



CIO COMMISSION
D'ÉTHIQUE

Situation 2020/05

DECISION WITH RECOMMENDATIONS

On the situation of

Mrs Marisol Casado, IOC Member in Spain, World Triathlon President
and of
World Triathlon officials

Facts and procedure

By message dated 17 November 2020, Mr Philippe Renz sent the IOC Ethics Commission a complaint on behalf of the five members of the World Triathlon Tribunal against Mrs Marisol Casado, World Triathlon (WT) President and IOC Member; Messrs Antonio Arimany and Bernard St-Jean, respectively WT Secretary General and Chair of Legal and Constitution Committee.

This complaint in fact transfers a previous complaint filed by and against the same people with the Association of Summer Olympic International Federations (ASOIF) Governance Task Force on 10 November 2020. The ASOIF Executive Director explained that neither ASOIF nor its Governance Task Force had any capacity to be involved in such a complaint.

By message dated 19 November 2020, the IOC Chief Ethics and Compliance Officer asked Mrs Marisol Casado for her observations on the complaint, in her two capacities as WT President and as an IOC Member. Mrs Marisol Casado replied the same day by a message contesting both the allegations and the jurisdiction of the IOC, as the allegations concern only the WT's internal management.

Analysis of the facts and jurisdiction

With regard to the World Triathlon officials

Firstly, the complaint refers to a WT Tribunal decision dated 4 May 2020 regarding a triathlon competition in Havana (Cuba). It reproaches the WT officials of attempting to find an illegal way to have this WT Tribunal decision "re-judged" by another panel. In the meantime, a national federation appealed this decision to the CAS; this appeal is currently pending.



Secondly, the complaint alleges a breach in sincerity for the upcoming elections for the WT Tribunal, by failing to inform the current WT Tribunal members about the election and the modalities for this. The WT Congress will take place on 29 November 2020.

The complaint explains that the WT Tribunal was created in 2015. Mr Renz, a former member of the then WT Constitution Committee, and the four other members of this Tribunal were at that time appointed by the WT Executive Board.

Following the amendment of the WT Constitution published on 14 January 2020, the Chair and the Members of the WT Tribunal must be elected by the Congress. Pursuant to article 9.1.C of the Constitution, the national federations members of WT submit nominations for the election by the Congress of various positions, including the WT Tribunal members.

It is alleged that four of the five national federations of the current WT Tribunal's five members are linked did not submit for election the candidatures of the current WT Tribunal members, because they were not specifically informed about this re-election process and thus, did not realise that the candidatures of the current members needed to be submitted for them to be re-elected.

Concerning the jurisdiction, it should be noted that, pursuant to Rule 25 of the Olympic Charter, "each International Federation maintains its independence and autonomy in the governance of its sport", subject to the condition that their "statutes, practice and activities are in conformity with the Olympic Charter". In addition, the IOC Code of Ethics' Scope of application vis-à-vis the International Federations and their officials is specifically limited to "their relations with the IOC".

It appears from these principles that the IOC ensures that the IF's management will be autonomous and independent, and that the IOC Ethics Commission will have jurisdiction only to look into the IF officials' activities regarding ethical principles when such activities take place as part of the IF's relations with the IOC.

The part of the basis of the complaint related to the WT Tribunal's decision is not in relation with the IOC, as the competition was not part of the Olympic Games. In addition, because of the appeal currently before the CAS, only this Court is able to deal with this matter.

Nor is the second part of the complaint, related to the election/re-election process for the members of the WT Tribunal, in relation with the IOC. In the event of any allegation of failure to respect the WT Constitution, this has to be dealt with through the WT regulations, including by appeal to CAS.



Therefore, the complaint regarding the WT officials falls outside of the scope of both the IOC and its Ethics Commission.

With regard to Mrs Marisol Casado, IOC Member and World Triathlon President

Mrs Marisol Casado, in her capacity as an IOC Member since 2010, falls under the scope of application of the IOC Code of Ethics at all times and in all circumstances.

No individual reproach regarding the integrity of her conduct is alleged against Mrs Marisol Casado.

Therefore, as there is no evidence of any personal unethical behaviour by Mrs Marisol Casado, there is no reason for the IOC Ethics Commission to intervene in this situation, which is purely an IF internal matter.

DECISION with recommendations

After deliberating in accordance with its Statutes, the IOC Ethics Commission decided to recommend that the IOC Executive Board:

1. rejects the complaint against World Triathlon, which is outside the scope of application of the IOC Ethics Commission and the IOC; and
2. rejects the complaint against Mrs Marisol Casado, IOC Member, as no breach of the IOC's ethical principles has been demonstrated.

Lausanne, 23 November 2020