

ORIGINAL: FRENCH

**INTERNATIONAL OLYMPIC COMMITTEE
ETHICS COMMISSION**

**DECISION with a provisional measure recommendation
No. D/01/06**

CASE No. 5/2005

Mr Yong Sung Park, IOC member,
Domiciled in Seoul, Republic of Korea

REFERRAL:

In a letter dated 11 November 2005, the IOC President referred to the IOC Ethics Commission the situation of IOC member Mr Yong Sung Park, who has been the subject of an accusation by the Public Prosecutor's Office of the Republic of Korea in charge of the inquiry into the Doosan Group, of which Mr Park was the Chairman.

In a letter dated 14 November 2005, Mr Park was informed of this referral to the Ethics Commission and was asked for his observations.

According to the facts made public by the media, Mr Park was accused, with other members of his family and leaders of the group and its subsidiaries, of embezzling funds for their own benefit from various Doosan Group companies; getting these companies to pay family expenses and the interest on repayments of loans taken out by the family; and falsifying accounts between 2001 and 2004, involving a total of around 32.6 billion Won (approximately USD 32 million).

Having noted that, pending a decision by the Court, Mr Yong Sung Park was not subject to any protective measure, such as being placed in pre-trial detention, on the part of the justice authorities of his country, the Ethics Commission determined, in its decision of 25 November 2005, that it should postpone any recommendation to the IOC Executive Board pending any judicial decision in this case.

As the Public Prosecutor of the Republic of Korea had called for a six-year prison sentence to be imposed on Mr Park, the Ethics Commission considered it necessary to review its decision of 25 November 2005 once the judicial decision became known. Mr Park was asked for his observations in a letter dated 1 February 2006.

On 8 February 2006, the Seoul Central District Court sentenced Mr Park to three years of suspended imprisonment, and a fine of eight billion Won (approximately USD eight million). The Court noted in the grounds of its judgment that Mr Yong Sung Park had served in the Doosan Group as the Head of Planning & Adjustment from February 1989, and as Vice Chairman of the Doosan Group from March 1993 to 1 July 2005, and in such capacity, assisted the Doosan Group Chairman and oversaw primary policy making and execution duties for overall management of the group.

On 8 February 2006, Mr Park sent the IOC President a letter, announcing his intention to appeal against this sentence, and asking for the Ethics Commission's decision to be postponed until after the final ruling by the Supreme Court. On 9 February 2006, he sent the Ethics Commission his written observations, explaining that he had been sentenced as the person responsible for the company, although he was not personally guilty of the wrongful acts in question. On 11 February, the Ethics Commission, meeting in Turin, heard the explanations of Mr Park's representative, Mr Jeffrey David Jones, asking for the Commission to continue to postpone its decision pending the decision of the appellate tribunal. On 27 February 2006, Mr Park sent further written observations accompanied by a copy of the decision in Korean together with an English translation thereof.

The Ethics Commission has taken into consideration all the written and oral observations made by and on behalf of Mr. Park, as well as the decision of the Seoul Central District Court.

FACTS:

It emerges from these documents that Mr Park admits the wrongful acts of which he is accused and accepts the evidence against him.

He admits receiving and using illegal funds to cover his expenses, and regrets such conduct. He points out that, at the time of the facts, he was not Chairman of the Group, and had no power to influence the decisions taken within the Group, but that as soon as he became Chairman in August 2005, he ordered such practices to stop, notified them to the competent authorities and wanted the whole Group to cooperate with the authorities so that better practices would be followed. Moreover, he voluntarily repaid the amounts that he had received. Mr Park and his lawyers therefore asked for judicial clemency.

The Court noted Mr Yong Sung Park's personal guilt. In its judgment, it took account of his particular situation and cited mitigating circumstances when determining its sentence.

OPINION:

The Ethics Commission notes that:

- in its decision of 8 February 2006, the Seoul Central District Court sentenced him to three years' imprisonment, suspended for five years, and a fine of eight billion Won (approximately USD eight million);
- Mr Park immediately appealed against this decision and, pending the decision by the court of appeal, he has not been made subject to any protective measure by the judicial authorities of his country;
- however, given that Mr Park has admitted the acts of which he is accused, even if he does not regard himself as guilty, such appeal cannot prevent the Commission from rendering its decision;

- in any case, the IOC Ethics Commission is not competent to assess the validity of legal decisions pronounced by the judicial authorities of a country;
- the acts of which Mr Park has been found guilty could entail the application of point 5 of part B of the IOC Code of Ethics, according to which "The Olympic parties shall use due care and diligence in fulfilling their mission. They must not act in a manner likely to tarnish the reputation of the Olympic Movement."

As a result of the above and after taking into consideration the seriousness of the facts and the sentence handed down, the Ethics Commission finds that:

- the inquiry must be continued until a final judicial decision has been rendered;
- in the meantime, and in view of all the above reasons, this situation justifies the modification of the decision of 25 November 2005 and a recommendation that the IOC Executive Board provisionally withdraw the rights, prerogatives and functions deriving from Mr Park's IOC membership for the duration of the inquiry.

DECISION:

After deliberating in accordance with its Statutes, the Ethics Commission decides:

1. to continue its inquiry until the judicial authorities have rendered a final judgment in the case of IOC member Mr Yong Sung Park;
2. to recommend that the IOC Executive Board, pursuant to the Bye-law to Rule 23.2 of the Olympic Charter, provisionally withdraw the rights, prerogatives and functions deriving from Mr Park's IOC membership for the duration of the inquiry.

Done in Turin, 11 February 2006

For the Chairman,
Pâquerette Girard Zappelli
Special Representative