

INTERNATIONAL OLYMPIC COMMITTEE

IOC DISCIPLINARY COMMISSION

DECISION

**REGARDING CHRYSOPIGI DEVETZI
BORN ON 2 OCTOBER 1975, GREECE, 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. Chrysopigi DEVETZI (hereinafter the “**Athlete**”), participated in the Games of the XXIX Olympiad in Beijing in 2008 (the “**2008 Olympic Games**”).
2. From 15 August 2008 to 17 August 2008, the Athlete competed in the Women’s triple jump event (Qualification and Final) in which she ranked 3rd and for which she was awarded a bronze medal.
3. On 19 August 2008, the Athlete also competed in the Women’s long jump event (Qualification) in which she ranked 14th.
4. On 12 August 2008, the Athlete was requested to provide a urine sample for a doping control. Such sample was identified with the number 1842380.
5. The A-Sample 1842380 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 using more sensitive equipment and/or searching for new metabolites in order to possibly detect Prohibited Substances which were not 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 a A- and B-Sample).

9. The remains of the A-Sample of the Athlete were subject to initial analysis. Such analysis resulted in a Presumptive Adverse Analytical Finding (“**PAAF**”) as it indicated the potential presence of a Prohibited Substance: stanozolol.
10. On 11 July 2016, the Athlete through her 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. The process was initially scheduled to take place between 18 and 26 July 2016.
11. On 18 July 2016, the Athlete sent to the IOC through her NOC her completed PAAF Notification Appendix in which she indicated that she 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.
12. On 20 July 2016, the IOC informed the Athlete through her NOC that the opening, splitting of the B-Sample and the sealing of the B2-Sample would occur on 25 July 2016 at the Laboratory followed by the analysis of the B1-Sample.
13. The opening and splitting of the B-Sample, the sealing of the B2-Sample occurred on 25 July 2016 at the Laboratory.
14. The Athlete did not attend the opening and splitting of the B-Sample and was not represented on this occasion.
15. As provided in the ISL, the opening and splitting was attended by an independent witness.
16. The results of the B1-Sample analysis were reported on 28 July 2016. These results establish the presence of the metabolites of a Prohibited Substance, namely stanozolol.
17. Such results constitute an Adverse Analytical Finding. They were reported to the IOC in accordance with article 7.2.1 of the Rules.
18. Further to the verifications set forth in Art. 7.2.2 of the Rules and in application of Art. 7.2.3 of the Rules, the IOC President, Mr Thomas Bach, was informed of the existence of the AAF and the essential details available concerning the case.
19. 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 Legal Affairs Commission;
 - Mrs Gunilla Lindberg (Sweden)
 - Mr Ugur Erdener (Turkey)
20. On 29 July 2016, the IOC notified the Athlete through her 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 her right to request and attend the opening of the B2-Sample and its analysis, either in person and/or through a representative, which was initially scheduled to take place on 8 or 9 August 2016. The Athlete was finally informed of her right to request a copy of the laboratory documentation package.

21. In the same communication, the Athlete was advised that failing to request the opening and analysis of the B2-Sample, she would be considered as having waived her right to have the B2-Sample analysed.
22. On 3 August 2016, the Athlete through her NOC informed the IOC of the following:

"I waive my right regarding the B2 sample.

This does not mean that I accept the adverse finding.

I wanted to receive copy of all relevant documents as it is my right under § 12.

Also I know only A and B. I don't know what is B2."
23. On the same day, the IOC acknowledged receipt of the email of the Athlete. She was advised that the IOC had decided to proceed to the B2-Sample opening and analysis and that such process, which would take place on 9 August 2016, would be attended by an independent witness. The IOC referred to its correspondence dated 11 July 2016 regarding the question raised by the Athlete in connection with the B2-Sample.
24. The opening of the B2-Sample occurred on 9 August 2016 in the presence of an independent witness followed by the analysis.
25. The results of the B2-Sample analysis were reported to the IOC on 11 August 2016. They confirmed the presence in the B2-Sample of the metabolites of a Prohibited Substance, namely stanozolol.
26. On 16 August 2016, the IOC communicated to the Athlete the results of the B2-Sample analysis.
27. On 19 August 2016, Mr Michalis Dimitrakopoulos, attorney-at-law, sent to the IOC the Disciplinary Commission Form on behalf of the Athlete. The Athlete indicated that she did not accept the Adverse Analytical Finding and requested a copy of the B2-Sample laboratory documentation package. She further indicated that she would not attend the hearing of the Disciplinary Commission personally but that she would be represented on this occasion by Mr Dimitrakopoulos and by an additional partner of the firm. She finally indicated that she would present her defence in writing.
28. On the Disciplinary Commission Form, the Athlete's counsel wrote the following comment:

"Due to financial issues of Mrs Devetzi, we kindly request that the hearing of the Disciplinary Commission takes place in Athens, Greece."
29. On 23 August 2016, the IOC requested Mr Dimitrakopoulos to provide a power-of-attorney duly signed by his client. The Athlete's counsel was advised that it was not possible for the Disciplinary Commission to hold the hearing in Athens. The IOC however indicated that the Athlete and her counsel could attend the hearing via videoconference.
30. On 26 August 2016, the Athlete's counsel provided the IOC with a power-of-attorney duly signed by his client.
31. On 31 August 2016, the IOC provided the Athlete through her counsel with a copy of the B1-Sample laboratory documentation package.

32. On 16 September 2016, the IOC provided the Athlete through her counsel with a copy of the B2-Sample laboratory documentation package.
33. On 28 September 2016, the Athlete's counsel requested the IOC to provide additional analytical information regarding his client's sample.
34. On 30 September 2016, the Athlete's counsel informed the IOC that the IAAF would have already issued a decision declaring his client ineligible for a period of 4 years and including also a disqualification of all her results from 31 August 2007 to 30 August 2009.
35. According to her counsel, the Athlete would appeal this decision before the Court of Arbitration for Sport ("CAS").
36. In view of this information, the IOC asked the IAAF to provide any relevant information in connection with the mentioned decision.
37. On 6 October 2016, the IAAF confirmed the existence of the decision, including a four-year ineligibility period and the disqualification of all athlete's results between 31 August 2007 and 30 August 2009.
38. The IAAF confirmed that the Athlete's results from the 2008 Olympic Games were therefore covered by the disqualification.
39. The IAAF further informed the IOC that no appeal had been filed by the Athlete before CAS within the applicable deadline and that therefore the decision was final.

II. APPLICABLE RULES

40. These proceedings are conducted in application of the Rules.
41. 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."*

42. 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.”

43. 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.”

44. 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.”

45. 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.”

46. 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.”

47. Art. 15.1 of the World Anti-Doping Code (2015) provides as follows:

“Subject to the right to appeal provided in Article 13, Testing, hearing results or other final adjudications of any Signatory which are consistent with the Code and are within the Signatory’s authority, shall be applicable world wide and shall be recognized and respected by all other Signatories.”

III. DISCUSSION

48. The Disciplinary Commission observes that a decision covering all the potential consequences to be drawn from anti-doping rule violations committed on the occasion of the Olympic Games has already been issued and has become final and binding.

49. This decision covers notably all consequences provided for in Art. 8.1 and/or 9.1 of the Rules.

50. Since it includes a sanction of 4 years, the Disciplinary Commission notes that it also covers any further consequences beyond the Olympic Games.

51. The IOC is a Code signatory and has to recognise and implement such decision to the extent it concerns the disqualification of the results obtained at the Olympic Games.

52. In view of the above-mentioned decision and of the fact that the IOC must recognise it, there is no longer any interest to continue the present proceedings and to issue a decision.
53. These proceedings shall therefore be filed.
54. The Disciplinary Commission invites the IOC to implement the existing decision, which in this case includes the following:
 - formal record of the correction of the results of the Women's triple jump event and of the long jump event (as already corrected by the IAAF),
 - Withdrawal of the bronze medal, diploma and medallist's pin awarded to the Athlete in connection with the Women's long jump event. The Athlete shall be required to return them.
55. The NOC, which has also to recognise and implement the decision, is invited to secure the return of bronze medal, diploma and medallist's pin.
56. The Disciplinary Commission observes that the sanction covers the period of the 2008 Olympic Games.

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CONSIDERING the above, pursuant to the Olympic Charter the World Anti-Doping Code and the IOC Anti-Doping Rules applicable to the Games of the XXIX Olympiad in Beijing in 2008,

THE DISCIPLINARY COMMISSION OF THE
INTERNATIONAL OLYMPIC COMMITTEE
DECIDES

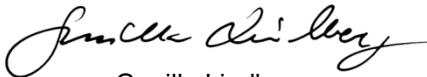
- I. The proceedings are filed.
- II. The IOC and the Greek Olympic Committee are invited to implement the existing decision disqualifying i.a. the Athlete's results achieved on the occasion of the 2008 Olympic Games.

Lausanne, 10 November 2016

In the name of the IOC Disciplinary Commission



Denis Oswald, Chairman



Gunilla Lindberg



Ugur Erdener