

**INTERNATIONAL OLYMPIC COMMITTEE**

**IOC DISCIPLINARY COMMISSION**

**DECISION**

**REGARDING SAMUEL ADELEBARI FRANCIS  
BORN ON 27 MARCH 1987, QATAR, ATHLETE, ATHLETICS**

(Rule 59.2.1 of the Olympic Charter)

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 XXIX Olympiad in Beijing in 2008 (the “**Rules**”) and, in particular but without limitation, Articles 2, 5.1, 7.3.3, 8 and 9 thereof:

**I. FACTS**

1. Samuel Adelebari FRANCIS (hereinafter the “**Athlete**”), participated in the Games of the XXIX Olympiad in Beijing in 2008 (the “**2008 Olympic Games**”).
2. From 15 to 16 August 2008, the Athlete competed in the 100m event (Round 1, Round 2 and Semi-Final) in which he ranked 16<sup>th</sup>.
3. On 18 August 2008, he was registered to compete in the 200m event (Round 1) but did not start.
4. On 13 August 2008, the Athlete was requested to provide a urine sample for a doping control. This doping control was performed at the request of the IOC. The sample collected from the Athlete was identified with the number 1845427.
5. The A-Sample 1845427 was analysed during the 2008 Olympic Games by the WADA-accredited Laboratory in Beijing. Such analysis did not result in an adverse analytical finding at that time.
6. After the conclusion of the 2008 Olympic Games, all the samples collected upon the occasion of the 2008 Olympic Games were transferred to the WADA-accredited “Laboratoire suisse d’analyse du dopage” in Lausanne, Switzerland (the “**Laboratory**”) for long-term storage.
7. The IOC decided to perform further analyses on samples collected during the 2008 Olympic Games. These additional analyses were notably performed with improved analytical methods in order to possibly detect Prohibited Substances which could not be identified by the analysis performed at the time of the 2008 Olympic Games.
8. In accordance with the provisions of the applicable International Standards for Laboratories (the “**ISL**”), the IOC decided that the reanalysis process would be conducted as follows:
  - An initial analysis was to be conducted on the remains of the A-samples
  - If such initial analysis resulted in the indication of the potential presence of a Prohibited Substance or its Metabolites or Markers (“Presumptive Adverse Analytical Finding” - PAAF), the full confirmation analysis process (double confirmation) was to be conducted on the B-Sample, which would be split for the occasion into a B1- and a B2 Sample (becoming thus the equivalent of an A- and B-Sample).

9. The decision to proceed based on split B-samples was made in principle for all the re-analysis.
10. This choice was made in view of the fact that during the transfer of the samples from the Beijing laboratory to the Laboratory, the A-samples were not individually resealed nor transported in sealed containers.
11. At that time, resealing of A-Samples (or transport in sealed containers) was not a requirement pursuant to the then applicable ISL (2008).
12. However, it was felt that the option to rely on the B-Sample did constitute an additional precaution securing the strength and reliability of the analytical process.
13. A similarly precautionous approach was adopted with regard to the implementation of the analytical process and notably of its first phase (opening and splitting of the B-Sample in a B1- and B2-Sample, sealing of the B2-Sample and analysis of the B1-Sample).
14. Pursuant to the ISL, the presence of the Athlete is not a requirement for such first phase of the B-Sample analysis.
15. The IOC nevertheless decided, again as a matter of principle, that, whenever this was practically possible, the Athlete would be offered the opportunity to attend the above described first phase of the B-sample procedure.
16. All these additional measures, going beyond what is required, were decided in the spirit of enhancing the position of the athletes.
17. The remains of the A-Sample of the Athlete were subject to initial analysis in 2016. Such analysis resulted in a Presumptive Adverse Analytical Finding (“**PAAF**”) as it indicated the potential presence of the metabolites of a Prohibited Substance: stanozolol.
18. On 18 May 2016, the Athlete through his NOC was informed of the PAAF and of the possibility to attend the opening and splitting of the B-Sample into a B1- and B2-Sample, the sealing of the B2-Sample and the analysis of the B1-Sample.
19. On 22 May 2016, the Athlete through his NOC sent to the IOC his completed PAAF Notification Appendix dated 19 May 2016 in which he indicated that he would not attend the opening, splitting of the B-Sample, the sealing of the B2-Sample and the analysis of the B1-Sample, neither personally nor through a representative.
20. In his PAAF Notification Appendix, the Athlete also wrote:  
  
*“I have not intentionally taken the said substance. I shall not attend the splitting of the B-Sample. Hence, therefore is no point to split the B1-Sample.”*
21. On 26 May 2016, the IOC informed the Athlete, through his NOC, that the opening and splitting of his B-Sample would occur on 1 June 2016.
22. The opening, splitting of the B-Sample, the sealing of the B2-Sample occurred on 1 June 2016. The Athlete did not attend the process and was not represented on this occasion.
23. As provided in the ISL, the opening and splitting was attended by an independent witness.
24. The analysis of the B1-Sample was then conducted at the Laboratory.

25. The results of the B1-Sample analysis were reported on 2 June 2016. They confirmed the presence of the metabolites of a Prohibited Substance, namely stanozolol.
26. Such results constitute an Adverse Analytical Finding (“**AAF**”). They were reported to the IOC in accordance with Art. 7.2.1 of the Rules.
27. Further to the verifications set forth in Art. 7.2.2 of the Rules and in application of Art. 7.2.3 of Rules, the IOC President, Mr Thomas Bach, was informed of the existence of the AAF and the essential details available concerning the case.
28. Pursuant to Art. 7.2.4 of the Rules, the IOC President set up a Disciplinary Commission, consisting in this case of:
  - Mr Denis Oswald (Chairman, Switzerland), who is a member of the IOC Juridical Commission;
  - Mrs Gunilla Lindberg (Sweden)
  - Mr Ugur Erdener (Turkey)
29. On 3 June 2016, the IOC notified the Athlete, through his NOC, of the above-mentioned AAF and of the institution of disciplinary proceedings to be conducted by the Disciplinary Commission. The IOC also informed the Athlete of his right to request and attend the opening and analysis of the B2-Sample, either in person and/or through a representative. He was finally informed of his right to request a copy of the laboratory documentation package.
30. On 6 June 2016, the IOC received the completed AAF Notification Appendix sent by the Athlete through his NOC in which he indicated that he accepted the Adverse Analytical Finding. He did not request the opening and analysis of the B2-Sample and informed the IOC that he would not attend such process if it were conducted. The Athlete finally requested a copy of the laboratory documentation package.
31. In his AAF Notification Appendix, the Athlete also wrote:

*“Every supplement I took then was given to me by my coach named, Yanko Bratanov. I was young, naïve and didn’t know exactly what was given to me. He said I should trust him no questions asked”.*
32. By email dated 9 June 2016, the Athlete filed a written defence to the IAAF. Mr Howard Stupp, IOC Director of Legal Affairs was copied in his email.
33. In his written defence, the Athlete submitted that he did not intentionally take any steroids on his own. He mentioned his Bulgarian coach from February 2007 to August 2008, Yanko Bratanov, who would be responsible for the anomalies found in his sample. Mr Bratanov would have convinced the Qatar Athletic Federation that the Athlete would be able to run the 100m in 9.8sec in the 2008 Olympic Games. From that time, Mr Bratanov provided the Athlete with nutritional supplements and would have refused to answer the Athlete when asked about the nature of the supplements. He argued that he did not know what was given to him. When the Athlete started to be trained by his new coach in October 2008, Mr Innocent Egbunike, the Athlete would have realised that he was not capable to run as fast as before and suspected that he was given steroids by Mr Bratanov.
34. The Athlete further submitted that he suffered for mental and physical damaged due to the steroids that was given to him. He indicated that he had multiple injuries and lost his self-confidence.
35. On the same day, he sent his acceptance of provisional suspension to the IAAF.

36. On 14 June 2016, the IOC informed the Athlete, through his NOC, that he had the possibility to attend the hearing of the Disciplinary Commission and/or to present his defence in writing.
37. On 16 June 2016, the IOC received the completed Disciplinary Commission Form sent by the Athlete through his NOC in which he indicated that he would not attend the hearing of the Disciplinary Commission, neither personally nor through a representative. He further indicated that he would present his defence in writing.
38. On 1 July 2016, the IOC provided the Athlete with a copy of the B1-Sample laboratory documentation package.
39. On 13 July 2016, the IOC provided the Athlete with a copy of additional documentation related to his sample, in particular the handling of the sample in Beijing and its transfer to the WADA accredited laboratory in Lausanne. The Athlete was invited to submit a written defence by 18 July 2016
40. On the same day, the NOC and the IF were invited to file written observation by 18 July 2016.
41. Athlete did not reply, neither the NOC nor the IF.

## II. APPLICABLE RULES

42. Art. 2.1 of the Rules provides as follows:

*“The presence of a Prohibited Substance or its Metabolites or Markers in an Athlete’s bodily Specimen.*

2.1.1 *It is each Athlete’s personal duty to ensure that no Prohibited Substance enters his or her body. Athletes are responsible for any Prohibited Substance or its Metabolites or Markers found to be present in their bodily Specimens. Accordingly, it is not necessary that intent, fault, negligence or knowing Use on the Athlete’s part be demonstrated in order to establish an anti-doping violation under Article 2.1.*

2.1.2 *Excepting those substances for which a quantitative reporting threshold is specifically identified in the Prohibited List, the detected presence of any quantity of a Prohibited Substance or its Metabolites or Markers in an Athlete’s Sample shall constitute an anti-doping rule violation.*

2.1.3 *As an exception to the general rule of Article 2.1, the Prohibited List may establish special criteria for the evaluation of Prohibited Substances that can also be produced endogenously.”*

43. Art. 2.2 of the Rules provides as follows:

*“Use or Attempted Use of a Prohibited Substance or a Prohibited Method*

2.2.1 *The success or failure of the Use of a Prohibited Substance or Prohibited Method is not material. It is sufficient that the Prohibited Substance or Prohibited Method was Used or Attempted to be used for an anti-doping rule violation to be committed.”*

44. Art. 5.1 of the Rules provides as follows:

*“The IOC is responsible for Doping Control during the Period of the Olympic Games. The IOC is entitled to delegate all or part of its responsibility for Doping Control to one or several other organisations.*

*The Period of the Olympic Games, or In-Competition Period, is defined as “the period commencing on the date of the opening of the Olympic village for the Olympic Games, namely, 27 July 2008 up until and including the day of the closing ceremony of the Olympic Games, namely, 24 August 2008.*

*All Athletes participating at the Olympic Games shall be subject, during the Period of the Olympic Games, to Doping Control initiated by the IOC at any time or place, with No Advance Notice. Such Doping Control may include Testing for all Prohibited Substances and all Prohibited Methods referred to in the Prohibited List.*

*The IOC shall have the right to conduct or cause to conduct Doping Control during the Period of the Olympic Games, and is responsible for the subsequent handling of such cases.”*

45. Art. 7.3.3 of the Rules provides as follows:

*“Notice to an Athlete or other Person who has been accredited pursuant to the request of the NOC, may be accomplished by delivery of the notice to the NOC. Notification to the Chef de Mission or the President or the General Secretary of the NOC of the Athlete or other Person shall be deemed to be a delivery of notice to the NOC.”*

46. Art. 8.1 of the Rules provides as follows:

*“A violation of these Rules in connection with Doping Control automatically leads to Disqualification of the Athlete with all other consequences, including forfeiture of any medals, points and prizes.”*

47. Art. 9.1 of the Rules provides as follows:

*“An Anti-Doping Rule violation occurring during or in connection with the Olympic Games may lead to Disqualification of all of the Athlete’s results obtained in the Olympic Games with all consequences, including forfeiture of all medals, points and prizes, except as provided in Article 9.1.1.”*

48. Art. 9.1.1 of the Rules provides as follows:

*“If the Athlete establishes that he or she bears no Fault or Negligence for the violation, the Athlete’s results in the other Competition shall not be Disqualified unless the Athlete’s results in Competitions other than the Competition in which the anti-doping rule violation occurred were likely to have been affected by the Athlete’s anti-doping rule violation.”*

49. Art. 9.3 of the Rules provides as follows:

*“The management of anti-doping rule violations and the conduct of additional hearings as a consequence of hearings and decisions of the IOC, including with regard to the imposition of sanctions over and above those relating to the Olympic Games, shall be managed by the relevant International Federation”.*

### III. DISCUSSION

50. The analysis carried out by the Laboratory in 2016 established the presence of a Prohibited Substance in the sample 1845427 that the Athlete provided on 13 August 2008, upon the occasion of the 2008 Olympic Games.
51. The substance detected in the Athlete's sample is an exogenous anabolic steroid. It is listed in the WADA 2008 Prohibited List and in all subsequent lists.
52. The Disciplinary Commission is satisfied that the sample which has been analysed by the Laboratory is unequivocally linked to the Athlete and that no relevant departure from the WADA International Standards occurred.
53. The analytical finding is further expressly accepted by the Athlete.
54. Accordingly, the Disciplinary Commission finds that an anti-doping rule violation pursuant to Art. 2.1 of the Rules consisting in the presence of a Prohibited Substance in the Athlete's body is established. This is the case irrespective of the cause of such presence.
55. In addition, the Disciplinary Commission finds that an anti-doping rule violation is also established if the circumstances are considered in the perspective of art. 2.2 of the Rules.
56. In this respect, the Disciplinary Commission observes that, even if the explanations provided by the Athlete regarding the alleged source of the Prohibited Substance were accepted as true, these explanations would not only not exonerate the Athlete but, on the contrary confirm that he used Prohibited Substances in a manner, which, if not simply deliberate, would at the very best be grossly negligent.
57. First, reliance on recommendations of a coach is never a valid justification: a coach is not qualified to provide adequate advice in respect of nutrition.
58. Furthermore, the fact that in this case, the coach would have refused to answer questions about the nature of the food supplements coupled with the promise that the Athlete would be able to run the 100m in 9.8 sec during the 2008 Olympic Games should have raised suspicions even in the most candid and naïve athlete.
59. By accepting "not to ask questions", the Athlete effectively accepted the obvious risk that what he was ingesting was or contained what it effectively was or contained: a performance enhancing substance, in other words a doping substance.
60. This effectively goes beyond gross negligence and amounts to "intent by acceptance" (*dolus eventualis*).
61. The above represents the conclusion in the hypothesis most favourable to the Athlete, i.e. accepting the explanations he provided in these proceedings.
62. The credibility of these explanations is however not high. In the Disciplinary Commission's opinion, the most likely hypothesis is that the Athlete used a performance enhancing substance, knowingly and consciously. Whether this substance was ingested directly or as ingredient of a supplement meant to help him be one of the fastest men on earth is without relevance.

63. In any event, the Disciplinary Commission finds that an anti-doping rule violation is also established if the circumstances are considered in the perspective of art. 2.2 of the Rules.
64. In conclusion, the Disciplinary Commission finds that an anti-doping violation is established in this case pursuant to both Art. 2.1 and Art. 2.2 of the Rules.
65. The consequences of an anti-doping rule violation under the Rules are limited to consequences in connection with the 2008 Olympic Games. They are set forth in Art. 8 and 9 of the Rules and are the following.
66. In application of Art. 8.1 and respectively 9.1 of the Rules, all the results achieved by the Athlete during the 2008 Olympic Games shall be annulled. This includes the result that the Athlete did not start.
67. In application of Art. 9.3 of the Rules the further management of the consequences of the anti-doping rule violations and in particular the imposition of sanctions over and above those related to the Olympic Games 2008 shall be conducted by the International Association of Athletics Federations ("**IAAF**").

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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 XXIX Olympiad in Beijing in 2008 and, in particular, Articles 2, 5.1, 7.3.3, 8 and 9 thereof.

THE DISCIPLINARY COMMISSION OF THE  
INTERNATIONAL OLYMPIC COMMITTEE  
DECIDES

- I. The Athlete, Samuel Adelebari FRANCIS:
  - (i) is found to have committed an anti-doping rule violation pursuant to the IOC Anti-Doping Rules applicable to the Games of the XXIX Olympiad in Beijing in 2008 (presence and/or use, of a Prohibited Substance or its Metabolites or Markers in an athlete's bodily specimen),
  - (ii) is disqualified from all the events in which he participated upon the occasion of the Olympic Games Beijing 2008, namely, the 100m event and the 200m event.
- II. The IAAF is requested to modify the results of the above-mentioned events accordingly and to consider any further action within its own competence.
- III. The Qatar Olympic Committee shall ensure full implementation of this decision.
- IV. This decision enters into force immediately.

Lausanne, 30 August 2016

In the name of the IOC Disciplinary Commission



Ugur Erdener



Denis Oswald, Chairman



Gunilla Lindberg