

ORIGINAL: FRENCH

**INTERNATIONAL OLYMPIC COMMITTEE
ETHICS COMMISSION**

**Decision with recommendations
No. D/02/06**

CASE No. 3/05

Mr Guy Drut, IOC member,
Domiciled at Coulommiers 77120, France

FACTS and PROCEDURE :

In a letter dated 10 March 2005, the IOC President referred to the Ethics Commission acts of which he had learned through the press and which were imputed to Mr Guy Drut, IOC member.

Immediately upon this referral, the Ethics Commission opened an inquiry. However, noting that Mr Drut had not been made subject to any detention pending investigation or court supervision by the legal authorities of his country, the Commission did not propose any interim measures to the IOC Executive Board.

In its decision of 26 October 2005, the Paris Criminal Court imposed on Mr Guy Drut, among 47 other people, a suspended sentence of 15 months of imprisonment and a fine of 50,000 euros for "concealing the abuse of social assets", having found that, in the framework of the illegal funding of various political parties through agreements with firms concerning the allocation of contracts to build or renovate public buildings in the Ile de France region, Mr Drut had been guilty of benefiting from a fictitious job in one of these firms between 1990 and 1992.

On 10 November 2005, Mr Drut informed the Ethics Commission that he was not filing an appeal against this decision, and sent the extract of the Court decision concerning him.

Informed that he had the possibility of coming in person to present his observations to the Ethics Commission at its meeting on 25 November 2005 in Lausanne, Mr Guy Drut accepted, and indeed attended. On this occasion, he produced a copy of his letter to the President of the French Republic, in which he requested an amnesty for "having distinguished himself exceptionally within the field of sport".

In his written and oral observations explaining his reasons for failing to appeal against the decision of 26 October 2005, Mr Guy Drut stressed that this was "not at all because I acknowledge any element of guilt, but solely to spare my family, and particularly my children, who have suffered too much from a situation which has now lasted six years". He also pointed out that he had not been deprived of his civil and civic

rights, and was continuing to serve as Mayor of the town of Coulommiers and as a deputy in the National Assembly.

On 25 November 2005, the Ethics Commission decided to extend its inquiry to no later than 31 May 2006 in order to be informed as to the outcome of Mr Guy Drut's request, but without being able to postpone its decision beyond this date. In the meantime, because of the existing sentence, it proposed that the IOC Executive Board provisionally suspend all the rights, prerogatives and functions deriving from Mr Guy Drut's IOC membership. On 16 December 2005, the IOC Executive Board adopted the Ethics Commission's recommendations.

In a letter dated 24 May 2006, Mr Guy Drut informed the Ethics Commission Chairman of the signing, on 22 May 2006, by the President of the French Republic, of an amnesty decree in his favour.

On 30 May 2006, availing himself of the possibility offered to him, Mr Guy Drut sent written observations to the Ethics Commission. He stressed in particular the legal effect of the amnesty decree and his commitment to the promotion of sport and its values, and he observed that that he felt it difficult to consider that there had been any violation in his acts of the principles laid down by the Olympic Charter or that his sentence jeopardised the interests of the IOC.

OPINION:

The IOC Ethics Commission has taken note of the decision handed down by the Paris Criminal Court on 26 October 2005, the amnesty decree signed by the President of the French Republic on 22 May 2006 and the various written and oral observations made by Mr Guy Drut.

As it already underlined in its previous decision of 25 November 2005, the Ethics Commission observes that, under French law, an amnesty erases a sentence, which, in this particular case, would result in Mr Guy Drut's having no criminal record; however, it reaffirms that such removal of the sentence leaves intact the acts for which Mr Guy Drut was sentenced.

In this regard, the Ethics Commission recalls that whether or not the conduct of an Olympic party is ethical is wholly independent of its criminal nature. Indeed, although the same acts may or may not be a criminally punishable depending on the law in different countries, they may nevertheless be ethically reprehensible.

As a result, the Ethics Commission, having regard to the ethical principles set out in the Olympic Charter and the IOC Code of Ethics, must render a decision on the court's findings on the merits which are final and upon which the Commission must base itself.

The Ethics Commission, taking into consideration the nature of the acts of which Mr Guy Drut was been found guilty, within the context of illegal funding of political parties, deems that his conduct has seriously tarnished the reputation of the Olympic Movement, in the meaning of part B.5 of the IOC Code of Ethics.

Duly taking into account the facts of the case and the principle of proportionality, it recommends that, for Mr Guy Drut, there be a combination of the sanctions provided under Rule 23.1.1 of the Olympic Charter, namely a reprimand and a suspension of the right to chair any IOC Commission for five years.

RECOMMENDATIONS:

The Ethics Commission, after deliberating in accordance with its Statutes, recommends that, pursuant to Rule 22 of the Olympic Charter, the IOC Executive Board:

1. decide that Mr Guy Drut, IOC member, has violated the ethical principles set out in the Olympic Charter and the IOC Code of Ethics, has tarnished the reputation of the Olympic Movement and was thereby in breach of the Olympic Charter and the IOC Code of Ethics;
2. pursuant to Rule 23.1.1 of the Olympic Charter, impose the following combination of sanctions on Mr Guy Drut
 - a) a reprimand; and
 - b) a suspension of the right to chair any IOC commission for five years.

Done in Lausanne, 15 June 2006

For the Chairman,
Pâquerette Girard Zappelli
Special Representative