

# Request to Reopen

Protest No: 11

Received At: 2021-09-09 19:27 CEST

## 1. Event Name: MELGES 24 European Championship 2021

Protest On: 2021-09-09

Race No: 1

## 2. Hearing Type

- |  |   |
|--|---|
| <input type="checkbox"/> Protest       | <input checked="" type="checkbox"/> Request to Reopen |
| <input type="checkbox"/> Protest by RC | <input type="checkbox"/> Reopening by PC              |
| <input type="checkbox"/> Protest by PC | <input type="checkbox"/> Request for Redress          |
| <input type="checkbox"/> Protest by TC | <input type="checkbox"/> Request for Redress by RC    |

## 3. Protestor

Melges24 - Corinthian - HUN 759 - Seven-Five-Nine - Csolto Akos

## 4. Protestees

1. Race Committee

## 5. Incident

Time Place: 1st race start (case #3)

Rules:

Witnesses:

## 6. Informing Protestee

Hail:

Hail When:

Hail Comment:

Red Flag:

Red Flag Comment

Other:

Other Comment:

## 7. Description Of Incident

We would like to request the reopening of Case 3 on the basis that the protest committee have made a significant error and also there are further evidence is considered (partial new evidences in line with the hearing and also evidences that we have already requested during the hearing but it has been denied by the race committee - e.g. voice recordings). In finding facts, the protest committee is governed by the equal weight of evidence from both sides and there is no requirement in the rules that the requesting boat shall provide consecutive evidence to prove that they started correctly (see RRS 63.6, WS Case 136 and WS Jury Policies July 2021 version). We request the protest committee to re-evaluate the evidence presented during the original hearing with giving appropriate equal weights to them, and to hear any further comments from the parties if considered necessary:

- during the hearing the protest committee place the burden of proof almost entirely on the protesting party and failed to investigate in detail the supporting evidence by the race committee's decision (ex post, unrecorded statement by one person in RC: HUN-759 did not come back; period), which goes against World Sailing Policies (July 2021 version) especially considering that the protest is part of a high level European Championship in a World Sailing class,
- we have already requested from the protest committee and the race committee to disclose the tape recording which was taken by RC committee during the start, which was denied by the race committee during the hearing. We believe that all official visual video and audio tape recordings or primary evidences, are to be reviewed by the

protest committee and these evidences ( in line the World Sailing guidelines). As we understand during this particular race #1 all the other boats that we recalled to be over the start line have been adressed by internal radio communication between the RC boat and the pin and boat reviewing who has returned back and who has not and such records are missing in the case of HUN-759. As we understand in case of HUN 759 the hase been no internal reporting made to the Principal Race Officer by anyone in the Race Committee during the race (only in the middle of the scoring enquiry at RC level did the PRO did became aware that HUN 759 did attempt to return to the starting, but there has been no internal reporting neither through video, tape, or radio, or personal communication made up to that point, which violates World Sailing Guidlines, and weakens the expost verbal statement by the Italian Race Committee Member: "HUN 759 did not come back behind the starting line").

- The Protest Committee failed to raise any questions to the Italian member of the Race Committee who expost reported the incident, and has relied on his statement that "HUN 759 did not come back" as granted without any further detailed investigation. The protesting party was allowed to raise only one question to the Race Committee by the Protesting Committee in the above subject. The film footage provided by the protesting party during the Hearing was also not investigated in detail (by the way showing clearly that the Race Officers after the start were not at the startline marked by the mast of the Race Committee boat. Therefore, we would like to disclose the unedited film again recorded by the official race photographer for the Protest Committee's further detailed review.

- During the Hearing we also quoted as a witness of HUN 589, who was accused by the Prinicpal Race Officer of violating Rule 69 for false witnessing (meaing not being present at the place of the incident); therefore we would like to disclose the GOPRO footage recorded from the board of HUN 589; showing their position during the start, and showing clearly at 50 seconds after the start the HUN 759 did come back below the start line, and at that time HUN 589 was below the start line at the Race Commitee boat roughly in the same position at the Race Committee. (due to the size of the file we can not attach to this request online but we can present at the hearing personally).

- Please also find attached the Race Management Manual by the World Sailing, a number of which has been violated by the Race Commitee during especially during race #1, that in our oppinion the Race Committee failed to manage professionally, noting that since than there has been impovement during the further races.

Based on the above, we would like to request the Protest Committee to patiently review the full process, placing the burden of proof on equally on the Race Committee as well in line with World Sailing Guidelines that are the minimum best practice expactation for the European Championship of a world sailing class.

In good faith:

HUN 759

## **8. Damage Or Injury**

### **Attachments**