

**MINUTES
JURY OF APPEAL MEETING
Gwangju, 24 July 2019**

APPEAL OF LITHUANIAN SWIMMING FEDERATION

According to FINA Rule GR 9.3, a meeting of the FINA Jury of Appeal was called for **24th July 2019 at 09:30 hours at Nambu Univ. Aquatics Centre.**

Present:

- Dr. Julio C. MAGLIONE, President
- Mr. Husain AL MUSALLAM, 1st Vice President
- Mr. Sam RAMSAMY, 2nd Vice President
- Mr. Paolo BARELLI, Vice President
- Mr. Matthew DUNN, Vice President
- Mr. Pipat PANIANGVAIT, Honorary Treasurer
- Mr. Mustapha LARFAOUI, Honorary Life President

- Mr. Khaleel AL JABIR, Member
- Mr. Algernon CARGILL, Member
- Mr. Errol E. CLARKE, Member
- Dr. Mohamed DIOP, Member
- Mr. Zouheir EL MOUFTI, Member
- Mr. Mario FERNANDEZ, Member
- Mr. Tamas GYARFAS, Member
- Mrs. Penny HEYNS, Member
- Mr. Romani KATOA, Member
- Dr. Margo MOUNTJOY, Member
- Mr. Donald RUKARE, Member
- Mr. Vladimir SALNIKOV, Member
- Mr. David SPARKES, Member
- Mr. Erik VAN HEIJNINGEN, Member
- Mrs. Jihong ZHOU, Member

- Mr. Rafael BLANCO, Honorary Member
- Mr. Bartolo CONSOLO, Honorary Member
- Mr. Eldon GODFREY, Honorary Member
- Mr. Francis LUYCE, Honorary Member
- Mr. Guillermo MARTINEZ, Honorary Member
- Chief Olatokunbo THOMAS, Honorary Member
- Mr. Gunnar WERNER, Honorary Member

Also in attendance, but not member of the Jury of Appeal, Mr. Cornel Marculescu, Executive Director.

The meeting was called following the protest made by the Lithuanian Swimming Federation (FINA Rule GR 9.2), concerning the disqualification of its swimmer, Danas Rapsys, in the final of the men's 200m freestyle on 23rd July 2019. The protest was rejected by the Referee.

At the beginning of the meeting, representatives of Lithuania were invited to present their appeal. Their two main arguments were:

1. There was too much noise during the starting procedure, which may have disturbed the concentration of the athletes;
2. The procedure that followed, namely the administrative paperwork to submit the protest and appeal, was not conducted in accordance with the FINA rules.

During their presentation, the Lithuanian delegation never contested or commented the fact that the swimmer moved in the starting block.

The TSC Chair, Carol Zaleski, and Referee of the race, Ryan Arblaster, were then called to describe the situation during the starting procedure of the race and the subsequent process regarding the protest.

Mr Arblaster recalled that the starter and referee have the power to halt the starting procedure if they estimate the noise is disturbing the starting procedure. This was not the case in the men's 200m free final.

Moreover, Ms Zaleski underlined that three sources confirmed the movement of the athlete in the starting block, a situation that is contemplated in the FINA rules and constitutes a false start. These sources are the starter, the referee and the overhead cameras of Omega Timing.

The movement of the athlete and consequent false start is a matter of fact.

On the procedure, Ms Zaleski explained that she signed a document instead of the TSC Honorary Secretary in order to speed up all the procedure.

The Jury of Appeal unanimously rejected the appeal of Lithuanian Swimming Federation, based on the following facts:

1. The starter and referee didn't halt the starting procedure. Therefore, the noise level in this case is not relevant;
2. There is no doubt there was a movement of the athlete in the starting block. This is clearly a false start in accordance with the FINA rules;



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3. On the administrative procedure, the Jury of Appeal considers that the Chair of the TSC is a higher authority than the TSC Honorary Secretary, so there is no problem in having her signature instead of the latter. Therefore, the accusation of falsification of documents made by the Lithuanian Swimming Federation is strongly condemned by the Jury of Appeal

In accordance with the FINA Rule GR 9.2.4, the deposit of Euro 450 (CHF 500.-), received from the Lithuanian Swimming Federation, will be retained by FINA.

In line with the FINA Rule GR 9.3.2 the decision of the Jury is final.

Gwangju, 24 July 2019