

ORIGINAL: FRENCH

**INTERNATIONAL OLYMPIC COMMITTEE
ETHICS COMMISSION**

**DECISION on Interim Measures
No. D/06/05**

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 IOC Ethics Commission acts of which he had learned through the press and which were imputed to Mr Guy Drut, an IOC member.

According to the media, Mr Guy Drut had appeared before the Paris Criminal Court amongst 47 persons in connection with 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

The Public Prosecutor accused Mr Guy Drut of "concealing a breach of trust" because he allegedly held a fictitious job in one of these firms between 1990 and 1992. Mr Guy Drut has always protested his innocence.

Immediately upon this referral, the Ethics Commission opened an inquiry. However, noting that Mr Guy Drut had not been subjected to 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 a suspended sentence of 15 months of imprisonment on Mr Guy Drut and a fine of 50,000 euros.

In a letter dated 27 October 2005, the IOC Ethics Commission asked Mr Guy Drut to provide it with a copy of the decision and his observations.

On 10 November 2005, Mr Guy Drut informed the Ethics Commission that he was not filing an appeal against the decision; he also sent an extract of the decision concerning himself, and a copy of the attestations given to the court in the framework of his defence in an attempt to prove that his employment was not fictitious.

In a letter dated 16 November 2005, Mr Guy Drut provided his written observations, together with a statement from his counsel.

Informed that he had the possibility of coming in person to present his observations to the Ethics Commission orally at its meeting on 25 November 2005 in Lausanne, Mr Guy Drut accepted, and indeed addressed the IOC Ethics Commission.

In his written 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 further explained that he was linked to a private company by an image contract and in no way ever hid this salaried activity. The statement by his counsel provides an analysis of the proceedings and decision of the court, and points out that Mr Guy Drut’s sentence has not deprived him of his civil and civic rights, and that he is continuing to serve as Mayor of the town of Coulommiers and as a deputy in the National Assembly.

Prior to the Ethics Commission meeting on 25 November 2005, Mr Guy Drut’s lawyer provided the Commission Chairman with copies of an amnesty petition filed for Mr Guy Drut on 24 November 2005, which the Chairman distributed to the Commission members.

During the Commission meeting, Mr Guy Drut once again made his observations orally, and confirmed that he had indeed sought to benefit from the amnesty provided for under article 10 of the Law of 2 August 2002 concerning amnesties.

It is also worth noting that Mr Guy Drut, an IOC member since 1996, currently chairs the IOC International Relations Commission.

OPINION:

After taking note of the extracts of the grounds and operative provisions of the judgment handed down by the Paris Criminal Court on 26 October 2005, and the various written and oral observations made by Mr Guy Drut,

Considering that Mr Guy Drut, through his lawyer, has asked the President of the French Republic to grant him an amnesty pursuant to article 10 of the Law of 2 August 2002 concerning amnesties, and that, at his hearing before the Ethics Commission, Mr Guy Drut confirmed the existence of such request;

Considering that, under French law, an amnesty erases the conviction and sentence, which, in this particular case, would result in Mr Guy Drut’s having no criminal record;

Considering nonetheless that, because of the difference between criminal guilt and ethical transgression, removal of the conviction and sentence would leave intact the acts for which Mr Guy Drut has received a sentence which has become definitive, since he has not, for personal reasons, filed an appeal against this decision. That the Ethics Commission must judge these acts having regard to the ethical principles established in the Olympic Charter;

Considering that, before deciding on the merits of the case and in order to be fully informed, the Ethics Commission wishes to await the follow-up given to Mr Guy Drut’s amnesty request. That its own determination should not, however, be postponed beyond 31 May 2006;

The Ethics Commission therefore considers that the inquiry must be extended until 31 May 2006, and that, in the meantime, because of the existing conviction and sentence, an interim measure of suspension covering the rights, prerogatives and functions deriving from Mr Guy Drut’s IOC membership must be proposed to the IOC Executive Board, pursuant to the Bye-law to Rule 23.2 of the Olympic Charter.

DECISION:

The Ethics Commission, having deliberated in accordance with its Statutes:

1. decides to extend its inquiry to 31 May 2006 ;
2. proposes that the IOC Executive Board provisionally suspend all the rights, prerogatives and functions deriving from Mr Guy Drut's IOC membership;
3. decides to re-examine the file no later than at the end of the period mentioned in paragraph 1 above.

Done in Lausanne, 29 November 2005

For the Chairman,
Pâquerette Girard Zappelli
Special Representative