

INTERNATIONAL OLYMPIC COMMITTEE

**IOC DISCIPLINARY COMMISSION
DECISION**

**REGARDING IVAN TSIKHAN
BORN ON 24 JULY 1976, ATHLETE, BELARUS, ATHLETICS**

(Rule 23.2.1 of the Olympic Charter)

1. On 17 August 2008, Mr Ivan Tsikhan (hereinafter the "Athlete") competed in the Mens' Hammer Throw Final event in Beijing, in which he placed 3rd.
2. The Athlete was requested, in the evening of 17 August 2008 in Beijing, immediately following the completion of his participation in the Mens' Hammer Throw Final event, to provide a urine sample for a doping control.
3. 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*"), the representative of the Chairman of the IOC Medical Commission (Dr Patrick Schamasch), was informed at about 01:00 hours on 24 August 2008, by the Head of the WADA Accredited Laboratory in Beijing, of an adverse analytical finding on the A sample of the above-noted urine.
4. 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.
5. Pursuant to Article 7.2.3 of the *Rules*, the IOC President, Dr Jacques Rogge, was immediately informed of the existence of the adverse analytical finding and the essential details available to him concerning the case.
6. Pursuant to Article 7.2.4 of the *Rules*, the IOC President, by letter dated 24 August 2008, immediately set up a Disciplinary Commission, consisting of:
 - Thomas Bach (Chairman)
 - Denis Oswald
 - Gerhard Heiberg

The IOC President also informed the Disciplinary Commission that, pursuant to Rule 23.2.4 of the Olympic Charter and Article 7.1.4 of the *Rules*, the decision of the Disciplinary Commission in this case would 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*.

7. Pursuant to Article 7.2.5 of the *Rules*, by letter dated 24 August 2008 notified to the Athlete, to the Chef de Mission of the NOC of Belarus, to 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, should the Athlete wish to attend a hearing of the Disciplinary Commission regarding this case, the date and place of such hearing would be communicated to the Athlete in due course. The Athlete and/or the Chef de Mission were also notified that they had the option to submit a defence in writing, should they choose to do so.

The analytical report of the laboratory analysis of the A sample, prepared by the Head of the WADA Accredited Laboratory in Beijing and attached to the above-mentioned letter dated 24 August 2008, indicated the presence of exogenous testosterone, a T/E ratio of 7.8 (± 1.5), above the WADA T/E ratio threshold of 4 and GC/C/IRMS measurement results consistent with the administration of such substance.

8. The Athlete requested the analysis of the B sample, and was represented at the B sample opening and analysis on Sunday, 24 August 2008, in Beijing.

The B sample analysis result confirmed the abnormal finding of the A sample analysis. More specifically, the analytical report of the B sample analysis confirmed a T/E ratio of 6.7 (± 0.4). This analytical report was notified by fax on 28 August 2008 to the NOC of Belarus.

The NOC of Belarus was provided on 29 August 2008 with copies of the full scientific documentation ("Doc Packs") regarding the analysis of the A sample.

9. The Athlete made a first written submission dated 31 August 2008.

10. In his written submission, the Athlete states, in summary, that:

- he "eliminates" the possibility of use of a prohibited substance
- he would provide maximum assistance to determine what happened
- he used only authorised medications, providing a list of the medication used
- he abstained from sex for approximately 2.5 months before the Olympic Games, to "improve physical rates"
- he was on a specific diet during the final stage of preparation for the Olympic Games, which diet included seafood and "gonads of male heavy cattle".
- during the last 7 months, he was tested 6 times, the last test dating back to July 2008, and that none of those tests resulted in an adverse analytical finding.

11. The Athlete requested that a hearing be held and confirmed that he would attend such hearing. The IOC set up a hearing date and time and informed all relevant parties accordingly.

12. The NOC of Belarus was provided on 18 September 2008, shortly after the IOC received such documents from the WADA Accredited Laboratory in Beijing, with copies of the Doc Packs regarding the analysis of the B sample.

13. The Disciplinary Commission held its hearing on 21 September 2008 at around 11:50 hours, at the IOC Headquarters in Vidy, Lausanne, in the Coubertin Room, in the presence of a delegation of the NOC of Belarus (hereinafter the "Delegation") comprised of:

- Ivan Tsikhan, Athlete
- Pavel Rodionov, Legal Counsel to the Athlete, representing the NOC of Belarus as well
- Dzmitry Varabyeu, Interpreter

14. The International Association of Athletics Federations was represented at the hearing by Dr Gabriel Dolle.

15. Also attending the hearing were:

Dr Patrick Schamasch, IOC Medical Director
Howard Stupp, IOC Director of Legal Affairs

Christian Thill, IOC Doping Control Administrative Coordinator

François Carrard, IOC Counsel

Martial Saugy, Head of the Lausanne Anti-Doping Laboratory

Sarah Lewis, Head of the Independent Observers' Programme.

16. The Delegation had been informed of the results of the laboratory analysis of the A sample, which, according to the analysis report prepared by the Head of the WADA Accredited Laboratory, indicated the presence of exogenous testosterone, a T/E ratio of 7.8 (± 1.5), above the WADA T/E ratio threshold of 4 and GC/C/IRMS measurement results consistent with the administration of such substance. This conclusion has been confirmed by the analysis of the B sample.
17. The Delegation did not have any objection as to the conduct of the disciplinary procedure with respect to the alleged anti-doping rule violation, in accordance with Article 7 of the *Rules*.
18. The Athlete declared that he was aware of the anti-doping rules and had never used any prohibited substance. He had always provided his whereabouts information, never refused a test and was always available for testing. In the past and in the lead up to the Games, he had been tested several times, including out of competition, and this never led to an adverse analytical finding.

The Athlete further indicated that he took medication or substance only under the supervision of the doctors and only those substances that had been certified as not being prohibited.

The Athlete asked if one could explain to him the difference between the two T/E ratios found in the A and B samples (respectively 7.8 and 6.7).

19. Pavel Rodionov added on behalf of the Athlete that because the Athlete was a national hero (he was also the captain of the national team and represents the country at international events), it was not conceivable for him to take prohibited substances.

Furthermore, Pavel Rodionov had essentially the same legal arguments that had already been raised in the case of Vadim Devyatovski, including the request for a deadline to review the Doc Packs relating to the B sample.

20. In answer to the question of the Athlete, Martial Saugy replied that for such type of measurements, in most laboratories, an uncertainty of approximately 20 per cent could occur and that such slight variation was admissible from a scientific point of view and was not significant. While it may surprise the Athlete, in his specific case, the difference is not significant.
21. Upon questioning from the Disciplinary Commission, Dr Patrick Schamasch indicated that the apparent longer time it took to come to a conclusion on the analysis of the results of the Athlete's sample was due to the fact that, in the case of testosterone, it was not simply a matter of detecting a prohibited substance, but also of analysing the ratio along with other criteria (e.g. IRMS). Given the complexity of the matter, the time it took in this case for the analysis was in fact in line with usual deadlines for such type of analysis. This was also to help protect the rights of the athlete.
22. Upon questioning from the Disciplinary Commission, the Athlete explained how he had managed his medication. The national team doctor would control all medication

prescribed to the Athlete and the Athlete only took medication certified to be not prohibited. Pavel Riodionov added that such certifications were documented.

23. Upon questioning from the Disciplinary Commission, the Athlete confirmed that he had the same doctor as Vadim Devyatovskiy, Dr Pavel Dinevsky, who was the doctor present at his doping control test in Beijing. While he trusted his doctor, the Athlete always checked that the medication prescribed to him was still in its original packaging and with a prescription. He also checked the packaging and the instructions of the medication himself.
24. Upon questioning from the Disciplinary Commission, the Athlete mentioned that this double-check was made with the help of his own doctor in Hronda, as well as with doctors from the national sports medicine centre (the latter being specialists employed by the Ministry of Sport and Health).
25. Upon questioning from the Disciplinary Commission, the Athlete confirmed that he had been tested by the NOC of Belarus and that a procedure was in place at the national level with respect to doping control testing. The Athlete was tested under this programme at the end of February (after a training session in Abkhazia) and in March 2008.

The Athlete explained that he had trained in Abkhazia several times in the past five years, in particular because there was a former Soviet training facility there, and it was near the Russian border. Sergey Litvinov trained at that location and was the Athlete's coach since 2002. The Athlete declared to owe all his successes to his coach.

26. Upon questioning from the Disciplinary Commission, Dr Gabriel Dolle mentioned that while he could not give details on the Belarus national testing programme to date, he could say that the Athlete had been tested under the IAAF programme six times in 2008. None of those tests resulted in an adverse analytical finding.
27. Upon questioning from the Disciplinary Commission, Dr Patrick Schamasch and Martial Saugy indicated that none of the medication or products mentioned on the Doping Control Form (nor any product or circumstances described in the Athletes' first submission) could have led to the adverse analytical finding.
28. Upon questioning from the Disciplinary Commission, the Athlete confirmed that he was absolutely certain that he had not taken anything other than the medication given to him by his doctors from the national sports medicine centre.
29. In view of the fact that there was not a sense of urgency in this case, the Disciplinary Commission communicated to the Athlete that it agreed to grant him an extension to review the Doc Packs (which had been provided to him not long prior to the hearing) and submit in writing his arguments in relation thereto not later than 17 October 2008. The Delegation agreed that the decision would be taken by the Disciplinary Commission without any further oral hearing.
30. Upon hearing the Athlete and his lawyer, the Disciplinary Commission declared the hearing closed.
31. The Athlete made a second written submission on 17 October 2008 (co-signed by another Belarus athlete, Vadim Devyatovskiy, subject to a similar parallel disciplinary procedure of the IOC), in particular raising arguments as to the validity of the analysis conducted by the WADA Accredited Laboratory in Beijing and providing some information as to the diet followed by the Athlete in view of his preparation leading up to the Beijing Olympic Games.

32. The review of the arguments raised by the Athlete and the relevant material available to the Disciplinary Commission did not establish a departure from the WADA International Standards.
33. After hearing the Delegation and the arguments it put forward and after reviewing the submissions made, the Disciplinary Commission unanimously concluded that the Athlete 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 testosterone in his body, at a T/E ratio above the WADA T/E ratio threshold of 4 and with GC/C/IRMS measurement results consistent with the administration of such substance (exogenous origin).

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 and 8 thereof

THE DISCIPLINARY COMMISSION OF THE
INTERNATIONAL OLYMPIC COMMITTEE
DECIDES

- I. The athlete Ivan Tsikhan, Belarus, Athletics:
 - (i) is disqualified from the Men's Hammer Throw event, where he had placed third;
 - (ii) shall have his medal and his diploma in the above-noted 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 Belarus is ordered to return to the IOC, as soon as possible, the diploma and the medal awarded to the Athlete in relation to the above-noted event.
- IV. This decision shall enter into force immediately.

Lausanne, 11 December 2008

The IOC Disciplinary Commission

Thomas BACH
Chairman

Denis OSWALD

Gerhard HEIBERG