

**ORIGINAL: FRENCH**

**INTERNATIONAL OLYMPIC COMMITTEE  
ETHICS COMMISSION**

**DECISION with recommendation to maintain the provisional measure  
No. D/03/06**

CASE No. 5/2005

Mr Yong Sung Park, IOC member,  
Domiciled in Seoul, Republic of Korea

REFERRAL and FACTS:

In a letter dated 11 November 2005, the IOC President referred to the IOC Ethics Commission the situation of IOC member Mr Yong Sung Park, who has been the subject of an accusation by the Public Prosecutor's Office of the Republic of Korea in charge of the inquiry into the Doosan Group, of which Mr Park was the Chairman.

Mr Park was accused, with other members of his family and leaders of the group and its subsidiaries, of embezzling funds from various Doosan Group companies for their own benefit; getting these companies to pay family expenses and the interest on repayments of loans taken out by the family; and falsifying accounts between 2001 and 2004, involving a total of around 32.6 billion Won (approximately USD 32 million).

Having noted that, pending a decision by the Court, Mr Yong Sung Park was not subject to any protective measure, such as being placed in pre-trial detention, on the part of the justice authorities of his country, the Ethics Commission, in its decision of 25 November 2005, held that it should postpone any recommendation to the IOC Executive Board before any decision by the Court.

On 8 February 2006, the Seoul Central District Court found Mr Park guilty of the charges against him and sentenced him to three years of imprisonment, suspended for five years, and a fine of eight billion Won (approximately USD eight million). The Court noted in the grounds of its judgment that Mr Yong Sung Park had served in the Doosan Group as the Head of Planning & Adjustment from February 1989, and as Vice Chairman of the Doosan Group from March 1993 to 1 July 2005, and in such capacity, assisted the Doosan Group Chairman and oversaw primary policy making and execution duties for overall management of the Group.

On 11 February 2006, the Ethics Commission, after taking into consideration all the written and oral observations made by Mr Park and on his behalf, as well as the decision of the Seoul Central District Court, recommended that, pursuant to the Bye-law to Rule 23.2 of the Olympic Charter, the IOC Executive Board provisionally withdraw the rights, prerogatives and functions deriving from his Mr Yong Sung Park's IOC membership throughout the duration of the inquiry. On 15 March 2006, the IOC Executive Board approved this recommendation.

On 21 July 2006, the Seoul High Court confirmed the decision taken by the first instance judges. Like the Seoul Central District Court, the Seoul High Court noted the personal guilt of Mr Yong Sung Park. In its decision, it took into account the specific situation of the party concerned, and in determining its sentence, it took account of the attenuating circumstances linked to his commitment both to the economy of his country and to sport (particularly for the International Judo Federation) and his IOC membership.

Mr Yong Sung Park informed the Ethics Commission that he had waived the possibility of appealing to the Korean Supreme Court, but explained that an amnesty request had been submitted to the President of the Republic of Korea on his behalf.

In his written observations of 1, 7 and 8 August 2006, Mr Yong Sung Park asserted that his conduct, like that of the other people sentenced in connection with the Doosan Group companies, had been justified by the economic and financial situation at the end of the 1990s, which forced many Korean companies to adopt an attitude which was not in conformity with the country's economic legislation. He asked the Commission to take into account the fact that the outcome of the amnesty request would not be known until the end of February 2007.

## OPINION:

The Ethics Commission notes that:

- in its decision of 8 February 2006, the Seoul Central District Court sentenced Mr Yong Sung Park to three years of imprisonment, suspended for five years, and a fine of eight billion Won (approximately USD eight million); this sentence was confirmed by the Seoul High Court on 21 July 2006;
- the acts of which Mr Yong Sung Park was found guilty are of a nature to require the application of point 5 of part B of the IOC Code of Ethics, which states that "the Olympic parties perform their mission diligently and refrain from any conduct likely to tarnish the reputation of the Olympic Movement";
- an amnesty request was submitted to the President of the Republic of Korea in July 2006 by various personalities from the Korean commercial world on behalf of 55 businessmen, including Mr Yong Sung Park;

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 sanctionable 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 on the merits, which are final and upon which the Commission must base itself.

However, before ruling on the merits of the case, in order to be fully informed, the Ethics Commission wishes to know the outcome of the amnesty request lodged on Mr Yong Sung Park's behalf. It therefore invites Mr Yong Sung Park to inform it as quickly as possible of the decision taken by the competent authorities of his country, and in all cases before 15 March 2007.

The Ethics Commission deems that the inquiry must be extended until 15 March 2007, and that, in the meantime, because of the existing sentence, the provisional withdrawal of the rights, prerogatives and functions deriving from his Mr Yong Sung Park's IOC membership must be maintained.

## DECISION:

After deliberating in accordance with its Statutes, the Ethics Commission:

1. decides to extend its inquiry until 15 March 2007 at the latest;
2. proposes that the IOC Executive Board maintains its decision of 15 March 2006 to provisionally withdraw, for the duration of the inquiry, all the rights, prerogatives and functions deriving from Mr Yong Sung Park's IOC membership;
3. decides to take up the file once again no later than at the end of the period stated in paragraph 1. above.

Done in Lausanne, 5 September 2006

For the Chairman,  
Pâquerette Girard Zappelli  
Special Representative