

# INTERNATIONAL SKATING UNION

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For immediate release

## Press release

Following the recent massive media campaign launched by Claudia Pechstein including an “open letter” addressed to the ISU, a self-accusation as well as a call on athletes to sign a declaration challenging the jurisdiction of the Court of Arbitration for Sport, the ISU deems it appropriate to publish an addition to its statement of September 24, 2013.

A number of athletes, officials and media representatives appear to give credence to Claudia Pechstein’s allegation that her unusual blood profile and, in particular, her high values of reticulocytes (new blood red cells) can be explained by a mild blood anomaly/disorder allegedly diagnosed by Prof. Eber and Prof. Zanella.

This calls for the following comments:

The above mentioned alleged diagnosis is contested by the ISU. More importantly, the above named experts have not presented any evidence whatsoever which would show that the alleged anomaly could cause a blood profile and values of reticulocytes as those of Claudia Pechstein. ISU’s medical experts are firmly convinced that the allegedly diagnosed very mild anomaly, which in 2009 was not detected even by Claudia Pechstein’s own experts in several tests performed on her, cannot explain her extremely high values of reticulocytes and their subsequent rapid declines.

In addition, the credibility of Ms. Pechstein’s allegations is severely undermined by the fact that since the beginning of the case she has refused to undergo **independent** clinical and laboratory testing even though during the first hearing of the ISU Disciplinary Commission in July 2009 and again during the CAS appellate proceedings she was offered this opportunity in order to prove any blood disorder.

Further, the ISU has presented a diagram to the Munich court which shows that the 4 highest values of reticulocytes, obtained before the sanction imposed in 2009, had always been found during top world competitions. Can any blood disorder be so intelligent that it recognizes when exactly to start a higher production of reticulocytes and when to stop it? It is also surprising to note that the reticulocyte values have since April 2011 stabilized within a normal range so that the alleged blood disorder suddenly and miraculously disappeared.

With reference to the self-accusations made by Ms. Pechstein obviously for the purpose of misleading the media and public, the ISU wishes to emphasize that it will continue to treat Ms. Pechstein like any other skater included in the registered testing pool and in accordance with all applicable rules.

The ISU also noted the attack by the Pechstein party against the Court of Arbitration for Sport (CAS) including a call on athletes to sign a declaration challenging its jurisdiction in doping cases. The jurisdiction of CAS is one of the corner stones of the World Anti-Doping Code and without its unifying role in the interpretation of the Code and in the application of sanctions for doping

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offences, the global fight against doping in sport would collapse. The attacks against the CAS by Ms. Pechstein and her lawyers are an irresponsible offence against the dedicated work of hundreds of CAS arbitrators from many countries who have proved their professionalism and independence in hundreds, if not thousands of decisions rendered over the last 25 years. Ms. Pechstein's attack does not lack irony since it is thanks to a decision of CAS rendered in 2011 (CAS 2011/O/2422 USOC v. IOC) that - provided she qualifies - allows her to participate in the Olympic Winter Games in Sochi. This decision in fact declared invalid and unenforceable Article 45 of the Olympic Charter which banned athletes against whom a suspension of more than 6 months for a doping offence has been imposed, from participating in the first Olympic Games after the sanction had expired. Is more convincing evidence needed to show CAS's independence from the IOC?

The ISU has always supported the fight against doping. As an international federation of an Olympic sport it accepted and implemented the WADA Code and also accepted CAS as the highest judicial body to decide on doping cases. The ISU cannot accept the jurisdiction of whatever other court to review a final decision of the CAS which was confirmed by the Swiss Federal Court, the highest court of a country with a highly reputed legal and judicial system. The ISU further wishes to point out that many state governments including the German Federal Government have signed the 2005 UNESCO Convention against Doping in Sport. Under Article. 4/1 of that Convention, State Parties undertake to respect the principles of the WADA Code, which include the jurisdiction of CAS as the supreme body in doping matters.

The ISU has trust in the German legal and judicial system and in the professionalism and expertise of German judges.

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