

INTERNATIONAL OLYMPIC COMMITTEE

**IOC EXECUTIVE BOARD
DECISION**

**REGARDING JONG SU KIM
BORN ON 1 January 1977, ATHLETE, DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA,
SHOOTING**

UPON CONSIDERING the attached recommendation of the IOC Disciplinary Commission dated 14 August 2008, pursuant to the Olympic Charter and, in particular, Rule 23.2.1 thereof, and pursuant to the *IOC Anti-Doping Rules applicable to the Games of the XXIX Olympiad in Beijing in 2008* (the "Rules") and, in particular, Articles 2.1, 8 and 9 thereof:

**THE EXECUTIVE BOARD OF THE
INTERNATIONAL OLYMPIC COMMITTEE
DECIDES**

- I. The athlete Jong Su Kim, Democratic People's Republic of Korea, shooting:
 - (i) is disqualified from the Men's 10m Air Pistol, where he had placed third;
 - (ii) is disqualified from the Men's 50m Air Pistol, where he placed second;
 - (iii) is excluded from the *Games of the XXIX Olympiad in Beijing in 2008*;
 - (iv) shall have his medals and diplomas in the above-noted events withdrawn;
 - (v) shall have his Olympic identity and accreditation card immediately withdrawn and cancelled.
- II. The International Shooting Sport Federation is requested to modify the results of the above-mentioned events accordingly and to consider any further action within its own competence.
- III. The NOC of the Democratic People's Republic of Korea is ordered to return to the IOC, as soon as possible, the medals and diplomas awarded to the Athlete in relation to the above-noted events.
- IV. The NOC of the Democratic People's Republic of Korea and BOCOG shall ensure full implementation of this decision.
- V. This decision shall enter into force immediately.

Beijing, 15 August 2008

On behalf of the IOC Executive Board

Dr Jacques ROGGE
IOC President

Urs LACOTTE
Director General

**INTERNATIONAL OLYMPIC COMMITTEE
IOC DISCIPLINARY COMMISSION**

RECOMMENDATIONS

**REGARDING JONG SU KIM
BORN ON 1 JANUARY 1977, ATHLETE, DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA,
SHOOTING**

(Rule 23.2.1 of the Olympic Charter)

1. On 9 August 2008, Mr Jong Su Kim (hereinafter the "Athlete") competed in the Men's 10m Air Pistol Final in Beijing, in which he placed 3rd.
2. The Athlete was requested on 9 August 2008, in Beijing, in the afternoon, immediately following the completion of his participation in the Men's 10m Air Pistol Final, to provide a urine sample for a doping control (hereinafter the "9 August Urine Sample").
3. On 12 August 2008, the Athlete competed in the Men's 50m Pistol Final in Beijing, in which he placed 2nd.
4. The Athlete was requested on 12 August 2008, in Beijing, in the afternoon, immediately following the completion of his participation in the Men's 50m Pistol Final, to provide a urine sample for a doping control (hereinafter the "12 August Urine Sample").
5. Pursuant to Article 7.2.1 of the *IOC Anti-Doping Rules applicable to the Games of the XXIX Olympiad in Beijing in 2008* (the "*Rules*"), Dr Patrick Schamasch, IOC Medical and Scientific Director, was informed in his capacity as representative of the Chairman of the IOC Medical Commission, at about 01:00 hours on Wednesday 13 August 2008, by the Head of the WADA-Accredited Laboratory in Beijing, of an adverse analytical finding on the A sample of the 9 August Urine Sample.
6. Pursuant to Article 7.2.2 of the *Rules*, Dr Schamasch, 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.
7. Pursuant to Article 7.2.3 of the *Rules*, Dr Schamasch 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.
8. Pursuant to Article 7.2.4 of the *Rules*, the IOC President, by letter dated 13 August 2008, immediately set up a Disciplinary Commission, consisting of:
 - **Dr Thomas Bach (Chairman)**
 - **Mr Denis Oswald**
 - **Mr John Coates**

Pursuant to Article 7.1.4 of the *Rules*, the IOC President decided that the final decision in this case will be pronounced by the IOC Executive Board.

As per Article 7.1.7 of the *Rules*, the Disciplinary Commission is to provide to the IOC Executive Board a report on the procedure conducted under its authority, including a proposal to the IOC Executive Board as to the measures and/or sanctions to be decided upon by the IOC Executive Board.

The IOC President also decided that in this case the procedure may be extended beyond the 24 hour time limit as per Article 7.2.13 of the *Rules*.

9. Pursuant to Article 7.2.5 of the *Rules*, by letter dated 13 August 2008 notified to the Athlete, to the Chef de Mission of the NOC of the Democratic People's Republic of Korea, to the International Shooting Sport Federation and to the Head of the Independent Observers' Programme, the IOC President advised of, among other things, 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 of the 9 August Urine Sample, prepared by the Head of the WADA-Accredited Laboratory in Beijing and attached to the above-mentioned letter dated 13 August 2008, indicated the presence of the prohibited substance Propranolol.

10. The Athlete requested the analysis of the B sample of such 9 August Urine Sample and attended the B sample opening and analysis on Wednesday 13 August 2008 at about 22:00.
11. By fax submitted at 15:16, the NOC of the Democratic People's Republic of Korea made a written submission (in English) entitled "Self-Explanation of Kim Jong Su" signed by the Athlete, and containing a statement from the Democratic People's Republic of Korea entitled "DPR Korea NOC Opinion".

In such written submission, the Athlete states, in summary, that:

- within days of his arrival in Beijing, he started feeling uncomfortable with his heart, having difficulty breathing and feeling "heavy in the chest";
- he went to the polyclinic of the Olympic Village to do a medical check-up, which did not result in any diagnosis of a serious medical condition. The Athlete was only prescribed Azithromycin for a little inflammation of the lower part of the lung;
- feeling no improvement in his condition after two days, the Athlete went to his Team doctor, who prescribed him a traditional Korean medicine, called "Kusimhwan";
- in response to a question from the Athlete, the doctor confirmed to him that it did not contain a prohibited substance.

In the same written submission, the NOC of the Democratic People's Republic of Korea states, in summary, that:

- it will analyse in further detail whether the traditional medicine Kusimhwan contains any prohibited substance;
- the Athlete has taken Kusimhwan only to reduce his pain, not to enhance his performance in competition;
- the Athlete is an honest shooter who respects and strictly adheres to the anti-doping rules.

12. The Disciplinary Commission held a hearing on 14 August 2008 at around 17:30 hours, at the Beijing Hotel, IOC Executive Board Meeting Room, 18th Floor, 33 East Chang An Avenue in Beijing, in the presence of a delegation (hereinafter the "Delegation") comprised of:

Mr Jong Su Kim, Athlete
Mr Kyong Gil Kang, Administrative Personnel
Mr Ung Chol An, Technical Personnel
Mr Se Hyon Son, Medical Personnel

Ms Hyon Mi Kim, Administrative Personnel

13. The International Shooting Sport Federation was represented at the hearing by Mr Horst Schreiber, Secretary General.

14. Also attending the hearing was:

Dr Patrick Schamasch, IOC Medical Director
Mr Christian Thill, IOC Doping Control Administrative Coordinator

Mr François Carrard, IOC Counsel

Mr Travis Tygart, representative of the Independent Observers' Programme.

15. The Delegation had been informed of the results of the laboratory analysis of the A sample of the 9 August Urine Sample, which, according to the analysis report prepared by the Head of the WADA Accredited Laboratory, indicated the presence of the prohibited substance Propranolol. In the meantime, this finding was confirmed in the results of the laboratory analysis of the B sample of the 9 August Urine Sample.

(Subsequently to the hearing, the analysis of the A sample of the 12 August Urine Sample indicated the presence of the prohibited substance Propranolol).

16. The Delegation confirmed, at the beginning of the hearing of the Disciplinary Commission, that the disciplinary procedure with respect to the alleged anti-doping rule violation, in accordance with Article 7 of the *Rules*, had been respected.

17. Mr An Ung Chol explained to the Disciplinary Commission that:

- the Athlete, before coming to Beijing to participate in the Games of the XXIX Olympiad in Beijing in 2008 (hereinafter the "Games"), suffered cardiac pain and received medical treatment to that effect.
- two to three days following his arrival in Beijing, the Athlete started suffering from chest pain and had trouble breathing. The Athlete went to a doctor at the polyclinic of the Olympic Village for a medical check-up, including Electro-cardiogram, blood test and X-rays.
- the results of such medical checks did not show any serious medical condition, although the Athlete was prescribed azithromycin tablets for an inflammation in the lower part of the lung.
- despite taking the prescribed tablets for 2 days, Mr An Ung Chol explained that the Athlete's condition did not improve. The Athlete then decided to consult the doctor of the Team of the NOC of the Democratic People's Republic of Korea.
- the Team Doctor prescribed traditional Korean medicine (called "Kusimhwan") and confirmed to the Athlete that such medicine did not contain any prohibited substance.
- the medication was taken to diminish the pain and not to enhance performance.

18. Upon question of the Disciplinary Commission, Dr Schamasch confirmed that none of the medication mentioned by the Athlete, either in his written submission or on the Doping Control Form dated 9 August 2008 (references in Korean on the Doping Control Form were translated to the Disciplinary Commission by Ms Hyon Mi Kim), could have caused the presence of Propranolol in the Athlete's body.

19. The Athlete confirmed that he had not taken any medication other than those mentioned in his written statement and on the Doping Control Form and had not requested any further medical advice other than from the doctor of the polyclinic of the Olympic Village and from his Team Doctor.
20. In response to a question of the Disciplinary Commission, Dr Se Hyon Son confirmed that no other athlete of the NOC of the Democratic People's Republic of Korea had been treated with Kusimhwan.
21. After hearing the Delegation and the arguments it put forward, the Disciplinary Commission retired in order to deliberate.
22. The Disciplinary Commission unanimously concluded that with respect to the Athlete's participation in the 10m Air Pistol Final on 9 August 2008, he 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 Propranolol in his body.
23. The Disciplinary Commission also unanimously concluded that, beyond the implications of the adverse analytical finding on the A sample of the 12 August Urine Sample, the Athlete should lose the benefit of the ranking he obtained in the 50m Pistol Final on 12 August 2008 due to the anti-doping rules violation he committed on 9 August 2008, which made him ineligible to compete on 12 August 2008.

CONSIDERING the above, pursuant to the Olympic Charter and, in particular, Rule 23.2.1 thereof, and pursuant to the *IOC Anti-Doping Rules applicable to the Games of the XXIX Olympiad in Beijing in 2008* and, in particular, Articles 2.1, 8 and 9 thereof

THE DISCIPLINARY COMMISSION OF THE
INTERNATIONAL OLYMPIC COMMITTEE
RECOMMENDS TO THE EXECUTIVE BOARD

- I. The athlete Jong Su Kim, Democratic People's Republic of Korea, shooting:
 - (i) be disqualified from the Men's 10m Air Pistol, where he had placed third;
 - (ii) be disqualified from the Men's 50m Air Pistol, where he had placed second;
 - (iii) be excluded from the *Games of the XXIX Olympiad in Beijing in 2008*;
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- III. The NOC of the Democratic People's Republic of Korea be ordered to return to the IOC, as soon as possible, the medals and diplomas awarded to the Athlete in relation to the above-noted events.

- IV. The NOC of the Democratic People's Republic of Korea and BOCOG shall ensure full implementation of this decision.

Beijing, 14 August 2008

The IOC Disciplinary Commission

Dr Thomas BACH
Chairman

Mr Denis OSWALD

Mr John Coates