



International
Olympic
Committee

Information to the IOC Executive Board related to recent judicial cases

I. Public Prosecutor Geneva vs Sheikh Ahmad Al Sabah

By a decision dated 10 September 2021, the Tribunal Correctionnel de Genève (first instance) found Sheikh Ahmad Al Sabah guilty of forgery and sentenced him to 30 months of imprisonment, 15 of which suspended.

Sheik Ahmad Al Sabah appealed this decision and the Criminal court of appeal of Geneva just confirmed in a judgement dated 18 December 2023 that Sheik Al Sabah was guilty of forgery.

The court considered that, given the seriousness of the offence committed, only a custodial sentence may be considered and therefore sentenced him to 28 months of imprisonment. However, the Court reduced this sentence by 4 months to take into account the time elapsed since the offence was committed. As it deemed the offence to be unlikely to reoccur, the court suspended the sentence with a 3-year probatory period.

To support this sanction, the court based its decision on its analysis of the facts according to which Ahmad Al Sabah intentionally played an active part in the various steps of the fake arbitration procedure that led to a fake arbitration decision in Geneva. It was also noted that the fraudulent process was funded by Sheikh Ahmad Al Sabah who was the sole beneficiary of this scheme and that he acted with the purpose of obtaining an illicit advantage.

His lawyer also announced that he will refer this decision to the Swiss Federal Tribunal (Supreme Court).

The IOC Ethics Commission process started as soon as the information above was made public.

II. Sheikh Talal Al Sabah vs IOC

Sheikh Talal Al Sabah, personally and on behalf of the Olympic Council of Asia (OCA), challenged in front of the Civil District Court of Lausanne the IOC Executive Board's decision dated 27 July 2023, by requesting preliminary measures to stop the effects of the IOC Executive Board's decision.

By a decision dated 22 January 2024, the District Court issued a decision dismissing all the claims.



To summarise, the court based its decision to dismiss the claim on the following considerations:

- Preliminarily, the court held that Sheikh Talal Al Sabah could not validly act on behalf of the OCA. Accordingly, to the extent the request had been filed in the name of the OCA, it was dismissed already on this ground.
- Examining the substance of the request of Sheikh Talal Al Sabah, the Court noted that OCA is an integral part of the Olympic Movement subject to the Olympic Charter, including the IOC Code of Ethics. Noting that the reputation of the Olympic Movement would have been seriously harmed, the IOC Ethics Commission was justified to intervene in the framework of the OCA Presidential election on 8 July 2023.
- Given that there were signs showing that the *OCA Elections Procedure and Process Guidelines* may possibly not have been respected, the Court considered that the IOC Ethics Commission was entitled to investigate the situation.
- The Court found that the Olympic Charter and notably Rule 59 allowed the IOC to take adequate measures.
- Having noted that a suspension of recognition would be the most severe measure possible, as it would deprive the OCA from essential financial means, the Court held that the IOC could apply less stringent measures.
- Consequently, the Court then found that the lesser measure which the IOC had chosen to apply, namely the non-recognition of the election of Sheikh Talal Al Sabah until a full review of the OCA's election process is carried out, was an adequate and proportionate measure.
- The Court based this decision on the fact that the interventions of Sheikh Ahmad Al Sabah to support the election of his brother did constitute obvious violations of the OCA electoral regulations.

It has to be noted that this decision, which was issued in the framework of interlocutory proceedings, may still be referred to the Court of Appeal of Lausanne.

Lausanne, 29 January 2024

IOC Chief Ethics and Compliance Officer