors' recommendation that she not compete (**Appendix 6, Ms Gomez's witness statement, p. 2 and medical**

report of 4 June 2019)

1-6 July 2019

Women's national team training camp in Mexico City (last training camp before the Pan American Games)

Ms Garcia informed the Mexican National Federation that she would not be participating due to injuries caused by the poor coaching practices of the coaches Demay and Pellerin.

*Additional team injuries: Ms Ahtziri Sandoval; Ms Victoria Mata; Ms Nicole Castro; Ms Frida Esparza; Ms Natalia Escalera (for a summary of team injuries see **Appendix 2, Investigation Report, pp. 4-5; Appendix 3, p. 6)**)*

Incident:

- *Coaches Demay and Pellerin continue to verbally harass and insult Ms Garcia*

25-31 August 2019

Fourth national team training camp in Mexico City

Incident:

- *Gymnast Ms Daniela Briceno, member of the Pan-American team, received such negative and aggressive comments on her performance which caused her to land badly injuring herself to such an extent that she had to undergo surgery the same day (**Appendix 5, p. 7)**)*

17-22 Sept. 2019

World Cup Artistic Gymnastics, Guimaraes, Portugal

Incident:

- *During a national team meeting to discuss performance at the end of the competition, coaches Demay and Pellerin declare that Ms Garcia's and Ms Lago's performance was "shit" (**Appendix 2, Investigation Report, p. 4)**); only two healthy gymnasts remained on the team (three gymnasts were injured during the competition and Ms Esparza already had a pre-existing injury)*

23-28 Sept. 2019

Training camp in Maia, Portugal

Incidents:

- *Coach Demay verbally harassed Ms Garcia and replaces the fixed tape markers with ones of a different length*
- *Coaches Demay and Pellerin exclude Ms Garcia's coach from all coach meetings (**Appendix 5, p. 9)**)*

29 September –
4 October 2019

World Championships Official Practice in Stuttgart, Germany

Incident:

- *More aggressive verbal harassment from coach Demay aimed at Ms Garcia*

5 October 2019

World Artistic Gymnastics Championships, Stuttgart, Germany

(qualifying competition for Olympics)

Incident:

- *After the final competition, Ms Garcia commented publicly on social media about alleged irregularities on team strategy; the Mexican Gymnastics Federation did not respond directly to her posting instead a statement on their Twitter account (**Appendix 7**)*

III. SUMMARY OF THE DISCIPLINARY PROCEEDINGS

7. The Notification was notified to the Respondents by email on 17 January 2024 and forwarded by the French Gymnastics Federation to Mr Kügel by email on 18 January 2024.
8. On 17 January 2024, Mr Demay confirmed receipt to the GEF.
9. On 22 January 2024, the Panel invited the Respondents to submit their comments on the Notification no later than by 13 February 2024 and set the tentative hearing date for 5 March 2024.
10. On 24 January 2024, the President of the Federation confirmed receipt noting that the Federation will respond within the prescribed deadlines.
11. On 24 January 2024, Mr Kügel confirmed receipt. He further responded on 26 January 2024 that he would not participate in the proceedings; on 29 January 2024 Mr Kügel provided at the request of the Panel secretary a working translation of his letter of 26 January 2024.
12. On 25 January 2024, Ms Pellerin confirmed that the joint email may be used for communicating with both Mr Demay and herself. The following day, on 26 January 2024, Mr Demay confirmed that both coaches Demay and Pellerin will participate in the hearing on 5 March 2024.
13. On 26 January 2024, the President of the Federation confirmed participation in the hearing and provided contact details of the Federation's legal representative and interpreters.
14. On 29 January 2024, the Panel secretary requested the power of attorney of the Federation's legal representative.
15. On 5 February 2024, the President of the Federation provided a signed power of attorney appointing Ms Fabiola Gonzales Robledo as counsel for the Federation.
16. On 13 February 2024, the Federation submitted its response to the Notification.
17. On 13 February 2024, coaches Demay and Pellerin submitted their response to the Notification. They attached a series of videos and transcribed statements from gymnasts and coaches on social media about the events in Mexico. Some information about the documents and the videos was missing.

18. On 14 February 2024, the Panel requested further clarifications from both the coaches Demay and Pellerin and the Federation. The Federation replied on 19 February 2024.
19. On 23 February 2024, coaches Demay and Pellerin provided the name of their interpreter.
20. On 24 February 2024, coaches Demay and Pellerin provided the missing translation and indicated the contact information of their interpreter.
21. On 1 March 2024, the Panel secretary forwarded the Zoom link for the hearing and the proposed agenda on 4 March 2024.
22. On 1 March 2024, the Panel President requested the attendance of the FIG at the hearing.
23. On 4 March 2024, Ms Perret, FIG Legal and Sports Counsel, confirmed that she will attend the hearing on behalf of the FIG.
24. At the hearing on 5 March 2024 held by Zoom video conferencing, the following persons attended:

GEF Disciplinary Commission Panel

Mr Matthias Scherer, President
Mr Thomas Hayn, member
Dr Mirjam Koller-Trunz, member

Panel ad-hoc secretary

Ms Martina Coxova, GEF

GEF

Mr Alex McLin, GEF Director
Ms Alexandra Bally, Legal Intern

Respondents

Coaches

Mr Eric and Ms Cécile Pellerin Demay

Interpreter

Mr Le Doux

Mexican Gymnastics Federation

Mr Gustavo Salazar, President

Counsel

Ms Fabiola González Robledo

Interpreters

Ms Sol Nemeth
Ms Martina Solari

FIG

Ms Charlotte Perret, Legal and Sports Counsel

25. Ms Garcia was not invited to the hearing. Mr McLin, Director of the GEF, explained at the hearing that if requested by the Panel the GEF would try to make Ms Garcia available. Mr McLin also recalled that it should be avoided to further burden the victim of alleged misconduct by having her participate in the proceedings against the alleged authors (proceedings in which Ms Garcia is not a party). Moreover, she has participated in the GEF investigations and provided a statement to the GEF investigators. The Panel considers that the statements and all other evidence and pleadings on record provide a sufficient basis for the present decision. The Panel also notes that Ms Garcia's audition by the Panel was not requested by the Respondents.

IV. ANALYSIS OF THE CHARGES AGAINST THE RESPONDENTS

Jurisdiction

26. The Disciplinary Commission of the Gymnastics Ethics Foundation has jurisdiction in disciplinary matters (Article 2.1 of the FIG Code of Discipline). In accordance with Article 3 of the FIG Code of Discipline, any infringement of FIG rules is sanctionable under the Code. As to Mr Kügel, he is president of a club affiliated to a national federation, and as such also held to ensure compliance with the FIG Disciplinary Rules.

Preliminary comments

27. The events took place in 2019, i.e. almost five years ago. They are primarily documented by a number of video recordings and statements from a series of gymnasts (including Ms Garcia) and coaches. Most of the statements are not contemporaneous and/or do not address the specific events under scrutiny. Nor were they all made for the purpose of the present proceedings. Their relevance and materiality is thus limited.
28. The Respondents' observations expressed during the proceedings are also of limited use. They did not address each charged incident specifically. It is not possible for the Panel to make a conclusive finding on whether all incidents took place and what the Respondents' role and responsibility was (e.g. for injuries sustained by athletes). Nevertheless, ultimately, it is not necessary to analyse each of the events alleged in the Notification. Indeed, there is sufficient evidence for the existence of some of these incidents, and (in the coaches' case) for a pattern of misconduct which justifies the sanctions against them.

A. Mr Eric Demay and Mrs Cécile Pellerin Demay

29. The charges according to the Notification of 17 January 2024 read as follows:

“Coaches Demay and Pellerin, in their capacity as coaches hired by the Mexican Gymnastics Federation, by their actions, violated over a period spanning several months in 2019 FIG rules, in particular the FIG Code of Discipline, the FIG Code of Ethics and the FIG Code of Conduct as follows:

- **Art. 3 of the FIG 2019 Code of Discipline** with respect to namely violating the principles of integrity and sports fairness; violations of the FIG Policy and Procedures for Safeguarding Participants in Gymnastics, the FIG Code of Conduct and the FIG Code of Ethics;
- **Art. 1a) and d) of the FIG 2019 Code of Ethics**; whereby pursuant to Art. 1a) the “respect of human rights and dignity is a fundamental requirement during all activities of the sport of gymnastics on a national and international level” and whereas it also follows under Art. 1d) that “[a]ll forms of non-accidental violence which include sexual harassment, sexual abuse, **physical abuse, psychological abuse and neglect will not be tolerated and disclosed**” (Art. 1d) FIG Code of Ethics);
- **Part I, Art. 6.4 of the FIG Policy and Procedure of Safeguarding and Protecting Participants in Gymnastics** whereby all participants have a responsibility to “ensure that the gymnastics sport environment is free from non-accidental violence” and all participants must not only comply with the FIG Safeguarding Policy and Code of Conduct but additionally “specifically not engage in, allow, condone or ignore incidents of harassment and abuse”;
- **Parts 1-3 and 5 of the FIG 2019 Code of Conduct** notably with respect to the principles of respect and human dignity, integrity, in particular with respect to behaviour and language “that constitutes harassment or physical abuse, is offensive” and for breaching their duties as coaches in a position of trust and their duty of care (in particular Part 5, FIG 2019 Code of Conduct).”

Discussion

30. The Notification relies on Ms Garcia’s witness statement and, among others, corroborating witness statements by Ms Maria Andrea Gomez and Mr José Antonio Martínez Barraza.
31. The coaches Demay and Pellerin submitted their observations on 13 February 2024 including testimonials from Mexican gymnasts. The Panel requested further information regarding these testimonials. The coaches clarified on 18 February 2024 that the “testimonials are not signed because they come from newspapers or internet.” At the hearing, they also confirmed that the testimonials were gathered from the Internet or Mexican newspapers. They are not signed because they are spontaneous testimonies echoing the allegations made by Ms Garcia and her trainer Mr Barazza. Consequently, the date, circumstances of their recording and publications cannot be verified. As they do not address the specific charges, they are of little use in any event.
32. The Panel found it striking that the coaches Demay and Pellerin did not seize the opportunity to address the charges that were notified to them in detail and specifically. They had an opportunity to rebut the charges in writing in their submissions of 13 and 24 February 2024, and orally at the hearing where the Panel drew their attention to the fact that most of their written comments were general in nature and did not address specifically the charges. Mr Demay even stated that he had not seen a video that was very much at the core of the charges (Appendix 2 of the Notification, Investigation Report Annex Video 2).

33. The rebuttal evidence submitted by the coaches Demay and Pellerin consists mainly of social and other media entries by gymnasts and coaches which reflect on the selection process and result and on the public accusations by Ms Garcia. In other words, these statements have not been prepared with a view to the present proceedings. While they shed some light on the existence of a strained relationship between the coaches Demay and Pellerin and Ms Garcia and her coach, and between gymnasts, these statements cannot be taken at face value for their format alone which is uninhibited by formalism characteristic and required of solemn testimony. The identity of the speakers is also problematic: given that the selection process led – naturally – to the selection of certain gymnasts and the elimination of others, it is unsurprising that the chosen ones consider the process to be honest and fair and take offense by the criticism voiced by Ms Garcia. However, the main flaw of these media reports is that they do not address the incidents described in the Notification. An exception is the testimonial of Mr Manuel Salazar (see below).
34. Even when prompted by the Panel at the hearing, the coaches' observations were general rather than specific, focussing on the coaches themselves rather than their own alleged wrongdoings. The coaches' general line of defence remained generic and disconnected from the charges.
35. The main thrust of the coaches' defence was that they had not been received well by Ms Garcia and her personal coach, Mr Barraza. From the start, the latter allegedly refused to speak English although the coaches Demay and Pellerin were not conversant in Spanish. Ms Garcia and Mr Barraza allegedly saw the coaches as a threat. For Mr Demay, this was because Ms Garcia had been privileged in the past and it was the first time that she had to compete genuinely and equally with other gymnasts. At the same time, Mr Demay admitted, however, that she was a very good athlete and successful also at international level, which goes to disprove Mr Demay's perception that Ms Garcia's success may be owed to favouritism.
36. It can be left open what the initial relationship between Ms Garcia, her coach and the two French coaches Demay and Pellerin were, or whether there was a display of jealousy towards foreign coaches as Mr Demay also observed. It misses the point for the charges. Coaches employed in foreign countries have to adapt - language skills and local parochialism cannot be blamed on gymnasts and, above all, they would neither explain nor excuse the conduct on which the charges are based. The victim in these proceedings is Ms Garcia, not the coaches.
37. Another immaterial point made by Mr Demay is the nature of the coaches' mandate, which was indeed limited to selection process. This was very much at the heart of the coaches' responsibility. However, the present proceedings are not, or only peripherally, about the selection process or the non-selection of Ms Garcia.
38. Mr Demay speculated that Ms Garcia's complaints may have originated from her frustration about her non-selection for all four apparatus at the 2019 World Championships. He explained that there were tensions among the three participants who

trained in the USA and the team members training in Mexico. The coaches eventually selected Ms Frida Esparza as no. 3 and Ms Garcia as no. 4. Mr Demay pointed out that Ms Frida Esparza turned out to be the highest performer on uneven bars. Mr Demay repeatedly pointed out that the selection process was fair and that in the past Ms Garcia had benefited from the favouritism of her coach Barraza (this was also alleged in media reports by some teammates, e.g. Ms Ana Lago – undated Facebook video, Exhibit 4 to the Federation’s submission of 19 February 2024). As far as Mr Demay is concerned, this is hearsay because he had not previously coached the Mexican team. There are testimonials produced by the Federation and the coaches that go in the same direction. Yet, ultimately, these considerations are irrelevant for the present proceedings. The selection choices are not what the present proceedings are about - they are about conduct identified in the Notification.

39. Ms Garcia’s motives for setting the investigation in motion are not relevant either. The Panel appreciates that for Ms Garcia the fact that she was not selected was a source of frustration, and would expect no less from any elite gymnast in the same situation. It is obvious that in a team there are tensions and competition among the gymnasts. That is the very heart of all individual sports and selection processes.
40. The Panel is not persuaded, however that Ms Garcia acted out of vengeance or personal spite against her coaches. The pattern of misconduct is well documented by many other witness statements. Mr Demay admitted certain conduct at the hearing (derogatory names; weight throwing) while at the same time downplaying and minimizing their importance. Mr Demay’s (supported at the hearing by Ms Pellerin) attempt to reduce the grounds for the proceedings to an act of vengeance by a disgruntled gymnast shows a mindset that in the Panel’s view is aggravating for their case.
41. Mr Demay pointed out that they were not permanently coaching the gymnasts but only six to seven weeks spread over the year. The gymnasts had their personal coaches with whom they exercised. The national coaches’ task was only to put in place an efficient selection process and to select those participants for international competitions who would be best prepared to achieve the highest results. The Panel accepts that this was indeed the framework of the coaches’ involvement with the gymnast. Again, however, this is not a direct answer to the accusations.
42. As to the coaches’ technical and professional skills, they are indeed favourably mentioned in certain testimonials nevertheless they are ultimately not in question.
43. In the following paragraphs, the Panel will analyse certain incidents detailed in the Notification, which were discussed at the hearing.

- **Incident with weights**

44. At the hearing, Mr Demay mentioned an incident at the first training camp in Tijuana. He recalled having thrown a weight behind him without realizing that Ms Garcia was standing

there. He was then shown a video which shows a quite different sequence (Appendix 2 of the Notification, Investigation Report Annex Video 2). In this recording, Mr Demay is approaching Ms Garcia and throws a weight to her feet which makes her jump away. Mr Demay stated that he had not seen this video before. However, it was part of the Notification. It is also the sequence described in the testimonial of Mr Manuel Salazar which the coaches introduced themselves.

45. The Panel therefore concludes that there were two events where Mr Demay handled weights carelessly. In the event described by Mr Demay, this might have been accidental. In the event shown on video it was deliberate. Mr Salazar (based on the video) considers that Ms Garcia jumping back was “theatrics”, a minor incident in a six-day training and that Mr Demay threw the weight into a work station set out on the floor. This is pure speculation and not even corroborated by Mr Demay who said he could not recollect this incident at all. The Panel has also noted that Ms Maria Andrea Gomez who, in her witness statement (12 August 2020, Appendix 6 of the Notification) confirms having witnessed the incident, considered it as intimidating. She does not believe, however, that Mr Demay acted with the intent to hurt the athlete.
46. The Panel would agree with Mr Demay that there was no reason why he as a coach would want to hurt a gymnast, as this would weaken the entire team. Be this as it may, the events took place and they created a risk of injury and were perceived as intimidation. While there is no suggestion that there was an intent to harm, such acts can have the effect of intimidating, especially from a coach. Mr Demay accepted as much at the hearing.

- **Incidents involving slapping and grabbing a gymnast**

47. Two video recordings from the first training camp allegedly show Mr Demay slapping a gymnast on her behind and also pulling the arm of another gymnast. Having seen the videos (which are snapshots of a 5-day intense training) the Panel considers that the “slapping” incident rather looks like shoving a gymnast who is performing interval running training to move even quicker. The “grabbing” incident does not raise concerns either. Certainly none of these incidents can be described as “sexual harassment” or “spanking” as reported in the newspaper article submitted as Appendix 13 of the Notification. However, it may have been perceived as inappropriate by the gymnast and with strong verbal language and overpowering conduct that coach Demay appears to have displayed reinforces the image of intimidating environment.

- **Use of derogatory names**

48. Ms Garcia, who at the time of the incident was 29 years old (date of birth 8 February 1990), complains about derogatory and humiliating remarks by Mr Demay on her weight and age. During the hearing, Mr Demay admitted to the use of names that can be perceived as being derogatory (“grandmère”). He attributed it to linguistic differences (he was using French or translation of French expressions). Mr Demay said he never meant such names to be derogatory. The relevant standard is however the gymnast’s legitimate perception, not the

coaches' intent. The Panel considers that any remark on a gymnast's weight and age can hardly be inspiring and the Panel doubts that they were intended as such. Mr Demay was a coach and words can hurt. Mr Demay, by answering the Panel's question, accepted that his words could be misunderstood.

49. In her witness statement, Ms Garcia describes an incident at the World Championship Trainings in Stuttgart. Mr Demay had shouted at Ms Garcia because of her choice of a vault exercise. When she did a more ambitious exercise, Mr Demay told her: "You see, me being angry, got you to make a great vault". This appears to reflect a coaching method whose efficiency (if any) can come at the cost of psychological harm. Intimidation has no place in a gym, especially where teenagers and very young adults train. Although Ms Garcia was older and an adult, contrary to some of the younger gymnasts, but even she suffered from this type of treatment.

- **Removal of springboard**

50. Ms Garcia argues in her witness statement that it had previously been agreed that the gymnasts could choose between two different springboards and that at the last moment Mr Demay made her change her board. Mr Demay explained that he removed the springboard of Ms Garcia and others to ensure equal treatment of the gymnasts. Although this indeed may have been the case, it should not be done just before the jump/performance (regardless of but even more so if the use of that board had been previously authorized).
51. Furthermore, this does not address the concern of injuries which Ms Garcia had expressed. Ensuring safety prevails over any concerns of equality. In any event, equal treatment does not mean that all gymnasts have to be treated equally without regard to their specific situation, but that all gymnasts in the same or similar situation have to be treated equally. If some gymnasts need to be protected because of individual health and safety concerns, this can be adequately considered when evaluating their performance.

- **Injuries**

52. Excessive workloads allegedly led to some of Ms Garcia's teammates sustaining injuries. The coaches Demay and Pellerin allege that the injuries or fragility were pre-existing and not due to the national training program.
53. On the one hand, witnesses on both sides admit that there were many injuries in the Mexican team. The French coaches argue that the gymnasts were either already injured or that this was due to incorrect individual training. However, this does not explain why there were so many injuries in the Mexican team in particular if indeed the French coaches hardly trained with the gymnasts. On the other hand, the Panel did receive from the coaches a number of social media statements by gymnasts, who all speak of good training methods and confirm that the coaches rarely trained directly with the athletes.
54. The Panel does not consider that it has enough evidence showing a causal link between

the coaches' training methods and a subsequent injury or aggravation of an injury.

- **Insisting on performance even if gymnasts were injured**

55. Ms Garcia writes in her witness statement that the coaches Demay and Pellerin insisted on gymnasts' performing even when they were injured. At the hearing, Mr Demay stated that there was no logic for a coach to force injured gymnasts to exercise and that the accusation makes no sense. Indeed it does not, but the question is whether it had happened.
56. The coaches Demay and Pellerin rightly point out that gymnasts had their own coaches who should have intervened. Although correct, nevertheless again it does not answer the question whether the coaches did insist on exercises when the gymnasts' known medical status should have commanded that they do not.
57. Mr Demay says that there was no formal and absolute obligation to perform all the exercises. The gymnasts were free to do so or not. This being said, it was a selection and non-participation had an impact. "Everyone was free to do all or part of the program. That said, we took into account the results of the tests and selection, as well as each gymnast's behaviour and commitment to the program" (Coaches Demay and Pellerin submission of 13 February 2024).
58. The Panel considers that communication is crucial. It had the distinct impression from Mr Demay's statements at the hearing that, while the performance of every single exercise was not compulsory, the gymnasts were made to understand that non-performance would have an adverse impact on their chances to be selected, regardless of whether there were medical reasons which prevented or should have prevented them from performing. Thus the pressure, openly or indirectly exercised by the coaches, could have led to injured gymnasts having performed exercises that they should not have. Ultimately, the Panel does not have sufficient evidence to assess the medical status of the gymnasts at the training camp, and how that should have impacted on the exercises they were asked to perform. The Panel agrees with Mr Demay that it is also, and maybe primarily, the responsibility of the gymnasts' personal coaches to protect the gymnasts they regularly coach.

- **Non selection for all-around competition and coaching in general**

59. Ms Garcia alleges that she was not selected for all four apparatus at the World Championships and could thus not compete for a single place in the Tokyo Olympic Games. The Panel is unable to determine whether this selection was justified or not, nor can the Panel determine whether the coaches "underappreciated" Ms Garcia as she writes in her witness statement.
60. After all, it is the coaches' task to proceed with selections. The Panel does not have the impression that the selection itself was the problem. The Panel also believes the coaches' statement that their goal was to have the best team, irrespective of personal preferences. Rather, the present proceedings are about the methods applied.

Summary with respect to violations of FIG disciplinary and safeguarding rules

61. Based on the evidence provided, the Panel considers that it is established that certain conduct on the coaches' part was not in line with FIG regulations. Red lines were overstepped. The conduct described above constitutes psychological abuse as defined in the FIG Policy and Procedures for Safeguarding and Protecting Participants in Gymnastics, Art. 3 which provides: "*harassment and abuse can be expressed in many forms[...]: Psychological abuse: any unwelcome act including[...] verbal assault, humiliation, intimidation, infantilization, or any other treatment, which may diminish an individual sense of identity, dignity and self-worth*".

Relevant factors for the sanction

62. *Coaches' personal situation*: Mr Demay explained at the hearing that he was under stress and felt mobbed. The Panel does not exclude that the foreign coaches' were not welcomed by some Mexican gymnasts and their personal coaches. Yet, this is no mitigating factor since it does not excuse the coaches' conduct. Also, international coaches parachuted into a selection position within a foreign team have to be able to deal with a stressful environment. In addition, Mr Demay mentioned that he received death threats on social media. This would indeed be very serious and a matter for the criminal courts. For the purpose of the present proceedings they are, however, not relevant to the extent they allegedly occurred after the incidents and could not have affected the coaches' conduct.
63. *Passage of time*: The coaches Demay and Pellerin pointed out that almost five years have passed since the incidents in Mexico occurred. The Panel would consider this to be a potentially mitigating factor to the extent that the delay is not imputable to the coaches and that the threat of sanctions was looming over their heads. Conversely, the passage of time can be an aggravating factor if the coaches' conduct has not improved. The GEF Director explained at the hearing that the initial investigation started in 2020 but was delayed due to further incidents of the coaches in France. The investigations and sanctions issued in France and subsequently reduced in December 2023, concern incidents that occurred prior to the coaches' employment in Mexico, not thereafter. The Panel considers on balance that the passage of time thus is neither a mitigating nor aggravating factor for the coaches' case.
64. *Pattern of misconduct*: While the present proceedings relate to alleged misconduct in Mexico, there have been similar reports from Switzerland and France (see Notification). Mr Demay explained that the situation and their missions was very different in each country and that they are more experienced now than when they were coaching in Switzerland. That may well be the case, and indeed is an aggravating circumstance.
65. *Favourable testimonials*: The coaches submitted favourable testimonials from gymnasts and coaches (video testimonials, transcripts attached to the submissions of 13 and 18 February 2024). These testimonials are not relevant to the specific charges. They do show that some elite gymnasts consider the coaches Demay and Pellerin to be good coaches and felt empowered rather than diminished by them. This, however, does not exclude that other

gymnasts did not feel that same way.

66. *Attitude*: The coaches Demay and Pellerin showed no sign of autocriticism. The impression remains that they are not willing or able to take the perspective of the victim. They perceive themselves as the victims. The GEF noted that in the proceedings in France this was also the case and requested the Panel to take this into account (Notification, p. 10) While this is an understandable, and probably a natural reflex of anyone (rightly or wrongly) accused of wrongdoings, one expects more empathy and self-criticism of a coach to whom young adults and minors are entrusted.
67. *Victim's conduct or motives*: This argument was central to the coaches' defence. It is not, however, a relevant factor, nor are such motives averred. To the contrary, Ms Garcia's cooperation with the investigation tends to show that her accusations were serious. Blaming the victims rather displays a problem of attitude (see above).
68. *Vulnerability of young gymnasts*: While Ms Garcia was not a teenager, but a young woman, the coaches also train children and adolescents, a particularly self-conscious and vulnerable group. Due to their vulnerability, they are in particular need of a respectful and well-meaning environment.
69. *International activity*: The coaches Demay and Pellerin have worked in many countries. Reports of misconduct have followed them. Mr Demay mentioned at the hearing that, due to their reputation, they often had only short-term assignments. Furthermore, according to Mr McLin, this is the first international Panel to hear a case regarding the coaches. An international sanction is warranted to avoid that coaches move from one jurisdiction to the next.
70. *Different treatment of Mr Demay and Ms Pellerin Demay*. The two coaches are a married couple working together. They have cosigned the written submissions. At the hearing, the coaches' positions were aligned. While it was mainly Mr Demay who spoke, Ms Pellerin confirmed Mr Demay's statements. Their position is therefore aligned. Their sanctions may nevertheless be distinct since Mr Demay had the lead role in the team.

Sanctions ordered

71. Given the above, the Panel finds that the coaches Demay and Pellerin violated:
 - i. Art. 3 of the FIG 2019 Code of Discipline;
 - ii. Art. 1a) and d) of the FIG 2019 Code of Ethics;
 - iii. Part I, Art. 6.4 of the FIG Policy and Procedure of Safeguarding and Protecting Participants in Gymnastics;
 - iv. Parts 1-3 and 5 of the FIG 2019 Code of Conduct.
72. Therefore, the Panel:
 - i. Excludes Mr Eric Demay for a period of two years and Ms Cécile Pellerin Demay

- for a period of one year from participating or receiving accreditation for any role, including but not limited to acting as coach, head of delegation or other official role at an international competition or in any FIG sanctioned event or competition organised by an affiliated FIG member federation;
- ii. Orders Mr Eric Demay and Ms Cécile Pellerin Demay to undergo accredited safeguarding training and that such training must be completed prior to them resuming coaching activities in gymnastics;
 - iii. Orders Mr Eric Demay to pay CHF 1'500 as a contribution to the costs of the disciplinary proceedings;
 - iv. Orders Ms Cécile Pellerin Demay to pay CHF 1'000 as a contribution to the costs of the disciplinary proceedings;
 - v. Confirms that the decision will be published.

B. The Mexican Gymnastics Federation

73. The charges according to the Notification of 17 January 2024 read as follows:

"[...]the Mexican Gymnastics Federation, at a minimum, by its actions or inaction, violated the following provisions of FIG rules:

- ***Art. 3 of the FIG 2019 Code of Discipline** with respect to namely violating the principles of integrity and sports fairness; violations of the FIG Policy and Procedures for Safeguarding Participants in Gymnastics;*
- ***Art. 4 of the FIG 2019 Code of Discipline** according to which "[member] Federations are also liable for the behaviour of their members, gymnasts, judges, and officials [...]";*
- ***Art. 1a) and d); Article 2d) of the FIG 2019 Code of Ethics** whereby pursuant to Art. 1a) the "respect of human rights and dignity is a fundamental requirement during all activities of the sport of gymnastics on a national and international level" and whereas it follows under Art. 1d) that "[a]ll forms of non-accidental violence which include sexual harassment, sexual abuse, **physical abuse, psychological abuse and neglect will not be tolerated and disclosed**" (Art. 1d) FIG Code of Ethics);*
- ***Part I, Art. 6.3 the FIG Policy and Procedure of Safeguarding and Protecting Participants in Gymnastics** under which National Federations are responsible for implementing policies and procedures for "safeguarding and protecting participants from harassment and abuse" while also "ensuring all participants in gymnastics are aware and adhere to the FIG Code of Conduct at FIG activities" (Art. 6.3 alinea 1 and 3);*
- ***Part I, Art. 6.4 of the FIG Policy and Procedure of Safeguarding and Protecting Participants in Gymnastics** whereby all participants have a responsibility to "ensure that the gymnastics sport environment is free from non-accidental violence" and all participants must not only comply with the FIG Safeguarding Policy and Code of Conduct but additionally "specifically not engage in, allow,*

condone or ignore incidents of harassment and abuse and be supportive of other participants who report concerns”;

- ***Parts 1-3 of the FIG 2019 Code of Conduct**, which explicitly provide that “National Federations [...] are responsible to create a positive environment for the practice of safe gymnastics” and that the conduct and behaviour in national and international gymnastics activity must be consistent with the rules provided by the IOC, the FIG and the National Federation as well as the key principles of respect, human dignity and integrity provided for in Part 2 of the Code.”*

Discussion

74. In its submissions of 13 and 19 February 2024, the Federation takes in essence the view that Ms Garcia did not submit her complaints to the Federation’s body designated to deal with this type of situation (i.e. the Commission for the Attention of Special Cases). Had the incidents occurred as described by Ms Garcia, she and/or her coach should immediately have turned to the Commission. In the absence of any such timely reports, the Federation could not investigate the alleged incidents, has only Ms Garcia’s word for them to have happened, and therefore cannot be accused of inaction.
75. At the hearing, Mr Salazar and Ms Robledo explained that in 2019, Mexico had a very strong team, good coaches and that the competition within the team was strong.
76. Mr Salazar added that the coaches were not renewed and that coaches who do not fully master Spanish could be a problem. This is irrelevant for determining whether there was any sanctionable behaviour before the coaches were dismissed.
77. Mr Salazar’s main grief was that Ms Garcia had disregarded the chain of command and made her allegations public on social media. There was a new special body that had been established which included neutral members and Ms Garcia should have seized it. Ms Garcia explains in her message to the GEF of 21 November 2019 that she lacked trust for a fair investigation since the body included the same members who allegedly failed to protect her.
78. The Federation’s public statements did not enhance her trust in a fair investigation. Indeed, the Federation wrote publicly that it was surprised by and disagreed with the views expressed by Ms Garcia. The Federation added that it remained open for a dialogue and to take action if necessary (Exhibit 6 to the Federation’s submission of 19 February 2024). In other words, it is evident to the reader, that the Federation did not plan (and indeed did not) investigate the matter at its own initiative.
79. Mr Salazar pointed out that Ms Garcia was not responsive and refused to engage in discussions although the Federation had specifically suggested this in social media in response to Ms Garcia’s own posts (Exhibit 3 to the Federation’s submission of 19 February 2024). The Federation notes that Ms Garcia did not even react even when the Federation had convened the highest body for Sports in Mexico, the Commission of Sports

(see also submission of 13 February 2023, p. 6) and that this destroyed the Federation's credibility. Ms Garcia, on the other hand, remarks that the Federation never personally reached out to her but simply put a post on their Twitter account in response to her own post (WS Garcia, p. 15).

80. The point is not what Ms Garcia did but what the Federation did when it had learnt of the accusations. Clearly it could and should have conducted an investigation of the type the GEF later did. Even if Ms Garcia was not available, there were other participants, e.g. the coaches themselves, teammates, Ms Garcia's coaches (the Federation acknowledged as much in its statement in the newsletter: "[...] we are open and in our role to address the case, opening also the dialogue and testimony with the rest of the gymnasts and coaches who were part of this process and we are willing to take action if necessary" (Federation submission, Folder proof 6, of 19 February 2023)).
81. It is also noted that coach Maria Andrea Gomez had written to Mr Salazar on 19 April 2019 already asking him what the Federation would be doing about the integrity of the gymnast (Exhibit 5 to the Federation's submission of 19 February 2024). She also mentioned that the French coaches Demay and Pellerin had a history of mistreatment ("I don't want to gossip or bother, but I do think it is [my] obligation to say something now that I see something that in my opinion is not correct before it becomes something more, especially when it comes to a coach who has a history of abuse"). The Federation criticizes in these proceedings that Ms Gomez did not provide evidence. At the time however, the Federation did not ask for evidence but wrote back to Ms Gomez stating that the coaches' mission was to select the most able gymnasts (letter of 22 April 2022, Appendix to Ms Gomez's witness statement submitted as Appendix 6 of the Notification). This was beside the point; the Federation should have inquired.
82. Mr Salazar pointed out that Ms Garcia was not allowed to participate at the Pan Am Games because of her injury and that the score notification had been in line with past practice. This is somewhat contradictory with the Federation's submission of 13 February 2024 ("[...] the untimely notification of the results of the competitions is a consequence of administrative complications and not a premeditated action to particularly affect Miss Garcia"). Ultimately, it is not relevant and not at the heart of the present proceedings.

Relevant factors for the sanction

83. Mr McLin testified that the cooperation of the Federation with the investigation was below expectations and that answers were difficult to obtain. Mr Salazar submitted that this was due to issues with Internet connection. Whatever the reasons, the Panel notes the GEF's impression of lacking cooperation.
84. The Panel does not consider it to be appropriate for a Federation to blame and hide behind Ms Garcia's alleged unresponsiveness and motives. Ms Garcia's motives may not be entirely righteous and while she had no problem explaining to the whole world via social media and TV her side of the story, she was less engaging with the Federation (but did

cooperate with the GEF). This can at least partially be explained by the fact that she did not trust the Federation, who was the employer of the coaches. The trust she had in the Federation was likely also diminished by the public statement where the Federation took sides and did not initiate an investigation at its own initiative. It was clearly incumbent on the Federation to undertake such an investigation at the latest when it received the WhatsApp message from Ms Gomez (Exhibit 5 to the Federations' submission of 19 February 2024). The Federation is responsible for the coaches under Art. 4 of the FIG 2019 Code of Discipline. In the present case, the Federation had an increased duty to be watchful since the coaches had a track record for mistreatment (as the WhatsApp message also pointed out) which the Panel considers to have been known to the Federation.

85. On the positive side, the Panel notes that the Federation showed good will to have institutional structures and resources in place to deal with this type of situation, and that it acknowledges that it must be independent or include independent members. The Panel also welcomes the Federation's effort to answer the specific charges, rather than avoiding them. Although the explanations were not always satisfactory, it demonstrates engagement with the underlying issues.
86. As Mr McLin explained at the hearing, safeguarding efforts and regulations are relatively recent. Rules entered into force on 1 January 2019 without follow up. Many federations are still struggling with the compliance processes that have been imposed on national federations without support. According to Mr Salazar, Mexico had taken steps towards efficient safeguarding even prior to 2019 and has continued to make further improve. The main shortcoming was not lack of structure, but lack of adequate use of the structure. In light of these circumstances, the fine suggested by the GEF of CHF 50'000 appears too high.
87. The main thrust of the sanction is to ensure that the Federation uses the tools it has in the event of any future incidents of this sort. However, the focus of the Federation's defence in these proceedings does not bode well in that regard.

Sanctions

88. Given the above, the Panel finds that the Federation violated:
 - i. Art. 3 of the FIG 2019 Code of Discipline;
 - ii. Art. 4 of the FIG 2019 Code of Discipline;
 - iii. Art. 1a) and d); Article 2d) of the FIG 2019 Code of Ethics;
 - iv. Part I, Art. 6.3 and 6.4 of the FIG Policy and Procedure of Safeguarding and Protecting Participants in Gymnastics;
 - v. Parts 1-3 of the FIG 2019 Code of Conduct.
89. Therefore, the Panel:
 - i. Orders the Federation to pay a fine of CHF 10'000;

- ii. Orders the Federation to establish by 31 December 2024, under the GEF's supervision, a protocol of actions to be taken in the event of future incidents. The protocol should be the result of a proper CAPA exercise (Corrective and Preventive Action). The Federation should assess, with the benefit of hindsight and the guidance of the present decision, where it went astray, and how this could be avoided, using the existing institutions, and as the case may be, by making changes to internal regulations. The protocol and its application should be approved and tested by GEF;
- iii. Orders the Federation to pay CHF 1'500 as a contribution to the costs of the disciplinary proceedings;
- iv. Confirms that the decision will be published.

C. Mr Alain Kügel

90. The charges against Mr Alain Kügel in the Notification of 17 January 2024 read as follows:

“Mr Kügel is also alleged to have, at the minimum, by his actions or inaction, violated the following provisions of the FIG rules:

- **Part I, Art. 6.4 the FIG Policy and Procedure of Safeguarding and Protecting Participants in Gymnastics** under which *“all participants must comply with the FIG Policy and Code of Conduct and specifically not engage in, **allow, condone, or ignore** incidents of harassment and abuse and be supportive of other participants who report concerns”*.
- **Part 1 of the FIG 2019 Code of Conduct** whereby all participants commit to *“strictly refrain from any behaviour that could constitute, **encourage or incite** any form of harassment, violence, abuse or otherwise **cause harm.**”*

91. Mr Kügel stated in his letter of 26 January 2024 that:

- he cannot violate FIG regulations to the extent that neither he nor the club Elan Gymnique Rouennais are directly affiliated with the FIG;
- he rejects all charges and is deeply upset by the accusations as he has nothing to do with the events that took place in Mexico in 2019;
- there was no obstacle to the coaches being hired in August 2022;
- he had no knowledge of Ms Garcia's complaint of 2019;
- had GEF commenced the disciplinary proceedings in 2019 when Ms Garcia's complaint was filed, Elan Gymnique Rouennais would have known and the question of employing the coaches could have been debated within the club and the French Gymnastics Federation;
- he defers to the Panel's decision but does not want to follow the instruction.

92. The Panel considers that the charges concern primarily events that occurred in Mexico in 2019. Mr Kügel had no part in these events. This is understood by GEF who blame Mr Kügel for giving the coaches Demay and Pellerin a home in 2022 when they were no

longer welcome elsewhere. At the hearing, Mr McLin stated that it was concerning to hire the coaches in that position, especially after the French media reportage in May 2023.

93. As Mr Demay explained at the hearing, he and his wife were not officially sanctioned when Mr Kügel (or rather his club) hired them in August 2022. In France, they were sanctioned in October 2023, which was subsequently partially lifted in December 2023 (Notification, p. 6).
94. Sanctions as well as provisional safeguarding measures can and should be taken by the competent federation body. The Panel does not consider that it would be just in the present case to reprimand Mr Kügel for employing coaches that were not banned at that time. It is not for the individual clubs or club owners to enforce safeguarding measures that were not (yet) taken by competent instances. An exception could be made if a national federation remains inactive and GEF has to interfere and seek sanctions in the general interest of gymnasts. The Panel notes however that the French federation took action regarding the coaches alleged misconduct. The media report in May 2023 occurred after the hiring of the coaches in August 2022.
95. In addition, especially in a case where investigations are conducted over several years such preventive ban could be tantamount to a prohibition to work (which would be problematic in light of Art. 28 Swiss Civil Code). The rule that an accused is innocent unless and until proven guilty applies and has to be respected.
96. Certainly, Mr Kügel and the club as employer must, as with any employee, assume the risk and responsibility, possibly also at the level of civil and criminal law, if new incidents occur. In that regard, the fact of having hired a coach with a flawed track record could be an element considered unfavourably by the competent authority.

Sanction

97. Given the above, the Panel:
 - i. orders no sanction against Mr Kügel;
 - ii. confirms that the decision will be published.

V. DECISION

98. In summary and as outlined above, with respect to the Respondents the Panel issues the following decision:

Mr Eric Demay and Ms Cécile Pellerin Demay

- i. Excludes Mr Eric Demay for a period of two years and Ms Cécile Pellerin Demay for a period of one year from participating or receiving accreditation for any role, including but not limited to acting as coach, head of delegation or other official role at an international competition or in any FIG sanctioned event or competition

- organised by an affiliated FIG member federation;
- ii. Orders Mr Eric Demay and Ms Cécile Pellerin Demay to undergo accredited safeguarding training and that such training must be completed prior to them resuming coaching activities in gymnastics;
 - iii. Orders Mr Eric Demay to pay CHF 1'500 as a contribution to the costs of the disciplinary proceedings;
 - iv. Orders Ms Cécile Pellerin Demay to pay CHF 1'000 as a contribution to the costs of the disciplinary proceedings;
 - v. Confirms that the decision will be published.

Mexican Gymnastics Federation

- i. Orders the Federation to pay a fine of CHF 10'000;
- ii. Orders the Federation to establish by 31 December 2024, under the GEF's supervision, a protocol of actions to be taken in the event of future incidents. The protocol should be the result of a proper CAPA exercise (Corrective and Preventive Action). The Federation should assess, with the benefit of hindsight and the guidance of the present decision, where it went astray, and how this could be avoided, using the existing institutions, and as the case may be, by making changes to internal regulations. The protocol and its application should be approved and tested by GEF;
- iii. Orders the Federation to pay CHF 1'500 as a contribution to the costs of the disciplinary proceedings;
- iv. Confirms that the decision will be published.

Mr Alain Kügel

- i. The Panel orders no sanction against Mr Kügel;
- ii. The Panel confirms that the decision will be published.

Lausanne, 11 April 2024.

Gymnastics Ethics Foundation Disciplinary Commission



Mr Matthias Scherer
Panel President



Dr Mirjam Koller
Panel Member



Mr Thomas Hayn
Panel Member

Notice of Appeal

Appeal Proceedings before the GEF Appeal Tribunal (Article 30 of the FIG Code of Discipline)

“ARTICLE 30 APPEAL

With the exception of decisions and sanctions rendered in connection with the FIG Anti-Doping Rules and the WADA Code including its international standards, which may be appealed directly to the CAS, and unless provided otherwise in specific provisions, only the decisions rendered by the Disciplinary Commission may be appealed to the Appeal Tribunal.

Only the Parties directly involved in the proceedings shall be eligible to lodge an appeal to the Appeal Tribunal.

Upon request of a majority of the Executive Committee or of the FIG President, the FIG shall in all cases be eligible to lodge an appeal. The appeal shall be lodged by the FIG Secretary General. Likewise the majority of the Council of the Gymnastics Ethics Foundation or its President shall be eligible to lodge an appeal in all cases. Appeals of the Gymnastics Ethics Foundation shall be lodged by its Director.

In order to be admissible, the appeal shall be lodged in writing and contain:

- the factual argument*
- the reasons for the appeal*
- the submission of any and all means of proof relied upon by the Appellant or an offer to submit any and all means of proof (such as the request for the hearing of witnesses*

- or the request for an independent expert)
- the request of a hearing if wished so by the Appellant
- the conclusions of the Appellant

If the Appellant wishes to call witnesses or experts, a hearing shall be held.

Once his/her statement of the case is submitted, the Appellant shall not be authorised to produce new means of proof unless he/she justifies that he/she has not been able to do so for reasons beyond his/her control or his/her behest. The Appeal Tribunal may automatically conduct the necessary investigations.

The appeal shall be signed by the Appellant and sent in writing to the Director of the Gymnastics Ethics Foundation to the attention of the Appeal Tribunal within 21 days from the notification of the decision rendered by the Disciplinary Commission.

Should the appeal be submitted by email it shall be admissible provided that it contains an electronic signature officially certified and dated via a secure server.

Should the appeal be sent by mail, it shall be delivered to a Swiss post office at the latest by midnight of the last day of the time limit or be delivered at the Office of the Gymnastics Ethics Foundation, at the attention of the Appeal Tribunal during its usual opening hours not later than the last day of the time limit.

The Appellant is responsible for showing proof, within a time limit to be determined by the President of the Appeal Tribunal, that his appeal has been lodged in due time, otherwise, the appeal shall be considered inadmissible.

In order for the appeal to be admissible, the Appellant shall transfer in advance the expenses of CHF 5,000.- onto the account of the Gymnastics Ethics Foundation at the same time the appeal is lodged or at the latest by the end of the appeal deadline. This amount shall be refunded to the Appellant if his appeal is granted. It shall be kept by the Gymnastics Ethics Foundation if the appeal is considered inadmissible or is fully or partly rejected. The Gymnastics Ethics Foundation is exempt from the obligation to pay the expenses in advance for its appeal.“