

HIGHLY CONFIDENTIAL: IPC ANTI DOPING SUBCOMMITTEE ONLY

International Paralympic Committee ("the IPC")
IPC Anti-Doping Code

Expedited Hearing of IPC Anti-Doping Subcommittee

RE: GUNDRUY ISMAYILOV, AZERBAIJAN

Polyclinic, Olympic Village, Athens
21 SEPTEMBER 2004: 12.00 PM

Attendees	IPC Accreditation Number
IPC Anti-Doping Subcommittee: Voting Members	
Jose A. Pascual: Chairperson, IPC Anti-Doping Subcommittee	1102030-02
Nick Webborn: IPC Anti-Doping Subcommittee	1162445-02
Bjorn Hedman: IPC Medical Officer	1102432-02
Michael Riding: Member, IPC Anti-Doping Subcommittee	9300600-02
Liljana Ljobovic: IPC Anti-Doping Subcommittee	9300616-02
Non-voting Member	
Andy Parkinson: Secretary, Anti-Doping Subcommittee: IPC Medical & Scientific Director	1102430-03
Observers in Attendance	
Raymond Hack: WADA Independent Observer	1102415-02
Graham Arthur: IPC Consultant	9300527-01
Arnold Illman: IPC Powerlifting Chief Classifier	1154459-01
Athlete	
Gundry Ismayilov	1264220-01
Athlete Representatives	
Vagil Musadig: Coach	1272794-01
Zijadkhan Karimov: Chef de Mission, Azerbaijani National Paralympic Committee	1272790-01
Eleni Saridov: Translator (voluntary)	4211519-02
Desponia Alexiadou: Translator (voluntary)	4576397-01

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Reference in this Document to the IPC Anti-Doping Code refer to the IPC Anti-Doping Code January 2004 ("the Code")

Representations

Jose Pascual represented the position of the IPC Anti-Doping Subcommittee ("IPCADS").

A Sample (as defined in the Code) was supplied by the athlete, Gundry Ismayilov ("the Athlete") and subjected to Sample Analysis at a WADA-accredited laboratory at OAKA, Athens, on 18 September 2004.

The Sample Analysis identified the presence in the Sample of an anabolic agent, stanozolol. Stanozolol is a Prohibited Substance under the terms of the Code. The presence of a Prohibited Substance constitutes an Adverse Analytical Finding, and is an Anti-Doping Rule Violation under the terms of the Code. The Expedited Hearing of IPCADS had been convened to address the issue of whether an anti-doping rule violation had taken place.

IPCADS noted that no Therapeutic Use Exception had been granted to the Athlete in respect of the use of stanozolol.

IPCADS advised the Athlete that the IPCADS Expedited Hearing was intended to result in a recommendation being made to the IPC Management Committee as to the Consequences of the Adverse Analytical Finding.

Vagil Musadig, Coach to the Athlete, advised IPCADS that the Athlete had subjected himself to out of competition testing on 13 September 2004. This took place at a laboratory in Ankara, Turkey ("the Turkish Sample Analysis"). The results of the Turkish Sample Analysis were provided to the Athlete on 15 September 2004. The results of the Turkish Sample Analysis showed no Adverse Analytical Finding.

Zijadkhan Karimov, Chef de Mission, Azerbaijani National Paralympic Committee provided a copy of the Turkish Sample Analysis results to IPCADS. IPCADS noted that no conclusive evidence was provided that showed that the results of the Turkish Sample Analysis pertained to the Athlete.

Mr. Musadig advised IPCADS that the Turkish Sample Analysis had been arranged by the Azerbaijani National Paralympic Committee in an effort to ensure that the Athlete was not committing any anti-doping rule violations. Mr. Musadig stated that he was aware that Anti-Doping procedures were rigorously applied at the Paralympic Games, and that it was important to be sure that the Athlete was not committing any doping violations. IPCADS observed that it was not seeking to make any finding as to the level of diligence applied by either the Azerbaijani National Paralympic Committee, or the Azerbaijani sports authorities, in relation to Anti-Doping Rule Violations. Mr. Musadig expressed complete surprise at the results of the test conducted by IPC.

IPCADS requested an explanation of the presence of the Prohibited Substance from the Athlete. The Athlete offered no explanation, but stated in mitigation that he viewed himself as a serious athlete, and that given the expectation that existed in relation to his performance, would not have committed an Anti-Doping Rule Violation. The Athlete stated that he would be prepared to undergo a further Sample Analysis. The Athlete also stated that if he had used the Prohibited Substance after submitting to the Turkish Sample Analysis, that the results of the Sample Analysis test that took place on 18 September 2004 would be higher than those indicated in the results of that test. IPCADS advised the Athlete that it did not consider the results of the Turkish Sample Analysis to be relevant to its recommendation to the IPC Management Committee.

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IPCADS advised the Athlete that the Athlete could arrange for a further Sample Analysis test to take place, by contacting ATHOC (the ATHENS 2004 Paralympic Organising Committee). IPCADS would offer the appropriate level of assistance in this respect.

IPCADS confirmed that the Athlete was suspended from all competition at the Paralympic Games subject to the decision of, and action taken by, the IPC Management Committee.

The IPCADS Expedited Hearing closed at 12.55 pm. The Athlete was advised that the IPC Management Committee was likely to make a decision in relation to the IPCADS Expedited Hearing on September 22.

Following the Expedited Hearing the IPCADS discussed evidence and noted that there had been no challenge of the notification, the sample procedure or the analysis. The previous alleged negative test could not be linked to the athlete because the report was merely the result of a test with a sample code number from 13 September 2004 with no other relevant documentation. There was no other explanation provided for the adverse analytical finding.

In addition it was noted that the Athlete has been previously sanctioned for 2 years during the Sydney 2000 Paralympic Games and therefore lifetime ineligibility would be imposed.

Recommendation

IPCADS, after considering the evidence, and the testimony of the Athlete and the Athlete's representatives, found that an Anti-Doping Rule Violation had taken place. IPCADS agreed to recommend to the IPC Management Committee that the Athlete be sanctioned according to the Code in respect of the Anti-Doping Rule Violation.

This is a true note of the above Hearing:

Dated 21 September 2004
Paralympic Village, Athens

Signed:

Andy Parkinson, IPC Medical & Scientific Director

Secretary to IPCADS