

ORIGINAL: FRENCH

**INTERNATIONAL OLYMPIC COMMITTEE
ETHICS COMMISSION**

**DECISION CARRYING RECOMMENDATIONS
N°D/01/2012**

CASE N°2/2011

BBC Newsnight
London, United Kingdom
VERSUS
The International Boxing Association (AIBA),
House of International Sport, Lausanne, Switzerland

FACTS and PROCEDURE:

On 22 September 2011, BBC Newsnight broadcast a programme alleging that the International Boxing Association (AIBA) had promised Olympic medals to Azerbaijan in return for a payment of USD 10 million for financing the US World Series of Boxing (WSB). This accusation was based on the existence of a partnership agreement between AIBA and an Azerbaijani investor through the intermediary of a company based in Switzerland, and on two witness statements from people wishing to remain anonymous, according to which an AIBA employee stated that: "As long as the Azeris got their medals, WSB would have the cash" and that: "Azerbaijan came up with the money but we're going to have to give them medals." The witnesses, as presented in this programme, seemed to consider that this was about exchanging Olympic medals for the financing of this competition.

Following this programme, the IOC President referred the matter to the Ethics Commission for its opinion concerning any breach of the fundamental principles of Olympic ethics, the Olympic Charter and the IOC Code of Ethics.

In a letter dated 28 September 2011, the Ethics Commission Secretary contacted BBC Newsnight to obtain the documents and evidence supporting the allegations made in the programme. Further to this request, the BBC provided the IOC with copies of various emails, a draft partnership agreement, transcripts of the programme and interviews with various people appearing in this show, including the two anonymous witnesses. Despite several reminders, the two witnesses did not wish to appear in front of the Ethics Commission, feeling that their anonymity was not sufficiently guaranteed.

The AIBA, for its part, constituted an ad-hoc commission and, on 13 December 2011, forwarded a copy of its report to the IOC. This commission considered the various allegations of corruption to be groundless and recalled that AIBA had procedures in place to protect the integrity of competitions and the awarding of Olympic medals.

It appears that the documents analysed by the AIBA ad-hoc commission were the same as those addressed by the BBC.

OPINION:

Concerning the scope of competence of the IOC Ethics Commission

Rule 25 of the Olympic Charter states that: "each IF maintains its independence and autonomy in the administration of its sport." Thus, and in general, it is not for the IOC to assess the origin of financing of sports organisations such as the IFs, be it through sponsorship, TV rights sales and marketing, or other means of financing, provided that it is in accordance with fundamental universal ethical principles.

In this particular case, as the ethical aspect of the origin of this financing was not called into question, the IOC Ethics Commission is not in a position to give its opinion on the question raised by the programme concerning the origin, public or private, of funds made available to the International Federation.

Concerning the allegations of corruption linked to the Olympic Games

The Commission points out that the two anonymous witnesses did not wish to testify in person in front of the Ethics Commission, that no objective evidence was provided to corroborate their statements, and that, as these witnesses were anonymous, it has not been possible to verify the extent of their relationships with AIBA.

It arises from the written evidence provided that the AIBA employee would have said to the two respective witnesses: "As long as the Azeris got their medals, WSB would have the cash" and that: "Azerbaijan came up with the money but we're going to have to give them medals." Also according to these transcripts, the words "Olympic medals" do not appear as having been specifically spoken by the AIBA representative, rather that, answering the journalist's questions, the witnesses deduced from the words they would have heard that the subject was "Olympic medals" owing to the large amounts of WSB financing involved.

The Ethics Commission therefore notes that, as it stands, there is no formal evidence that a financial transaction took place linked to the awarding of an Olympic medal.

Concerning the issue of conflict of interests

The IOC Ethics Commission notes, in particular in the documents produced by AIBA, that an investment of USD 10 million was made in January and February 2011 by an investor from Azerbaijan; that the President of the Azerbaijan National Boxing Federation, who is also Minister of Emergency Situations in the Republic of Azerbaijan, introduced this investor to the WSB; and that the Minister's assistant attended their discussions as an interpreter, as the investor did not speak English.

The Commission notes that, even though this negotiation took place at a time when the candidature of the city of Baku to host the 2020 Olympic Games had not been officialised by the IOC, these circumstances put Mr Ching-Kuo Wu, AIBA President and IOC member, in a possible conflict of interests situation according to the *Rules Concerning Conflicts of Interests Affecting the Behaviour of Olympic Parties*. Indeed, Mr Ching-Kuo Wu's vote in the framework of the election of the host city for the 2020 Olympic Games can reasonably be considered to be susceptible to being influenced by this relationship.

Consequently, the Commission recommends that Mr Ching-Kuo Wu abstain from participating in the Session's vote on the host city for the 2020 Olympic Games, in the event of the candidature of Baku being concerned.

RECOMMENDATIONS:

The Ethics Commission, after deliberating in accordance with its Statutes, recommends that the IOC Executive Board, pursuant to Rule 22 of the Olympic Charter:

- 1° note that, as it stands, there is no formal evidence that a financial transaction took place linked to the awarding of an Olympic medal.
- 2° recommend to Mr Ching-Kuo Wu to abstain from participating in the Session's vote on the host city for the 2020 Olympic Games, in the event of the candidature of Baku being concerned.

Done in Lausanne, 4 April 2012

For the Chairman,
Pâquerette Girard Zappelli
Ethics Commission Secretary