

Case No. 2022-03

2 November 2022

**Final Decision of the  
ISU Disciplinary Commission**

**Panel:** - Sue Petricevic, Chair  
- Dr Allan Bohm,  
- Eugen Larasser.

**International Skating Union,**  
Avenue Juste-Olivier 17, 1006 Lausanne,  
Switzerland  
Represented by Michael Geistlinger, legal advisor

**- Complainant -**

against

**Mr. Meretdurdy Gochov**  
Turkmenistan

**- Alleged Offender -**

and

**The National Center of Turkmenistan for Winter Sport**  
Turkmenistan

**- Interested ISU Member-**

**Regarding the Violation of Article 7 Paragraph 1 a) of the ISU Constitution and Article 3 of  
the ISU Code of Ethics**

## I. History of the Procedure

- [1] The Complainant filed a complaint against the Mr Meretdurdy Gochov, the Alleged Offender, together with 5 exhibits, on 24<sup>th</sup> June 2022. This was received by the ISU Disciplinary Commission on 27<sup>th</sup> June 2022.
- [2] The complainant submitted that the Alleged Offender is guilty of a violation of Article 7 paragraph 1 a) of the ISU Constitution and Article 3 of the ISU Code of Ethics. They sought suspension of the Alleged Offender from all ISU activities, until and including the ISU Congress 2024.
- [3] On 5<sup>th</sup> July 2022, the Alleged Offender was invited by the ISU Disciplinary Commission (the DC) to file a statement of reply within 21 days upon receipt of the complaint. The complaint was emailed to the alleged Offender, delivered by DHL on 14<sup>th</sup> July 2022 and signed as received (Exhibit 6).
- [4] The Alleged Offender did not respond to the complaint.

## II. Procedural Matters

- [5] According to Article 25, Paragraph 1 of the ISU Constitution 2021, the ISU Disciplinary Commission serves as a first instance authority to hear and decide all charges referred to it by an ISU authority against an Alleged Offender accused of a disciplinary or ethical offence.
- [6] The offence the Alleged Offender is accused of occurred during the ISU Congress 2022 in Phuket (Thailand), on June 10, 2022.
- [7] According to Article 25 Paragraph 6 a) of the ISU Constitution 2021 complaints must be filed with the Disciplinary Commission within one year of learning of the facts or events, which constitute a disciplinary or ethical offence.
- [8] The Statement of Complaint arrived at the ISU Disciplinary Commission by e-mail on 27<sup>th</sup> June 2022 and respects the one years' time limit according to Article 25 Paragraph 6 a) of the ISU Constitution 2021.

## III. Facts

- [9] The Alleged Offender is Mr Meretdurdy Gochov, a representative of the ISU Member Turkmenistan. He was a delegate at the 58<sup>th</sup> ISU Congress in Phuket, Thailand, held at the Hilton Hotel Arcadia from 6<sup>th</sup> to 10<sup>th</sup> June 2022. At the time of the Congress, the member status of the ISU Member Turkmenistan was still provisional, full membership has since been granted during the ISU Council's meeting October 9-12, 2022, in Geneva (see Communication No. 2518).
- [10] In its online-meeting of 24 April 2022, the ISU Council adopted a Covid-19-Protection regime to be applied at the 2022 ISU Congress in Phuket. This regime included that:

*"4. All Congress participants will undergo a second rapid antigen test on Wednesday June 8, only upon receipt of a negative test result will allow the participants to attend the Congress Meetings on June 9 and June 10 (negative participants will be identified with a special sticker on their accreditation)." Further it was stated that "with these measures, we will be able to identify rapidly Covid-19 positive participants and isolate them in a separate wing of the hotel but still within the Hilton Arcadia area." and "In case of positive test, the following isolation is in force ...: The number of days for treatment of positive cases depends on the severity of the symptoms. In normal Omicron variants cases, usually the number of treatment days is 4-5 days, if the PCR result turns negative and the CT Value is higher than 30 (the more CT Value, the better), you may be released after the PCR test result. However, if the PRC result is negative, but still is lower than the 30 CT value, you will be required to isolate for another 3-5 days. In the worst case, normally the number of days required for treatment is 14 days which is in accordance with the WHO ."*

- [11] Following this Council decision, all Congress participants were informed of the applicable Covid-19 regime at the 2022 ISU Congress in Phuket.
- [12] This information was sent out by email by the Congress organisers, the Figure and Speed Association of Thailand, on pages 8-12 of the document "Travel Information & Covid Protection Measures ISU Congress 2022 Phuket."
- [13] On 8th June 2022, the Alleged Offender underwent an Covid-19 antigen test at the Hotel testing station, as all delegates were required to. His test returned a positive result. The test team informed the Alleged Offender and the hotel management of the positive test result at 7.30 pm.
- [14] The Alleged Offender was moved to an area of the hotel assigned for COVID-19 isolation (room G 5151) on 8th June, after 8 pm. He was instructed to stay in isolation until 14th June 2022. He was served breakfast, lunch and dinner in his isolation room by restaurant personnel from then on.
- [15] At 2:33 pm the following day, 9th June 2022, a Covid-19-PCR-test (Nasopharyngeal swab) was taken from the Alleged Offender.
- [16] At 4.29 pm the same day, the ISU official responsible was informed by the testing laboratory, Nabon Intermedical Laboratory Co Ltd, that the test result was positive for SARS-CoV-2 (Covid-19).
- [17] The Alleged Offender was informed directly by email from the clinic that evening.
- [18] Due to returning a confirmatory PCR-test result on 9th June which was well below 30 CT, he was required to stay in quarantine until 14th June 2022 or until a subsequent PCR test gave a CT value above 30 CT.
- [19] On 11th June 2022, Hotel management was notified that the Alleged Offender had not ordered breakfast or any other meal during the day. Management went to the isolation room G 5151 accompanied by a security supervisor) at 8 pm and found that the Alleged Offender had left.
- [20] Further investigations were conducted through CCTV. It was found that the Alleged Offender had departed the Hotel by local taxi at 8pm on 10th June 2022, along with his party from the same country.
- [21] Following an ISU request, Hotel staff called the Phuket immigration departure terminal on 21st June 2022. An immigration officer confirmed that the Alleged Offender had departed Phuket by Emirates airline on 10th June 2022.

#### **IV. Law**

- [22] The alleged offence is of a disciplinary/ethical nature and therefore the ISU Disciplinary Commission has jurisdiction according to Article 25 Paragraph 1 of the ISU Constitution and Article 1 Paragraph 1 of the ISU Disciplinary Commission Rules of Procedure to hear and decide this case.
- [23] The ISU Code of Ethics forms part of the ISU Statutes (see Article 39 Paragraph 1, ISU Constitution).
- [24] Following Article 2 Paragraph 1 of the ISU Code of Ethics, all persons who involve themselves with the ISU in any capacity, claiming or seeking standing as current or prospective participants in any ISU Event or activity, fall within its personal scope. According to Article 2 Paragraph 2 a) of the ISU Code of Ethics, it applies broadly whenever an ISU interest is involved.
- [25] The ISU Congress is a priority ISU interest, being the assembly of Members, Officials, Delegates and the highest authority within the ISU.

- [26] Hence, while being an ISU event, Congress is additionally an ISU activity. Participating in it, as a delegate for example, is therefore participating in an activity within the ISU.
- [27] Article 25 Paragraph 1 of the ISU Constitution grants the DC jurisdiction for all ISU “activities”, giving a broad interpretation of the term, and therefore respectively a broad jurisdiction of the DC within all kind of events conducted by the ISU.
- [28] Article 39 Paragraph 1 of the ISU Constitution provides that the ISU Code of Ethics, adopted by the ISU Council, forms part of the ISU Statutes.
- [29] As a member of a Provisional ISU Member attending the ISU Congress, Mr Gochov is subject to the personal scope of the ISU Code of Ethics according to Article 2.1. There are ISU interests involved, since the ISU is administering its sports at the highest level through the ISU Congress. Therefore, it bears the responsibility for their proper conduct (Article 2.2 a) ISU Code of Ethics).
- [30] The ISU Council had put in place protocols to provide for a strict Covid-19 protection regime at the Congress in the interests of the health and safety of all participants. This had been communicated to all delegates including the Alleged Offender, with the conditions to be observed at in the Congress in order to protect against Covid-19 pandemic. They included the obligation to quarantine in case of a positive test result; by attending the Congress, the Alleged Offender furthermore declared his implied consent to follow these rules/regulations. By leaving quarantine, the Alleged Offender therefore violated the decision of the ISU Council and the required protocol.
- [31] When the Alleged Offender returned a positive antigen test result for SARS-CoV-2, he was isolated according to the above ISU Council and Organising Committee protocol.
- [32] He was required to stay in quarantine until 14th June 2022 or until a subsequent PCR test gave a CT value above 30 CT.
- [33] Instead, he clandestinely left his quarantine and the Hotel on 10th June 2022. He thereby potentially endangered other people he came into contact with in the taxi, at the airport and on his aircraft.
- [34] The purpose of observing a quarantine after a positive test of SARS-Cov-2 (Covid-19) was to protect the safety of all Congress participants and others on the Hotel premises and in areas of transport to and from these premises. By leaving his quarantine, the Alleged Offender deliberately acted without regard for other persons who might be infected with Covid-19.
- [35] By this inappropriate conduct the Alleged Offender violated his obligation as member of an ISU member and participant in the international activities of the ISU to comply with the ISU Statutes and decisions of the ISU Council following Article 7 Paragraph 1 a) of the ISU Constitution. These are also binding on a Provisional ISU Member (Article 6 Paragraph 2 c), read together with Article 6 Paragraph 3 b) subparagraph v) of the ISU Constitution).
- [36] This behaviour was also a breach of his duty under Article 3 of the ISU Code of Ethics to exemplify, by his conduct, the highest standard of ethical behaviour.
- [37] The DC considers that this case is similar, in part, to the DC decision in Case No. 2021-04. In both cases, the Alleged Offenders knowingly violated the anti-pandemic measures that should have been observed by all persons in the ISU Family. However, while in that case Mr Blockhuijsn violated the rules in the presence of WADA inspectors, Mr Gochov quietly left his Hotel isolation and departed. The fact that Mr Gochov - in contrast to Case No. 2021-04 - had tested positive for Covid-19 immediately before the aforementioned misconduct, significantly increases the severity of the rule violations and constitutes an even higher risk for other persons in the present case. Mr Gochov was also fully aware of these circumstances and therefore acted intentionally at all points. He deliberately endangered the health of people at least in the taxi, at Phuket airport and on the plane. No response or explanation for this behaviour has been provided.

## V. Sanction

- [38] According to Article 25 Paragraph 9 a) sub-paragraph iii) of the ISU Constitution, the ISU Disciplinary Commission may impose a sanction from a reprimand to suspension of participation in any specific ISU activity.
- [39] The complainant submits that the appropriate sanction is the suspension from all ISU activities for one year and in addition exclusion from the ISU Congress 2024.
- [40] Based on the above considerations the ISU Disciplinary Commission rules as follows:

## VI. Decision

1. Mr. Meretdurdy Gochov is found guilty of violations of the ISU Code of Ethics in connection with his conduct at the 58<sup>th</sup> ISU Congress held at Phuket, Thailand between 6<sup>th</sup> and 10<sup>th</sup> June 2022.
2. Mr. Meretdurdy Gochov is suspended from all ISU activities for one year.
3. Mr. Meretdurdy Gochov is also excluded from attending the 59<sup>th</sup> ISU Congress 2024 or any potential substitution for this event.
4. All parties bear their own costs.

Date : 2 November 2022.



Susan Petricevic



Dr Allan Bohm



Eugen Larasser

The present decision is subject to appeal to the Court of Arbitration for Sport, Avenue de Beaumont 2, CH 1012 Lausanne, Switzerland, within 21 days upon receipt of the decision, in accordance with Article 25 Paragraph 12 and Article 26 of the ISU Constitution.