

Cascais, June 21st, 2013

Dear Mr. Jorgensen

After receiving your request for advise concerning the suspension of the Traditional Karate Federation of Poland (hereinafter PZKT), I went through all the relevant documents and information and I confirm that the suspension is fully justified, as PZKT incurred in serious violation of ITKF's rules on the following grounds:

1 – The written approval of the World Cup to be held in Lublin, Poland, was not requested with the complete informations (namely the prospective participants) three months in advance, as stipulated by article 8.2 of ITKF Constitution.

In fact, there was a request made in March 7th, 2013, but with no mention at all to the prospective participants (athletes and judges), so it can not be considered as a valid request.

This can not be considered a minor infraction or technicality, because ITKF main pursuit is a very high technical standard of Traditional Karate and the World Cup is, first and foremost, a tournament where the very best skill and performance of Traditional Karate shall be performed and shown to the World.

Furthermore, the Sanction Fee stipulated in the current ITKF List of Fees was not paid, not even the amount of US\$1.000,00 that PZKT considered as the amount due (Point IV B of the List of Fees “Regional Championship & Other International Event”).

It shall be noted that the Event Sanction application form, sent in March, 7th, 2013, clearly states in the end of the first paragraph “Attached are all the

necessary documents and information together with the required Sanction Fee”, albeit no Sanction Fee or information about participants was sent, as previously mentioned.

For the reasons described above the Board of Directors decided not to Sanction the event in Poland as an ITKF World Cup.

The behaviour referred in the previous paragraphs is a serious violation of the first and third paragraphs of Article 8.2 of ITKF Constitution.

2 – PZKT called a conference with the title “Quo Vadis ITKF ?” whose invitation was circulated by, at least, all member federations, Board of Directors, Technical Committee and Office, in which, among other very serious allegations, accused ITKF office and the ITKF Chairman, without providing any facts to support the accusations, of the following behaviour:

- “1 .Serious violation of the ITKF Constitution.*
- 2. Acting against the law.*
- 3. Non-existing communication between the ITKF Chairman and the ITKF Directors on current important issues.*
- 4. Attempt of money extortion from an ITKF Member Federation.*
- 5. Illegal money collection.*
- 6. Fabrication of documents.*
- 7. Ignoring the decisions of the ITKF Board of Directors. “*

The above mentioned accusations are very serious and some of their (i.e. attempt of money extortion, illegal money collection, fabrication of documents) are criminal offenses in most jurisdictions, so those unsupported allegations are defamatory to the ITKF Office, the ITKF Chairman and for the image and reputation of ITKF itself.

This behaviour totally disrupts the confidence and *bona fide* (good faith) relationship that shall exist between an International Federation and its members

and it is a serious violation of the very purpose as ITKF itself, as stipulated in Article 1.2 of the Constitution, as it is contrary to the strengthening of friendly relations among member organizations and their members and are detrimental to the pursuit of the perfection of human character.

The violations described in point 1 and 2 above, were aggravated by the fact that PZKT insisted in their behaviour, by holding the so called World Cup under the name of ITKF, disregarding the last offer from the Board of Directors sent on June 6th 2013, to correct their behaviour and obtain official sanction for the event.

PZKT also held the so called “Quo Vadis ITKF ?” conference on June 14th 2013, insisting in the accusations described above.

The world wide circulation of the a.m. situation, seriously damaged ITKF image and position as an International Sports Governing Body.

3 – Finally, the “call” of an “Extraordinary General Meeting” of ITKF, by Mr. Wlodzimierz Kwiecinski without the agreement or consultation of the ITKF Board of Directors and Chairman, is a serious violation of article 5.1 ITKF Constitution.

According to the last paragraph of article 5.1 “Extraordinary [General] Meetings determined by Directors decision. Both [Regular and Extraordinary] meetings are called by the Chairman”.

It is clear that only the Chairman may call General Meetings and even so, not by individual decision but “*determined by Directors decision*”.

The “call” of the “General Meeting” by Mr. Kwiecinski using ITKF letter head paper and his title as ITKF Vice-President is absolutely void and not effective.

On the other hand, albeit the illegal call of the GM is made by Mr. Kwiecinski, his action is supported by PZKT, as it is evident by the office used (PZKT office – 85/87 SIENKIEWICZA STREET LODZ) and the mail address (PZKT@KARATE.PL), so the Polish Federation is also liable by this violation.

For all the above mentioned reasons and on the grounds of the serious violations of ITKF Constitution described above, it is my opinion that the Chairman of ITKF can suspend the PZKT, as recommended by the Board of Directors, pursuant article 10.7.3 of the ITKF Constitution.

In this case the violations are so serious, repeated and aggravated by the worldwide circulation of the facts, that it is justified that the Chairman, after suspension will make a motion for expulsion to be decided at the next General Meeting, pursuant to the second paragraph of article 10.7 of the Constitution.

The suspension from ITKF implies automatically the suspension of PZKT from its regional organization the European Traditional Karate Federation (ETKF), as, according to Article 3.3.1 of the Constitution “The Regional Organization shall consist of ITKF member organizations within its respective region”.

The suspension of PZKT from ITKF, which as stated above implies its suspension from ETKF, disqualifies him as a Vice-President as, according to article 4.5 of the Constitution, if a representative loses his qualifications will automatically lose any ITKF Official position he may hold.

In this case, being PZKT suspended according to Article 10.7 of the Constitution it loses all their rights until the lifting of the suspension, including the right to have its members elected as ITKF officials, as it is the case of Mr. Kwiecinski, that for the same reasons can not represent ETKF either, and is also

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Advogado

automatically suspended as Vice-President for the duration of PZKT's suspension.

As stated above concerning the PZKT, also in what concerns Mr. Kwiecinski, as he personally participated in all actions described above that led to the Polish Federation's suspension, he can be expelled from his office for unworthy conduct by the General Meeting, pursuant Article 4.6 of the ITKF Constitution.

This is my advise concerning the pending issues.

Rómulo Machado
Chairman of the Legal Services Committee of ITKF