

INTERNATIONAL OLYMPIC COMMITTEE

IOC DISCIPLINARY COMMISSION

DECISION

REGARDING MELINE DALUZYAN

**BORN ON 20 APRIL 1988, ARMENIAN FEDERATION, ATHLETE, WEIGHTLIFTING
(NATIONAL OLYMPIC COMMITTEE OF ARMENIA)**

In application of the Olympic Charter and, in particular, Rule 59.2.1 thereof, and the IOC Anti-Doping Rules applicable to the Games of the XXX Olympiad, London 2012 (the “**Rules**”) and, in particular, Articles 1,2, 6.3.3, 7, 8, and 9 thereof:

I. FACTS

1. Meline DALUZYAN (the “**Athlete**”), participated in the Games of the XXX Olympiad, London 2012 (the “**2012 Olympic Games**”) as a member of the team of the National Olympic Committee of Armenia.
2. On 26 July 2012, the Athlete was requested to provide a urine sample for a doping control. Such sample was identified with the number 2721410.
3. On the 1 August 2012, the Athlete competed in the Women’s 69kg Weightlifting event. The Athlete was not ranked as she was unable to put up a total score.
4. The A-Sample 2721410 was analysed during the 2012 Olympic Games by the WADA-accredited Laboratory in London. The analysis did not result in an adverse analytical finding at that time.
5. After the conclusion of the 2012 Olympic Games, all the samples collected upon the occasion of the 2012 Olympic Games were transferred to the WADA-accredited Laboratory in Lausanne, Switzerland (the “**Laboratory**”) for long-term storage.
6. The IOC decided to perform further analyses on samples collected during the 2012 Olympic Games. These additional analyses were notably conducted with improved analytical methods in order to possibly detect Prohibited Substances which could not be identified by the analysis performed at the time of the 2012 Olympic Games.
7. The IOC decided that the re-analysis process would be conducted as a regular A and B sample analysis, without resorting to a splitting of the B-Sample.
8. The remains of the A-Sample were analysed by the Laboratory and resulted in an Adverse Analytical Finding (“**AAF**”) as it showed the presence of Dehydrochlormethyltestosterone metabolites and Stanozolol metabolites, both are Prohibited Substances (Class S1.1a – Anabolic Androgenic Steroids).
9. The results were reported to the IOC in accordance with Art. 6.2.1 of the Rules.

10. Further to the verifications set forth in Art. 6.2.2 of the Rules and in application of Art. 6.2.3 of the Rules, the IOC President, Mr Thomas Bach, was informed of the existence of the AAF and the essential details available concerning the case.
11. Pursuant to Art. 7.2.4 of the Rules, the IOC President set up a Disciplinary Commission, consisting in this case of:
 - Prof. Denis Oswald, Chairman;
 - Mrs. Gunilla Lindberg; and
 - Mr. Juan Antonio Samaranch.
12. The IOC has delegated the implementation of the Doping Control program for the 2012 Olympic Games to the International Testing Agency (the “**ITA**”). Such delegation includes the conduct of re-analysis of the samples collected during the 2012 Olympic Games and the related results management.
13. On 17 December 2018, the ITA notified the Athlete, through the National Olympic Committee of Armenia (the “**NOC**”), of the above-mentioned AAF and of the institution of disciplinary proceedings to be conducted by the Disciplinary Commission. By means of an Athlete Rights Form to be completed by the Athlete, the ITA informed the Athlete of her right to request the opening and analysis of the B-Sample and to attend this process, either in person and/or through a representative, and of her right to request a copy of the laboratory documentation package.
14. The Athlete was also given the possibility to refer the matter for adjudication before the Court of Arbitration for Sport in Lausanne, Switzerland, by means of a proposed arbitration agreement.
15. On 17 December 2018, the ITA also notified the International Weightlifting Federation (the “**IWF**”).
16. On 18 December 2018, the NOC informed the ITA that the Athlete had stopped competing following the 2012 Olympic Games, moved out of Armenia, and had no contact information for the Athlete.
17. On 20 December 2018, the ITA acknowledged the NOC’s response. The ITA further requested the NOC’s assistance in attempting to deliver the AAF notification to the Athlete. The ITA also noted that the Athlete was a member of the NOC’s team during the 2012 Olympic Games and pursuant to Art. 6.3.3 of the Rules, notice to an athlete is deemed to be accomplished by delivery of such notice to the NOC.
18. On 23 January 2019, the ITA established contact with the Athlete via Facebook. The ITA requested that the Athlete provided contact information to enable the ITA to send the AAF notification directly to the Athlete.
19. On the same day, the Athlete responded to the ITA and provided updated contact information.
20. On 23 January 2019, the ITA sent the Athlete the AAF notification to the contact information provided by the Athlete.

21. On 13 February 2019, the ITA sent the Athlete a reminder to respond to the AAF notification, in particular the Athlete Rights Form and the proposed arbitration agreement. The ITA requested that the Athlete respond no later than 19 February 2019.
22. On 5 March 2019, the ITA sent the Athlete a final reminder to respond by 11 March 2019. The Athlete was informed that failure to do so would be deemed a waiver of her right to request the analysis of the B-Sample and a copy of the laboratory documentation package. Failure to respond would also be deemed a refusal to refer the matter for adjudication to the Court of Arbitration for Sport, and the case would be referred to the IOC Disciplinary Commission.
23. On the same day, the ITA also sent the Athlete a message on Facebook reminding the Athlete to respond and that failure to do so would entail that the matter be referred for adjudication before the IOC Disciplinary Commission.
24. On 15 March 2019, the ITA informed the Athlete that, due to her failure to respond, the right to request the B-Sample analysis and request a copy of the laboratory documentation package was waived. The Athlete was also deemed to have declined the offer to have the matter referred to the Court of Arbitration for Sport. The ITA confirmed that the matter would be referred to the IOC Disciplinary Commission for adjudication.
25. On 5 April 2019, the IOC Disciplinary Commission informed the Athlete that the matter was pending for adjudication. The IOC Disciplinary Commission invited the Athlete to indicate by 20 April 2019 whether a written defence would be submitted and whether an oral hearing should be held.
26. The Athlete did not respond to the invitation.

II. APPLICABLE RULES

26. Art. 1 of the Rules provides as follows:

“Application of the Code – Definition of Doping – Breach of the Rules

1.1 The commission of an anti-doping rule violation is a breach of these Rules.

1.2 Subject to the specific following provisions of the Rules below, the provisions of the Code and of the International Standards apply mutatis mutandis in relation to the London Olympic Games.”

27. Art. 2 of the Rules provides that Article 2 of the Code applies to determine anti-doping rule violations.

28. Art. 2.1 of the Code provides that the following constitutes an anti-doping rule violation:

“Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete’s Sample.

1.1.1 It is each Athlete’s personal duty to ensure that no Prohibited Substance enters his or her body. Athletes are responsible for any Prohibited Substance or its Metabolites or Markers found to be present in their Samples. Accordingly, it is not necessary that intent, fault, negligence or knowing Use on the Athlete’s part be demonstrated in order to establish an anti-doping violation under Article 2.1.

1.1.2 *Sufficient proof of an anti-doping rule violation under Article 2.1 is established by either of the following: presence of a Prohibited Substance or its Metabolites or Markers in the Athlete's A Sample where the Athlete waives analysis of the B Sample and the B Sample is not analysed; or, where the Athlete's B Sample is analysed and the analysis of the Athlete's B Sample confirms the presence of the Prohibited Substance or its Metabolites or Markers found in the Athlete's A Sample.*

1.1.3 *Excepting those substances for which a quantitative threshold is specifically identified in the Prohibited List, the presence of any quantity of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample shall constitute an anti-doping rule violation.*

1.1.4 *As an exception to the general rule of Article 2.1, the Prohibited List or International Standards may establish special criteria for the evaluation of Prohibited Substances that can also be produced endogenously."*

29. Art. 2.2 of the Code provides the following constitutes an anti-doping rule violation:

"Use or Attempted Use by an Athlete of a Prohibited Substance or a Prohibited Method.

2.2.1 *It is each Athlete's personal duty to ensure that no Prohibited Substance enters his or her body. Accordingly, it is not necessary that intent, fault, negligence or knowing Use on the Athlete's part be demonstrated in order to establish an anti-doping rule violation for Use of a Prohibited Substance or a Prohibited Method.*

2.2.2 *The success or failure of the Use or Attempted Use of a Prohibited Substance or Prohibited Method is not material. It is sufficient that the Prohibited Substance or Prohibited Method was Used or Attempted to be Used for an anti-doping rule violation to be committed."*

30. Art. 6.3.3 of the Rules provides as follows:

"Notice to an Athlete or other Person who has been accredited pursuant to the request of the NOC, may be accomplished by delivery of the notice to the NOC. Notification to the Chef de Mission or the President or the Secretary General of the NOC of the Athlete or other Person shall be deemed to be delivery of notice to the NOC."

31. Art. 7.1 of the Rules provides as follows:

"A violation of these Rules in Individual Sports in connection with Doping Control automatically leads to Disqualification of the Athlete's results in the Competition in question, with all other consequences, including forfeiture of any medals, points and prizes."

32. Art. 8.1 of the Rules provides as follows:

“An anti-doping rule violation occurring or in connection with the London Olympic Games may lead to Disqualification of all the Athlete’s results obtained in the London Olympic Games with all consequences, including forfeiture of all medals, points and prizes, except as provided in Article 8.1.1.”

33. Art. 8.1.1 of the Rules provides as follows:

“If the Athlete establishes that he or she bears No Fault or Negligence for the violation, the Athlete’s results in the Competitions (for which the Athlete’s results have not been automatically Disqualified as per Article 7.1 hereof) shall not be Disqualified unless the Athlete’s results in Competitions other than the Competition in which the anti-doping rule violation occurred were likely to have been affected by the Athlete’s anti-doping rule violation.”

34. Art. 8.3 of the Rules provides as follows:

“The Consequences of Anti-Doping Rule Violations and the conduct of additional hearings as a consequence of hearings and decisions of the IOC, including with regard to the imposition of sanctions over and above those relating to the London Olympic Games, shall be managed by the relevant International Federation.”

35. Art. 9.1 of the Rules provides as follows:

“Where more than one member of a team in a Team Sport has been notified of a possible anti-doping rule violation under Article 6 in connection with the London Olympic Games, the team shall be subject to Target Testing for the London Olympic Games.

In Team Sports, if more than one team member is found to have committed an anti-doping rule violation during the Period of the London Olympic Games, the team may be subject to Disqualification or other disciplinary action, as provided in the applicable rules of the relevant International Federation.

In sports which are not Team Sports but where awards are given to teams, if one or more team members have committed an anti-doping rule violation during the Period of the London Olympic Games, the team may be subject to Disqualification, and/or other disciplinary action as provided in the applicable rules of the relevant International Federation.”

III. DISCUSSION

36. The results of the analysis of the sample provided by the Athlete establish the presence in their sample of the metabolites of Prohibited Substances, *i.e.* Dehydrochlormethyltestosterone metabolites and Stanozolol metabolites.
37. The substances detected in the Athlete’s sample are anabolic steroids. They are listed in the WADA 2012 Prohibited List and in all subsequent lists under S1.

38. Despite having been actually notified, the Athlete did not take part in the proceedings. She did not complete the Athlete Rights Form and, despite being repeatedly offered to do so, decided not to participate in the analytical process in any manner.
39. The Athlete notably did not request the analysis of the B-Sample. The Athlete is thus deemed to have waived the corresponding right to do so.
40. In accordance with Art. 2.1 of the Code, when the B-Sample analysis is waived, the result of the A-Sample analysis is sufficient to establish an anti-doping rule violation.
41. Based on such result, the Athlete shall be found to have committed an anti-doping rule violation pursuant to Art. 2.1 of the Code consisting of the presence of a Prohibited Substance in their body.
42. In addition, the Disciplinary Commission finds that an anti-doping rule violation would also be established if the present circumstances were considered in the perspective of the application of Art. 2.2 of the Code.
43. The substances found in the Athlete's sample correspond to substances which have been then very commonly used as a doping substance (one of which is known under its common name as "oralturinabol"). Oralturinabol was commonly used notably because it was both efficient and then detectable only for a short period of time after its ingestion (only a few days) given the sensitivity of the analytical methods available at that time.
44. The detection of this substance through long term metabolites started to be implemented only after the London Olympic Games. This new method massively increased the window of detection of oralturinabol, from a few days to up to two months or more. This significant improvement in the efficiency of the detection of oralturinabol led to an unprecedented wave of positive cases in the re-analysis of samples collected on the occasion of both the 2008 and 2012 Olympic Games.
45. Stanazolol is another commonly used doping substance. In this case, an increased window of detection was also achieved through improved methods which began to be implemented only after the London Olympic Games.
46. In this context, the finding of these substances is therefore clearly consistent with intentional and actually carefully managed doping practices. Based on the then known windows of detection, a well-informed athlete could indeed be counting that the concerned substances would not be detected on the occasion of the doping controls performed during the Olympic Games.
47. The absence of any explanation on the part of the Athlete and refusal to participate in these proceedings only reinforces the inference that she was intentionally doing.
48. Under the Rules, the applicable consequences of the established anti-doping rule violation specifically relate to the 2012 Olympic Games.
49. Pursuant to Art. 7.1 and 8.1 of the Rules, the results achieved by the Athlete during the 2012 Olympic Games shall be annulled, with all resulting consequences (notably withdrawal of medals, diplomas, pins etc.).

50. In this case, the disqualification means that the athlete's name shall be struck off the competition result list or the indication added that she was disqualified as a result of the commission of anti-doping rule violation.
51. In accordance with Art. 8.3 of the Rules, the further consequences of the anti-doping rule violations, and in particular the imposition of sanctions over and above those related to the 2012 Olympic Games, shall be managed by the IWF.

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CONSIDERING the above, pursuant to the Olympic Charter and, in particular, Rule 59.2.1 thereof, and pursuant to the IOC Anti-Doping Rules applicable to the Games of the XXX Olympiad in London in 2012 and, in particular, Articles 1, 2, 6.3.3, 7, 8, and 9 thereof

THE DISCIPLINARY COMMISSION OF THE
INTERNATIONAL OLYMPIC COMMITTEE
DECIDES

- I. The Athlete, Meline Daluzyan:
 - i) is found to have committed an anti-doping rule violation pursuant to the IOC Anti-Doping Rules applicable to the Games of the XXX Olympiad in London in 2012 (presence and/or use, of Prohibited Substances or their Metabolites or Markers in the Athlete's bodily specimen), and
 - ii) is disqualified from the events in which she participated upon the occasion of the 2012 Olympic Games, namely, the Women's 69kg Weightlifting event.
- II. The IWF is requested to modify the results of the above-mentioned event accordingly and to consider any further action within its own competence.
- III. The National Olympic Committee of Armenia shall ensure full implementation of this decision.
- IV. The decision enters into force immediately.

Lausanne, 8 May 2019

In the name of the IOC Disciplinary Commission

Prof. Denis Oswald

Gunilla Lindberg

Juan Antonio Samaranch