

OPINION
OF THE DISCIPLINARY COMMITTEE OF THE SIED

With respect to

Uruguayan Society of Digestive Endoscopy (SUED)

Presented at the SIED General Assembly

May 19, 2024

WASHINGTON D.C.

President

Dr. CARMELO BLASCO MARTINEZ (PARAGUAY)

President-elect of the SIED

Members

Dr. CARLOS ROBLES JARA (ECUADOR)

Former president of the SIED

Dr. JORGE ORILLAC PEREZ (PANAMA)

Former president of the SIED

Dr. JULIO PEREIRA LIMA (BRAZIL)

Former president of the SIED



Background

In October 2023, during the Pan American Digestive Diseases Week in Santiago, Chile, the SIED Ordinary Assembly was held.

This Assembly was where for the first time in history, the SIED, through its member societies, designated the Country as the headquarters of the SPED.

The OPGE, our sister society, until then chose the host country and the SIED abided by that decision. In the last 20 years, financing and attendance have undergone major changes. Thus, since 2016, 70% of the financing has been from contributions from the equipment industry linked to Endoscopy, highlighting that during SPED 2023 the main sponsors were from the endoscopy area.

The election of the headquarters of the SPED 2027 is perhaps one of the greatest achievements in the history of the SIED, in its 50 years of life, achieved from the signing of a regulation between SIED and OPGE with equality for both companies in the designation of the headquarters of the SPED.

In the aforementioned ordinary Assembly, the document presented by the Uruguayan Association of Gastroenterology and Endoscopy (AUGE) was included as the agenda. Dr. Fernando Fluxá reports on it and asks Dr. Asadur Tchekmedyan to carry out a review of the events that have occurred in recent years.

After hearing said report, the Assembly, unanimously, appointed Dr. Carmelo Blasco, President-elect of SIED, as president of the disciplinary commission to evaluate the conduct of the Uruguayan Society of Digestive Endoscopy "SUED". Said commission being made up of Dr. Carmelo Blasco as President and Drs. Julio Pereira Lima, Carlos Robles Jara and Jorge Orillac Pérez, former presidents of the SIED as members of it.

This commission met and asked Dr. Claudio Iglesias to provide all relevant documentation. Said documentation was delivered by him in a timely manner.

1. DOCUMENTS ANALYZED BY THE COMMISSION.



OPINION OF THE DISCIPLINARY COMMITTEE OF THE SIED

Before entering into the substance of the matter, it is advisable to recount the circumstances that motivate this procedure, which are duly accredited through the documentary evidence provided to this Commission (letters, videos, emails, etc.)

Next, the key facts of this process will be analyzed, which were contemplated in the questions asked of the SUED.

1.1 - The vote against the interests of the SIED, and the threats of Dr. Javier San Martin as representative of the SUED.

On August 25, 2018, the Extraordinary Assembly of the Inter-American Society of Digestive Endoscopy (SIED) took place to decide on the Pan American Congress of Digestive Endoscopy corresponding to the year 2020.

Dr. Javier San Martin attends on behalf of the SUED (designated by Dr. Nicolas González, acting president of the SUED).

Dr. Javier San Martin, in an inappropriate position towards the Assembly (due to the dignity it represents), vehemently opposes the holding of the joint congress with WEO and the equality of rights between OPGE and SIED.

This commission analyzes said documentation and asks specific written questions to the SUED. Given that the SUED's response left this commission with more doubts than certainties, a new letter was made addressed to Dr. Patricia Gaggero and Ignacio Moratorio, as President and Secretary General respectively, which was answered by them for almost three months. after.

Next, all this information will be analyzed and the final opinion will be issued.

At the time of the vote, the only country vote against holding the joint congress with WEO was that of Uruguay, exercised by Dr. San Martin.

As demonstrated, Dr. Javier San Martin did not act in a personal capacity, but rather mandated and represented the SUED as an institution.

At the end of the Assembly and as recorded in the minutes of the Assembly, Dr. San Martin generated the following situation: "After the vote, Dr. Javier San Martín threatened the Assembly saying that he could challenge it through judicial means" .

1.2 – The Official Letter issued by the SUED dated November 22, 2018. Your position against supporting ENDO 2020.



OPINION OF THE DISCIPLINARY COMMITTEE OF THE SIED

On November 22, 2018, the SUED sends a Letter demanding that the SIED eliminate the allusion to the SUED in the ENDO 2020 announcements. The Letter states – verbatim – the following:

“SIED Board of Directors

Of our consideration:

On the website of the next World Congress of Digestive Endoscopy (endo2020.org), the Uruguayan Society of Digestive Endoscopy appears as a "co supporter", who was not consulted about it, in addition to being directly harmed by the co-organization of the Pan American in the framework of said Congress, as was expressed publicly in the Assembly held on August 26, 2018 in the City of Buenos Aires and rectified in the General Assembly on November 19 during the Pan American Digestive Diseases Week.

Therefore, we demand that SIED notify WEO to remove the reference to our Company from the aforementioned announcement or else we will notify the World Organization."

Dr. Nicolás González, SUED President

Dr. Claudia Méndez, SUED Secretary

It was found that the SUED was not only consulted, but also agreed to participate in ENDO 2020, since 2017. Therefore, the content of said letter is false and seeks to call into question the honesty of the members of the SIED.

The SUED had the opportunity to recant before this Disciplinary Commission, but it again committed inconsistency, expressing through its current Board of Directors that it was neither communicated nor invited (a situation that was proven not to be the case).

It must be remembered that, although the SUED may not share the accusations made, it cannot, nor should it, be untrue, since this undoubtedly only aggravates its responsibility by attempting to mislead this Commission.

ALDOUS HUXLEY British Writer and Philosopher, said “FACTS DO NOT CEASE TO EXIST BECAUSE THEY ARE IGNORED”

1.3 - The unfounded accusations against Dr. Asadur Tchekmedyan as President of the SIED, and the damage to the institutionally of the SIED with the dissemination of these accusations through official SUED documents.

On May 20, 2019, the General Assembly of the SIED was held in San Diego, attended by Dr. Javier San Martín and Dr. Eduardo Fenocchi on behalf of and representing the SUED. As recorded in the



Uniendo la Endoscopia
de las Américas

OPINION OF THE DISCIPLINARY COMMITTEE OF THE SIED

minutes and from the evidence analyzed, the representatives of the SUED read a letter on its behalf and participated in the Assembly.

After said Assembly, the SUED issued an official document (sent to all its members), where it baselessly accused the acting President of the SIED, Dr. Asadur Jorge Tchekmedyan, of having physically attacked Dr. Javier San Martin. In our research, the opposite was proven. The witnesses who attended the Assembly affirmed that such attacks did not exist, constituting this fact in an extremely serious fallacy, since it was a defamation of the acting President of the SIED, and therefore, an unfounded damage to the institutionally of SIED.

In this sense and as stated in the documentation received, whoever was cited by the SUED as a key witness of the alleged act of violence, categorically denies it. Dr. David Horacio Zagalsky denied this accusation in writing, "they did not occur in any way." "I did not separate anyone and I did not witness any of those present doing so."

During this procedure, the SUED had the opportunity to at least request the corresponding apology from the SIED. However, the SUED simply seeks to distance itself from such dissemination, limiting itself to expressing that it was an event attributable to "some" member, an aspect that, more than a defense, seems to be an excuse, since it was the SUED itself that disseminated this fact through its authorities and through the formal communication vehicles, and in which Dr. San Martin acted as representative of the SUED. This attitude is inadmissible to try to ignore it as a possible isolated fact.

In case there was even the slightest doubt, the SUED not only spread this false fact through its official statement, but also used it as an argument to illegitimately expel Dr. Tchekmedyan from the SUED through a "Court of Honor" that did not have the most basic guarantees of due process, which further aggravates the responsibility of the SUED.

In this way, under the impulse of a corporate maneuver, the SUED exposed the SIED and its President to public contempt for alleged events that never took place.

Once again, this Commission cannot allow the SUED Board of Directors to try to deny these unfounded accusations with total nonsense.

1.4 - The opportunity granted by the SIED to the SUED so that it could regularize its situation, despite having tacitly abandoned the SIED.

On December 14, 2020, the SUED sends a letter signed by Dr. Federico De Simone and Dr. Francisco Díaz, President and Acting Secretary, in order to regularize the financial situation of the SUED.

After only three days, the SIED responded to said letter stating that although the SUED had tacitly abandoned the SIED, a process of dialogue and work could be initiated that would precisely allow the SUED to regularize its situation.



OPINION OF THE DISCIPLINARY COMMITTEE OF THE SIED

Despite the clear conciliatory and correct spirit of the SIED authorities at that time, the SUED completely ignored it, never responding to said communication.

When the SUED was consulted by this disciplinary commission in reference to these circumstances, the SUED limited itself to expressing that the authorities at that time, as well as the current authorities, considered it “inadmissible” and therefore decided not to respond.

Once again, it was expected that the SUED would have proactive conduct in this case, but it was simply intended to disclaim responsibility in a completely forced manner, since the decisions of the previous SUED Board of Directors cannot be unknown, nor possibly imputed to natural persons. on an individual basis, when, on the contrary, they acted in the name and on behalf of the SUED.

2. THE MANIFEST RESPONSIBILITY OF THE SUED.

Analyzing the evidence provided to this disciplinary commission, it is clear that the SUED between the years 2018 to 2023 incurred clear contempt towards the SIED and its directors. In this sense, the SUED conspired against the interests of OFDI at a key moment in the history of OFDI.

These events were premeditatedly carried out from the organic structure of the SUED by members of its acting Board of Directors, and representatives with clear instructions, as was the case of Dr. San Martin in the successive Assemblies and meetings in which there was a conspiracy against the OFDI interests. Therefore, the SUED is not exempt from responsibility for the damage that these representatives (organically linked to their organization) caused to the SIED.

The damage that was intended to be done is in itself very serious. However, thanks to the joint work of three consecutive directives and the support of all member societies, with the systematic exception of SUED, the regulation was finally signed that gave equality between OPGE and SIED.

THE SUED DID NOT DULY REFUTE ANY OF THE CHARGES MADE TO IT IN THIS PROCEEDING. EVEN WORSE: HE APPEALED TO SERIOUS ACCUSATIONS REGARDING THE ALLEGED LACK OF IMPARTIALITY OF THIS COMMISSION.

This Commission granted the SUED two defense bodies, even though statutorily one was sufficient. However, the SUED chose to evade its responsibility by minimizing the facts, and calling into question the impartiality and good name of the members of this commission.



“HIDDEN HATES ARE WORSE THAN THE COVERED ONE”

SENECA Philosopher, speaker and writer

It has been found that the SUED:

3.1 You have not met the burden of due contradiction of the facts attributed to your organization, these being included under the “admission rule.” That is, facts implicitly confessed by the SUED as they are not expressly disputed as is appropriate in this case due to their relevance. Here it must be remembered that the burden of due contradiction imposes that the response to the complaint must be not only categorical, but also precise and detailed, based on two very clear reasons: 1) due to the seriousness of the actions incurred the SUED, which requires providing a detailed response that rules out its responsibility; and 2) for the duty of collaboration that the institutions of each country have with respect to this Commission.

3.2 On the contrary, the SUED has maintained a position of total intransigence, evacuating the consultations formulated by this Commission with excuses (such as the lightness of maintaining that the representatives of its organization would act in an individual or personal capacity, something that is not corresponds to the legal reality of civil organizations, who are formally linked through their representatives), inconsistencies (such as the alleged lack of invitation to participate in ENDO 2020 when they had previously accepted it), and in totally excessive deadlines (without going further, deadlines of 2 and a half months for responses, without the offer of a single piece of evidence that could prove his innocence or, failing that, a reasonable justification for such delays that only hindered the normal functioning of this Commission)

3.3 The SUED has resorted to unfounded accusations against this commission, questioning its impartiality, when the commission has strictly complied with giving equal treatment to each of the parties with their respective defense bodies. Furthermore, in case there was even the slightest doubt, this Commission granted the SUED two opportunities to defend itself, given that, given the successive evasion of the SUED in its first response, a second consultation was carried out. In this sense, the Commission could have stayed with the first response, since this already guaranteed the proper transfer of the complaint and the defense stage. However, in order to arrive at the material truth of the facts, the Commission ex officio granted a second opportunity to respond to the SUED.



OPINION OF THE DISCIPLINARY COMMITTEE OF THE SIED

3.4 Finally, instead of establishing the arguments of a legitimate defense on the merits of the matter, the SUED diverted the focus of attention from the procedure, attempting to distance itself from the conduct of its previous representatives. In this sense, if the representatives of the SUED acted against the interests of the SIED, the SUED's argument can never be limited to the fact that the events occurred 5 years ago or that two periods of board of directors had passed, since this in no way affects the powers of this Commission. Furthermore, this argument is in any case inconsistent, because they are not judging isolated conduct from more than 5 years ago, but rather systematic actions that have damaged the image of the SIED and its affected members.

From what was previously evaluated, it follows that the current Board of Directors of the SUED (Dr. Patricia Gaggero, President and Dr. Ignacio Moratorio, Secretary General), remain attached to the actions of the previous directives of the SUED. The SUED has not taken advantage of this procedure to dispute the accusations made against it.

Victor Frankl said "everything can be taken from man except one thing: the last of human freedoms - the choice of personal attitude, faced with a set of circumstances to decide one's own path."

4. FINAL OPINION OF THE DISCIPLINARY COMMITTEE

As could be seen, the SUED as an organization, through its successive Boards of Directors, engaged in systematic actions that harmed the SIED, harming the reputation and honor of its legitimately elected authorities.

Given the extreme seriousness of the facts proven in this file, their recurrence over time, and the damage caused to the SIED and its authorities, this Commission rules the following, in the legitimate use of its powers:

4.1 Sanction Doctors Nicolas González and Javier San Martin with the suspension of their participation in events organized, sponsored or endorsed by the SIED during the next 6 (six) consecutive Board periods of the SIED starting from this ruling. The Drs. González and San Martin actively conspired against the interests of the SIED. In fact, Dr. Nicolas González took advantage of his status as president of the SUED in order to orchestrate the illegitimate expulsion of his colleagues from the SUED at a time when they held management positions in the SIED.

4.2 Sanction the Board of Directors for the 2018-2020 period (President Dr. Nicolas González, Vice President Dr. José Pedro Ibarгойen and General Secretary Dr. Claudia Méndez), with the suspension of participation in future events organized, sponsored or endorsed by the SIED during the period of 3 (three) consecutive Board periods of the SIED starting from this opinion. **Given the**



OPINION OF THE DISCIPLINARY COMMITTEE OF THE SIED

seriousness of the events, the sanction against Dr. Nicolas González is added, constituting 9 (nine) consecutive periods.

4.3 Sanction the Board of Directors for the 2020-2022 period (President Dr. Federico de Simone, Vice President Dr. Andrés Taullard and Secretary General Dr. Francisco Díaz) with the suspension of participation in future events organized, sponsored or endorsed by the SIED during the term of 3 (three) consecutive Board terms of the SIED starting from this ruling.

4.4 Sanction the Board of Directors for the 2023-2025 period (President Dr. Patricia Gaggero, Vice President Dr. José Pedro Ibarгойen and Secretary General Dr. Ignacio Moratorio) with the suspension of participation in future events organized, sponsored or endorsed by the SIED during the term of 3 (three) consecutive Board terms of the SIED starting from this ruling. **Given the recurrence of the events, the sanction to Dr. José Pedro Ibarгойen, Vice President of the Board of Directors 2018-2020 and the current one, 2023-2025, will have to assume his responsibility for both directives, with the suspension of 6 (six) consecutive periods from this opinion.**

4.5 It is ruled that the SUED must make a public apology to the SIED and the authorities corresponding to the periods 2016-2018, 2019-2021 and 2022-2023 for the damages caused. The SUED must make these apologies before the General Assembly of the SIED and publish these apologies on its WEB site and on its social networks.

4.6 If the SUED complies with the above ruling, it will re-enter as a member of SIED with the right to speak and without the right to vote for 2 consecutive periods, committing to comply with respect for the Institution, its statutes and regulations, as well as for all members.

“THOSE WHO ONLY HAVE INDIVIDUAL ASPIRATIONS CANNOT UNDERSTAND THE COLLECTIVE DREAM”

SIMONE de BEAUVOIR

5. DISSEMINATION AND PUBLICATION

This Disciplinary Commission formally requests that this opinion be given due publicity, through social networks, email and the SIED website, and that it be duly communicated to all member associations of the SIED and the WEO.

Leave this opinion in the SIED minutes, in its official languages.



Uniendo la Endoscopia
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OPINION OF THE DISCIPLINARY COMMITTEE OF THE SIED



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