Mr. Jongwoo Park (hereinafter the “Athlete”) competed in the Games of the XXX Olympiad in London in 2012 (hereafter the “2012 London Games”) in the sport of football, where the team he was on placed third.

On 10 August 2012, following the bronze medal match between the Republic of Korea and Japan, the Athlete was seen celebrating on the pitch holding a sign bearing the message “Dokdo is our land” (hereafter the “Sign”) in the Korean language.

The Disciplinary Commission noted that, as a result of his actions, the Athlete was not permitted to participate in the medals ceremony and did not receive a bronze medal, nor was the Athlete permitted to take part in the closing ceremony of the 2012 London Games. The Athlete nevertheless received a third place diploma.

By letter dated 7 January 2013, the IOC President set up a Disciplinary Commission, consisting of:

- Thomas Bach (Chairman)
- Ser Miang Ng
- Nawal El Moutawakel

The IOC President also requested that the Disciplinary Commission look into this case and make recommendations to the IOC Executive Board, which would take the final decision regarding this matter.

By letter dated 25 January 2013, the IOC notified the Athlete, the Secretary General of the Korean Olympic Committee (hereafter the “KOC”), Mr. Jung Jun Choi, and the Fédération International de Football Association (hereafter the “FIFA”), of the time, date and place of the hearing of the Disciplinary Commission regarding this case.

The Disciplinary Commission noted that, based on the Athlete’s conduct after the bronze medal match, FIFA opened disciplinary proceedings against the Athlete on 11 August 2012, and that the case was submitted to the FIFA Disciplinary Committee on 5 October 2012. On 20 November 2012, the FIFA Disciplinary Committee decided (i) to suspend the Athlete for two (2) matches and (ii) to order the Athlete to pay a fine of CHF 3,500.

The Disciplinary Commission received the complete case file from FIFA, including the written submissions of the Athlete and the Korean Football Association (“KFA”), video footage and photographs of the Athlete’s actions upon the occasion of the above-mentioned bronze medal match and the decision of the FIFA Disciplinary Committee.
8. The Disciplinary Commission took note of the following elements from the FIFA case file:

   a. The KFA submitted that the Athlete’s display of the Sign was spontaneous, not pre-meditated, unintentional, and not politically motivated. The KFA also submitted that the Athlete received the Sign from fans in the middle of an emotional victory celebration and that he did not realize the meaning of his actions since he was in an “overly jubilant state.” Furthermore, the KFA admitted that it had not properly briefed the players on the importance of avoiding political statements. The KFA also pointed out that the Athlete tried to console a Japanese player at the end of the match as evidence that the Athlete did not mean to humiliate the Japanese players or the Japanese people in general.

   b. The Athlete provided a written statement in which he expressed his “most sincere regret to FIFA and the IOC” for his inappropriate behaviour. The Athlete indicated that during the celebration, some fans handed him the Sign and he decided to display it because the Korean people already knew the message. The Athlete further indicated that he picked up the Sign on the spur of the moment and walked around the pitch displaying it. The Athlete stated that he never thought displaying the Sign would cause problems. After he heard a Korean official shout at him to put the Sign down, he immediately put it down. The athlete indicated that, since that day, he has suffered great pain and sorrow.

   c. The FIFA Disciplinary Committee noted that “it is doubtless that the Player committed a serious infringement and is found guilty of breach” of the FIFA Disciplinary Code, which states “anyone who insults anyone in any way, especially by using offensive gestures or language, or violates the principles of fair play or whose behaviour is unsporting in any way may be subject to sanction...”. However, the Committee found that “the act committed by the Player was not intentional and not premeditated, as the flag (containing the message in question) had been prepared and handed over from a group of fans sitting in the stadium. In other words, the Player had not prepared his actions and did not wish to create a scandal intentionally. Equally, the Committee is of the opinion that his action eluded the Player who did not evaluate the gravity of the situation appropriately.”

9. By email dated 5 February 2013, the KOC informed the IOC that the Athlete and representatives from the KOC and KFA would attend the hearing of the IOC Disciplinary Commission and that additional submissions would be submitted to the IOC in due course.

10. On 8 February 2013, the IOC received a written submission from the KOC, which included three photographs; (i) a photo of two fans displaying the Sign in the stadium; (ii) a photo of the Athlete receiving the Sign from one of those two fans; and (iii) a photo of the Athlete displaying the Sign above his head in the stadium.

11. In their written submission, the KOC indicated the following:

    a. The KOC did not dispute the actions of the Athlete, nor the decision of the FIFA Disciplinary Committee.
b. The KOC emphasized that it was not seeking to lessen or excuse the actions of the Athlete, which the KOC and the Athlete understood were inappropriate and wrong.

c. The KOC indicated that it was a matter of coincidence that the Athlete took the Sign from an unknown fan in the stands rather than a Korean flag, and that none of his actions in this instance were intentional or pre-meditated.

d. The KOC explained that the Athlete’s actions were “spontaneous, taken at an emotional moment and without thought as to their implications or nature of the infraction of the Olympic rules.”

e. The KOC indicated that the Athlete did not believe he was making a political statement or protest. The KOC further indicated that the Athlete was simply celebrating Korea’s victory.

f. The KOC explained that the phrase “Dokdo is Our Land” had become more of an expression of national pride than a reference to a political dispute with Japan. Thus, the Athlete was merely expressing pride in his country similar to carrying the national flag.

g. The KOC further indicated that the Sign was aimed at targeting a Korean audience as it was written in Korean, and not English or Japanese.

h. The KOC noted that, to its knowledge, the Sign was not broadcast and therefore was subject to very little dissemination at that time.

i. The KOC indicated that the KFA and KOC did not properly advise all of its players about complying with the relevant rules of conduct at the Olympic Games.

j. The KOC and KFA were undertaking serious efforts to train and sensitize their athletes to avoid this type of mistake and ensure that it never happened again.

k. The KOC stated that in order to ensure that it sends “the appropriate message domestically, the KOC intends to sanction (the Athlete) after the close of the (Disciplinary) Commission’s review.”

12. The Disciplinary Commission held its hearing at the Lausanne Palace Hotel in Switzerland on 11 February 2013 at 6:45 p.m. in the presence of the Athlete, and a delegation (hereinafter the “Delegation”) comprised of:

   - Sungil Baek, Director General of the KOC
   - Jeffrey Jones, Lawyer for the KOC
   - Jungjae Lee, Director of the KFA
   - John Moon, Chief of Staff for the KOC
   - Raehyouk Kang, Director of Legal Affairs for the KOC

13. Also attending the hearing was:

   - Howard Stupp, IOC Director of Legal Affairs
   - André Sabbah, Legal Counsel in the IOC Department of Legal Affairs
   - Sarah Friberg, Administrative Assistant
   - Jamie Allen, Minute-taker
14. At the beginning of the hearing, the Delegation confirmed that it had no objection as to the disciplinary procedure to that point.

15. The Disciplinary Commission began with the viewing, by all persons in attendance, of videos and photographs of the incident.

16. The Athlete and the Delegation then orally submitted a number of explanations regarding the Athlete’s behaviour:

   a. The KOC, through Mr. Jones, stated that both the KOC and the Athlete recognized the Athlete’s inappropriate behaviour, which was a violation of Rule 50 of the Olympic Charter.

   b. The KOC indicated that the Athlete received the Sign from an unknown fan when he went to pay his respects to some family members of one of his team mates.

   c. The KOC pointed out that the Athlete displayed the Sign for between 20 to 30 seconds, and immediately put the Sign down after the Chairman of the KFA shouted at him to put it down.

   d. The KOC explained that the Athlete did not intend to make a political statement by displaying the Sign. The KOC further gave a brief explanation of the history of the Dokdo dispute, which dates back to over 60 years, and explained the saying “Dokdo is our land” was taught to all children in the Korean school system and was more so a saying of national pride today than a political statement.

   e. The KOC indicated that the Athlete had no ill feelings towards Japan, as evidenced by the fact that at the end of the match, the Athlete embraced and consoled a Japanese player who was distraught over his team’s defeat.

   f. The KOC informed the IOC that it felt partly responsible for this incident because it failed to properly train its athletes as to how to deal with sensitive political issues.

   g. The KOC informed the Disciplinary Commission that, as a result, it was in the process of creating a new program, entitled “Olympic Charter Entrance Training”, to educate athletes regarding how to behave properly at the Olympic Games, including respecting of the Olympic Charter.

   h. The Athlete reiterated that he regretted his actions. The Athlete also indicated that he wished he could turn back the clock and erase what he did. When asked by the Disciplinary Commission how he would respond to a Japanese citizen who felt offended by his actions, the Athlete said that he would point out that (i) he had been in a very excited state at that time, (ii) that he had no ill feelings towards Japan and (iii) that he would apologize to such person for his actions.

   i. The Athlete provided the Disciplinary Commission with a written letter of apology addressed to the Disciplinary Commission, in which he stated that he had been a football player for the past fifteen years, that he was a simple person who had only been involved with football, and that he did not pay attention to political matters. He further stated that “I have no hard feelings toward Japan. In fact, I have always been a person interested in Japan. As a
result of this incident, however, I feel very badly about what I did to Japan. At the time, I had no sense that what I was doing was against Japan, but I clearly understand now what I did was wrong. I feel very sorry for my actions.”

17. The IOC Disciplinary Commission, took into consideration the above and, in particular that:

a. The Athlete and KOC understood that the Athlete’s actions were inappropriate and wrong;

b. The Athlete’s actions were not intentional or pre-meditated, and that he had no intent to make a political statement by displaying the Sign;

c. The Athlete had no ill feelings towards Japan, as evidenced by the fact that, at the end of the match, the Athlete embraced and consoled a Japanese player who was distraught over his team’s defeat;

d. The Athlete apologized to the Japanese, IOC and FIFA for his actions, and expressed his remorse and regret at having displayed the Sign;

e. As punishment for the Athlete’s behaviour, the Athlete had not been permitted to take part in the football medal ceremony, nor in the closing ceremony, at the 2012 London Games;

f. The Athlete had been sanctioned for his actions by the FIFA Disciplinary Committee, which (i) suspended the Athlete for two (2) matches and (ii) ordered the Athlete to pay a fine of CHF 3,500;

g. The KOC intended to sanction the Athlete after the close of the Disciplinary Commission’s review, in order to ensure that the KOC sent the appropriate message domestically;

h. The KOC would create a new program, entitled “Olympic Charter Entrance Training”, to educate athletes regarding how to behave properly at the Olympic Games, including respecting the Olympic Charter.

CONSIDERING the above, and pursuant to the Olympic Charter Fundamental Principles of Olympism and Rules 40 and 50.3,

THE DISCIPLINARY COMMISSION OF THE INTERNATIONAL OLYMPIC COMMITTEE RECOMMENDS TO THE EXECUTIVE BOARD TO ISSUE THE FOLLOWING DECISION

I. The Athlete, Jongwoo Park, Republic of Korea, Football, be issued a strong warning regarding his inappropriate behaviour at the Games of the XXX Olympiad in London in 2012;
II. The Korean Olympic Committee (“KOC”) be issued a strong warning regarding its failure to ensure that its athletes properly behaved at such Olympic Games;

III. The KOC submit to the IOC, not later than 31 March 2013, for the IOC’s review and approval, the KOC’s proposed program entitled “Olympic Charter Entrance Training”, the purpose of which is to educate its athletes regarding how to behave properly at the Olympic Games, including respecting the Olympic Charter;

IV. The KOC to deliver a bronze medal to the Athlete, without any ceremony, celebration or publicity whatsoever.

Lausanne, 12 February 2013

Thomas BACH
Chairman

Ser Miang NG  Nawal EL MOUTAWAKEL
INTERNATIONAL OLYMPIC COMMITTEE
IOC EXECUTIVE BOARD

DECISION

REGARDING MR. JONGWOO PARK
BORN ON 10 MARCH 1989, ATHLETE, REPUBLIC OF KOREA
MEN’S FOOTBALL

UPON CONSIDERING the attached Recommendations of the IOC Disciplinary Commission, dated 12 February 2013, and pursuant to the Olympic Charter Fundamental Principles of Olympism and Rules 40 and 50.3:

THE EXECUTIVE BOARD OF THE
INTERNATIONAL OLYMPIC COMMITTEE
DECIDES

I. The Athlete, Jongwoo Park, Republic of Korea, Football, be issued a strong warning regarding his inappropriate behaviour at the Games of the XXX Olympiad in London in 2012;

II. The Korean Olympic Committee (“KOC”) be issued a strong warning regarding its failure to ensure that all its athletes properly behaved at such Olympic Games;

III. The KOC submit to the IOC, not later than 31 March 2013, for the IOC’s review and approval, the KOC’s proposed program entitled “Olympic Charter Entrance Training”, the purpose of which is to educate its athletes regarding how to behave properly at the Olympic Games, including respecting the Olympic Charter;

IV. The KOC to deliver a bronze medal to the Athlete, without any ceremony, celebration or publicity whatsoever.

V. This decision shall enter into force immediately.

Lausanne, 12 February 2013

On behalf of the IOC Executive Board

Jacques ROGGE Christophe DE KEPPER
IOC President Director General