

ORIGINAL: FRENCH

**INTERNATIONAL OLYMPIC COMMITTEE
ETHICS COMMISSION**

**Decision with recommendations
N°D/01/2011**

CASE N° 1/2010

Mr Lamine Diack, IOC member,
President of the International Association of Athletics Federations (IAAF),
Villa n° 7610 Sicap Mermoz
Dakar - Senegal

FACTS and PROCEDURE:

In a letter of 30 November 2010, the IOC President referred a case to the Ethics Commission following the "Panorama" TV programme broadcast by the BBC on 29 November 2010, which reported on payments made by the company ISL/ISMM to various people belonging to the sports movement, and particularly Mr Lamine Diack, then Vice-President of the IAAF. The list of payments presented during this programme focused on the following references:

Lamine Diack

22 April 1993 cash USD 20,000.00 – CHF 29,800.00

23 July 1993 cash USD 10,000.00 – CHF 15,400.00

19 November 1993 cash FRF 30,000.00 - CHF 7,680.00

Mr Lamine Diack has been an IOC member since 1999 in his capacity as President of the IAAF, of which he was Vice-President from 1979 to 1999 before becoming the President in November 1999.

The inquiry allowed us to check the origin of the list presented by BBC Panorama during the programme.

Mr Lamine Diack's comments were requested in a letter of 15 April 2011 then in a request for additional information in a letter of 29 August 2011.

In his written responses, Mr Lamine Diack confirmed that he had received, in three cash payments, the sums of USD 30,000 and FRF 30,000 from ISL/ISMM. He explained that these sums were paid by his friend, Jean-Marie Weber, an executive at ISL/ISMM, in order to meet the costs caused by a fire at his house started on 13 March 1993 for political reasons. He stated that these donations attested to the friendship of Mr Weber and were not given in return for anything or for any undertaking. He added that, although a marketing contract between the IAAF and ISL was signed on 22 June in 1993, he was not involved in the negotiation of this contract.

OPINION:

The IOC Ethics Commission has taken into consideration all the elements and documents made available to it, as well as the arguments put forward by Mr Lamine Diack.

The Ethics Commission observes that Mr Lamine Diack, IAAF Vice-President, personally received cash payments from ISL at a time when the company was in negotiations with the IAAF to sign a marketing contract and was later a partner of this International Federation in executing this contract, the existence of which he must have been aware. It notes that by accepting a cash donation in these conditions from a marketing partner of the International Federation of which he was Vice-President, Mr Lamine Diack placed himself in a conflict of interests situation.

The Ethics Commission notes that, at the time of the incidents, although the texts regarding ethics were not as precise as they are today, the Olympic Charter nonetheless mentioned expressly in its Fundamental Principles that Olympism is based on respect for universal fundamental ethical principles.

The Commission also notes that, although the incidents revealed took place at a time when Mr Lamine Diack was not yet an IOC member, he was the then Vice-President of an International Federation, the IAAF, a constituent of the Olympic Movement and that, as such, he was obliged to respect the fundamental principles of Olympism. In addition, it notes that the damage to the reputation of the Olympic Movement, caused by the revelation of the facts concerning Mr Lamine Diack, took place at the time of the broadcast of the programme in 2010, when he was an IOC member.

Therefore, the Ethics Commission, respecting the principle of proportionality and taking into consideration the date of the incidents at a time when the person concerned was not an IOC member, as well as his particular personal situation following a dramatic event which affected him, considers it necessary to recommend that the Executive Board remind Mr Lamine Diack of his obligation to respect the Olympic Charter the Code of Ethics, in the form of a warning.

RECOMMENDATION:

The IOC Ethics Commission, after having deliberated in compliance with its Statutes, recommends that the IOC Executive Board, in applying Rule 22 of the Olympic Charter:

1. decide to remind Mr Lamine Diack, in the form of a warning, of his obligation to respect the Olympic Charter and the IOC Code of Ethics.

Done in Lausanne, 3 October 2011

For the Chairman,
Pâquerette Girard Zappelli
Secretary