



PRESS RELEASE

SWIMMING

CAS CONFIRMS REBECCA GUSMÃO'S LIFE BAN

Lausanne, 13 November 2009 - The Court of Arbitration for Sport (CAS) has rendered its final decision in the cases concerning the Brazilian swimmer Rebecca Braga Gusmão. The CAS has confirmed the decisions taken by FINA Doping Panels on 12 May 2008, 17 July 2008 and 3 September 2008, in the last of which, Ms Gusmão was declared ineligible to compete for life.

During the 2006 Brazilian Swimming Championships Ms Gusmão underwent an in-competition doping control. The analysis of the A and B samples resulted in an adverse analytical finding for testosterone. The matter was referred by FINA to a Doping Panel which found on 17 July 2008 that the athlete had committed an anti-doping rule violation in the form of the presence of a prohibited substance and declared the athlete ineligible to compete for two years.

Prior to the 2007 Pan American Games, at FINA's request, Ms Gusmão underwent an out of competition doping test. The laboratory analysis revealed an exogenous origin of testosterone as well as elevated T/E ratios. In May 2008, a FINA Doping Panel issued a decision in which the athlete was found to have committed an anti-doping rule violation in the form of the presence of a prohibited substance. Since a decision had not yet been rendered in the previous case concerning the samples taken at the 2006 Brazilian Swimming Championships, this was considered by the FINA Doping Panel to be her first offence, and she was declared ineligible to compete for two years.

During the same Pan American Games, this time at the Organizing Committee's request, Ms Gusmão underwent both in and out of competition testing. The results of both tests were reported as negative, however, the in competition test showed indications of an elevated T/E ratio, but since the sample was diluted, the laboratory could not give an adverse analytical finding. A team of independent observers from the World Anti-Doping Agency (WADA) present at the Pan American Games reported to FINA its concerns about the way in which the doping control had been conducted and about the results of the tests. Steroid profiles requested from the laboratory by the WADA team indicated that the samples stemmed from different people. DNA analysis performed by a Brazilian laboratory, accredited by the Federal Police of Brazil for forensic analysis, concluded that the samples belonged to different donors. This third

case was also considered by a FINA Doping Panel which concluded in September 2008 that the athlete had committed an anti-doping rule violation that was to be considered her second offence and therefore declared her ineligible to compete for life.

Ms Gusmão filed appeals at the CAS against the three FINA Doping Panel decisions, requesting that they be set aside. The cases were consolidated and referred to the same Panel of CAS arbitrators: Prof. Dr. Christoph Vedder (Germany), Judge Carole Barbey (Switzerland) and Mr Denis Oswald (Switzerland). The athlete together with her legal representatives and those of FINA were heard at a hearing that was held at the CAS headquarters in Lausanne in March 2009.

The athlete questioned, *inter alia*, the reliability of the laboratory analysis and the laboratory's processes. The CAS Panel, having considered the evidence presented by the parties, dismissed these arguments, finding that that three clear anti-doping rule violations had occurred, two in the form of 'presence of a prohibited substance' and one in the form of 'tampering with a doping control'. The CAS Panel has therefore confirmed the FINA Doping Panels' conclusions, and dismissed the athlete's appeals.

The full award with the grounds is published on the CAS website (<http://www.tas-cas.org/recent-decision>).