



International Paralympic Committee  
Anti-Doping Committee

In the matter of:

INTERNATIONAL PARALYMPIC COMMITTEE  
(the *Applicant*)

Versus

MR IHAR KISIALIOU  
(the *Respondent*)

International Paralympic Committee  
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## Parties

1. The International Paralympic Committee (IPC), the Applicant, 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 Wheelchair Dance Sport. The IPC holds registered offices in Bonn, Germany.
2. Mr. Kisialiou, the Respondent, is an athlete from Belarus in the sport of IPC Wheelchair Dance Sport, participating in the 2010 IPC Wheelchair Dance Sport World Championships.

## Communication

3. In accordance with the IPC Anti-Doping Code, Article 14.1, the Respondent (and other persons) shall be notified by the IPC through the relevant NPC.

## Background

4. On 6 November 2010, the Respondent competed at the 2010 IPC Wheelchair Dance Sport World Championships in Hannover, Germany.
5. After completion of his competition, the Respondent was notified to provide a sample for doping control for an in-competition test.
6. The Respondent provided a sample (sample number 2541486) (the *Sample*) which was sent for analysis to the WADA accredited Laboratory 'Institute of Doping Analysis and Sports Biochemistry' (the *Laboratory*) in Kreischa, Germany.
7. On 01 December 2010, the Laboratory reported an adverse analytical finding for the substance THC (11-nor-9-carboxy-delta9-tetrahydrocannabinol) metabolite(s) of Carboxy-THC at a concentration  $23.0 \pm 4.5$  ng/mL which is above the threshold of 15 ng/mL. THC (11-nor-9-carboxy-delta9-tetrahydrocannabinol) metabolite(s) of Carboxy-THC is classified as S8. Cannabinoids in the World Anti-Doping Agency (WADA) 2010 Prohibited List (the *Prohibited List*).
8. The initial review by the IPC determined that there was no applicable 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.



9. Accordingly, on 18 December 2010, the IPC notified the Respondent via the National Paralympic Committee (NPC) of Belarus of the adverse analytical finding in accordance with Article 7.2 of the IPC Anti-Doping Code 2009 (the *Code*). The Respondent was advised that he was provisionally suspended from the date of notification; on the automatic disqualification of the competing results in connection with an in-competition test, including forfeiture of any medals, points and prizes obtained on the date of sample collection (6 November 2010); on the disqualification of all competing results including forfeiture of all competing results including forfeiture of any medals, points and prizes obtained subsequent to the sample collection date; that the normal consequences of such an anti-doping rule violation would be a two year period of ineligibility; and of his rights, including to request B sample analysis and to request the laboratory documentation pack.
10. The notification letter enclosed a letter “Letter of Decision” for the Respondent to complete and return to IPC no later than 28 December 2010.
11. On 27 December 2010, the Respondent returned the Letter of Decision to the IPC. In the letter, the Respondent signed that he accepted that he did not have a TUE granted for the prohibited substance; that he accepted a provisional suspension starting on the date of the notification of an adverse analytical finding (18 December 2010); that he accepted the results of the A sample analysis; that he expressly waived the right of B sample analysis; that he accepted to have committed an anti-doping rule violation in accordance with Article 2.1. of the Code; and that he accepted the consequences of the anti-doping rule violation as proposed.

### **Legal Analysis**

12. As a member of the NPC Belarus and a registered competitor in the 2010 IPC Wheelchair Dance Sport World Championships the IPC Anti-Doping Code applies to the Respondent.
13. The principle of strict liability applies to anti-doping matters. Athletes are responsible for what is found in their system. The detection of a prohibited substance by a WADA accredited laboratory in an athlete’s sample will ordinarily constitute grounds for the finding of an anti-doping rule violation, unless the athlete can establish good reason why the detection of the substance does not constitute such a violation.



14. THC (11-nor-9-carboxy-delta9-tetrahydrocannabinol) metabolite(s) of Carboxy-THC, substance under S8. Cannabinoids on the WADA 2010 Prohibited List is prohibited in-competition.
15. The Notification letter included a particular clause stating: “In the case, an adverse analytical finding on a specified substance (Art. 4.2), it is the responsibility of the Athlete or other person to produce ‘corroborating evidence’ to the IPC Anti-Doping Committee to allow the Committee to consider the application of Article 10.4 (Elimination or Reduction of Period of Ineligibility for Specified Substances under Specific Circumstances).
16. By returning the “Letter of Decision”, duly completed and signed, the Respondent accepts an anti-doping rule violation under Article 2.1. of the Code, and accepts the proposed sanction.

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

17. The IPC Anti-Doping Committee recommends as follows:
  - a. Pursuant to Article 9 of the IPC Anti-Doping Code 2009, the Respondent is automatically disqualified of his individual results obtained in the 2010 IPC Wheelchair Dance Sport World Championships from the date of 6 November 2010 onwards, including forfeiture of any medals, points and prizes won;
  - b. Pursuant to Article 10.2 of the IPC Anti-Doping Code 2009, a two year period of ineligibility, commencing as from the date of the provisional suspension, is imposed on the Respondent. As such, the Respondent is declared ineligible from 18 December 2010 until 17 December 2012;
  - c. Pursuant to Article 10.1 of the IPC Anti-Doping Code 2009, the disqualification of all competition results including forfeiture of any medals, points and prizes obtained subsequent to the sample collection on 6 November 2010, if any exist;
18. The IPC Anti-Doping Committee further emphasizes the Respondent’s adherence to the status during ineligibility, as set forth in Article 10.10 of the IPC Anti-Doping Code.

#### **Appeal**

19. The Respondent is reminded the Appeal procedures in Article 13 of the IPC Anti-Doping Code.



Submitted to the IPC Governing Board as recommendation from the IPC Anti-Doping Committee in accordance with Article 8.5.2 of the IPC Anti-Doping Code 2009.

On 11 January 2011 the IPC Governing Board reviewed the above document and ratified the recommendation of the IPC Anti-Doping Committee.

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

Xavier Gonzalez  
Chief Executive Officer  
International Paralympic Committee

cc. Kerwin Clarke, WADA Result Management  
Toni Pascual, Chairperson IPC Anti-Doping Committee  
Grethe Andersen, Chairperson STC IPC Wheelchair Dance Sport