

INTERNATIONAL OLYMPIC COMMITTEE

**IOC DISCIPLINARY COMMISSION
DECISION**

**REGARDING ATHANASIA TSOUMELEKA
BORN ON 2 JANUARY 1982, ATHLETE, GREECE, ATHLETICS**

(Rule 23.2.1 of the Olympic Charter)

1. On 20 August 2008, Athanasia Tsoumeleka (hereinafter the "Athlete"), a participant in the Games of the XXIX Olympiad in Beijing (the "2008 Olympic Games") was requested to provide a pre-competition blood sample for a doping control.
2. On 21 August 2008, the Athlete competed in the Women's 20km Walk event of the 2008 Olympic Games, in which she placed 9th.
3. The above-noted A sample of the Athlete was tested during the 2008 Olympic Games by the WADA Accredited Laboratory in Beijing, for Recombinant Human Growth Hormone, but did not result in an adverse analytical finding at the time.
4. After the end of the 2008 Olympic Games, the A and B samples collected from the Athlete at such occasion were sent to Lausanne, at the WADA Accredited "Laboratoire Suisse d'Analyse du Dopage" (hereinafter the "LAD"), along with all other samples collected at the occasion of the 2008 Olympic Games.
5. The International Olympic Committee (hereinafter the "IOC"), pursuant to Article 6.5 of the *IOC Anti-Doping Rules applicable to the Games of the XXIX Olympiad in Beijing in 2008* (the "*Rules*"), decided in January 2009 to perform further testing on the samples collected during the 2008 Olympic Games, targeting mirCERA© (hereafter "CERA", a third generation of EPO) and insuline.
6. The remaining portion of the A sample of the Athlete was subject to a screening test for the prohibited substance CERA by the LAD, and subsequently sent for analysis to the WADA-Accredited "Laboratoire d'Analyses de l'Agence Française de Lutte contre le Dopage" (hereinafter the "LAAFLD").
7. Pursuant to Article 7.2.1 of the *Rules*, the representative of the Chairman of the IOC Medical Commission, Dr. Patrick Schamasch, was informed on 28 April 2009, by the Head of the LAAFLD, of an adverse analytical finding on the A sample of the Athlete.
8. Pursuant to Article 7.2.2 of the *Rules*, Dr. Patrick 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.
9. Pursuant to Article 7.2.3 of the *Rules*, the IOC President, Dr. Jacques Rogge, was promptly informed of the existence of the adverse analytical finding and the essential details concerning the case.
10. Pursuant to Article 7.2.4 of the *Rules*, the IOC President, by letter dated 28 April 2009, set up a Disciplinary Commission, consisting of:
 - Thomas Bach (Chairman)
 - Denis Oswald

- Frank Fredericks

The IOC President decided that the decision of the Disciplinary Commission shall 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 7.2.13 of the *Rules*.

11. Pursuant to Article 7.2.5 of the *Rules*, by letter dated 28 April 2009 notified to the Athlete, to the Secretary General of the National Olympic Committee ("NOC") of Greece, to the International Association of Athletics Federations (IAAF) and to the Head of the Independent Observers' Programme (WADA), the IOC President advised of, among other things, the above-mentioned adverse analytical finding and that the Athlete had the option to attend a hearing of the Disciplinary Commission and/or to submit a defence in writing.

The analytical report of the laboratory analysis of the A sample, prepared by the Head of LAADLD and attached to the above-mentioned letter dated 28 April 2009, indicated the presence of the prohibited substance CERA.

12. On 29 April 2009, the IOC notified the Athlete that she could request the analysis of her B sample. The Athlete did not respond. On 19 May 2009, the IOC asked the Hellenic Olympic Committee to inform the Athlete that unless she requested the analysis of her B sample by 21 May 2009, she would be deemed to have waived such right. On 20 May 2009, The Hellenic Olympic Committee confirmed in an email to the IOC that the Athlete was informed.
13. On 9 June 2009, the IOC informed the Athlete that the Disciplinary Commission would hold a hearing relating to her case on 27 July 2009, at the IOC Headquarters in Lausanne Switzerland. In this letter, the IOC formally requested the Athlete to confirm whether or not she would attend the hearing. On 3 July 2009, the IOC sent another letter to the Athlete asking her to confirm whether or not she would attend the hearing.
14. The Athlete did not request a B analysis nor did she confirm that she would attend a hearing of the Disciplinary Commission or submit a written defence. In fact, the Athlete, despite having been notified by her NOC of all IOC notifications, has not provided any documentation or information to the IOC.
15. It is to be noted that the Athlete has already been sanctioned by the International Association of Athletics Federations (IAAF) for a violation of the IAAF Anti-Doping rules, following a sample collected out-of competition by the Greek National Anti-Doping Agency, on 6 August 2008, in Greece. That sample was re-analysed with the same method as the one used for the samples of the Athlete collected by the IOC.

The decision by the Hellenic Amateur Athletic Association ("SEGAS") Tribunal in March 2009 (and transferred to the IAAF on 28 May 2009), was based on the A and the B samples' reports of the Athlete confirming the presence of CERA in such samples. The Athlete was sanctioned with a two (2) year ineligibility period (starting 20 January 2009) and "*cancellation of any results from the time the sample was taken (6 August 2008), deprivation of any titles, awards, medal and rewards*".

The Athlete did not appeal against such decision and such decision has been confirmed by the IAAF to be in full force and valid.

Pursuant to the SEGAS decision, results obtained by the Athlete during the 2008 Olympic Games are null and void.

16. The Disciplinary Commission held a hearing on 27 July 2009 at approximately 2:15 pm, at the IOC Headquarters in Vidy, Lausanne, in the Coubertin Room.
17. The IAAF was represented at the hearing by Mr. Thomas Capdevielle.
18. Also attending the hearing were:
 - Dr. Patrick Schamasch, Director of the IOC Medical and Scientific Department
 - Mr. Andre Sabbah and Mr. Christian Thill, IOC Legal Department
 - Dr. François Carrard, IOC Counsel
 - Dr. Martial Saugy, external scientific expert
 - Ms. Soheyla Behnam, Ms. Cherine Fahmy and Ms. Sophie Berwick, IOC staff
19. The Athlete did not appear at the hearing. The Disciplinary Commission was informed by Mr. Capdevielle that the Athlete had tested positive before the Olympic Games and as a result had been sanctioned with a two (2) year ineligibility period.
14. The Disciplinary Commission notes that the available documents and information regarding both the chain of custody of the samples and the method for detecting CERA are sufficient to conclude that the samples belonging to the Athlete have been handled, collected, transported and tested in compliance with the International Standards for Laboratories ("ISL") and International Standards for Testing ("IST"). Furthermore, the Disciplinary Commission notes that pursuant to the IOC Anti-Doping Rules, WADA Accredited laboratories are presumed to have conducted custodial procedures in accordance with the ISL, unless the athlete rebuts this presumption by establishing that a departure from the ISL (i) occurred and (ii) could have reasonably caused the adverse analytical finding. In this case, the Athlete has not shown that a departure from the ISL occurred, or that any such departure could have reasonably caused the adverse analytical finding. Finally, the Disciplinary Commission notes that according to the International Standards, any deviation from the chain of custody should be documented. Neither the Beijing lab, nor the LAD or LAAFLD reported any such deviation.
15. After carefully considering the issues at hand, and based upon the documents and information available, the Disciplinary Commission unanimously concludes that the Athlete has committed an anti-doping rule violation pursuant to Article 2.1 of the *Rules* in that there was the presence of the prohibited substance CERA in her body.

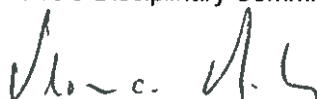
CONSIDERING the above, pursuant to the Olympic Charter and, in particular, Rule 23.2.1 thereof, and pursuant to the *IOC Anti-Doping Rules applicable to the Games of the XXIX Olympiad in Beijing in 2008* and, in particular, Articles 2.1, 8 and 10 thereof

THE DISCIPLINARY COMMISSION OF THE
INTERNATIONAL OLYMPIC COMMITTEE
DECIDES

- I. The Athlete, Athanasia Tsoumeleka, Greece, Athletics, is disqualified from the Women's 20km Walk event of the 2008 Olympic Games where she placed 9th;
- II. The International Association of Athletics Federations is requested to modify the results of the above-mentioned event accordingly and to consider any further action within its own competence.
- III. This decision shall enter into force immediately.

Lausanne, ____ November 2009

The IOC Disciplinary Commission



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