

INTERNATIONAL OLYMPIC COMMITTEE

IOC DISCIPLINARY COMMISSION

RECOMMENDATIONS

REGARDING MS EKATERINI THANOU, BORN ON 1 FEBRUARY 1975, ATHLETE, GREECE (ATHLETICS)

1. On August 18, 2004, the IOC Executive Board took a decision which is attached hereto (**Exhibit 1**). In short, following a well known sequence of events, Ms Thanou declared on 18 August 2004 her withdrawal from the Athens Olympic Games and surrendered her Olympic identity and accreditation cards. Following a report and recommendation by the IOC Disciplinary Commission, the IOC Executive Board took note of Ms Thanou's withdrawal and left open the issue of any further participation by her in Olympic Games by deciding, in particular

"5. That any participation ofMs Ekaterini Thanou.....at any further edition of the Olympic Games shall be subject to a new procedure in front of the IOC".

2. Ms Thanou intends to participate at the Games of the XXIX Olympiad in 2008 in Beijing ("the Beijing Games"). She was entered on 23 July 2008 by the Hellenic Olympic Committee as an athlete. Her accreditation has currently not been validated.
3. On 25 July 2008, Mr Howard Stupp, IOC Director of Legal Affairs, wrote to Ms Thanou to inform her that the issue of her participation in the Beijing Games would be considered by the IOC Executive Board in Beijing prior to the Games. In that letter, Mr Stupp stated the facts which would be considered and which could affect her participation. He also informed her that she could exercise her right to be heard by filing a written submission by 1 August 2008 (**Exhibit 2**).
4. On 30 July 2008, Mr Gregory Ioannidis, attorney, acting on behalf of Ms Thanou, submitted his client's position in a detailed letter (**Exhibit 3**).
5. Following Mr Ioannidis's letter, Ms Thanou and Mr Ioannidis were provided with a further opportunity to submit their position by appearing in person in front of the IOC's Disciplinary Commission on 7 August 2008 and/or by filing an additional written brief not later than 6 August 2008 (**Exhibit 4**).
6. A subsequent exchange of e-mails took place between Mr Ioannidis and Mr Stupp until 5 August 2008. Ms Thanou's position, as expressed by Mr Ioannidis, was essentially to demand answers to a number of issues raised by Mr Ioannidis and to threaten the IOC with "a series of different actions, legal or otherwise (**Exhibits 5, 6, 7 and 8**). Neither Ms Thanou nor Mr Ioannidis appeared at the Disciplinary Commission's meeting.
7. The issue in question is to determine whether Ms Thanou should be declared ineligible for one or several editions of the Olympic Games. In August 2004, the scope of the ruling by the IOC Executive Board was to leave open any decision against Ms Thanou until she would apply for participation in a subsequent edition of the Games. Such is now the case.

8. In order to assess the situation, one must take into account not only Ms Thanou's personal behaviour at the time of the 2004 Athens Olympic Games, but also all further circumstances, facts or developments.
9. In August 2004, the IOC did not take a decision as to Ms Thanou's participation in any future Olympic Games. She did not participate in the 2004 Games. This is why the IOC Executive Board resolved to leave the matter open. The IOC's authority now derives from her entry in the Beijing Games.
10. First of all, it must be recalled that through her unacceptable behaviour on the occasion of the 2004 Athens Olympic Games, even if she did not finally participate therein, Ms Thanou caused a very serious prejudice to the Olympic Movement by being the cause of a major scandal which was widely covered and reported in the world media. She put the Olympic Movement into disrepute.
11. Some of the acts which Ms Thanou committed at the time – and which resulted into her currently awaiting a criminal trial in Greece – are the following, apart from escaping doping controls:
 - repeatedly pretending she had a traffic accident;
 - giving false testimony to the authorities under oath in relation to such non-existent traffic accident;
 - causing medical doctors Kounelis, Fragakis and Mpaltopoulos to issue false medical certificates;
 - causing six medical doctors to hospitalise her for five days in order to avoid IOC controls;
 - postponing her appearance in front of the IOC Disciplinary Commission, thus seeking to avoid a sanction of disqualification from the 2004 Athens Olympic Games and possible exclusion from future Olympic Games (**Exhibit 9**).
12. The acts and events listed under Paragraph 11 above resulted in a scandalous saga which cast a most negative shadow over the 2004 Athens Olympic Games at the time of their Opening Ceremony. Ms Thanou was a key figure and perpetrator therein.
13. Subsequently, following her procedure for violation of anti-doping rules conducted by the IAAF and which reached the CAS, Ms Thanou signed on 28 June 2006 – a suitable date for her - a settlement agreement in which, in particular, she finally acknowledged what she had persistently denied. She accepted that she had breached the IAAF rules in Athens. She agreed to a period of ineligibility of two years which was to end on 22 December 2006 (**Exhibit 10**). At the time of the IOC Executive Board's decision of 18 August 2004, such acknowledgement had not taken place.
14. Ms Thanou's conduct in August 2004 resulted in a criminal case currently pending in Greece against her. The hearing of her trial was to take place on 29 January 2007 and was subsequently postponed twice, for the last time on 19 June 2008, upon motion of, in particular, Ms Thanou. The hearing at which she will be tried is now scheduled for 5 February 2009. (**Exhibit 9**)
15. The Juridical Panel of the Court of Misdemeanor of Athens acknowledged the existence of serious indications of Ms Thanou's guilt relating to the following criminal charges with reference to the facts listed under Paragraph 11 above: (**Exhibit 9**):
 - a) making false pretenses to the authorities;
 - b) perjury;
 - c) acting as an instigating principal for the offence of perjury;
 - d) acting as an instigating principal for the offence of false certification;
 - e) acting as an instigating principal for the offence of breach of duty.

16. While the IOC has no authority of any kind to express any opinion as to the criminal nature of the charges, and while we acknowledge the principle that criminally, any indicted or accused person is presumed innocent, the fact remains that the charges against Ms Thanou constitute more than serious indications of a pattern of gross misconduct incompatible with the Olympic Charter and the spirit of Olympism.
17. The tone and threats expressed by Ms Thanou's counsel also reveal an attitude which is totally incompatible with the Olympic spirit. Such is for instance the case of threats to use illegally recorded conversations (**Exhibit 3**) or to initiate "a series of different actions, legal or otherwise (**Exhibits 8 and 11**) against the IOC and certain individuals of the Olympic Movement".
18. The Disciplinary Commission considers that Ms Thanou's attitude is unacceptable. In 2004, she never acknowledged or admitted any breach of any anti-doping rules. On the contrary, she tried by all means to avoid any testing as well as escaping her responsibilities, accepting even to position herself as a victim in a highly doubtful motorcycle accident, thus escaping once more an occasion of being tested. After persistently denying any wrongdoing, she chose the most suitable time (June 2006), six months before the end of her suspension, to enter into a settlement with the IAAF.
19. The prejudice caused by Ms Thanou is most serious. It affects not only the IOC, but the entire Olympic Movement, in particular, all athletes participating in the Olympic Games. Ms Thanou's misconduct amply justifies that she be declared ineligible for the 2008 Olympic Games. Such decision may be based on Rule 23.2.1 of the Olympic Charter which provides for temporary ineligibility as a possible measure or sanction.

Considering the above

**THE DISCIPLINARY COMMISSION OF THE
INTERNATIONAL OLYMPIC COMMITTEE
RECOMMENDS TO THE IOC EXECUTIVE BOARD**

- I. That the athlete Ms Ekaterini Thanou be declared ineligible to participate in the 2008 Olympic Games in the sport of athletics and in any other capacity pursuant to Rule 23.2.1 of the Olympic Charter.
- II. That Ms Ekaterini Thanou's accreditation be cancelled and withdrawn.
- III. That the Hellenic Olympic Committee and BOCOG shall ensure full implementation of the IOC Executive Board decision.

Beijing, 9 August 2008

The IOC Disciplinary Commission

Dr Thomas Bach

Denis Oswald

Sergey Bubka

INTERNATIONAL OLYMPIC COMMITTEE

EXECUTIVE BOARD DECISION

**MS EKATERINA THANOU, BORN ON 1 FEBRUARY 1975, ATHLETE, GREECE
(ATHLETICS)**

The IOC Executive Board has duly noted the contents of the attached Recommendation of the IOC Disciplinary Commission dated 8 August 2008:

The IOC Executive Board considers that, independently from any recommendation from a Disciplinary Commission, the issue of Ms Thanou's participation may also be examined pursuant to Rules 41 and 45.2 of the Olympic Charter. The latter, in particular, provides that the IOC "*may, at its discretion, at any time, refuse any entry, without indication of grounds...*" and that "*nobody is entitled to any right to any kind to participate in the Olympic Games*".

The application of Rule 45.2 is thus also fully justified in the case of Ms Thanou, which is both exceptional and most serious.

Upon consideration of the above:

THE IOC EXECUTIVE BOARD

DECIDES

- I. that pursuant to Rule 23.2.1 of the Olympic Charter, the athlete Ms Ekaterini Thanou is declared ineligible to participate in the 2008 Olympic Games in the sport of athletics and in any other capacity.
- II. that pursuant to Rule 45.2.2 of the Olympic Charter, Ms Ekaterini Thanou's entry in the 2008 Olympic Games is refused.
- III. that Ms Ekaterini Thanou's accreditation is cancelled and withdrawn.
- IV. that the Hellenic Olympic Committee and BOCOG ensure full implementation of the IOC Executive Board decision.

Jacques ROGGE
President

Urs LACOTTE
Director General

Beijing, 10 August 2008