



International Paralympic Committee  
Anti-Doping Committee

In the matter of:

INTERNATIONAL PARALYMPIC COMMITTEE  
(the *Applicant*)

Versus

Mr. Rasool MOHSIN  
(the *Respondent*)

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

Mr. Joseph de Pencier, Chairperson Hearing Body,  
Ms. Nicki Vance, Mr. George Tsamis, Dr. Matthias Strupler: Members IPC Anti-Doping Committee

(hereafter the *Hearing Panel*)

Hearing conducted on 14 November 2011 at 14:00 CET via teleconference.

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## Parties

1. 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 an Iraqi athlete in the sport of IPC Powerlifting.

## Communication

3. In accordance with Article 14.1.1 of the IPC Anti-Doping Code 2009 (the *Code*), the Respondent (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. On 23 July 2011, the Respondent competed at the 2011 IPC Powerlifting Open International Championship in Amman, Jordan.
5. The Event is approved by IPC Powerlifting and the Jordan Anti-Doping Organization has been identified as the Anti-Doping Organization with Result Management jurisdiction.
6. After completion of his competition, the Respondent was requested to provide a sample for doping control for an in-competition test.
7. The Respondent provided a sample (sample number 1808776) (the *Sample*) and declared the use of the following medication on the form: Cuntrum, Vitamin, Animal Pack.
8. The Respondent signed the doping control form (*DCF*) without adverse comment. By doing so, the Respondent indicated that he was satisfied with the sample collection procedures that had been followed in conducting the test. The Sample was sent for analysis to the WADA accredited laboratory in Athens (Doping Control Laboratory of Athens, the *Laboratory*).
9. On 12 September 2011, the Laboratory reported an adverse analytical finding for Methylhexanamine to the Jordan Anti-Doping Organization (JADO). This substance is classified as S6. Stimulants in the World Anti-Doping Agency (WADA) 2011 Prohibited List (the *Prohibited List*) and is prohibited in-competition.



10. The IPC received a copy of the report through ADAMS on 12 September 2011 and followed-up with the Jordan Anti-Doping Organization (JADO) to inquire about the actions initiated by them.
11. On 11 October 2011 the IPC found out that the NPC Jordan had received the Doping Control Forms and laboratory results, and had not initiated any action.
12. JADO transferred the files to the IPC on 11 October 2011 and the IPC identified the Respondent and initiated the Initial Review process in accordance with Article 7.1 of the Code.
13. NPC Iraq communicated with Mr. Jon Amos, Chairperson IPC Powerlifting Sport Technical Committee to explain the Respondent's performance achievement and his previous doping control records, with reference to his recent doping rule violation. The communication makes reference to the Respondent's medical condition and medication use, and that "nothing has been done on purpose". The IPC received a copy of this communication from Mr. Jon Amos on 3 October 2011, which is prior to the date by which the IPC was able to identify the athlete through the official documentation received from JADO.
14. Accordingly, on 20 October 2011, the IPC notified the Respondent via NPC Iraq of the adverse analytical finding in accordance with Article 7.2 of the Code. The Respondent was advised that he was provisionally suspended from the date of notification (20 October 2011) and that unless Article 10.4 or Article 10.5 of the Code apply, the standard sanctions for a first-time violation would be:
  - automatic disqualification of any competition results in connection with an in-competition test, including forfeiture of any medals, points and prizes obtained on the date of sample collection (23 July 2011);
  - disqualification of all competition results including forfeiture of any medals, points and prizes obtained subsequent to the sample collection date;
  - an ineligibility period of two (2) years; and
  - a financial sanction of €1.500 (Article 10.11 and Chapter 1.2, Section 2, IPC Handbook ('Rules on the imposition of financial sanctions for anti-doping rule violations')).

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



15. The notification included a form titled "Letter of Decision" for the Respondent to complete and return to the IPC by no later than 27 October 2011 at 17:00 hours CET.
16. The Respondent returned the signed Letter of Decision to the IPC in a timely fashion. In the Letter of Decision, the Respondent stated that he:
  - had no valid TUE justifying the presence of the Prohibited Substance found in his sample;
  - accepted the A sample analysis and waived the right for the B sample analysis;
  - accepted to have committed an anti-doping rule violation;
  - challenged the consequences set out in the 'Notification of an Adverse Analytical Finding' and wished to submit information to support a claim for a reduced or eliminated period of ineligibility; and
  - waived the right to a Hearing.
17. With the Letter of Decision, the NPC Iraq also submitted a letter stating that the Respondent is a young athlete who made noticeable achievements during the last three years on senior and junior levels and holds many records, and that the NPC regards doping and prohibited drugs as a disgrace in sport.

The letter further explains that:

  - the NPC does not question the analysis results;
  - the Respondent agreed to accept the A-sample analysis, but claims unintentional use;
  - the NPC is ready to send the Respondent to the Laboratory in Athens for another sample collection; and
  - the NPC asks the IPC to reduce the sanction under Article 10.9.2 (Timely Admission) if this second sample collection proves that there is nothing suggesting doping to ensure the Respondent's participation rights in the London 2012 Paralympic Games.
18. Upon receipt of the Letter of Decision, the Chairperson of the IPC Anti-Doping Committee decided to hold a Hearing to give the Respondent the opportunity to explain why the sanctions proposed by the IPC ought to be reduced and to address the request of NPC Iraq for further testing of the Respondent.



## The Hearing

19. The Hearing took place on 14 November 2011 via conference call, in accordance with Code Article 8.1.6.
20. Mr. Joseph de Pencier was appointed chairperson of the Hearing Body by Dr. Toni Pascual, Chairperson IPC Anti-Doping Committee, in Dr. Pascual's absence.
21. The Hearing is accompanied by Committee counsel by Ms. Emilie Jones, IPC's Legal Counsel.
22. The IPC was represented in the case by:
  - Dr. Peter Van de Vliet, IPC Medical & Scientific Director
  - Ms. Vanessa Webb, IPC Anti-Doping Manager
23. Attending the Hearing on behalf of the Respondent were:
  - Mr. Rasool Moshin, the Respondent
  - Mr. Nawfal A. Rasheed, Iraq NPC Relation Director
  - Dr. Najm Abed Jasim, Head of Iraq NPC Classification Committee
  - Mr. Antranik D. Nahabeet, Iraq Powerlifting Coach
  - Mr. Fakhir Al Jamaly, Secretary General NPC Iraq
  - Mr. Qahtan Al Nuami, President NPC Iraq
24. Mr. Jon Amos, Chairperson IPC Powerlifting Sport Technical Committee, attended the Hearing as the representative of IPC Powerlifting and as an observer.
25. Ms. Juliana Soares, an intern with the IPC Medical & Scientific Department, also attended as an observer.
26. 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.
27. The Applicant's case is that the Respondent has violated Article 2.1 (Presence in Sample) of the Code. It asserts that there was no valid TUE and no departures from the Code that caused the adverse analytical finding. It also asserts that there are no circumstances that would justify the application of either Code Articles 10.4 (Specified Substances) or 10.5 (Exceptional Circumstances) to reduce the standard two-year period of suspension for this anti-doping rule violation.



28. The Respondent repeated that he did not contest the adverse analytical finding. As stated in the Letter of Decision, he accepted that he had committed an anti-doping rule violation. He stated that he did not take any Prohibited Substance deliberately and any use of substances was for medical reasons. The substances which the Respondent had taken around the time of the doping control included the following:

- medication for gastric problems, prescribed by his own physician
- anti-spastic medication, prescribed by his own physician; and
- medication for the flu, 5 days before the competition, purchased from a Jordan pharmacy, while at a training camp, and without the knowledge or advice of a physician or his coach

The Respondent declares that he does not know the composition of the medications taken.

29. None of these medications were declared on the doping control form. The Respondent stated that he forgot to declare the medication purchased in Jordan because he was busy in a training camp before the competition and because there was no doctor at the training camp with whom he could consult.

30. In answer to the questions from the Hearing Body, the Respondent stated that he took one of the products declared on the doping control form, Animal Pack, to control his weight. He purchased this product in Iraq. He used it with the knowledge and approval of his coach and team doctor.

### **Analysis**

31. The Respondent is an experienced athlete who has participated in numerous international competitions (including the 2008 Beijing Paralympic Games). He has been tested for doping control before.

32. 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.).

33. Methylhexaneamine is classified as a Class S6. stimulant in the World Anti-Doping Agency (WADA) 2011 Prohibited List (the *Prohibited List*)



and is prohibited in-competition.

34. The Respondent admitted the presence of the Prohibited Substance in his body and accepted the anti-doping rule violation.

35. The Hearing Body accepts that the Respondent did not intend to use the stimulant in question. But the Respondent has not proven that Articles 10.4 and 10.5 apply to reduce or eliminate the sanctions for the anti-doping rule violation because of the following reasons:

- The Respondent made no arguments citing the particular requirements of Articles 10.4 or 10.5 which makes it difficult to apply the relevant provisions in this case.
- The Respondent was unable to show how the Prohibited Substance entered his system. It might have been from the Animal Pack product. It might have been from the medication purchased in Jordan. It might have been from another source. The provisions of Article 10.4 for Specified Substances cannot be applied in this case.
- The Respondent is an experienced international elite athlete in the sport of IPC Powerlifting and has been subject to doping control on previous occasions. However, the use of medications was not fully declared on the doping control form. The Respondent took one of the possible sources of the Prohibited Substance (the medication purchased in Jordan) on his own initiative without any consultation with the Team or any other physician. This is a high risk behaviour that could result in an adverse analytical finding. The Respondent's sincere regret does not constitute an exceptional circumstance under the Code. In this case, there are no exceptional circumstances.

36. The Hearing Body finds that the Respondent was negligent in his general anti-doping duties under Article 2 of the Code.

37. On behalf of the Respondent, NPC Iraq submits that this is a case of a timely admission and that Code Article 10.9.2 ought to apply. But it makes no arguments why that should be the case. The Hearing Body does not see any reason why this Article should apply.

38. The Hearing Body also believes that the Respondent should be liable for a financial sanction of €1,500 in accordance with Article 10.11 of the Code and Chapter 1.2, Section 2, IPC Handbook ('Rules on the imposition of financial sanctions for anti-doping rule violations'), for the



reasons as listed above in paragraph 30 and due to the costs that the IPC has incurred in connection with the Result Management process.

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

39. The IPC Anti-Doping Committee recommends the following to the IPC Governing Board:
  - a. Pursuant to Article 9 of the Code, the Respondent's individual results obtained at the 2011 IPC Powerlifting Open International Championship in Amman, Jordan, and at any other event from the date of 23 July 2011 onwards should be automatically disqualified, including forfeiture of any medals, points and prizes won;
  - b. Pursuant to Article 10.2 of the Code, a two-year (2-year) period of ineligibility should be imposed on the Respondent.
  - c. Pursuant to Article 10.9.2 of the Code, the Respondent should not receive credit for the timely admission of the anti-doping rule violation and should therefore be declared ineligible from 20 October 2011 until 19 October 2013; and
  - d. 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 €1.500,- should be imposed on the Respondent.
40. The IPC Anti-Doping Committee would further like to remind the Respondent of his status of Ineligibility as set forth in Article 10.10 of the Code.
41. There are two additional aspects to this case. Firstly, the role of the Respondent's Coach and Team Doctor are not entirely clear. The Respondent says he took the medications and other products (except for the medication purchased in Jordan) with their knowledge and supervision. This suggests that the Coach and the Team Doctor do not fully understand their duty to their athletes to assist them in avoiding potential doping substances. The Hearing Body recommends that the IPC investigate the roles and the responsibilities of the Respondent's Coach and Team Doctor and take appropriate action.
42. Secondly, the apparent breach of confidentiality of the Respondent's adverse analytical finding mentioned in paragraph 13, above, is a





serious matter. The Hearing Body recommends that the IPC investigate this matter, and particularly the role, if any, of JADO, and take appropriate action.

### **Appeal**

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

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

On 5 December 2011 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 typed name.

Mr. Xavier Gonzalez  
Chief Executive Officer  
International Paralympic Committee

cc. Kerwin Clarke, WADA Result Management  
Toni Pascual, Chairperson IPC Anti-Doping Committee