

**BEFORE THE ISAF DISCIPLINARY  
COMMISSION**

**CASE 2015/013/DC**

**IN THE MATTER OF:**

**MILICA DUKIC**

**RULE 69.2(f) PROCEEDINGS BY ISAF**



**DECISION**

**1 PROCEDURAL HISTORY**

- 1.1 A report was received by the ISAF Chief Executive Officer (“CEO”) (as defined in the Disciplinary Commission Rules of Procedure (“RoP”)) under RRS 69.2 on 29 January 2015 (the “Report”) concerning the Respondent, Ms. Milica DUKIC.
- 1.2 A Panel was appointed on 19 February 2015, consisting of Lance Burger (RSA) (Panel Chairman), Jorge Barreda (PER) and Hirobumi Kawano (JPN).
- 1.3 On 24 April 2015 the Panel found that Ms. Dukic stole the two Laser mast sections, and thereby committed gross misconduct by a gross breach of sportsmanship and bringing the sport into disrepute.
- 1.4 Ms. Dukic was informed of this decision by email, registered mail and ordinary mail. Her attention was drawn to the provisions regarding her right to ask for a reconsideration. She was also invited to present evidence and make representations regarding a sanction to be imposed.
- 1.5 Ms. Dukic has not requested a reconsideration, nor presented evidence or made representations regarding sanction. The Panel therefore has to decide on a sanction without the benefit of the personal circumstances of Ms. Dukic.

**2 EFFECT OF DECISION**

- 2.1 The Decision of the Panel of 24 April 2015 was only a finding according to the rules and procedures of ISAF and according to the standard of proof required, being to the comfortable satisfaction of the Panel, having regard to the seriousness of the allegations

made. The Decision was not a finding that the Respondent was guilty of criminal conduct according to the standard of proof for criminal matters nor a finding that all elements of a crime had been proven. That is a matter for the courts, not for the Disciplinary Commission.

2.2 We must there make a decision as to the sanction to impose in this context, being disciplinary proceedings of ISAF.

### 3 SANCTION

3.1 The Panel notes that the “Disciplinary Commission Meeting Notes”, apparently from a meeting of the Disciplinary Commission in November 2014, reflect a “ISAF Starting Band” of suspension of either ISAF eligibility or competition eligibility for a period of four years for “Engaging in illegal activity (e.g. theft, assault, criminal damage)”.

3.2 As far as the Panel has been able to ascertain this has not been published in terms of regulations 8.15.8 and 35.10, and should therefore not be used.

3.3 A majority of the Panel is of the view that this is a serious matter which justifies the imposition of a serious penalty, being a sanction of suspension of ISAF Eligibility for a period of five years.

3.4 A minority of the Panel is of the view that such a sanction should be substantially less.

### 4 DECISION

4.1 The Disciplinary Commission therefore imposes the following sanction on Ms. Milica DUKIC (SRB) by majority decision:

**The ISAF Eligibility of Ms. Milica Dukic is suspended for a period of five years from 1 July 2015.**

4.2 Ms. Dukic has ten days to request a reconsideration of the decision in term of RoP 14.2.

4.3 Ms. Dukic has a right of appeal in terms of regulation 35.16.

### 5 PUBLICATION

5.1 This decision shall be sent forthwith to Ms. Dukic by email and by registered mail. The ISAF Chief Executive Officer, through the member of staff authorised to act on her behalf, shall also send a copy of the decisions to the Serbian Sailing Federation.

- 5.2 Only after the time period for reconsideration has expired shall the CEO publish that Ms. Milica Dukic's ISAF eligibility is suspended for five years from 1 July 2015.
- 5.3 Regulation 8.15.7 states that the decisions shall be published unless it is inappropriate to do so. There is no reason why this decision and the decision of 24 April 2015 should not be published to the general public in due course. The following names shall be redacted from both decisions published to the general public, other than the copies forwarded to Ms. Dukic and the original complainant: [REDACTED]
- 5.4 The full decisions shall only be published to the general public after an appeal (if any) has been disposed of, or the time period for appeal has expired and an appeal has not been lodged.

**Lance Burger  
Panel Chairman  
ISAF Disciplinary Commission**

**5 June 2015**