INTERNATIONAL OLYMPIC COMMITTEE

IOC DISCIPLINARY COMMISSION

DECISION

REGARDING CHUNHONG LIU
BORN ON 29 JANUARY 1985, CHINA, ATHLETE, WEIGHTLIFTING

(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. Chunhong LIU (hereinafter the "**Athlete**"), participated in the Games of the XXIX Olympiad in Beijing in 2008 (the "**2008 Olympic Games**").

2. On 13 August 2008, the Athlete competed in the Women's 69kg weightlifting event in which she ranked 1st and for which she was awarded a gold medal.

3. On the same day, the Athlete was requested to provide a urine sample for a doping control. Such sample was identified with the number 1846061.

4. The A-Sample 1846061 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.

5. 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.

6. 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.

7. 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 an A- and B-Sample).

8. The decision to proceed based on split B-samples was made in principle for all the re-analysis.

9. This choice was made in view of the fact that during the transfer of the samples from the Beijing laboratory to the Laboratory, the A-Samples were not individually resealed nor transported in sealed containers.

10. At that time, resealing of A-Samples (or transport in sealed containers) was not a requirement pursuant to the applicable ISL (2008).

11. However, it was felt that the option to rely on the B-Sample constituted an additional precaution securing the strength and reliability of the analytical process.

12. A similar precautious approach was adopted with regard to the implementation of the analytical process and notably of its first phase (opening and splitting of the B-Sample into a B1- and B2-Sample, sealing of the B2-Sample and analysis of the B1-Sample).

13. Pursuant to the ISL, the presence of the Athlete is not a requirement for such first phase of the B-Sample analysis.

14. The IOC nevertheless decided, once again as a matter of principle, that, whenever this was practically possible, the Athlete would be offered the opportunity to attend the above described first phase of the B-sample procedure.

15. 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 two Prohibited Substances: GHRP-2 and GHRP-2 metabolite(s), and sibutramine.

16. 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.

17. On 14 July 2016, the Athlete, through her National Federation ("**NF**"), sent to the IOC her completed PAAF Notification Appendix in which she indicated that she would not attend personally the process but would be represented on this occasion by Mr Peng Zhao, Deputy Secretary General of the Chinese Weightlifting Association.

18. On the same day, 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 followed by the analysis at the Laboratory.

19. The opening and splitting of the B-Sample, the sealing of the B2-Sample occurred on 25 July 2016 at the Laboratory.

20. The Athlete did not attend the opening and splitting of the B-sample but was represented by Mr Peng Zhao on this occasion.

21. As provided by the ISL, the opening and splitting was attended by an independent witness.

22. The results of the B1-Sample analysis were reported on 27 July 2016. These results establish the presence of the metabolites of two Prohibited Substances, namely GHRP-2 and metabolite (GHRP-2 M2), and sibutramine.

23. Such results constitute an Adverse Analytical Finding ("**AAF**"). They were reported to the IOC in accordance with article 7.2.1 of the Rules.

24. 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.

25. 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
    - Mr Juan Antonio Samaranch (Spain)
    - Mr Ugur Erdener (Turkey)

26. On 27 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 to request a copy of the laboratory documentation package.

27. On 1 August 2016, the Athlete through her NOC sent to the IOC her completed AAF Notification Appendix in which she indicated that she did not accept the Adverse Analytical Finding and requested the opening and analysis of the B2-Sample. She further indicated that she would not attend the process, neither personally nor through a representative. She finally requested a copy of the laboratory documentation package.

28. On 2 August 2016, the IOC informed the Athlete through her NOC that the opening of the B2-Sample would occur on 9 August 2016 at the Laboratory, followed by its analysis.

29. The opening of the B2-Sample occurred on 9 August 2016 in the presence of an independent witness. The Athlete did not attend the process, neither personally nor through a representative.

30. 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 two Prohibited Substances, namely GHRP-2 and metabolite (GHRP-2 M2), and sibutramine.

31. On 16 August 2016, the IOC communicated the results of the B2-Sample analysis and invited the Athlete to indicate whether she accepted the Adverse Analytical Finding, whether she requested a copy of the B2-Sample laboratory documentation package, whether she would attend the hearing of the Disciplinary Commission and/or she would submit a defence in writing. The Athlete was advised that it was planned that the hearing of the Disciplinary Commission would take place from September 2016.

32. On 19 August 2016, the Athlete through her NOC sent to the IOC her completed Disciplinary Commission Form in which she 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 personally the hearing of the Disciplinary Commission but would be represented on this occasion. She finally indicated that she would also present a defence in writing.

33. On 16 September 2016, the Athlete was provided with a copy of the B1-Sample laboratory documentation package.

34. On 27 September 2016, the IOC provided the Athlete with additional documentation related to her sample, in particular the handling of the sample in Beijing and its transfer to the WADA accredited laboratory in Lausanne.

35. On 3 October 2016, the Athlete was provided with a copy of the B2-Sample laboratory documentation package.

36. On 11 October 2016, the IOC informed the Athlete that the hearing of the Disciplinary Commission was scheduled on 4 November 2016 at the IOC Headquarters, Switzerland. She was invited to communicate the name of her representative by 19 October 2016 and to submit her written defence by 28 October 2016.

37. On 19 October 2016, the NOC informed the IOC that the Athlete had appointed Mr Mike Morgan and Mr Simon Yianyue Bai, attorneys-at-law, to act as her representatives.

38. On the same day, the IOC informed the Athlete's counsels that the deadline initially granted until 19 October 2016 was extended until 24 October 2016.

39. The Athlete's counsels requested a further extension of the deadline to file a written defence until 25 November 2016 and a postponement of the hearing until December 2016 or January 2017.

40. On 21 October 2016, the IOC confirmed that the deadline to submit potential queries to the Laboratory was 1 November 2016 and the deadline to submit a written defence was 21 November 2016. The IOC further indicated that the hearing of the Disciplinary Commission was postponed and rescheduled to be held on 13 December 2016.

41. On 3 November 2016, the deadline to address queries to the Laboratory was further extended to 7 November 2016 and the deadline to submit a written defence to 25 November 2016. The hearing was rescheduled to be held on 12 December 2016.

42. The Athlete did not submit any query to the Laboratory.

43. On 15 November 2016, the hearing date was reconfirmed and the Athlete was again invited to submit her written defence by 25 November 2016. On the same day, the NOC and the IF were invited to file written observations.

44. On 25 November 2016, the Athlete's counsels requested a deadline extension until 30 November 2016 to submit her defence and to confirm whether or not she would attend the hearing. Such request was granted.

45. On 30 November 2016, the Athlete's counsels requested an additional deadline extension until 2 December 2016. Such was again granted.

46. On 2 December 2016, the Athlete's counsels informed the IOC that the Athlete did not have the resources necessary to fund an adequate defence and was therefore not in a position to file a defence and to appear at the hearing, neither personally nor through her counsels.

47. In the same communication, the Athlete's counsels submitted that the Athlete did not accept the Adverse Analytical Finding and that she had not committed an anti-doping rule violation.

48. The fact that the Prohibited Substance at stake (GHRP-2, i.e. "Growth Hormone Releasing Peptide-2") would not have appeared on the WADA Prohibited List until 2015 was expressly mentioned as an argument in this respect.

49. With reference to the issue raised in connection with the Prohibited List, the IOC filed an exchange between Mr Richard Budgett, IOC Medical and Scientific Director, and Mr Olivier Rabin, WADA Senior Executive Director.

50. It results from this exchange that the substance would fall under the Prohibited List 2008 (Class S2 mentioning the Growth Hormone (hGH) "and their releasing factors").

51. On 9 December 2016, the Disciplinary Commission confirmed that the proceedings could not be postponed *sine die* and that it would issue a decision based on the file.

52. Neither the IF, nor the NOC filed any observations.

II. APPLICABLE RULES

53. These proceedings are conducted in application of the Rules.

54. 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."

55. 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."

56. Art. 5.1 of the Rules provides as follows:

"*The IOC is responsible for Doping Control during the Period of the Olympic Games. The IOC is entitled to delegate all or part of its responsibility for Doping Control to one or several other organisations.*

The Period of the Olympic Games, or In-Competition Period, is defined as "the period commencing on the date of the opening of the Olympic village for the Olympic Games, namely, 27 July 2008 up until and including the day of the closing ceremony of the Olympic Games, namely, 24 August 2008.

All Athletes participating at the Olympic Games shall be subject, during the Period of the Olympic Games, to Doping Control initiated by the IOC at any time or place, with No Advance Notice. Such Doping Control may include Testing for all Prohibited Substances and all Prohibited Methods referred to in the Prohibited List.

The IOC shall have the right to conduct or cause to conduct Doping Control during the Period of the Olympic Games, and is responsible for the subsequent handling of such cases."

57. Art. 7.3.3 of the Rules provides as follows:

"*Notice to an Athlete or other Person who has been accredited pursuant to the request of the NOC, may be accomplished by delivery of the notice to the NOC. Notification to the Chef de Mission or the President or the General Secretary of the NOC of the Athlete or other Person shall be deemed to be a delivery of notice to the NOC.*"

58. 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*."

59. 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*."

60. 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*".

61. 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*".

III. DISCUSSION

62. Preliminarily, the Disciplinary Commission observes that the Athlete was given sufficient and fair opportunities to participate in the proceedings.

63. The proceedings were initiated months ago. Requests to extend the deadlines to submit questions and/or written submissions were granted several times.

64. The argument that the Athlete could not fund her defence cannot be raised to obtain a *sine die* postponement of the proceedings. This is even less the case in relation with proceedings which the outcome may affect the results of competition and the interests of other athletes.

65. The Disciplinary Commission also observes that the argument of lack of funding was raised only at the last moment, a few days before the hearing and after numerous requests were submitted by the Athlete's counsels without any mention of such issue.

66. On the merits, the Disciplinary Commission is satisfied that the analytical results do establish the presence of two Prohibited Substance and/or its metabolites (i.e. GHRP-2 and metabolite (GHRP-2 M2), and sibutramine), in 2016 in the sample 1846061 that the Athlete provided on 13 August 2008, upon the occasion of the 2008 Olympic Games.

67. As its name indicates ("Growth Hormone Releasing Peptide-2"), the substance detected in the Athlete's sample is a releasing factor of human growth Hormone (hGH).

68. The Disciplinary Commission observes that releasing factors of hGH are expressly mentioned in the WADA 2008 Prohibited List (under S2) and in all subsequent lists. This clearly covered the substance at stake.

69. The fact that subsequent Prohibited Lists may have more specifically mentioned "GHRP-2", as part of a non-exhaustive ("including") list of examples of the substances falling under the listed category does not mean that such substance was not covered prior to its express mention.

70. GHRP-2 clearly falls within the category described in the Prohibited List 2008 and that is sufficient to find that it was a Prohibited Substance in 2008.

71. The second substance detected, sibutramine is a stimulant. It is listed in the WADA 2008 Prohibited List and in all subsequent lists (under S6).

72. The Disciplinary Commission is further satisfied that the sample in which such substances were detected is unequivocally linked to the Athlete and that no relevant departure from the WADA International Standards occurred.

73. Based on the above, the Disciplinary Commission finds that the Athlete has in any event committed an anti-doping rule violation pursuant to Art. 2.1 of the Rules consisting in the presence of two Prohibited Substances in her body.

74. In addition, the Disciplinary Commission observes that the circumstances also support a finding of an anti-doping rule violation based on Art. 2.2 of the Rules.

75. The Disciplinary Commission observes that there is indeed no legitimate use of the Prohibited Substances by healthy persons. Their use by athletes can only therefore only have doping purposes.

76. Pursuant to the Rules, the consequences of an anti-doping rule violation are limited to consequences in connection with the 2008 Olympic Games. They are set forth in Art. 8 and 9 of the Rules and are the following.

77. In application of Art. 8.1 and/or Art. 9 of the Rules, the results achieved by the Athlete at the Women's 69kg weightlifting event in which she ranked 1st during the 2008 Olympic Games, shall be annulled, with all resulting consequences (notably withdrawal of medal, medallist pin, diploma, etc.).

78. In application of Art. 9.3 of the Rules, the further management of the consequences of the anti-doping rule violations and in particular the imposition of sanctions over and above

those related to the Olympic Games 2008 shall be conducted by the International Weightlifting Federation ("**IWF**").

79. As a final observation, the Disciplinary Commission notes that three cases of female Chinese weightlifters were heard. All three tested positive (after re-test) in Beijing with the same prohibited substance (Growth Hormones). This suggests a possible involvement of the athlete's entourage in these cases and the IWF is invited to investigate that situation and, if adequate, to take action against relevant people in the athlete's entourage.

* * * * *

CONSIDERING the above, 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 and, in particular, 2, 5.1, 7.3.3, 8 and 9 thereof.

THE DISCIPLINARY COMMISSION OF THE
INTERNATIONAL OLYMPIC COMMITTEE
DECIDES

I. The Athlete, Chunhong LIU:

(i) is found to have committed an anti-doping rule violation pursuant to the IOC Anti-Doping Rules applicable to the Games of the XXIX Olympiad in Beijing in 2008,

(ii) is disqualified from all the events in which she participated upon the occasion of the Olympic Games Beijing 2008, namely, the Women's 69 kg weightlifting event, and

(iii) has the medal, the medallist pin and the diploma obtained in the Women's 69 kg weightlifting event withdrawn and is ordered to return the same.

II. The IWF is requested to modify the results of the above-mentioned event accordingly and to consider any further action within its own competence.

III. The Chinese Olympic Committee shall ensure full implementation of this decision.

IV. The Chinese Olympic Committee shall notably secure the return to the IOC, as soon as possible, of the medal, the medallist pin and the diploma awarded in connection with the Women's 69 kg weightlifting event to the Athlete.

V. This decision enters into force immediately.

Lausanne, 10 January 2017

In the name of the IOC Disciplinary Commission

Denis Oswald, Chairman

Juan Antonio Samaranch

Ugur Erdener