

INTERNATIONAL OLYMPIC COMMITTEE
EXECUTIVE BOARD
DECISION
REGARDING MR ADRIAN ANNUS,
BORN ON 28 JUNE 1973, ATHLETICS, HUNGARY,
MEN'S HAMMER THROW

(Rule 25.2.2.1 of the Olympic Charter)

1. On 27 August 2004, the IOC President set-up a Disciplinary Commission as soon as he was informed by Dr Schamasch of an apparent anti-doping rule violation committed by Mr Adrian Annus (hereafter the “athlete”), consisting of refusal or failure without compelling justification, to submit to sample collection pursuant to Article 2.3 of the Rules. The Commission consists of:
 - Mr Thomas Bach (Chairman)
 - Mr Denis Oswald
 - Mr Sergey Bubka
2. Pursuant to Article 7.2.5 of the *Rules*, the IOC President by letter dated 27 August 2004, informed the Team Leader of the Hungarian Olympic Committee (Tamas Dolovai) who also represented the athlete (Mr Adrian Annus), the Chef de Mission of the Hungarian Olympic Committee (Mr Zoltan Molnar); the President of the International Association of Athletics Federations (IAAF) (Mr 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.
3. The Disciplinary Commission held a hearing on 29 August 2004 at 11:00 hours, at the Divani Caravel Hotel in Athens, in the presence of a delegation (hereinafter the “Delegation”) comprised of:
 - Mr Pal Schmitt, President of the Hungarian Olympic Committee
 - Mr Laszlo Merei, Team Leader
 - Mr Zsigmond Nagy, Administrative Staff
4. President Schmitt stated that the athlete was not medically fit to attend the hearing and produced a medical statement. He added and confirmed that, the Delegation had full authority to represent the athlete Mr Adrian Annus in all aspects of his case.
5. Mr Gabriel Dollé attended the hearing in his capacity as representative of the IAAF.
6. Prof Ulrich Haas attended the hearing in his capacity as representative of the Independent Observer Programme.

7. 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.
8. The following facts took place during the period of the Olympic Games:
 - 8.1 On 22 August 2004, Mr Adrian Annus competed in the men's hammer throw final event, in which he had placed first.
 - 8.2 Immediately following his participation in such event, he provided a urine sample for a doping control and there was no adverse analytical finding.
 - 8.3 On 24 August 2004, an attempt to notify a doping control was made at 12:50 hours. Mr Zoltan Molnar, Chef de Mission of the NHC, informed the Doping Control Officer that the athlete had already left the Olympic Village and was returning home to Hungary by car. The athlete could not be found.
 - 8.4 On 25 August 2004, Dr Patrick Schamasch of the IOC requested that the Hungarian Olympic Committee provide "*detailed and accurate whereabouts information for the athlete*", "*including residential address, training times and location, and any other relevant information which will allow a doping control officer to locate him, and shall be provided by 9pm, August 25, 2004*".
 - 8.5 On 25 August and 26 August 2004, two Doping Control Officers (Ms Linda Lehmer and Mr Thomas Bruckner) went to the home of the athlete and tried to speak with him, which was not possible. There were a number of journalists around and an unidentified Hungarian asked them aggressively if they were from WADA. No doping test could be performed.
 - 8.6 Following a letter by the Hungarian Olympic Committee to Dr Schamasch of 25 August 2004, Mr Molnar was advised, on 26 August 2004, by Mr Schamasch that the information relating to the athlete's whereabouts was not sufficient to locate the athlete and reminding that athletes are obliged to provide accurate and adequate whereabouts information in order that they can be located for testing 365 days a year. Mr Molnar was further requested to provide the IOC by 12pm the same day with information on the athlete's location.
 - 8.7 On 27 August 2004, an official notification was sent by Dr Schamasch to Mr Molnar for a doping control of the athlete with the requirement for "*Mr Annus to make himself available for doping control not later than 4pm on 27 August 2004, the location for testing will be the police station*".

at the BUCSU border control (Austrian side), where the DCOs will be waiting”.

- 8.8 On 27 August 2004 at 19:25 hours, Mr Molnar wrote to Dr Schamasch the following letter:

“I would like to hereby inform you that I, as the Chef de Mission of the Hungarian Olympic Team, did my best to have all of our athletes comply with the IOC and WADA doping control regulations.

In accordance with the IOC and WADA rules I duly informed Mr Adrian Annus about his requirements to undergo doping control upon the demand of IOC and WADA. Regardless of my personal verbal and written contact with the athletes and his Team Leader, Mr Laszlo Merei, I was unable to convince Mr Annus to accept the relevant rules and undergo the required doping control. The athlete had been acting on his own; his reluctant behaviour was beyond our control. I made it very clear to Mr Annus and his Team Leader as well that by not complying with the IOC rules Mr Annus would violate the doping control regulations and must bear all the consequences.

On behalf of the Hungarian Olympic Committee, please accept my most sincere apologies for Mr Annus violating the IOC rules and not complying with the WADA regulations.”

- 8.9 On 27 August 2004 at 21:35 hours, Mr Molnar wrote to Dr Schamasch the following letter:

“...In relation with the case of Mr Adrian Annus it seems important to note that the athlete had undergone one blood and two urine doping control tests. All of his doping tests were proved negative. It appears significant that the in-competition test of Mr Annus was also negative. Subsequent to the completion of this competition Mr Annus stayed in the Olympic Village for two nights but no doping controllers wanted to contact him. Mr Annus as an Olympic Champion was later informed that he must undergo an additional doping test. The athlete does not understand why he must again undergo an additional doping test. Based on the information received from Adrian Annus’ surrounding permit me to inform you that Mr Annus is in a critical psychological status.

I would like to express my greatest appreciation and gratitude for your kind understanding and consideration in regards with Adrian Annus’ case.”

- 8.10 In spite of the fact that the athlete had been repeatedly duly reminded of his obligations during the period 25 – 27 August 2004, the athlete refused or failed to submit to a test.
9. Previously the athlete had undergone a pre-competition test (sample 662376) on 18 August 2004 with no adverse analytical finding. The number of the sample taken on 22 August 2004 was 678301.
10. By telefax dated 29 August 2004 to Dr Schamasch, Dr Costas Georgakopoulos, Head of the Doping Control Laboratory in Athens informed Dr Schamasch that *“based on the steroid profile comparison, which differ significantly, there is evidence that samples 662376 and 678301 belong to different athletes”*.

11. The Delegation was advised that the attitude of Mr Adrian Annus since the end of the competition until and including 27 August 2004 could be considered as a refusal or failure to submit to sample collection without compelling justification. The Delegation was further advised that the evidence of samples 662376 and 678301 belonging to different athletes was a matter of serious concern.
12. The Delegation recalled that the Hungarian Olympic Committee was totally committed to the fight against doping. As far as Mr Annus' case was concerned, President Schmitt emphasized that Mr Annus was an athlete who had never had a record of doping and that his behaviour should be understandable under the circumstances. First of all, he had performed his obligations by submitting to a test – the outcome of which was negative – immediately after the competition. As to his alleged refusals, they are to be explained by the fact that, on the one hand, he was under considerable pressure for celebrating his medal – in his country – and, on the other hand, he suddenly happened to be treated like a criminal, ordered to appear at a police station, which caused him a great shock. The Delegation considered that his behaviour cannot be characterized as a refusal.
13. At the hearing of the Disciplinary Commission, the Hungarian Delegation produced a test report by the Austrian Research Centres ordered by GYISM – Hungarian Ministry of Children Youth and Sport, according to which a sample was received on 27 August 2004, which contains no prohibited substance.
14. As to the evidence that samples 662376 and 678301 belong to different athletes, the Delegation had no explanation to offer at this stage, but pointed out that it was necessary to conduct further investigation in order to clarify these circumstances, emphasizing that this was a most serious accusation.
15. After hearing the Delegation and the arguments it put forward, the Disciplinary Commission retired in order to deliberate.

16. The Disciplinary Commission unanimously concluded that the facts stated under Sections 8.3-8.10 above are to be characterized as a refusal or failure, without compelling justification, to submit to sample collection pursuant to Article 2.3 of the Rules. In particular, the Commission noted that in his letter, see Section 8.8 above, Mr Molnar made it very clear that by not complying with the IOC rules Mr Annus would violate the doping control regulations and must bear all the consequences.
17. The Disciplinary Commission considers that Mr Adrian Annus has thus committed an anti-doping rule violation pursuant to Article 2 of the Rules and should be sanctioned for such offence in accordance with Article 9.1 of the Rules.
18. The Disciplinary Commission further unanimously concluded that the circumstances surrounding the evidence stated in paragraph 10 above relating to differences between samples and the evidence supplied so far require further confirmation. Such circumstances, if confirmed, could be construed as tampering and lead to other subsequent sanctions, including permanent ineligibility to the Olympic Games pursuant to Rule 25.2.2.1 of the Olympic Charter. In that context, it would also be appropriate to examine whether any other person would have contributed to any apparent anti-doping rule violation.
19. Based on the above, the Disciplinary Commission unanimously concluded that the following recommendations be made to the IOC Executive Board:
 - 19.1 that, pursuant to Articles 2.3 and 9.1 of the Rules, Mr Adrian Annus be disqualified from the men's hammer throw event, in which he had placed first;
 - 19.2 that Mr Adrian Annus be excluded from the Games of the XXVIII Olympiad in 2004;
 - 19.3 that Mr Adrian Annus' Olympic identity and accreditation card be withdrawn;
 - 19.4 that the International Association of Athletics Federations (IAAF) be requested to modify the results of the above-mentioned event accordingly;
 - 19.5 that the Hungarian Olympic Committee be ordered to return to the IOC, as soon as possible, the gold medal and diploma awarded to the athlete in relation to the above-noted event;
 - 19.6 that the disciplinary procedure will continue with regard to an alleged anti-doping rule violation, pursuant to Article 2.5 of the Rules (Tampering, or attempting to tamper, with any part of Doping Control).

20. On Saturday, 29 August 2004, the Disciplinary Commission presented its report and recommendations to the IOC Executive Board.
21. The IOC Executive Board discussed the case in further detail. It decided to uphold the facts as stated and reported by the Disciplinary Commission.
22. 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 The athlete Mr Adrian Annus (Hungary), Athletics:
 - (i) pursuant to Articles 2.3 and 9.1 of the Rules, is disqualified from the men's hammer throw event, in which he had placed first;
 - (ii) is excluded from the Games of the XXVIII Olympiad in 2004;
 - (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-mentioned event accordingly.
- III The Hungarian Olympic Committee is ordered to return to the IOC, as soon as possible, the gold medal and diploma awarded to the athlete in relation to the above-noted event.
- IV The disciplinary procedure will continue with regard to an alleged anti-doping rule violation, pursuant to Article 2.5 of the Rules (Tampering, or attempting to tamper, with any part of Doping Control).

V This decision shall enter into force immediately.

Athens, 29 August 2004

On behalf of the IOC Executive Board

Dr Jacques ROGGE
IOC President

Urs LACOTTE
Director General