

INTERNATIONAL OLYMPIC COMMITTEE
EXECUTIVE BOARD
DECISION
REGARDING MR ROBERT FAZEKAS,
BORN ON 18 AUGUST 1975, ATHLETE, HUNGARY, MEN'S DISCUS THROW

(Rule 25.2.2.1 of the Olympic Charter)

1. On the evening of Monday 23 August 2004, Mr Robert Fazekas competed in the men's discus throw event, in which he placed first.
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 at approximately 1.45 hours on the morning of Tuesday 24 August 2004, by the Head of the Doping Control Station at the Olympic Stadium (Mr Tsarouchas Panagiotis) and by the representative of the IAAF (Mr Gabriel Dollé), that Mr Robert Fazekas had apparently committed an anti-doping rule violation (refusing or failing to submit to sample collection).
4. Pursuant to Article 7.2.2 of the *Rules*, Dr Schamasch determined that Mr Robert Fazekas had apparently committed an anti-doping rule violation, namely, refusing or failing to submit to sample collection.
5. Pursuant to Article 7.2.3 of the *Rules*, Dr Schamasch promptly informed the IOC President, Dr Jacques Rogge, of the apparent anti-doping rule violation.
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 Mr. Zsigmond Nagy, in his capacity as representative of both the athlete (Mr. Robert Fazekas) and the Chef de Mission of the Hungarian Olympic Committee (Mr Zoltan Molvar); the President of the IAAF (President Lamine Diack) and the Head of the Independent Observer Programme (Prof. Ulrich Haas) of the apparent anti-doping rule violation 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 16:00 hours, at the Divani Caravel Hotel in Athens, in the presence of a delegation (hereinafter the "Delegation") comprised of:
 - Mr Zsigmond NAGY, Administrative staff of the Hungarian Olympic Committee
 - Mr Karoly PIKO, Doctor, Hungarian Olympic Committee
9. The International Association of Athletics Federations (IAAF) was represented at the hearing by Mr Huw Roberts.
10. Prof. Ulrich Haas attended the hearing in his capacity as representative of the 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 was informed of the details concerning the alleged anti-doping rule violation.
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 Delegation confirmed that it had the authority to represent the athlete, Mr Robert Fazekas, at the hearing.
15. The Delegation stated that the athlete was a deeply religious person who has always had difficulty to produce a sufficient quantity of urine in front of sample collectors. The athlete had a serious psychological block and asked to leave the doping station right away. The athlete was informed about the regulations but his decision could not have been altered. The Delegation provided a written statement to this effect – see Exhibit 1 to this Decision.
16. According to the report made by the Head of the Doping Control Station at the Olympic Stadium (Dr Tsarouchas Panagiotis) and by the representative of the IAAF (Dr Gabriel Dollé) – see Exhibit 2 of this Decision -, the athlete was notified at 22:15 hours for a doping control. The athlete reported at 22:19 hours accompanied by Dr Karoly Pino, the team doctor. He went to the bathroom to provide the sample at 22:52 hours with Mr. Gentekos Nikos and Dr Gabriel Dollé as witnesses.
17. According to the report mentioned above, the athlete managed to provide 25.0 mL of urine that were sealed as a partial sample (the required minimum quantity being 75 mL, according to Paragraph 5.1 of the Athens 2004 Olympic Games

Doping Control Guide). The athlete repeated the attempt to provide a further sample more than twice witnessed either by Dr Dollé or Mr Nikos. At 01.15 hours, the athlete stated that he would not give a further sample since he was in an unstable psychological state and was not feeling well. The athlete was given the opportunity to be transferred to the Polyclinic in the Olympic Village where medical treatment would be provided to him and where he could continue the sample collection, but the athlete refused.

18. According to the above-noted report, it had been clearly explained to the athlete and his doctor that the athlete's behaviour both under the IAAF and the IOC Anti-doping rules may be regarded as a failure to comply and therefore constitute an anti-doping rule violation. The athlete was in full awareness of the procedure and decided not to give a further sample. The athlete sealed the 25.0 mL and signed the doping control official record at 02:41 hours with his doctor, thus confirming his awareness of the possible anti-doping rule violation – see Exhibit 3 to this Decision.
19. The Head of the Doping Control Station at the Olympic Stadium, Dr. Tsarouchas Panagiotis and the representative of the IAAF, Dr Gabriel Dollé, were separately called into the hearing to provide evidence. Both witnesses confirmed the accuracy of the above-noted report.
20. At the hearing, the Delegation expressed some concerns as to the way the athlete had been observed during the sample collection procedure. The form, signed by the athlete and by the team doctor, do not include any such complaints.
21. Both witnesses, Dr Panagiotis and Dr Dollé, have stated that there are suspicions and allegations concerning certain technical methods and devices which would be used by certain athletes in order to avoid delivery of their own urine. While such suspicions and allegations are not proven, the attitude of the athlete raises a number of questions which were not answered. The fact remains that the athlete deliberately refused to submit to the full doping control procedure, thus committing an anti-doping rule violation.
22. 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.
23. The Disciplinary Commission unanimously concluded that Mr Robert Fazenas had committed a doping offence pursuant to Article 2.3 of the *Rules* in that he had refused or failed to submit to sample collection.
24. 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.

25. The Disciplinary Commission was of the view that the following recommendations be made to the IOC Executive Board:
 - 25.1 that Mr Robert Fazekas be disqualified from the men's discus throw event, where he had placed first;
 - 25.2 that Mr Robert Fazekas not be awarded a gold medal or diploma;
 - 25.3 that Mr Robert Fazekas be excluded from the Games of the XXVIII Olympiad in Athens in 2004;
 - 25.4 that Mr Robert Fazekas's Olympic identity and accreditation card be withdrawn; and
 - 25.5 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.
26. On Tuesday 24 August 2004, the Disciplinary Commission presented its report and recommendations to the IOC Executive Board, including the minutes of the hearing referred to in Paragraph 8 above and the recommendations referred to in Paragraph 25 above.
27. The IOC Executive Board discussed the case in further detail. It decided to uphold the facts as stated and reported by the Disciplinary Commission.
28. The IOC Executive Board also took note of the recommendations of the Disciplinary Commission.

CONSIDERING the above, pursuant to Articles 2.3 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 Robert Fazekas, Hungary, men's discus throw:
 - (i) is disqualified from the men's discus throw event, where he had placed first;

- (ii) is not awarded a gold medal or diploma;
 - (iii) is excluded from the Games of the XXVIII Olympiad in Athens in 2004;
and
 - (iv) 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