

ORIGINAL: FRENCH

**INTERNATIONAL OLYMPIC COMMITTEE
ETHICS COMMISSION**

**DECISION with recommendations
No. D/02/07**

CASE No. 5/2005

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

REFERRAL and FACTS:

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 was 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 Chairman at the time.

Mr Park was charged, with other members of his family and leaders of the group and its subsidiaries, of embezzling funds from various Doosan Group companies for their own benefit; 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).

On 8 February 2006, the Seoul Central District Court found Mr Park guilty of the charges against him and sentenced him to three years of imprisonment, suspended for five years, and a fine of eight billion Won (approximately USD eight million). The Court noted in 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 11 February 2006, the Ethics Commission, after taking into consideration all the written and oral observations made by Mr Park and on his behalf, as well as the decision of the Seoul Central District Court, recommended that, pursuant to the Bye-law to Rule 23.2 of the Olympic Charter, the IOC Executive Board provisionally withdraw the rights, prerogatives and functions deriving from his Mr Yong Sung Park's IOC membership throughout the duration of the inquiry. On 15 March 2006, the IOC Executive Board approved this recommendation.

On 21 July 2006, the Seoul High Court confirmed the decision taken by the first instance judges. Like the Seoul Central District Court, the Seoul High Court noted the personal guilt of Mr Yong Sung Park. In its decision, it took into account the specific situation of the party concerned, and in determining its sentence, it took account of the attenuating circumstances linked to his contribution both to the economy of his country as well as to sport (particularly for the International Judo Federation) and his IOC membership.

Mr Yong Sung Park then informed the Ethics Commission that he had waived the possibility of appealing to the Korean Supreme Court because of an amnesty request submitted to the President of the Republic of Korea on his behalf.

In his written observations of 1, 7 and 8 August 2006, Mr Yong Sung Park asserted that his conduct, like that of the other people sentenced in connection with the Doosan Group

companies, had been justified by the economic and financial situation at the end of the 1990s, which forced many Korean companies to adopt an attitude which was not in conformity with the country's economic legislation.

On 5 September 2006, the Ethics Commission recommended that the IOC Executive Board maintain the provisional measure pending the outcome of this request.

Pursuant to a decision by the President of the Republic of Korea on 12 February 2007, the effects of Mr Yong Sung Park's sentence of three years' imprisonment suspended for five years were annulled, and Mr Yong Sung Park had his civil rights restored.

In a letter sent on 9 February 2007 to the Chairman of the Ethics Commission announcing his amnesty, Mr Yong Sung Park explained that the effects of the amnesty are similar to those under French law, and he expressed the wish to be reinstated as an IOC member.

Having waived his right to appear in person, on 10 March 2007, Mr Yong Sung Park sent the Ethics Commission his final written observations, requesting his reinstatement as an IOC member.

OPINION:

The Ethics Commission has taken note of the decision handed down by the Seoul High Court on 21 July 2006; the decision by the President of the Republic of Korea on 12 February 2007 to annul the effects of the sentence of three years' imprisonment, suspended for five years and to restore all civil rights; and the various written observations made by Mr Yong Sung Park.

The Ethics Commission notes that removal of the sentence leaves intact the acts for which Mr Yong Sung Park 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 of fact in the case 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 Yong Sung Park was found guilty, 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 Yong Sung Park, 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 be a member of 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 Yong Sung Park, 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 sanctions on Mr Yong Sung Park:
 - a) a reprimand;
 - b) and a suspension of the right to sit on any IOC commission for five years.

Decision made in Lausanne, 20 March 2007

For the Chairman,
Pâquerette Girard Zappelli
Special Representative