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Parma, 20/10/2021

**Reaction of the Atibox Committee to the accusations of Prof. Rafael Hernandez/Michelle Csuk at the General Assembly 081021 Kecskemet, Hungary**

Dear members,

As agreed at the General Assembly in Kecskemet, Hungary that the Committee would inform the Atibox members about the accusations in the document Prof. Hernandez and Michelle Csuk handed out to the delegates present shortly before the start of the meeting.

We will go through his document which is attached (for those not present at the meeting) and give our reactions in the same order as the document:

1) **THE ASSOCIATION:**

Mr. Hernandez states *“if due to the actions of the COMMITTEE, there would have to be made payments, the MEMBERS CLUBS of the ATIBOX , must pay with their money the corresponding debts”*.

**This is factually incorrect information.** The Royal Notarial Brotherhood of which all Notary Attorneys are members in the Netherlands states the following:

*“Members of an association all have the same rights and obligations. The obligations are limited to paying the contribution and adhering to the statutes and regulations. Members **are not liable** for any debts of the association”*.

Something quite different is the liability for Committee members. Recently (per 010721) a new law came into force, called ‘Management and Supervision of Legal Entities Act (WBTR)’. The WBTR sets requirements for the administrative structure, decision-making and supervision of foundations or associations. The aim is to improve management and supervision and states.

In fulfilling their duties, Committee members must focus on the interests of the legal entity and the associated organization. The rationale behind this is that multiple interests always play a role in the performance of management or supervisory duties, including for the directors. The interests of the legal person must be given the highest priority in this concurrence of interests.

**Conflict of Interest**

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Related to this is the introduction of a ban on participation in deliberations or decision-making if a member of the Committee has a conflict of interest in the subject in question. A conflict of interest exists if a member of the Committee has a direct or indirect personal interest that conflicts with the interest of the legal person (in our case “the Association”).

### **Liability of Committee members in the new law**

Every Committee member is obliged to properly perform his duties. A Committee member is also responsible for the general course of business. All directors can therefore be held liable for damage caused by improper management. An exception to this is made if a committee member cannot be blamed or has tried to prevent the damage. Misleading financial statements are in any case mismanagement. The resulting damage is the responsibility of all the Committee members.

Conclusion: the (new and modern) law in the Netherlands protects the members of a registered Association in the best possible way, better than in every other country! Committee members that don't fulfill their role in a proper way and don't **act 100% in the interest of the association** (and not in the interest of themselves) can be held liable in front of the court easier than in the past because of this new law! Associations (and foundations) in the Netherlands, like the Netherlands Boxer Club confirms, are very happy with this new law, as it encourages Committee members more to do their job properly and 100% in the interest of the association (or foundation).

Mr. Hernandez was appointed chairman of the Statutory and Regulations committee after the elections in 2019, the other members being Mrs. Stocchi and Mr. Beuks.

So, Mr. Hernandez has been responsible directly for drafting the new statutes within the laws of the Netherlands and regulations and presenting them to the Atibox committee for approval and subsequently the General Assembly.

**At no time has Mr. Hernandez raised any of the issues in item 1 previously**

### **2) FRAUD OR CRIME:**

Mr. Hernandez states *that the number of members were increased artificially, payments and documents were falsified to change the outcome of the elections.*

The statement and accusation that the number of members was increased artificially is not understood,



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as new member countries are approved by the existing members at the Annual General Assembly, the only new member approved in 2019 was BSK Boxer club, who Mr. Hernandez attended the meeting on behalf of.

The Committee does not have any knowledge of any documents and payments being falsified. As in all the years, the annual report and the bookkeeping were audited by independent auditors, those auditors being different persons during the years. All documents required have always been available to them. Never has there have been any remark or comment about the bookkeeping, not in the time of Mr. Knut Persen being the previous Treasurer and not during the period of our current Treasurer Mr. Henry Beuks. As Mr. Beuks explained to all members present at the General Assembly, as the bookkeeping is fully digitalized, both auditors received full digital copies including all bank account-statements and all incoming and outgoing invoices, ledger and journal.

About the matter of payments made by third parties for member countries annual fee. This is not new, it has been accepted practice over many, many years. This has nothing to do with fraud. For many small countries having to pay the annual fee is a big problem. We are thankful boxer friends helping small clubs to fulfill their obligations like the annual fee to Atibox.

In many organizations, clubs and politics, third parties pay fees for others or make donations.

Mr. Hernandez mentions the payments done by Anya, but the countries they paid for, all delegates were present in person and voted for themselves as delegates.

The only proxy vote at the meeting was held by Germany on behalf of the USA where a third-party payment was made by Mrs. Cornell Puls, „Obfrau für Leistungsrichter und Ausbildung“ of the German Boxer Klub „BK München“

He also mentions payments by Torsten and Nicolas, no such payments have or were made by these persons.

All these third-party payments have always been shown in the accounts and recorded who paid them. There is no fraud in this or false accounting.

As Mr. Hernandez accuses our President Mr. Lucic of “buying votes”, it is important to consider that those payments from third parties have been accepted practice for many years. During the period of 2016 until the elections in 2019 when those payments were made, Mr. Lucic was not a member of the Committee. during those years, we had a different President (Mr. Fiala), a different secretary (Mrs. Cucnik) and a different Treasurer (Mr. Persen). So, this shows the practice has been there for many years Mr. Lucic was not a member of the

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Committee and did not have any responsibility for them, he did not make any of the payments personally.

Further proof of payments for member countries being made by third parties are fully acceptable and not illegal, is that both the Dutch Banks when they were asked to open a bank account in the name of the registered association Atibox, had to investigate Atibox first (because of The Money Laundering and Terrorist Financing Prevention Act), both banks (ING bank and ABNAMRO bank) only set 1 condition, when they found out Russia was one of the members of ATIBOX. The condition set was that payments directly from Russia were not allowed, they insisted, we guarantee that payments of the fee for Russia are always made by third parties in another EU country (because of the EU sanctions against Russia).

### **3) SECRETARY IS VACANT SINCE 311219**

*Mr. Hernandez states all actions of the Secretary since 2019 would be illegal.*

At the time Mrs. Stocchi was elected Italy was a member of Atibox.

The old convention, did not have any specific arrangements about what to do when a member country leaves Atibox.

Following a precedent set some years ago in a similar situation, that a person elected can fulfill their 3-year term when their national club leaves Atibox it was unanimously agreed within the committee to accept the previous precedent, that Mrs. Stocchi could continue, Mr. Hernandez was party to this decision.

Further, if any member club was not happy, they could have invoked their rights to call a Special General Meeting to address this situation, which none have.

### **4) ADVISORS AND EXPERTS APPOINTED BY THIS COMMITTEE**

We don't see which work should be suspended or invalidated. We are very grateful to all people helping the Committee voluntarily, we wish there would be more!

### **5) RULES SINCE MAY 2019 :**

*Mr. Hernandez states all rules by the Committee chaired by Milos should be suspended.*

In the opinion of the Committee, it is the members who decide this, the General Assembly being the highest body of the association. It is not for Mr. Hernandez to decide, it is not for the Committee to decide, it is the members of ATIBOX who decide about these matters.

What Mr. Rafa Hernandez and Mrs. Michelle Csuk did not mention in their document, is that on the day of the General Assembly, Mrs. Csuk, administrator of Atibox Facebook page and the website of Atibox, deleted the 2<sup>nd</sup> administrator of Atibox (Mrs. Alice Schiltkamp), without any approval nor informing the Atibox Committee.

The Committee was able – with help of the provider – to get the webpage back, but Mrs. Csuk and Mr. Hernandez still have control of the Facebook page and are posting in the name of



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Atibox without approval of the Atibox association and its committee. Mrs. Csuk has still not provided access to the Facebook page despite 3 requests.

As mentioned earlier, Mr. Hernandez, after being elected as Assessor, registered ATIBOX the trademark in 2019, in his own name, without any approval or knowledge of the Committee. He is now using this trademark against ATIBOX

Mr. Hernandez is a good example because the new law in the Netherlands that came into force per 010721, is such an important law and such an improvement: a committee member has an obligation to act only in the interest of the association he is being a committee member from, it is obvious that registering Atibox as trademark in his own private name and his actions now are not.

**In conclusion we totally refute Mr. Hernandez accusation of fraud and crime and would suggest it is he who has acted against the interest of the association Atibox.**

**The general assembly proposed and voted for the proposal's to;**

- 1. suspend Mr. Hernandez as an assessor of Atibox**
- 2. vote of confidence in the presidium and Mr. Lucic as President**
- 3. removal of Mrs. Csuk as web and Facebook administration**

The Committee hopes to have answered all your questions and to have clarified the situation. If you still have any questions or if you want to see any documentation, please do ask without any hesitation!

The ATIBOX COMMITTEE