

ORIGINAL: FRENCH

**INTERNATIONAL OLYMPIC COMMITTEE
ETHICS COMMISSION**

**DECISION with recommendations
No. D/01/2010**

CASE N° 4/2008

Mr Kun-Hee Lee, IOC member,
Domiciled in Seoul, Republic of Korea

REFERRAL and FACTS:

In a letter dated 17 April 2008, the IOC President referred the situation of Mr Kun-Hee Lee, IOC member, to the Ethics Commission, after he had been accused of breach of trust and tax evasion involving more than 112 billion Korean Won (approximately USD 108 million).

In a decision by the Seoul Court of Appeal dated 14 August 2009, which became final, Mr Kun-Hee Lee was sentenced to a suspended term of three years' imprisonment and a fine of 110 billion Korean Won for tax evasion, a stock market offence and breach of trust, due to the illegal sale of shares in a Samsung Group company. Mr Kun-Hee Lee paid the fine.

In a decision by the President of the Republic of Korea, Mr Kun-Hee Lee was granted an individual amnesty on 31 December 2009.

Mr Kun-Hee Lee sent written observations to the Ethics Commission on 13 January 2010. He argued that his case merited a moderate sanction, observing that the acts for which he was convicted did not constitute a violation of ethics, and that his conduct had not been damaging to the Olympic Movement. He also emphasised that he has always supported the Olympic and Sports Movement through his sponsorship of both the Olympic Games and of various International Sports Federations.

OPINION:

The Ethics Commission has taken note of the decision handed down by the Seoul High Court on 14 August 2009; the individual decision by the President of the Republic of Korea dated 31 December 2009 to annul the effects of the sentence of a suspended term of three years' imprisonment, suspended for five years; and the written observations made by Mr Kun-Hee Lee.

The Ethics Commission notes that removal of the sentence leaves intact the acts for which Mr Kun-Hee Lee was convicted.

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 Kun-Hee Lee was found guilty, deems that his conduct has 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 Kun-Hee Lee, 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.

DECISION:

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 Kun-Hee Lee, 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 Kun-Hee Lee:
 - a) a reprimand
 - b) and a suspension of the right to sit on any IOC commission for five years.

Done in Lausanne, 25 January 2010

For the Chairman,
Pâquerette Girard Zappelli
Ethics Commission Secretary