

INTERNATIONAL OLYMPIC COMMITTEE

**IOC DISCIPLINARY COMMISSION
DECISION**

**REGARDING VADIM DEVYATOVSKIY
BORN ON 20 MARCH 1977, ATHLETE, BELARUS, ATHLETICS**

(Rule 23.2.1 of the Olympic Charter)

1. On 17 August 2008, Vadim Devyatovskiy (hereinafter the "Athlete") competed in the Mens' Hammer Throw Final event in Beijing, in which he placed 2nd.
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 8.1 (± 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 8.0 (± 0.5). 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 30 August 2008.

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

- he excluded intentional use of a prohibited substance
- he would provide maximum assistance to determine what happened
- he consumed only authorised medication, on recommendation of the national team and national federation doctor, listing the medication used
- he abstained from sex for 2 months before the Olympic Games
- he lost 16 kilos during the Olympic year
- he has a high level of testosterone, citing a sample where his T/E ratio was at 3.7
- during the last 2 years, he was tested several times, and that none of those tests resulted in an adverse analytical finding.

11. The Athlete asked 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 10:15 hours, at the IOC Headquarters in Vidy, Lausanne, in the Coubertin Room, in the presence of a delegation (hereinafter the "Delegation") comprised of:

- Vadim Devyatovskiy, 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 8.1 (± 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 innocent and that he won his medal honestly. He also declared that he did in general not train with the rest of the team and that in the last 8 years he had always been vigilant with respect to the substances he took, in order to avoid any mistakes. This was in particular due to the fact that he could still not explain today why he tested positive (for anabolic steroids) in 2000 upon the occasion of the Olympic Games in Sydney.

When the Athlete had learned in August 2008 that the analysis of his sample had resulted in an adverse analytical finding, he could not believe it. He declared to the Disciplinary Commission his intent to cooperate and answer any question in order to understand why and how this had happened.

The Athlete added that the fight against doping was a high priority in Belarus. A special commission was set up in Belarus by the Sports Ministry to review this case and understand what happened. This commission was chaired by the Sports Minister.

The Athlete raised the question as to why it took more than 48 hours between the time of the sample collection and the results of the analysis.

The Athlete also asked to be granted a deadline to review the Doc Packs relating to the B sample, which had been only recently passed on to him.

19. Dr Patrick Schamasch informed the Athlete and the Disciplinary Commission 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.
20. Upon questioning from the Disciplinary Commission, the Athlete indicated that the commission in Belarus had not yet come to a conclusion on his case.
21. Upon questioning from the Disciplinary Commission, the Athlete indicated that he had always taken medication in accordance with the recommendations of the doctor of the national team and national federation. The Athlete worked closely with this doctor.

22. Upon questioning from the Disciplinary Commission, Dr Patrick Schamasch 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 lead to the adverse analytical finding.
23. 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.
24. Upon hearing the Athlete and his lawyer, the Disciplinary Commission declared the hearing closed.
25. The Athlete made a second written submission on 17 October 2008 (co-signed by another Belarus athlete, Ivan Tsikhan, 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.
26. 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.
27. 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).
28. Furthermore, it was noted that it was the second time that the Athlete has been found to have violated IOC anti-doping rules, which should be sanctioned with a lifetime ban from the Olympic Games.

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 9.4 thereof

THE DISCIPLINARY COMMISSION OF THE
INTERNATIONAL OLYMPIC COMMITTEE
DECIDES

- I. The athlete Vadim Devyatovskiy, Belarus, Athletics:
 - (i) is disqualified from the Mens' Hammer Throw event, where he had placed second;
 - (ii) shall have his medal and his diploma in the above-noted event withdrawn;
 - (iii) subject to ratification by the IOC Executive Board, is permanently ineligible for all future Olympic Games in any capacity

- 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

INTERNATIONAL OLYMPIC COMMITTEE

IOC EXECUTIVE BOARD

DECISION

**REGARDING AN ANTI-DOPING RULE VIOLATION COMMITTED BY VADIM
DEVYATOVSKIY (BELARUS, ATHLETICS)**

UPON CONSIDERING the attached Decision by the IOC Disciplinary Commission dated 11 December 2008,

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

DECIDES

To take note of, and ratify, the contents of the attached Decision of the IOC Disciplinary Commission in respect of Mr Vadim Devyatovskiy being permanently ineligible for all future Olympic Games in any capacity.

Lausanne, 11 December 2008

IOC EXECUTIVE BOARD

Jacques ROGGE
President

Urs LACOTTE
Director General