

INTERNATIONAL OLYMPIC COMMITTEE

IOC DISCIPLINARY COMMISSION RECOMMENDATIONS

REGARDING MR ROLAND DIETHART BORN ON 8 MARCH 1973, ATHLETE, AUSTRIA, CROSS COUNTRY

1. Pursuant to the terms of the “Entry Form – Eligibility Conditions” pertaining to the XX Olympic Winter Games in Torino 2006 (the “Torino Olympic Games”), Mr Roland DIETHART agreed to abide by the Olympic Charter and the IOC Anti-Doping Rules applicable to the Torino Olympic Games (the “IOC Anti-Doping Rules”).
2. In February 2006, Mr DIETHART competed in the Men’s 4 x 10 km Relay.
3. The Italian police searched the premises in which Mr DIETHART resided, namely via del plan no. 5 in Prigelato, on the night of 18 February 2006 pursuant to a search and confiscation warrant.
4. The Italian police found a number of items within the accommodation of the Austrian cross-country and biathlon teams, including numerous syringes (some used), blood bags (some used), butterfly valves for intravenous fusion, injection needles, bottles of saline and devices for measuring a person’s haemoglobin levels as well as a device for determining the blood group of a blood sample.
5. Subsequently, the Torino Prosecutor’s Office analysed the materials seized by the police. The resulting report noted that many of the materials indicated the use of blood transfusions by the athletes, which is a prohibited method in accordance with the IOC Anti-Doping Rules, and the use of prohibited substances such as hCG and albumin.
6. Specifically, in relation to Mr DIETHART, the Italian police found, among other things, the following materials in a beauty case contained in his travel bag:
 - Saline solution;
 - 4 jars with 50 devices for haemoglobin testing;
 - 13 unopened packs of syringes, 5 unopened infusion device packs, 1 pack of epicranial needles, 1 sterile-packed microperfuser and 1 unopened single-use needle pack.
7. The police also reported having found one box labelled Anabol Loges, containing approximately 15 black pills.
8. The Austrian Olympic Committee (“AOC”) subsequently established an Inquiry Commission to investigate the conduct of the Austrian cross-country and biathlon teams at the Torino Olympic Games. Among other things, the AOC Inquiry Commission found that “medicines and medical equipment were lying

around in the accommodation and obviously being used by the athletes without supervision ...”.

9. In relation to Mr DIETHART, the AOC Inquiry Commission noted the materials that had been reported by the police as having been found in his possession.
10. The Austrian Ski Federation (“ASF”) Disciplinary Board also conducted a general investigation into the conduct of the Austrian cross-country and biathlon teams at the Torino Olympic Games.
11. In these circumstances, the IOC informed Mr DIETHART by letter dated 1 March 2007 that the IOC was establishing a Disciplinary Commission, comprising Dr Thomas BACH (Chairman), Mr Denis OSWALD (member) and Mr Sergey BUBKA (member), to investigate the appropriateness of sanctions in connection with the seizure of evidence from his accommodation which appeared to demonstrate the possession, administration and use of prohibited substances and prohibited methods, or complicity in violations of the IOC Anti-Doping Rules.
12. Mr DIETHART was informed that the Disciplinary Commission would conduct a hearing on 4-5 April 2007 at the IOC headquarters in Lausanne, Switzerland.
13. Mr DIETHART was also informed that he was suspected of having committed the following violations:
 - a. possession of Prohibited Methods pursuant to Article 2.6.3-M1 and 2.6.3-M2 of the IOC Anti-Doping Rules; and
 - b. administration or attempted administration of a Prohibited Substance or Prohibited Method to any athlete, or assisting, encouraging, aiding, abetting, covering up or any other type of complicity involving an anti-doping rule violation or any attempted violation, pursuant to Article 2.8 of the IOC Anti-Doping Rules.
14. Mr DIETHART was given a choice as to whether to attend the Disciplinary Commission hearing in person or to submit a defence in writing.
15. Ultimately, Mr DIETHART chose the latter. His attorney, Dr Adolph PLATZGUMMER, responded by letter dated 19 March 2007, in which he stated that his client did not commit any doping offences and would not be able to attend the hearing. Dr PLATZGUMMER also stated that his client had not been furnished with sufficient facts to understand the accusations against him.
16. Nevertheless, Dr PLATZGUMMER had sufficient information to allow him to confirm the contents of the police report. In particular, he explained that the Anabol Loges were permitted substances and the saline solution was needed to wash Mr DIETHART’s nose and nasal cavities. Dr PLATZGUMMER further explained that Mr DIETHART had possessed syringes, infusion devices, butterfly needles, a microperfuser and single-use needles as a precautionary measure in case of an absolute emergency. He also noted that these items remained in their original packaging.

17. By letter dated 28 March 2007, the IOC reminded Mr DIETHART that his attendance at the hearing would give him an opportunity to provide any explanations he might have in relation to the seized materials.
18. The Disciplinary Commission convened on 4-5 April 2007. In addition to the members of the Commission, the following were also present:
 - Francois CARRARD, Senior Legal Advisor (in part)
 - Mark MANGAN, Legal Advisor
 - Howard STUPP, IOC Legal Director
 - Christian THILL, IOC Legal Department
 - Patrick SCHAMASCH, IOC Medical Director
19. While Mr DIETHART declined the opportunity to attend the hearing, the cross-country athlete Markus HASLER of Liechtenstein appeared before the Disciplinary Commission on 5 April 2007 and gave evidence on the events surrounding the seizure of materials by the Italian police.
20. Despite representing Liechtenstein, Mr HASLER confirmed that he had been assigned to the Austrian cross-country ski team for the purposes of meals, accommodation and training. Accordingly, Mr HASLER confirmed that he had an intimate knowledge of the housing arrangements for the Austrian cross-country ski team during the Torino Olympic Games.
21. Having considered the evidence before it, the Disciplinary Commission concludes that Mr DIETHART has violated the IOC Anti-Doping Rules by possessing prohibited methods. In particular, it is apparent that he possessed materials for the carrying out of blood transfusions and the artificial manipulation of blood haemoglobin levels in violation of Article 2.6.1 of the IOC Anti-Doping Rules (categories M1(a) and M2(b) of Article 2.6.3 of the IOC Anti-Doping Rules). In reaching this conclusion, the Disciplinary Commission notes the following evidence against Mr DIETHART:
 - the Italian police's discovery of the materials noted above which evidence the use of blood transfusions and the manipulation of haemoglobin levels;
 - Mr DIETHART's confirmation through his counsel that he possessed these materials; and
 - Mr HASLER's testimony before the Disciplinary Commission to the effect that Mr DIETHART had acknowledged to him that medical materials had been found by the police.
22. The fact that some of the material that was found by the police was unopened is irrelevant to a possession charge.

23. In addition to the charge of possession considered above, it is necessary to consider the charge of complicity in the violations of others. The Disciplinary Commission notes that the Italian police seized a large amount of prohibited substances and methods throughout the Austrian cross country and biathlon team accommodation, including that of the athletes and their coaches and trainers. There is no reason to doubt the findings of the Italian police and the existence of this material has been acknowledged by the AOC Inquiry Commission. Indeed, several of the athletes, including Mr Wolfgang ROTTMANN and Mr Johannes EDER, have acknowledged in interviews before the ASF or the AOC Inquiry Commission that the police seized various medical equipment and substances from their rooms. Moreover, many of the athletes, namely Mr Juergen PINTER, Mr Roland DIETHART and Mr Martin TAUBER, have, through their counsel, confirmed in writing in these proceedings that many of the items reported by the police as having been found were in their possession. These items include a haemoglobinmeter, butterfly valves, syringes, needles and saline. The team doctor, for his part, has asserted that he was not aware that the athletes possessed such a vast array of medical equipment. Moreover, despite this equipment normally being administrable by a doctor for medical reasons, neither the team doctor nor any other doctor was accommodated with the athletes.
24. Furthermore, the seized material was found in houses that were contiguous, so that the occupants are extremely likely to have been aware of the existence of the practices of their fellow athletes residing in their respective houses. Indeed, video footage of the houses has confirmed that the housing plans were relatively open with shared dining and kitchen facilities, as well as small bedrooms that were sparsely furnished.
25. The Torino Prosecutor's Office noted that a number of the materials that were seized were prepared in a professional manner. They also noted that the seized materials evidenced collaborative know-how capable not only of collecting blood but also of freezing it in accordance with the most modern techniques available. Further, the fact that a device was found that allowed one's blood group to be determined suggests that multiple athletes were infusing blood that had originated from multiple sources. In addition, a number of the athletes, namely Mr Juergen PINTER, Mr Martin TAUBER and Mr Wolfgang ROTTMANN, have admitted using a haemoglobinmeter for regular checking of their haemoglobin levels. Furthermore, much of the same medical equipment was found in the possession of multiple athletes competing in two different sports and residing in various locations.
26. The Disciplinary Commission notes that Mr DIETHART could not have been unaware of the very serious and highly publicized incident following which certain members of the Austrian cross-country ski team, and in particular Walter MAYER, all having organized their sojourn in a very similar manner, were found to have been engaged in the use of prohibited methods at the Salt Lake City Olympic Games in 2002. The Disciplinary Commission further recalls that this incident resulted in sanctions against members of the Austrian Cross Country ski team.

27. In these circumstances, the Disciplinary Commission concludes that Mr DIETHART's violations of the IOC Anti-Doping Rules were facilitated and supported by significant collusive collaboration, the full parameters of which will be explored by the Disciplinary Commission in due course. At this juncture, it is sufficient to note that Mr DIETHART's involvement in this collaboration was itself a violation of the IOC Anti-Doping Rules in that he necessarily assisted, encouraged, aided and abetted, and covered up IOC Anti-Doping Rule violations committed by his fellow athletes in the Austrian cross-country ski team.
28. While Mr DIETHART's possession of prohibited substances and methods warrants being sanctioned in its own right, it is Mr DIETHART's collaboration with his fellow athletes and support staff that is particularly disturbing. Moreover, the Disciplinary Commission finds Mr DIETHART's conduct to constitute aggravating circumstances and therefore worthy of significant sanctions given that the doping violations committed by members of the Austrian cross-country ski team during the Salt Lake City Olympic Games in 2002 should have been taken as a clear warning that the IOC would not tolerate such behaviour.
29. The Disciplinary Commission unanimously concludes that Mr DIETHART has violated Articles 2.6.1 and 2.8 of the IOC Anti-Doping Rules in that he possessed and aided and abetted other athletes to use or possess prohibited substances and methods.
30. Finally, given that Mr DIETHART participated in a team sport, it is relevant to note that Article 11.1 of the FIS Anti-Doping Rules provides:

If a member of a team is found to have committed a violation of these Anti-Doping Rules during a Competition, the team shall be Disqualified from the Competition with all resulting consequences, including forfeiture of any medals, points and prizes.

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 XX Olympic Winter Games in Torino in 2006 and, in particular, Articles 2.6.1, 2.6.3 and 2.8 thereof:

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

- I. The athlete Mr Roland DIETHART, Austrian, Cross Country, Men's 4x10 km Relay:
 - i. be disqualified from the Men's 4x10 km Relay;
 - ii. be permanently ineligible for all future Olympic Games in any capacity.
- II. The Austrian Men's 4x10 km Relay team be disqualified.
- III. The Fédération Internationale de Ski be requested to modify the results of the above-mentioned event accordingly.
- IV. The file be referred to the Fédération Internationale de Ski to consider any further action within its own competence.

Beijing, 24 April 2007.

The IOC Disciplinary Commission

Thomas BACH
Chairman

Denis OSWALD

Sergey BUBKA