

INTERNATIONAL OLYMPIC COMMITTEE

**IOC DISCIPLINARY COMMISSION
DECISION**

**REGARDING HYSEN PULAKU
BORN ON 8 DECEMBER 1992, ATHLETE, ALBANIA, WEIGHTLIFTING**

(Rule 59.2.1 of the Olympic Charter)

1. Mr Hysen Pulaku (hereinafter the “**Athlete**”) was accredited as participant in the Games of the XXX Olympiad in London in 2012. He received accreditation number 1058961-01, which was validated on 19 July 2012.
2. The Athlete was requested on 23 July 2012, in London, at around noon, to provide a urine sample for a doping control.
3. Pursuant to Article 6.2.1 of the *IOC Anti-Doping Rules Applicable to the Games of the XXX Olympiad, London 2012* (the “**Rules**”), Dr Patrick Schamasch (the “**IOC Medical Director**”), as representative of the Chairman of the IOC Medical Commission, was informed at approximately 10:30 a.m. on 25 July 2012, by the Head of the WADA Accredited Laboratory in Harlow, of an adverse analytical finding on the A sample of the above-noted urine.
4. Pursuant to Article 6.2.2 of the *Rules*, the IOC Medical Director determined that the above-noted A sample belonged to the Athlete, and verified that it did in fact give rise to an adverse analytical finding. He also determined that there was no apparent departure from the International Standards for Testing or the International Standards for Laboratories that undermined the validity of the adverse analytical finding.
5. Pursuant to Article 6.2.3 of the *Rules*, the IOC Medical Director immediately informed the IOC President, Dr Jacques Rogge, of the existence of the adverse analytical finding and the essential details available to him concerning the case.
6. Pursuant to Article 6.2.5 of the *Rules*, the IOC President, by letter dated 25 July 2012, promptly set up a Disciplinary Commission, consisting of:
 - Thomas Bach (Chairman)
 - Denis Oswald
 - Frank Fredericks

The IOC President also informed the Disciplinary Commission that, pursuant to Rule 59.2.4 of the Olympic Charter and Article 6.1.6. of the *Rules*, the decision of the Disciplinary Commission in this case would constitute the decision of the IOC.

The IOC President has in this case decided that the procedure may be extended beyond the 24 hour time limit as per Article 6.2.14 of the *Rules*.

7. Pursuant to Article 6.2.6 of the *Rules*, by letter dated 25 July 2012 notified to the Athlete, to the Chef de Mission of the NOC of Albania, Viron Bezhani, to the International Weightlifting Federation and to the Head of the Independent Observers' Programme, the IOC President advised of the above-mentioned adverse analytical finding and of the time, date and place of the hearing of the Disciplinary Commission regarding this case.

The analytical report of the laboratory analysis of the A sample, issued by the WADA Accredited Laboratory in Harlow and attached to the above-mentioned letter dated 25 July 2012, indicated the presence of metabolites of the prohibited substance **stanozolol**.

8. The Athlete requested the analysis of the B sample and he attended the B sample opening and analysis on Thursday 26 July 2012 at about 11:00 a.m.
9. The Disciplinary Commission held a hearing on 26 July 2012 starting at around 09:45 hours, at the London Hilton on Park Lane, IOC Executive Board Meeting Room, in the presence of a delegation of the NOC of Albania (hereinafter the "Delegation") comprised of:

Hysen Pulaku, Athlete
Alban Merezpeza, Team Doctor
Sami Pulaku, Coach of the Athlete
10. The International Weightlifting Federation (hereinafter "IWF") was represented at the hearing by Boris Kayser, Chairman of the IWF Doping Hearing.
11. Also attending the hearing were:

Dr Patrick Schamasch, IOC Medical Director
Howard Stupp, IOC Director of Legal Affairs
Christian Thill, IOC Doping Control Administrative Coordinator
Soheyla Behnam, Susan Greinig and Sarah Friberg, Assistants
Kate O'Neill, Minute-taker

François Carrard, IOC Counsel

René Bouchard, Head of the Independent Observers' Programme.
12. At the beginning of the hearing, the Delegation was informed that the meeting was recorded and that minutes were being taken. The Delegation was also informed of the results of the laboratory analysis of the A sample, which, according to the analysis report prepared by the Head of the WADA Accredited Laboratory, indicated the presence of metabolites of the prohibited substance **stanozolol**.
13. Upon questioning from the Disciplinary Commission, the Delegation confirmed it did not have any objection as to the conduct of this disciplinary procedure until now.
14. The Athlete explained that on 4 December 2011, he went to the United States of America for training, at a training facility in Danville, California (hereinafter the "**Training Facility**"). He trained there with a private coach (hereinafter the "**Private Coach**"). The Athlete was accommodated on site.

Based on the advice of the Private Coach, the Athlete chose to take certain products provided by such coach at the Training Facility. The Athlete voluntarily provided the Disciplinary Commission with the list of such products, which are known to him under the following names:

Creatin (Crea-Alka)
L-Carnitine
Proteine Bio-Tech
Vitamins (C, E, B12)
Folic Acid
Magnesium (Orotic Acid)

The Athlete declared that he trusted the Private Coach and did not know whether the above-mentioned products contained Prohibited Substances.

15. On 10 April 2012, the Athlete travelled back to Europe to take part in the European Championships in Antalya, Turkey. The Athlete indicated that he was tested at that occasion and that the result of such test did not report an adverse analytical finding.

16. On 29 April 2012, the Athlete went back to the Training Facility. Because he was disappointed with his results at the European Championship (he placed 6th), he discussed with the Private Coach how to improve his results.

Upon questioning from the Disciplinary Commission, the Athlete explained that he did not, however, change anything in the products that he was taking.

17. On 10 July 2012, the Athlete returned to Albania for a week and then went to London for the Olympic Games.

18. Upon questioning from the Disciplinary Commission, the Athlete confirmed that he did not take any products other than the above-mentioned and that he had listed such products on the Doping Control Form at the time he provided a urine sample on 23 July 2012.

The Athlete also confirmed that, except for three days between 9 July 2012 and 12 July 2012, during which he was not training, he continued taking such products, which he brought back with him from the Training Facility.

19. The personal coach and uncle of the Athlete, Sami Pulaku, declared that he was depressed to hear that a Prohibited Substance was found in the urine sample of the Athlete.

20. The personal coach declared that neither he nor the Athlete denied that the Prohibited Substance stanozolol was in the body of the Athlete. The personal coach further declared that the A sample result was not being contested and that it was not necessary to test the B sample.

The Disciplinary Commission stated that the B sample had been requested by the Athlete and therefore was being carried out, with the results expected shortly.

21. The personal coach also explained that neither he nor the Athlete understood how such substance ended up in the body of the Athlete, but that they were both determined and ready to cooperate to understand what happened. The Athlete offered to make available to the IOC the products that were still in his possession.

Upon questioning by the Disciplinary Commission as to whether any member of the Delegation had any further question or wished to make any further declaration, the personal coach of the Athlete thanked the Disciplinary Commission for hearing the Delegation and asked that the young age of the Athlete be taken into account.

The personal coach also declared that he was convinced that the Athlete had not taken any Prohibited Substances knowingly.

In addition, the Team Doctor, on behalf of the NOC of Albania, thanked the Disciplinary Commission for the opportunity given to the Delegation to be heard.

22. After hearing the Delegation and the arguments it put forward, the Disciplinary Commission retired in order to deliberate.

On 27 July 2012, at around 2:00 p.m., the analytical report of the laboratory analysis of the B sample, prepared by the Head of the WADA Accredited Laboratory in Harlow, was communicated to the IOC. Such report indicated the presence of metabolites of

stanozolol in the B sample, thus confirming the adverse analytical finding of the A sample.

23. The Disciplinary Commission unanimously concluded that the Athlete had committed an anti-doping rule violation pursuant to Article 2.1 of the *Rules* in that there was the presence of the prohibited substance **stanozolol** in his body.
24. As to the facts and circumstances based on the declarations of the Athlete surrounding the provision of products to the Athlete, the activities and advice by the Private Coach at the Training Facility as well as the products themselves, the IOC will undertake the necessary steps to refer to the relevant authorities to initiate the proper enquiries, in particular concerning potential third parties involved.

CONSIDERING the above, pursuant to the Olympic Charter and, in particular, Rule 59.2.1 thereof, and pursuant to the *IOC Anti-Doping Rules applicable to the Games of the XXX Olympiad, London 2012* and in particular, Articles 1.2, 2 and 7 thereof and pursuant to the World Anti-Doping Code and, in particular, Articles 2.1 and 10 thereof

THE DISCIPLINARY COMMISSION OF THE
INTERNATIONAL OLYMPIC COMMITTEE
DECIDES

- I. The athlete Mr Hysen Pulaku, Albania, Weightlifting:
 - (i) is excluded from the Games of the XXX Olympiad in London in 2012;
 - (ii) shall have his Olympic identity and accreditation card immediately cancelled and withdrawn.
- II. The Athlete's file shall be transmitted to the International Weightlifting Federation, which is requested to consider any further action within its own competence.
- III. The U.S. Anti-Doping Agency shall also receive information in relation to this matter, in order to further investigate the circumstances surrounding this case within the remit of its competence, for it to follow-up accordingly.
- IV. The NOC of Albania and LOCOG shall ensure full implementation of this decision.
- V. This decision shall enter into force immediately.

London, 27 July 2012

The IOC Disciplinary Commission

Dr Thomas BACH
Chairman

Mr Denis OSWALD

Mr Frank FREDERICKS