



International Paralympic Committee  
Anti-Doping Committee

In the matter of:

INTERNATIONAL PARALYMPIC COMMITTEE  
(IPC)

Versus

Mr. Ivan Palacios  
(Athlete)

The case is heard in front of the Hearing Body comprised of:

Dr. Toni Pascual, Chairperson of the IPC Anti-Doping Committee; and  
Ms. Nicki Vance, Mr. Joseph de Pencier and Dr. Chin Sim Teoh; Members of the IPC Anti-Doping Committee (together with the Chairperson, the *Hearing Body*)

The hearing conducted on 10 June 2014 at 16:00 CET via teleconference.



## **Parties**

1. The Applicant, the IPC, is the global governing body of the Paralympic Movement and, in particular, of the Paralympic Games. In addition, the IPC is the International Federation of several sports, including IPC Powerlifting. The IPC's registered offices are in Bonn, Germany.
2. The Respondent is a Colombian athlete in the sport of IPC Powerlifting.

## **Communication**

3. In accordance with Article 14.1.1 of the IPC Anti-Doping Code 2011 (the *Code*), the Athlete (and other relevant persons) shall be notified of a Sample that is brought forward as an Adverse Analytical Finding by the IPC through the relevant National Paralympic Committee (*NPC*).

## **Background**

4. The following outline of the facts and parties' positions is illustrative only and may not comprise every piece of information or submission made by the parties. The Hearing Body has carefully considered all the evidence and submissions provided by the Parties, even if there is no specific reference in this recommendation.
5. On 28 March 2014, the Athlete competed at the 2014 Para South American Games in Santiago, Chile (the *Event*).
6. The Event was approved by IPC Powerlifting. The Organizing Committee of the Santiago 2014 Games (ODESUR) had been identified as the sample collection authority.



7. After the Athlete finished his competition on 28 March 2014, he was requested to provide a sample for doping control for an in-competition test.
8. The Athlete provided a urine sample (sample number 2902129) (the *Sample*) and disclosed the use of what appears to read “Clonidina, Lozartan and Vitamina C” as medications and/or supplements used in the last seven days before the doping control test.
9. The Doping Control Officer wrote the following in the comments section of the doping control form: “Bolsa del Frasco A mal sellada”. The IPC contacted the National Anti-Doping Agency of Chile to clarify the comment and they indicated that the doping control officer “indicates that the athlete doctor helped seal the plastic bag” and “the bottle was closed A ok.”
10. The Athlete signed the doping control form without additional comment. The Sample was sent for analysis to the WADA accredited laboratory in Bogota, Colombia (Laboratorio de Controle al Dopaje. Coldeportes Nacional Bogota-Colombia, hereafter the *Laboratory*).
11. On 11 April 2014, the Laboratory reported an Adverse Analytical Finding for Chlorothiazide and Hydrochlorothiazide and its metabolite 4-amino-6-cloro-1, 3-benzendisulfonamida. This substance is classified under S5. Diuretics and Masking Agents on the World Anti-Doping Code (*WADC*) 2014 Prohibited List (the *Prohibited List*) and is prohibited both in-competition and out-of-competition.
12. The initial review by the IPC determined that the Athlete did not have an applicable Therapeutic Use Exemption (*TUE*) for this substance, and that there was no departure from the International Standard for Laboratories or International Standard for Testing that caused the Adverse Analytical Finding.
13. On 30 April 2014, the IPC notified the Athlete via the National Paralympic Committee of Colombia of the Adverse Analytical Finding in accordance with Article 7.2 of the Code.
14. The Athlete was advised that he was provisionally suspended from the date of notification (30 April 2014) and that unless Article 10.4 or 10.5 of the Code applies, the standard sanctions for a first-time violation would normally be:



- Pursuant to Article 9, automatic disqualification of the results obtained in connection with an in-competition test of that competition, including forfeiture of any medals, points and prizes obtained on the date of sample collection (28 March 2014),
- Pursuant to Article 10.1, disqualification of all of the individual results obtained in the Event (from 26-30 March 2014) with all consequences including forfeiture of all medals, points and prizes,
- Pursuant to article 10.2, an ineligibility period of two (2) years,
- Pursuant to article 10.11 and the provisions of the IPC Handbook, Section 2, Chapter 1.2 (Rules on the imposition of financial sanctions for anti-doping rule violations) a financial sanction of EUR 1,500.

The Athlete was also advised of his rights, including the right to request a B sample analysis and the laboratory documentation package.

15. The notification included a form titled “Letter of Decision” for the Athlete to complete and return by no later than 08 May 2014 at 17:00 hours CET.
16. The Athlete returned the signed Letter of Decision to the IPC on time. In the Letter of Decision, the Athlete stated that he did not accept either that he had committed an Anti-Doping Rule Violation or the consequences as set out in the Notification of an Adverse Analytical Finding.
17. On 28 May 2014 the Athlete was notified that a Hearing (as defined in the Code) would be scheduled to address his Adverse Analytical Finding and possible Anti-Doping Rule Violation.
18. The Athlete also submitted supporting medical records of repeated visits to a military hospital to be treated for arterial hypertension episodes since March 2012. The Athlete also submitted a signed declaration declaring that the documents the he was using for the treatment of his conditions were Lozartan 50 mg and Hydrochlorothiazide 25 mg.

### **The Hearing**

19. The Hearing took place on 10 June 2014 via conference call, in accordance with Article 8.1.6 of the Code.



20. The IPC was represented in the case by:
  - Dr. Peter Van de Vliet, IPC Medical & Scientific Director
  - Ms. Vanessa Webb, IPC Anti-Doping Senior Manager
  
21. Attending the Hearing on behalf of the Athlete were:
  - Ivan Palacios – Athlete
  - Francisco Pedraza - Translator
  - Mauricio Lora – Medical Doctor
  - Jorge Colmenares – Lawyer
  - Eduardo Montenegro – Sports Director, NPC Colombia
  
22. Ms. Emilie Jones, IPC’s legal advisor, attended the Hearing.
  
23. Mr. Jorge Moreno, IPC Powerlifting Manager, attended as the representative of IPC Powerlifting and as an observer.
  
24. Through his translator, the Athlete explained the content of his medical evidence admitting the use of the prohibited substance found in his system (i.e. hydrochlorothiazide) and the medical reason for its use.
  
25. The Athlete declared being aware of the Prohibited List and the TUE procedure. The Athlete also admitted having been educated in anti-doping matters. At least in 5 different occasions the athlete had attended anti-doping seminars.
  
26. The Athlete declared that he never applied for a TUE considering that the medications prescribed did not require particular approval. The Athlete never checked the content of the medications against the Prohibited List. The athlete, upon the request of the Hearing Body submitted pictures of the actual medications’ boxes. The medication containing the prohibited substance was a generic pharmaceutical product with the very name of the active principle: ‘hidroclorotiazida 50 mg, Genfar’.
  
27. Through his medical records, it was also apparent that the Athlete had been treated with a single injection of furosemide, another Prohibited Substance under the category S5. Diuretics and Masking Agents on the World Anti-Doping Code (*WADC*)



2014 Prohibited List (the *Prohibited List*). The Athlete was treated in a hospital and was never aware of the medications given to him nor had he asked for a retroactive TUE for such emergency treatment.

28. The Athlete declared he was familiar with the Testing procedures. He had been tested 5 times so far, the last one in a national championship in 2012.

## **Analysis**

### **Anti-doping rule violation**

29. The principle of strict liability applies to anti-doping matters. An Athlete is responsible for any Prohibited Substance found in his or her sample, and an Anti-Doping Rule Violation occurs whenever a Prohibited Substance is found in an Athlete's sample (comment to Code Article 2.1.1.).
30. The Hearing Body finds that the Anti-Doping Rule Violation has been proven. This was not disputed.

### **Provisional Suspension**

31. The Hearing Body confirms the provisional suspension. The Athlete submitted no evidence and made no arguments that it should not have been imposed and that it should be lifted.

### **Disqualification of any Competition Results**

32. The Hearing Body agrees with the IPC that according to Code Article 10.1 there should be disqualification of all competing results including forfeiture of any medals, points and prizes obtained at the Event (26-30 March 2014) and subsequent to the sample collection date (28 March 2014).



## Period of ineligibility

33. No aggravating circumstances appear in this case so there is no reason for an increased sanction according to Code Article 10.6 (Aggravating Circumstances Which May Increase the Period of Ineligibility).
34. As the IPC argues, according to Code Article 10.2, the sanction for first violation for this anti-doping rule violation involving this Prohibited Substance is a period of ineligibility of 2 years. The Hearing Body must impose this sanction unless there is a reduction authorized by another provision of the Code.
35. The substance is a 'Specified Substance', so Code Article 10.4 may be applied.
36. The Hearing Body is comfortably satisfied with the evidence submitted showing that the Athlete used the substance for legitimate medical purposes and not to enhance his performance. Considering that powerlifting is a weight category sport, the evidence submitted showed that the weight of the Athlete was way below the limit of his category. Thus, the use of the substance to lose weight is also not considered. The Hearing Body considers that Code Article 10.4 does apply to the case.
37. The Code establishes that the criterion to consider in assessing any reduction of the period of ineligibility must be the Athlete's degree of fault.
38. The Hearing Body considers that the Athlete cannot claim no fault as he went through multiple education sessions and admitted being familiar with the Prohibited List and the TUE process that he never attempted. However, the degree of the Athlete's fault is not absolute. It is lessened by the fact that he had been using a medication by prescription relying on military doctors, some of whom knew he was an Athlete. It appears that those doctors changed the Athlete's medication without fully informing him (so he did not make a full declaration on the doping control form). Also it appears that the Athlete would have received a TUE had he understood that he needed to apply for one for his hypertension medication (and the NPC did not have procedures in place to supervise Athletes' medications to ensure TUEs were sought when necessary).



## **Recommendation to the IPC Governing Board**

39. The IPC Anti-Doping Committee recommends the following to the IPC Governing Board:
- a. pursuant to Article 7.5 of the Code, confirmation of the provisional suspension from the date of notification, 30 April 2014;
  - b. pursuant to Article 9 of the Code, disqualification of the results obtained in the competition on 28 March 2014, including forfeiture of any medals, points and prizes;
  - c. pursuant to Article 10.1 of the Code, disqualification of all of the Athlete's individual results obtained in the Event (26-30 March 2014) with all consequences, including forfeiture of all medals, points and prizes;
  - d. pursuant to Article 10.4 of the Code, a one (1) year period of ineligibility shall be imposed on the Athlete;
  - e. while the period of ineligibility would normally start on the date of the Governing Board's decision (Article 10.9 of the Code), here pursuant to Article 10.9.2 of the Code (timely admission) the period of ineligibility shall start on the date of sample collection, 28 March 2014 and end on 27 March 2015;
  - f. pursuant to Article 10.11 of the Code and the IPC Handbook, Section 2, Chapter 1.2 ('Rules on the imposition of financial sanctions for anti-doping rule violations'), a financial sanction of EUR 750 shall be imposed on the Athlete.

## **Appeal**

40. The Respondent is reminded of the appeal procedures set out in Article 13 of the IPC Anti-Doping Code.





Submitted to the IPC Governing Board on 20 June 2014 as a recommendation from the IPC Anti-Doping Committee in accordance with Article 8.5.2 of the IPC Anti-Doping Code 2011.

On 22 June 2014 the IPC Governing Board reviewed the above document and accepted the recommendation of the IPC Anti-Doping Committee.

A handwritten signature in black ink, appearing to be 'Xavier Gonzalez', is positioned above the printed name.

Mr. Xavier Gonzalez  
Chief Executive Officer  
International Paralympic Committee

- cc. Toni Pascual, Chairperson IPC Anti-Doping Committee  
Jon Amos, Chairperson Sport Technical Committee, IPC Powerlifting  
Peter Van de Vliet, IPC Medical & Scientific Director  
Paula Pena Toimil, WADA Results Management