

DECISION OF THE INTERNATIONAL JURY

CASE 48

Rule 69.1 Hearing based on report from Organizing Authority

Ben Ainslie (Finn GBR 3)

Facts Found

As the first two boats in Finn Race 9 rounded the gate for the second beat and headed towards the shore, a media boat followed close to leeward of the leader. This caused wash for GBR 3, who attempted to wave the media boat off.

When the leaders passed through the gate and headed towards the finishing line, the same media boat followed the leader to the finishing line leaving a large wake, which again affected GBR 3's race.

The media boat crossed the finishing line and then stopped in front of GBR 3 after GBR 3 finished. As GBR 3 came alongside, the skipper jumped aboard the media boat.

The skipper grabbed and shook the boat driver, shouting 'You have no respect!' He then walked towards another member of the media boat's crew, but made no contact with him. He then jumped into the water, swam to his boat and sailed away.

On coming ashore, the skipper of GBR 3 wrote a letter of apology and delivered it to the media boat driver. The media boat driver accepted that apology and apologised in a letter for disturbance during the race.

Conclusion

The action of jumping on a media boat with anger and grabbing the driver constitutes physical aggression. Such behaviour is never an acceptable response. Such behaviour not only constitutes a gross breach of good manners but also, coming from a top athlete at a world championship, brings the sport of sailing into disrepute.

However, the repeated nature of the media boats interference over multiple legs is a mitigating circumstance, as is the prompt and unsolicited written apology given to the boat driver.

Decision

GBR 3 is to be scored DGM (disqualification non-excludable for gross misconduct) for Races 9 and 10.

Decision given at 22:40 December 10, 2011

International Jury:

Bernard Bonneau (Chairman), Jim Capron, Josje Hofland, Ana Sanchez, Marianne Middelthon