

DECISION OF THE **JURY OF APPEAL OF** **ARTISTIC SWIMMING AT THE** **OLYMPIC GAMES** **PARIS 2024**

Decision by:

Cheryl Gibson (Canada)

Alia Atkinson (Jamaica)

Kwai Mae Tang (Malaysia)

In the matter related to:

The incorrect execution of the C4 position by the Duet from Egypt during the Duet Technical Routine on 9 August 2024 at the Olympic Games Paris 2024.

Paris, 9 August 2024

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I. Factual background

1. On 9 August 2024 during the Duet Technical Routine of Artistic Swimming at the Paris 2024 Olympic Games, the Technical Controllers gave a base mark to the Egyptian Duet for incorrectly executing the C4 position:

d) Level 4

Two-leg connection

When swimmers are connected with two legs facing forward, back or side to each other in any two-leg Vertical Position (variants of 2 legs close to vertical – legs can be up to 45° off from vertical).

2. More specifically, the three Technical Controllers deemed that the athletes did not connect with both legs as is required for this position to be executed correctly.
3. Immediately after the competition, the Team Leader of the Egyptian team filed a protest with the referee of the competition, pursuant to Article 13 (part one) of the World Aquatics Competition Regulations (the “Protest”). In their Protest, the Team Leader argued that the athletes did connect with both legs. She said that this is not shown on the video footage because their feet were out of the camera shot and the connection was made with the feet.
4. After review of the Protest filed, the referee rejected the Protest and informed the Team Leader.
5. After receipt of this decision, the Team Leader informed World Aquatics that she wished to appeal the rejection of the Protest to the Jury of Appeal, pursuant to Article 13.1.3 (part one) of the World Aquatics Competition Regulations.
6. On 9 August 2024 at 22h00 CET, the Jury of Appeal met in the Aquatics Centre and reviewed the appeal of the Protest.
7. They first heard the referee of the competition who explained his view of the matter and clarified that the three technical controllers watching the routine were unanimous that they did not see both legs of the athletes connect during their routine.
8. They heard the Team Leader who repeated that, in her opinion, both legs of the athletes connected through their feet, even though this doesn’t show in the video footage. She also offered to show her own videos, but the Jury of Appeal informed her that it can only review official video footage.

II. DECISION OF THE JURY OF APPEAL

9. The Jury of Appeal notes that pursuant to Article 13.2.1 of the World Aquatics Competition Regulations, the decision of the technical controllers and referee shall be afforded a significant degree of deference. The Jury of Appeal shall not substitute its view of the protest for that of the technical controllers and referee unless the appellant presents clear evidence that their decision was made arbitrarily, irrationally, or in abuse of the discretion afforded to them. The test shall be recognized as a high test for an appellant to overcome. In other words, the Jury of Appeal shall not step into the shoes

of the technical controllers and referee. It should only consider whether the appellant established that the decision was made arbitrarily, irrationally, or in abuse of the discretion afforded to them.

10. After review of all circumstances of the case, and from the evidence presented by the Team Leader, the Jury of Appeal cannot come to the conclusion that the technical controllers and referee decided irrationally, arbitrarily or in abuse of their discretion. In coming to this conclusion, the Jury of Appeal is comforted by the fact that three different technical controllers were watching the routine closely and all three were unanimous that they didn't see both legs of the athletes connect. Moreover, the video footage available doesn't show both legs of the athletes connecting.
11. Thus, the Jury of Appeal decided to reject the appeal.
12. Pursuant to Article 13.2.1 (part one) of the World Aquatics Competition Regulations, this decision is final and is not subject to appeal.