

INTERNATIONAL OLYMPIC COMMITTEE
EXECUTIVE BOARD
DECISION
REGARDING MR ALEKSEY LESNICHYI,
BORN ON 3 FEBRUARY 1978, ATHLETE, BELARUS, MEN'S HIGH JUMP

(Rule 25.2.2.1 of the Olympic Charter)

1. On the evening of 20 August 2004, Mr Aleksey Lesnichiy competed in the men's high jump event.
2. Immediately following the competition, he was requested 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 XXVIII Olympiad in Athens in 2004* (the "Rules"), Dr Patrick Schamasch, IOC Medical Director and representative of the Chairman of the IOC Medical Commission, was informed in the early evening of 23 August 2004, by the Head of the WADA Accredited Laboratory in Athens of an adverse finding on the "A" sample of the urine that was collected as indicated above.
4. Pursuant to Article 7.2.2 of the *Rules*, Dr Schamasch determined that the above-noted "A" sample belonged to Mr Aleksey Lesnichiy, 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*, Dr Schamasch immediately informed the IOC President, Dr Jacques Rogge, of the existence of the 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 2004, immediately set up a Disciplinary Commission, consisting of:
 - Dr Thomas Bach (Chairman)
 - Mr Denis Oswald
 - Mr Sergey Bubka
7. Pursuant to Article 7.2.5 of the *Rules*, the IOC President by letter dated 24 August 2004, informed the athlete (Mr Aleksey Lesnichiy), the Chef de Mission of the Belarusian Olympic Committee (Mr Anatoli Ivanov), the President of the IAAF (President Lamine Diack) and the Head of the Independent Observer Programme (Prof. Ulrich Haas) of the adverse analytical finding and the time, date and place of the hearing of the Disciplinary Commission regarding this case.

8. The Disciplinary Commission held a hearing on 24 August 2004 at 15:00 hours, at the Divani Caravel Hotel in Athens, in the presence of a delegation (hereinafter the "Delegation") comprised of:
 - Mr Aleksey Lesnichiy, Athlete
 - Mr Anatoli Ivanov, Chef de Mission of the NOC of the Republic of Belarus
 - Ms Larisa Baychorava, Doctor
 - Mr Vadzim Vasilchuk, Doctor
 - Mr Anatoly Badoyev, Coach
9. The International Association of Athletics Federations (IAAF) was represented at the hearing by Dr Gabriel Dollé and Mr Huw Roberts.
10. Prof. Ulrich Haas attended the hearing in his capacity as representative of the WADA Independent Observer Programme.
11. Also attending the hearing was Dr Patrick Schamasch, IOC Medical Director; Mr Howard Stupp, IOC Director of Legal Affairs and Mr François Carrard, IOC Legal Advisor.
12. The Delegation had been informed of the results of the laboratory analysis of the "A" sample which indicated the presence of clenbuterol, an anabolic agent (– see Section S4.2 of the 2004 Prohibited List of the World Anti-Doping Code). The athlete did not request the analysis of the "B" sample.
13. The Delegation confirmed, at the beginning of the hearing of the Disciplinary Commission, that the procedure applicable to the management of the apparent anti-doping rule violation was being respected.
14. The athlete stated that he had had a serious cough and had taken a cough syrup, which contained clenbuterol, without first having consulted a doctor.
15. The athlete accepted that it was his fault for not having consulted a doctor, and he expressed his regret.
16. The Delegation stated that it did not believe that the athlete had taken the cough syrup with the knowledge that it contained a prohibited substance.
17. The Delegation was advised that the Commission would apply the principle of strict liability with respect to a possible disqualification of the athlete.
18. After hearing the Delegation and the arguments it put forward, as well as hearing the representative of the IAAF, the Disciplinary Commission retired in order to deliberate.

19. The Disciplinary Commission unanimously concluded that Mr Aleksey Lesnichiy had committed a doping offence pursuant to Article 2.1 of the *Rules* in that there was clenbuterol in Mr Aleksey Lesnichiy's urine.
22. At this stage, the circumstances of the case do not suggest that any other person contributed to the apparent anti-doping rule violation. Therefore, the Disciplinary Commission did not suggest extending the procedure to any other person.
23. The Disciplinary Commission was of the view that the following recommendations be made to the IOC Executive Board:
 - 23.1 that Mr Aleksey Lesnichiy be disqualified from the men's high jump event;
 - 23.2 that Mr Aleksey Lesnichiy be excluded from the Games of the XXVIII Olympiad in Athens in 2004;
 - 23.3 that Mr Aleksey Lesnichiy's Olympic identity and accreditation card be withdrawn; and
 - 23.4 that the International Association of Athletics Federations (IAAF) be requested to modify the results of the above-mentioned event accordingly and to consider any further action within its own competence.
24. On Tuesday 24 August 2004, the Disciplinary Commission presented its report and recommendations, referred to in Paragraph 21 above, to the IOC Executive Board.
25. The IOC Executive Board discussed the case in further detail. It decided to uphold the facts as stated and reported by the Disciplinary Commission.
26. The IOC Executive Board also took note of the recommendations of the Disciplinary Commission.

CONSIDERING the above, pursuant to Articles 2.1 and 8.1 of the *IOC Anti-Doping Rules applicable to the Games of the XXVIII Olympiad in Athens in 2004* and Rule 25.2.2.1 of the Olympic Charter

THE EXECUTIVE BOARD OF THE
INTERNATIONAL OLYMPIC COMMITTEE
DECIDES

- I. That the athlete Mr Aleksey Lesnichiy, Belarus, men's high jump:

- (i) is disqualified from the men's high jump event;
 - (ii) is excluded from the Games of the XXVIII Olympiad in Athens in 2004;
and
 - (iii) shall have his Olympic identity and accreditation card withdrawn.
- II. The International Association of Athletics Federations (IAAF) is requested to modify the results of the above-noted event accordingly and to consider any further action within its own competence.
- III. This decision shall enter into force immediately.

Athens, 24 August 2004

On behalf of the IOC Executive Board

Dr Jacques ROGGE
IOC President

Urs LACOTTE
Director General