

**INTERNATIONAL OLYMPIC COMMITTEE**

**IOC EXECUTIVE BOARD  
DECISION**

**REGARDING RASHID RAMZI  
BORN ON 17 JUNE 1980, ATHLETE, BAHRAIN, ATHLETICS**

(Rule 23.2.1 of the Olympic Charter)

UPON CONSIDERING the attached recommendation of the IOC Disciplinary Commission dated 11 November 2009, 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 and 8 thereof:

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

- I. The athlete, Rashid Ramzi, Bahrain, Athletics:
  - (i) be disqualified from the Athletics Men's 1500m of the Beijing 2008 Olympic Games, where he had placed 1<sup>st</sup>.
  - (ii) shall have his medal and diploma in the above-mentioned event withdrawn.
- II. The IAAF is requested to modify the results of the above-mentioned event accordingly and to consider any further action within its own competence.
- III. The National Olympic Committee ("NOC") of Bahrain is ordered to return to the IOC, as soon as possible, the medal and diploma awarded to the Athlete in relation to the above-mentioned event.
- IV. The NOC of Bahrain shall ensure full implementation of this decision.
- V. This decision shall enter into force immediately.

Lausanne, 17 November 2009

On behalf of the IOC Executive Board

Dr Jacques ROGGE  
IOC President

Urs LACOTTE  
Director General

**INTERNATIONAL OLYMPIC COMMITTEE  
IOC DISCIPLINARY COMMISSION**

**RECOMMENDATIONS**

**REGARDING RASHID RAMZI  
BORN ON 17 JUNE 1980, ATHLETE, BAHRAIN, ATHLETICS**

(Rule 23.2.1 of the Olympic Charter)

1. On 12 August 2008, at approximately 13:45, Rashid Ramzi (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.  
  
On 14 August 2008, at approximately 17:15, he was requested to provide another pre-competition blood sample for a doping control.
2. On 19 August 2008, the Athlete competed in the Men's 1500m Final in Beijing of the 2008 Olympic Games, in which he placed 1<sup>st</sup>.
3. The two above-noted A samples of the Athlete were tested during the 2008 Olympic Games by the WADA Accredited Laboratory in Beijing, for Recombinant Human Growth Hormone, but did not give rise to 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 were sent to Lausanne, at the WADA Accredited "Laboratoire Suisse d'Analyse du Dopage" (hereinafter the "LAD"), along with all other samples from other athletes collected upon 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 two A samples of the Athlete were 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 "LAAF LD").
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 LAAF LD, of adverse analytical findings on the A samples of the Athlete.
8. Pursuant to Article 7.2.2 of the *Rules*, Dr. Patrick Schamasch determined that the above-noted A samples belonged to the Athlete, and verified that they did in fact give rise to adverse analytical findings. 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 findings.
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 findings 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 final decision in this case would 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 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 Bahrain, to the Secretary General of the International Association of Athletics Federations (IAAF) and to the Head of the Independent Observers' Programme, 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 reports of the laboratory analyses of the A samples, prepared by the Head of the WADA Accredited Laboratory in Paris and attached to the above-mentioned letter dated 28 April 2009, indicated the presence of the prohibited substance CERA.

12. The Athlete requested the opening and analysis of the B samples, which occurred on 18 June 2009, in Paris, at the LAAFLLD, in the presence of the Athlete's representative, Dr Joris Delanghe.

The B samples analyses results confirmed on 25 June 2009 the findings of the A samples analyses, indicating the presence of CERA in the B samples.

The A and B samples Laboratory Packages and certificates have been sent to the Athlete, through his attorney.

13. As the Athlete requested to attend a hearing of the Disciplinary Commission, he was informed by the IOC, by letter dated 9 June 2009, of the date of the hearing to be held on 27 July 2009. All relevant parties had been informed accordingly as well. The Athlete was also granted a deadline of 15 July 2009 to submit his defence in writing.

14. On 15 June 2009 and again on 9 July 2009, Mr. Rashid Ramzi's attorney sent letters on behalf of, by and through their undersigned counsel, Mr. Rashid Ramzi, Mr. Stefan Schumacher, Mr. Davide Rebellin and (for the letter of 15 June 2009 only) Ms. Yudelquis Contreras, requesting information and a number of documents from the IOC, including, but not limited to, "[A]ll documents relating to or concerning the collection of all blood, serum and/or urine samples taken from the Athletes during the Games of the XXIX Olympiad, Beijing 2008," and documents concerning the LAAFLLD's CERA test method, and information regarding any testing, and the results of the testing, performed on other athletes' samples provided during the 2008 Olympic Games.

The IOC answered by providing relevant documentation and reminding the Athlete that a number of the requested documents were in the A and B sample Laboratory Packages, which were previously provided by the IOC.

In its letter dated 13 July 2009, the IOC provided the Athlete with the following documents relating to the validity of the method used by the LAAFLLD:

- Attestation from Ms. Françoise Lasne, Head of the Biology Section of the Analysis Department of the LAAFLLD;
- Attestation from Pr. Jacques de Ceaurriz, Director of the Analysis Department of the LAAFLLD;
- Attestation from Mr. Olivier Rabin, Scientific Director of WADA; and
- Attestation of accreditation from the Comité Français d'Accreditation ("COFRAC") for the LAAFLLD.

15. The Athlete made a written submission, undated, but received by the IOC via email on 18 July 2009, together with a declaration of Mr. Joris Delanghe, dated July 16, 2009. In his written submission, the Athlete stated in summary, through his lawyer and Expert Consultant Mr Joris Delanghe, that in view of the gravity of the potential outcome of his case, "the IOC's own rules require proof meeting the most stringent burden permitted, proof that nearly meets the burden of "proof beyond a reasonable doubt" and not only a proof which is greater than a mere burden of probability".

The Athlete stated that the IOC is entitled to a presumption of reliability of the Adverse Analytical Finding only if the CERA test method was accredited at the time it was performed. The Athlete argued that if he could rebut the presumption by establishing that a departure from the International Standard for Laboratories ("ISL") occurred by a balance of probabilities, then the IOC bore the burden to establish that the departure did not cause the Adverse Analytical Finding. The Athlete submitted that the Adverse Analytical Finding in his case is not entitled to a presumption of reliability because the LAAFLLD's CERA test method was not accredited at the time it was performed on his samples.

The Athlete submitted, therefore, that the IOC bore the burden of the proof to establish that the CERA test method used by the LAAFLLD was in conformity with the scientific community's practices and procedures and that the laboratory had validated the method before using it.

The Athlete further alleged the following procedural and substantive irregularities in support of his defence. He submitted that the method used by the LAAFLLD for detecting the CERA had supposedly not been validated and was unreliable, claiming that:

- The CERA test method was not accredited by COFRAC at the time it was performed. This lack of accreditation undermined the reliability of the method and the adverse analytical findings, unless the method conformed to the scientific community's practices and procedure and the laboratory satisfied itself as to the validity of the method before using it.
- The CERA test is not in conformity with the scientific community's practices and procedures, as the CERA test method used by the LAAFLLD had not been submitted to peer-reviewed studies or papers, discussing the LAAFLLD test method.
- The LAAFLLD did not conduct a validation study to ensure that the test method was reliable.
- When the A samples were tested, no positivity criteria existed for the CERA test method used by the LAAFLLD in any Technical Document or internal laboratory standard operating procedure. WADA only released its Technical Document TD

2009 EPO, which sets forth the positivity criteria for a CERA test in May 2009, i.e. after the Athlete's A Samples had been tested, but before the testing of his B samples.

- Based upon the declaration of his Expert Consultant, the Athlete submitted that the anti-body used in the CERA test method had never been tested for cross-reactivity and that such a cross-reactivity could lead to a "false positive" result, i.e. incorrectly showing a test result that would appear to be CERA.

Furthermore, the Athlete alleged that irregularities occurred regarding the handling of his samples and the chain of custody:

- The handling of the samples did not conform to the requirements of the International Standard for Testing and other WADA documentation. In his view, the failure to comply with the Standard undermines the samples' integrity and the Adverse Analytical Finding.
- On multiple occasions and for a significant period of time, the location of his samples had gone entirely undocumented.
- The external and internal chains of custody had not been properly maintained and the chain of custody documentation was incomplete.
- The A Samples have been travelling without being re-sealed, contrary to fundamental procedure to be applied by any laboratory. Due to the lack of re-sealing, the Athlete submitted that there were opportunities for courier, laboratory technicians or third parties to manipulate his A samples.

16. The Disciplinary Commission held a hearing on 27 July 2009 at approximately 9:00 am, at the IOC Headquarters in Vidy, Lausanne, in the Coubertin Room, in the presence of :

- Mr. Rachid Ramzi, Athlete, assisted by his lawyer, Mr Maurice Suh;
- Mr. Waleed Bu-Shauger, Bahraini NOC representative.

17. The International Association of Athletics Federations (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, Director of the LAD;
- Ms. Soheyla Behnam, Ms. Cherine Fahmy and Ms. Sophie Berwick, IOC staff

19. At the hearing, the Athlete stated that he had never taken any drugs or stimulants. The Athlete confirmed that he always checked whatever medication that is given to him. Through his lawyers, the Athlete reiterated the arguments he made in his written submission, notably that the chain of custody was deficient, that the analytical method performed by the LAAFLD was not reliable and that no validation study existed at the time of the analyses. He noted in particular that the A sample was not sealed when transported between Beijing to Lausanne and to Paris and that the CERA test method was not accredited by COFRAC at the time it was performed by the LAAFLD. The Athlete's lawyer further submitted that the Athlete's test results suggested the possibility of cross-reactivity, which would lead to a false positive test.

20. Upon hearing the Athlete and his lawyer, the Disciplinary Commission declared the hearing closed and informed the Athlete that a decision would be rendered in due course after the Panel took the time to consider and address the various issues at hand.
21. After carefully considering the Athlete's arguments and the various complex issues at hand, and based on the testimony, documents and information available, the Disciplinary Commission noted that the LAAFLLD performed an isoelectric focusing and immunodetection after immunoextraction method ("IEF method") in order to detect CERA, and further noted that the IEF method is not new, since it has been previously approved (since many years) for urine sample analyses. In this respect, the LAAFLLD had been granted the accreditation ISO/IEC 17025 by the COFRAC.

According to article 4.4.10 ISL, "*WADA-Accredited Laboratories may modify or add analytes to existing scientific methods to expand their scope or develop new methods that involve technology already within the scope of accreditation without the need for approval by the body that completed the ISO/IEC 17025 accreditation of that Laboratory. To have a Flexible Scope of Accreditation, the laboratory must have within its quality management documentation processes for method validation/acceptance, competence of key personnel, record keeping and reporting*". In conformity with this provision, the LAAFLLD could validly perform the IEF method, which is accredited for urine samples, to detect CERA in blood samples.

Pursuant to an attestation dated 10 September 2009 from Dr. Jacques de Ceaurriz, Director of the Analysis Department of the LAAFLLD, the Disciplinary Commission notes that the validation study was completed by the LAAFLLD on 25 September 2008. Contrary to the Athlete's submission, the validation study was completed when the A and B samples analyses were performed; such analyses have therefore been conducted in compliance with art. 4.4.10 ISL.

Moreover, the extension of the IEF method for the detection of prohibited substances in blood samples was formally accredited by the COFRAC on 30 June 2009. This accreditation is a confirmation that the IEF method is recognised. The Disciplinary Commission is of the view that, pursuant to article 4.4.10 ISL, the IEF method could be validly performed on blood samples before the notification of the extension of the accreditation dated 30 June 2009 of the COFRAC, since it is not a new method but an application of a pre-existing method. The Disciplinary Commission also noted that this method had been published in a peer review, namely "haematologica" (2009; 94(6); p. 888-890).

In addition, the Disciplinary Commission took note of a decision dated 28 October 2009 (decision Nr. 327306 - publicly available on: <http://www.conseil-etat.fr/cde/node.php?articleid=1833>), in which the Conseil d'Etat of France rejected an appeal filed by Mr S. against the sanction ordered by the LAAFLLD for an anti-doping rule violation for the presence of the prohibited substance CERA in his body during the 2008 Tour de France. The Conseil d'Etat held that the LAAFLLD could retrospectively carry out analyses on samples already tested. Furthermore, the Conseil d'Etat held that accredited laboratories could use, in compliance with the International Standard for Laboratories, a method of analysis that had not been previously validated.

22. The Athlete contended that the IOC could not establish a chain of custody sufficient to verify the integrity of his samples. The alleged lack of documentation did not permit to ensure that the different couriers, laboratories or other persons did not adulterate, manipulate or contaminate the samples. Moreover, the Athlete alleged that it is possible that samples were not placed in tamper safe bottles. After a careful review of all the documents relating to the chain of custody between the Doping Control Station, the

Beijing Laboratory, the LAD and the LAAFLD, the Disciplinary Commission is satisfied that no departure of the ISL occurred. Moreover, even if such a deviation had occurred in the chain of custody, with the consequence of causing an alteration of the samples, such deviation and alteration could not have been the cause of a positive result. As Dr. Martial Saugy, Director of the LAD, previously explained to the Disciplinary Commission, since CERA is a very specific synthetic substance, it cannot appear in a blood sample through an alteration process of such sample. On the contrary, Dr. Saugy further explained that an alteration of a sample, due, for example, to insufficient cooling conditions during transport, would more likely lead to a false negative, as the alteration of the sample would eliminate the prohibited substance, rather than create it. Put another way, samples that are not properly transported would not create a false positive but might prevent an adverse analytical finding due to an elimination of the prohibited substance.

23. The Athlete submitted that when the A Sample was analysed, no positivity criteria existed for the CERA test method used by the LAAFLD. The Disciplinary Commission holds that the argument does not stand. The WADA technical document TD 2009 EPO determining the criteria to be applied by all WADA-accredited laboratories to identify, in particular, CERA was finalized on April 1<sup>st</sup>, 2009 and had been written by C. Ayotte, J. A. Pascual, G. Gmeiner, C. Reichel, F. Lasne (of LAAFLD) and M. Saugy (of LAD). The document was formerly approved by WADA Executive Committee on May 31<sup>st</sup>, 2009. Dr. F. Lasne had full knowledge of such criteria when the samples analyses were conducted as she was part of the team of scientists determining such criteria for the WADA technical document.
24. According to the Athlete, the International Standards have been deviated since his A Samples were not sealed when being transported. The requirements for re-testing blood samples are provided for under art. 6.2.2.11 of the International Standard for Laboratories 2008 and 2009, which refers back to art. 5.2.2.12 of the same Standard, which is applicable to re-testing of urine samples.

Art. 5.2.2.12.1.1, which is the applicable provision for the re-testing of opened A Sample bottles when sufficient blood remains in an A Sample to that effect, does not require a re-sealing of the opened A Sample bottles before conducting such re-testing (provided however that the B Samples are still sealed). What this provision requires is a frozen storage of the remainder A Samples (and of the unopened B Samples), in a secured location and under a continuous chain of custody in view of the re-testing. The re-testing should follow the regular testing procedure. Therefore, since the opened A Sample bottles and sealed B samples have been stored frozen by the laboratories and the chain of custody had been maintained, the Disciplinary Commission is satisfied that the re-testing of open A Sample bottles have been made in conformity with the International Standard for Laboratories.

The Athlete submitted that his test could be a false positive because of cross-reactivity. As explained by Dr. Martial Saugy, two different antibodies were used in the screening procedure performed by the LAD and in the analytical procedures conducted by the LAAFLD. The Athlete's samples were positive by both analytical procedures despite the use of different antibodies. Mr Saugy explained that this excludes the possibility to have false positive results.

In addition, the kind of test performed by the LAAFLD did not cross-react with any protein in the blood. The hypothesis of cross-reactivity can therefore be excluded.

Under these circumstances, the Disciplinary Commission is satisfied that a false positive result could not have occurred in the Athlete's case.

25. The Disciplinary Commission notes that several weeks have passed since the hearing. Given the serious nature of the case, the amount of documents in the file, and the

technical nature of the information, it was necessary for the Disciplinary Commission to take the necessary time to carefully review and analyse the numerous documents, arguments and complex issues.

26. After carefully considering the Athlete's arguments and the various complex issues at hand, and based upon the, testimony, 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 his 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  
RECOMMENDS TO THE EXECUTIVE BOARD

- I. The Athlete, Rashid Ramzi, Bahrain, Athletics:
- (i) be disqualified from the Athletics Men's 1500m of the Beijing 2008 Olympic Games, where he had placed 1<sup>st</sup>.
  - (ii) shall have his medal and diploma in the above-mentioned event withdrawn.
- II. The IAAF is requested to modify the results of the above-mentioned event accordingly and to consider any further action within its own competence.
- III. The NOC of Bahrain is ordered to return to the IOC, as soon as possible, the medal and diploma awarded to the Athlete in relation to the above-mentioned event.
- IV. The NOC of Bahrain shall ensure full implementation of this decision.

Lausanne, \_\_\_\_\_November 2009

The IOC Disciplinary Commission

Thomas BACH  
Chairman

Denis OSWALD

Frank FREDERICKS