

INTERNATIONAL OLYMPIC COMMITTEE

DISCIPLINARY COMMISSION

DECISION

REGARDING EROL BILGIN

**BORN ON 20 FEBRUARY 1987, TURKISH FEDERATION, ATHLETE, WEIGHTLIFTER
(TURKISH OLYMPIC COMMITTEE)**

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 and 8 thereof:

I. FACTS OF THE CASE

1. Erol BILGIN (the "**Athlete**"), participated in the Games of the XXX Olympiad, London 2012 (the "**2012 Olympic Games**") as a team member of the Turkish Olympic Committee.
2. On 30 July 2012, the Athlete competed in the Men's 62 kg Weightlifting event, finishing 8th overall.
3. On 30 July 2012, the Athlete was requested to provide urine samples for a doping control. Such sample was identified with the number 2718715.
4. The A-Sample 2718715 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 2718715 was analysed by the Laboratory and resulted in an Adverse Analytical Finding ("**AAF**") as it showed the presence of Dehydrochlormethyltestosterone metabolite (4-chloro-18-nor-17b-hydroxymethyl, 17a-methyl-5a-androst-13-en-3a-ol), a Prohibited Substance (Class S1.1a – Anabolic Androgenic Steroids) and the presence of Stanozolol metabolites (3'-hydroxystanozolol-O-glucuronide and 16b-hydroxystanozolol-O-glucuronide and 3'-hydroxy-17-epistanozolol-O-glucuronide and Stanozolol-N-glucuronide), a Prohibited Substance (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. 6.2.5 of the Rules, the IOC President set up a Disciplinary Commission, consisting in this case of:
 - Prof. Denis Oswald, Chairman;
 - Mr. Juan Antonio Samaranch; and
 - Mr. Ingmar De Vos.
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 11 December 2019, the ITA notified the Athlete, through the Turkish Olympic Committee (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 his 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 his 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 an arbitration agreement.
15. On 11 December 2019, the International Weightlifting Federation (“**IWF**”) was also informed of the Athlete’s AAF notification. The ITA also invited the IWF to take the necessary actions under Art. 8.3 of the Rules.
16. On 12 December 2019, the NOC informed the ITA that it had received the notification and that the Athlete was notified of the AAF. The NOC also provided the ITA with the contact details and address of the Athlete.
17. On 2 January 2020, the NOC provided the ITA with the completed Athlete Rights Form dated 23 December 2019 and signed by the Athlete. The Athlete indicated that he did not accept the AAF and he requested the opening and analysis of the B-Sample. The Athlete did not indicate whether he would attend personally the opening and the analysis of the B-Sample or whether he would be assisted by a representative. Finally, he requested a copy of the A-Sample laboratory documentation package. The NOC further informed the ITA that the Athlete had refrained from signing the arbitration agreement for the adjudication of the case before the Court of Arbitration for Sport in Lausanne.
18. On 4 February 2020, the ITA informed the Athlete and the NOC that the B-Sample opening and analysis would take place on 13 February 2020 at the Lausanne Laboratory. The ITA requested the Athlete to confirm by 7 February 2020 at the latest whether he would be present (either personally or through representative) to witness the opening of the B-Sample. The ITA informed the Athlete that failing to receive a reply within the deadline, it would be deemed that he would not be present or represented at the B-Sample opening and that the laboratory would proceed in front of an independent witness.
19. On 7 February 2020, the NOC informed the ITA that the Athlete would not attend the opening of the B-Sample, neither personally nor through a representative.
20. On 12 February 2020, the ITA informed the Athlete and the NOC that the opening of the B-Sample would be postponed due to scheduling issues.

21. On 17 March 2020, the ITA provided the Athlete and the NOC with a copy of the A-Sample laboratory documentation package. The ITA further informed the Athlete and the NOC that due to the outbreak of COVID-19 and the precautionary measures announced by the Government of Switzerland, the B-Sample opening and analysis would have to be rescheduled.
22. On 29 May 2020, the ITA informed the Athlete and the NOC that the opening and analysis of the B-Sample would take place on 4 June 2020. Taking into account the email received from the NOC on 7 February 2020, it was noted that an independent witness would attend the opening of the B-Sample.
23. On 4 June 2020, the B-Sample was opened and analysed at the Lausanne Laboratory.
24. On 5 June 2020, the B-Sample test report was sent to the Athlete and NOC. The B-Sample confirmed the results of the A-Sample, showing the presence of Dehydrochlormethyltestosterone metabolite (4-chloro-18-nor-17b-hydroxymethyl, 17a-methyl-5a-androst-13-en-3a-ol) and the presence of Stanozolol metabolites (3'-hydroxystanozolol-O-glucuronide and 16b-hydroxystanozolol-O-glucuronide and 3'-hydroxy-17-epistanozolol-O-glucuronide and Stanozolol-N-glucuronide). The Athlete was invited to indicate until 12 June 2020 whether he requested a copy of the B-Sample laboratory documentation package.
25. The ITA further informed the Athlete and the NOC that the case will be submitted to the IOC Disciplinary Commission for adjudication.
26. On 12 June 2020, the Athlete requested for the B-Sample laboratory documentation package. The same was provided to the Athlete on 16 June 2020.
27. On 13 July 2020, the ITA initiated the disciplinary proceedings in front of the IOC Disciplinary Commission.
28. On 14 July 2020, the IOC Disciplinary Commission informed the Athlete that he had the right to request and attend a hearing of the Disciplinary Commission. He was also informed that he had the right to submit a defence in writing and to request that a decision be issued on the basis of the written submissions of the parties.
29. On 21 July 2020, by means of the Hearing Form dated 20 July 2020, the Athlete informed the IOC Disciplinary Commission that he did not request a hearing, that he would not attend the hearing physically or via teleconference and that he would not submit a defence in writing.

II. APPLICABLE RULES TO THE CASE

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.

- 2.1.1 *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.*
- 2.1.2 *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.*
- 2.1.3 *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.*
- 2.1.4 *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 of 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.”

III. SUBSTANCE OF THE CASE

36. The results of the analysis of the sample provided by the Athlete establish the presence in his sample of the metabolites of two Prohibited Substances, *i.e.* Dehydrochlormethyltestosterone metabolite 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. The analysis of the B-Sample performed at the request of the Athlete and in the presence of an independent witness confirmed the results of the A-Sample, namely the presence of the metabolites of two Prohibited Substances (Dehydrochlormethyltestosterone metabolite and Stanozolol metabolites).
39. In accordance with Art. 2.1 of the Code, an anti-doping rule violation is established when 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.
40. Based on such results, the Athlete is found to have committed an anti-doping rule violation pursuant to Art. 2.1 of the Code consisting of the presence of two Prohibited Substances in his body.
41. 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.
42. The two 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 “oralurinabol”). Oralurinabol 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.
43. 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 oralurinabol, from a few days to up to two months or more. This significant improvement in the efficiency of the detection of oralurinabol 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.

44. 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.
45. 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.
46. The absence of any explanation on the part of the Athlete further reinforces the inference that he was intentionally doping.
47. Under the Rules, the applicable consequences of the anti-doping rule violation specifically relate to the 2012 Olympic Games.
48. 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.).
49. 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.

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 and 8 thereof

THE DISCIPLINARY COMMISSION OF THE
INTERNATIONAL OLYMPIC COMMITTEE
DECIDES

- I. The Athlete, Erol BILGIN:
 - (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 its Metabolites or Markers in an athlete's bodily specimen),
 - (ii) is disqualified from the event in which he participated upon the occasion of the Olympic Games London 2012, namely the Men's 62 kg weightlifting event, in which he ranked 8th and for which he was awarded a diploma,
 - (iii) has the diploma obtained in the Men's 62 kg weightlifting event withdrawn and is ordered to return the same.
- 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 Turkish Olympic Committee shall ensure full implementation of this decision.
- IV. The Turkish Olympic Committee shall notably secure the return to the IOC, as soon as possible, of the diploma awarded in connection with the Men's 62 kg weightlifting event to the Athlete
- V. The decision enters into force immediately.

Lausanne, 26 August 2020

In the name of the IOC Disciplinary Commission

Prof. Denis Oswald

Ingmar De Vos

Juan Antonio Samaranch