

IAAF ETHICS BOARD

Statement by the IAAF Ethics Board

10 June 2016

The Chairman of the IAAF Ethics Board, Michael Beloff QC, has today, pursuant to powers conferred upon him under the Procedural Rules of the Ethics Board, after consulting with the other members of the Ethics Board, provisionally suspended from all offices or positions in the IAAF the following members of staff: (1) Nick Davies; (2) Jane Boulter-Davies; and (3) Pierre-Yves Garnier, pending investigation of potential breaches of the IAAF's Code of Ethics. The orders for provisional suspension have been imposed in the interests of the integrity of the sport but do not prejudge the outcome of the investigations which are now to follow.

Each individual is provisionally suspended from any office or position in the IAAF which each presently holds and is precluded from assuming any new office or position for a period of 180 days starting on Friday 10 June 2016, pending investigation of the potential breaches.

The Chairman of the Ethics Board has imposed these Orders for Provisional Suspension after careful consideration of the evidence and information available to him at this time, which, in his view, disclose *prima facie* cases, i.e. cases warranting investigation, of breach of the IAAF Code of Ethics relating to an email reported to have been sent from Mr Papa Massata Diack to his father Mr Lamine Diack, former IAAF President, on 29 July 2013. The email of 29 July 2013 and related matters have been summarised by the newspaper Le Monde in the following terms:

“Sentant venir le danger, Papa Massata Diack adresse, le 29 juillet 2013, un mail à son père, intitulé « strictement confidentiel ». Il écrit que Valentin Balakhnichev l'a sollicité « pour intervenir en interne auprès du personnel de l'IAAF qui lui a été antagonique dans le processus de gestion de ce dossier depuis septembre 2012 et à cette fin, un travail de lobbying et d'explication a été fait auprès de C. Thiaré (50 K), Nick Davies (UK press lobbying 30 K, et calmer Jane Boulter), G. Dollé (50 K) et PY Garnier (assistance champagnolle 10 K, géré par Cheikh). » « K veut dire kilo et la devise est en dollars ou en euros », explique doctement Lamine Diack lors de sa quatrième audition. Et de décrypter : « Papa Massata Diack a donné de l'argent aux uns ou aux autres pour les faire taire et qu'ils ne s'opposent pas ». ”

which translates into English as follows:

“Sensing that danger was near, Papa Massata Diack sent, on 29 July 2013, an email to his father, entitled ‘Strictly Confidential’. He wrote that Valentin Balakhnichev had asked him “to become internally involved with the IAAF staff who had been antagonistic towards him in the process handling this file since September 2012 and to this end, lobbying activities were carried out and efforts at providing explanations were made with C. Thiaré (50 K), Nick Davies (UK press lobbying 30 K, and to assuage Jane Boulter), G. Dollé (50 K) et PY Garnier (Champagnole assistance 10 K, managed by Cheikh).” “K means kilo and the currency is in dollars or in euros”, Lamine Diack explained eruditely at his fourth hearing. And for deciphering: “Papa Massata Diack gave money to various people to keep them quiet and so that they would not object.” “

The prima facie cases are, in summary, as follows:

1. As against Mr Davies, (a) that Mr Davies received an undisclosed cash payment in 2013 from Mr Papa Massata Diack, then a consultant to the IAAF, the circumstances and concealment of which call into question whether the payment was intended to have and/or in fact produced any manipulative effect; and (b) that Mr Davies misled an IAAF Ethics Board investigator in respect of the matter identified in (a) above.
2. As against Ms Boulter-Davies (a) that Ms Boulter-Davies received or had knowledge of receipt by Mr Nick Davies of an undisclosed cash payment in 2013 made by Mr Papa Massata Diack, then a consultant to the IAAF, the circumstances and concealment of which raise the question whether the payment was intended to have and/or in fact produced any manipulative effect; and (b) that Ms Boulter-Davies misled an IAAF Ethics Board investigator in respect of the matter identified in (a).
3. As against Mr Garnier, (a) that Mr Garnier received an undisclosed cash payment in 2013 at the direction of the IAAF’s former President Lamine Diack, the circumstances and non-disclosure of which raise the question whether the payment was intended to have and/or in fact produced any manipulative effect; and (b) retained some part of the sum even when aware of its apparent impropriety.

The Ethics Board stresses again that the imposition of Orders for Provisional Suspension in this case in no way prejudices and should not be taken to prejudice the outcome of the investigations which will now be carried out by the Board’s appointed investigator, Sir Anthony Hooper. Mr Davies, Ms Boulter-Davies and Mr Garnier enjoy the presumption of innocence until the outcome of the investigation and the determination of any disciplinary charges which may follow from the

investigations which Sir Anthony Hooper will now carry out. Each of the persons provisionally suspended has a right to challenge the imposition of the provisional suspension under the IAAF Ethics Board's rules.

No other person mentioned in the 29 July 2013 email, as reproduced in the quote from Le Monde set out above, holds any current position or office in the IAAF, and no question of provisional suspension therefore arises in respect of any other person. However, the Chairman of the Ethics Board has also found prima facie cases to exist in respect of all alleged payors and payees referred to in the 29 July 2013 email and Sir Anthony Hooper has been asked to investigate the matter fully in respect of all persons so identified.

The Ethics Board also notes that save in respect of the prima facie case of misleading an IAAF Ethics Board investigation, the prima facie cases against Mr Davies, Ms Boulter-Davies and Mr Garnier relate to historic events in 2013 and 2014 alone.

The information contained in this statement has been made public in order properly and effectively to ensure discharge of the Ethics Board's function and in the interests of the integrity of the sport.

It would not be appropriate for the Ethics Board to make any further comment on these matters at this time, pending the investigations which it has caused by its Chairman to be constituted.

The Ethics Board's appointed investigator, Sir Anthony Hooper, is a former Judge of the Court of Appeal of England and Wales.