

INTERNATIONAL OLYMPIC COMMITTEE
EXECUTIVE BOARD DECISION

REGARDING MR DAVID MUNYASIA,
BORN ON 2 MAY 1980, ATHLETE, KENYA, BOXING

(Rule 25.2.2.1 of the Olympic Charter)

1. Mr Munyasia was requested on Friday 6 August 2004, in Athens, in the afternoon, to provide a urine sample for a doping control.
2. 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, as representative of the Chairman of the IOC Medical Commission, was informed at about 08:00 hours on Sunday 8 August 2004, by the Head of the WADA Accredited Laboratory in Athens of an adverse finding on an “A” sample collected on Friday 6 August 2004 in Athens.
3. Pursuant to Article 7.2.2 of the *Rules*, Dr Schamasch, in his capacity as representative of the Chairman of the IOC Medical Commission and IOC Medical Director, determined that the above-noted A sample belonged to Mr Munyasia, and verified that it did in fact give rise to an adverse analytical finding. He also determined that there was no apparent departure from the International Standards for Testing or the International Standards for Laboratories that undermined the validity of the adverse analytical finding.
4. Pursuant to Article 7.2.3 of the *Rules*, Dr Schamasch, representing the Chairman of the IOC Medical Commission, immediately informed the IOC President, Dr Jacques Rogge, of the existence of the analytical finding and the essential details available to him concerning the case.
5. Pursuant to Article 7.2.4 of the *Rules*, the IOC President, by letter dated 8 August 2004, immediately set up a Disciplinary Commission, consisting of:
 - Dr Thomas Bach (Chairman)
 - Mr Denis Oswald
 - Mr Sergey Bubka
6. Pursuant to Article 7.2.5 of the *Rules*, the IOC President by letter dated 8 August 2004, informed Mr Munyasia, the Chef de Mission of the Kenyan NOC (Mr Alfred Ati) and the Secretary General of the AIBA (Mr Caner Doganeli) of, among other things, the adverse analytical finding and the time, date and place of the hearing of the Disciplinary Commission regarding this case.
7. The Disciplinary Commission held a hearing on 9 August 2004 at 15:30 hours, at the Divani Hotel in Athens, in the presence of a delegation (hereinafter the “Delegation”) comprised of:
 - Mr David Munyasia, Athlete
 - Mr Alfred Khangati, Chef de Mission of the Kenyan NOC
 - Mr David Okeyo, Deputy Chef de Mission and Doctor
8. The International Boxing Association (AIBA) was represented at the hearing by Mr Caner

Doganeli, its Secretary General.

9. Also attending the hearing was Dr Patrick Schamasch, IOC Medical Director and Mr Howard Stupp, IOC Director of Legal Affairs.

10. The Delegation had been informed of the results of the laboratory analysis of the “A” sample which, according to the analysis report prepared by the Head of the WADA Accredited Laboratory, indicated the presence of cathine. Cathine is prohibited when its concentration is greater than 5 micrograms per millilitre. The concentration of cathine in the “A” sample of Mr Munyasia was estimated higher than 20mgr/mL. [In the meantime, this finding was confirmed in the results of the laboratory analysis of the “B” sample, which analysis had been requested by Mr Munyasia.]

11. 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.

12. Mr Munyasia denied taking any medical substance, other than an antibiotic which he took to help cure a boil.

13. The Director of the IOC Medical Department, Dr Patrick Schamasch, confirmed that this antibiotic could not be the cause of the adverse analytical finding.

14. Mr Munyasia offered no explanation on how the prohibited substance, cathine, found its way into his body.

15. After hearing the Delegation and the arguments it put forward, as well as hearing the representative of the AIBA, the Disciplinary Commission retired in order to deliberate.

16. The Disciplinary Commission unanimously concluded that Mr Munyasia had committed a doping offense pursuant to Article 5.1 of the *Rules* in that there was the presence of a concentration of cathine in Mr Munyasia’s urine estimated at higher than 20mgr/mL. (Cathine is prohibited when its concentration is greater than 5 micrograms per milliliter.)

17. The Disciplinary Commission was unanimously of the view that the following recommendations be made to the IOC Executive Board:

17.1 that Mr Munyasia be excluded from the Games of the XXVIII Olympiad in Athens in 2004; and

17.2 that Mr Munyasia’s Olympic identity and accreditation card be immediately withdrawn.

18. On Tuesday, 10 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 18 above.

19. The IOC Executive Board discussed the case in further detail. It decided to uphold the facts as stated and reported by the Disciplinary Commission.

20. The IOC Executive Board also took note of the recommendations of the Disciplinary Commission.

CONSIDERING the above, pursuant to Articles 5.1 and 8.2 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 David Munyasia (Kenya), boxing:

- (i) is excluded from the Games of the XXVIII Olympiad in Athens in 2004; and
- (ii) shall have his Olympic identity and accreditation card be immediately withdrawn.

II. The International Boxing Association (AIBA) is requested to consider any further action within its own competence.

III. This decision shall enter into force immediately.

Athens, 10 August 2004

On behalf of the IOC Executive Board

Dr Jacques ROGGE

IOC President

Urs LACOTTE

Director General