

ORIGINAL: FRENCH

**INTERNATIONAL OLYMPIC COMMITTEE
ETHICS COMMISSION**

DECISION N° D/01/02

CASE N° 2/01

Mr Mohamad (Bob) Hasan
IOC member
domiciled in Indonesia

REFERRAL:

On 7 February 2001, the IOC President referred the case of IOC member Mr Mohamad (Bob) Hasan to the Ethics Commission, after the appearance of press articles reporting his imprisonment for corruption in Indonesia.

Upon the recommendation of the Ethics Commission, in May 2001, the Executive Board decided to suspend Mr Hasan, provisionally depriving him of all the rights, prerogatives and functions deriving from his IOC membership.

In accordance with its Rules of Procedure, the Ethics Commission informed the person concerned by letter on 9 May 2001, in response to which he sent his observations on 30 May 2001; it also instituted an inquiry by employing the services of an independent expert.

FACTS:

1- Based on the inquiries and judicial decisions pronounced in Indonesia, the Ethics Commission has noted that:

- Mr Hasan was found guilty of committing acts of corruption and abuse of his position close to government circles, with a view to his personal enrichment and that of a company of which he is a shareholder, thereby seriously damaging the economy of the State of Indonesia in terms of the amount of funds embezzled (more than USD 200 million); indeed, Mr Hasan, Chairman of the Indonesian Forest Concessionaires Association (APHI), awarded and paid for contracts, which were never executed, to the company Mapindo, of which he is the major shareholder (with 51% of the shares) for the sums of USD 134 million in 1989 and USD 87 million in 1996;

- these facts having been proved, he was sentenced:

- on 2 February 2001, by the Jakarta-Centre District Court, to two years' imprisonment, a fine of IDR 15,000,000 and payment of damages totalling IDR 14,126,266,701 (US\$ 1,484,631), with the order that he serve his sentence in prison;
- on 14 March 2001, following an appeal by the Public Prosecutor, by the Jakarta High Court, to a longer term of imprisonment, namely six years, and a fine of IDR 15,000,000, plus damages equivalent to USD 234,740,632.42, with the order that he remain in prison;

- finally, in a judgment of 10 July 2001, the Supreme Court of Indonesia dismissed his appeal and upheld the sentence of the Jakarta High Court.

2- The Ethics Commission further notes, based on the inquiry and on the observations made by Mr Hasan himself, that Indonesia is a State governed by the rule of law; that Mr Hasan has had a fair trial; and that he has been able to lodge appeals, right up to the Supreme Court.

PRINCIPLES:

The Ethics Commission recalls that:

- Whether or not the conduct of an Olympic party is ethical is independent of the criminal aspect of such conduct. Indeed, the same acts may or may not be criminally punishable depending on the law in different countries, but remain ethically reprehensible. The acquittal and discharge of a defendant for acts which may not be qualified as criminal does not necessarily mean that such acts cease to constitute a failure to comply with ethical obligations.

- Pursuant to Rule 20.3.7 of the Olympic Charter, section B.5 of the Code of Ethics provides that "the Olympic parties shall use due care and diligence in fulfilling their mission. They must not act in a manner likely to tarnish the reputation of the Olympic Movement."

OPINION:

Based on the above-mentioned principles, the Ethics Commission finds that Mr Hasan's conduct, involving acts of corruption and embezzlement, is contrary to the ethical principles as derived from the Olympic Charter and the IOC Code of Ethics, and has seriously tarnished the reputation of the Olympic Movement.

RECOMMENDATIONS:

The Ethics Commission consequently recommends that the Executive Board:

- decide that Mr Hasan has violated the ethical principles established by the Olympic Charter and the IOC Code of Ethics, thereby seriously tarnishing the reputation of the Olympic Movement;
- and, for this reason, propose to the 114th Session that Mr Mohamad (Bob) Hasan be expelled.

Decision taken in Lausanne, 7 May 2002