

**INTERNATIONAL OLYMPIC COMMITTEE**

**IOC DISCIPLINARY COMMISSION**

**DECISION**

**REGARDING ILYA ILIN  
BORN ON 24 MAY 1988, KAZAKHSTAN, ATHLETE, WEIGHTLIFTING**

(Rule 59.2.1 of the Olympic Charter)

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 XXIX Olympiad in Beijing in 2008 (the “**Rules**”) and, in particular but without limitation, Articles 2, 5.1, 7.3.3, 8 and 9 thereof:

**I. FACTS**

1. Ilya ILIN (hereinafter the “**Athlete**”), participated in the Games of the XXIX Olympiad in Beijing in 2008 (the “**2008 Olympic Games**”).
2. On 17 August 2008, the Athlete competed in the Men’s 94 kg weightlifting event in which he ranked 1<sup>st</sup> and for which he was awarded the gold medal.
3. On 9 August 2008, the Athlete was requested to provide a urine sample for a doping control. Such sample was identified with the number 1844067.
4. The A-Sample 1844067 was analysed during the 2008 Olympic Games by the WADA-accredited Laboratory in Beijing. Such analysis did not result in an adverse analytical finding at that time.
5. After the conclusion of the 2008 Olympic Games, all the samples collected upon the occasion of the 2008 Olympic Games were transferred to the WADA-accredited “Laboratoire suisse d’analyse du dopage” in Lausanne, Switzerland (“the **Laboratory**”) for long-term storage.
6. The IOC decided to perform further analyses on samples collected during the 2008 Olympic Games. These additional analyses were notably performed with improved analytical methods using more sensitive equipment and/or searching for new metabolites in order to possibly detect Prohibited Substances which were not identified by the analysis performed at the time of the 2008 Olympic Games.
7. In accordance with the provisions of the applicable International Standards for Laboratories (the “**ISL**”), the IOC decided that the reanalysis process would be conducted as follows:
  - An initial analysis was to be conducted on the remains of the A-samples
  - If such initial analysis resulted in the indication of the potential presence of a Prohibited Substance or its Metabolites or Markers (“Presumptive Adverse Analytical Finding” - PAAF), the full confirmation analysis process (double confirmation) was to be conducted on the B-Sample, which would be split for the occasion into a B1- and a B2 Sample (becoming thus the equivalent of a A- and B-Sample).
8. The decision to proceed based on split B-samples was made in principle for all the re-analysis.

9. This choice was made in view of the fact that during the transfer of the samples from the Beijing laboratory to the Laboratory, the A-Samples were not individually resealed nor transported in sealed containers.
10. At that time, resealing of A-Samples (or transport in sealed containers) was not a requirement pursuant to the applicable ISL (2008).
11. However, it was felt that the option to rely on the B-Sample constituted an additional precaution securing the strength and reliability of the analytical process.
12. A similar cautious approach was adopted with regard to the implementation of the analytical process and notably of its first phase (opening and splitting of the B-Sample into a B1- and B2-Sample, sealing of the B2-Sample and analysis of the B1-Sample).
13. Pursuant to the ISL, the presence of the Athlete is not a requirement for such first phase of the B-Sample analysis.
14. The IOC nevertheless decided, once again as a matter of principle, that, whenever this was practically possible, the Athlete would be offered the opportunity to attend the above described first phase of the B-sample procedure.
15. The remains of the A-Sample of the Athlete were subject to initial analysis by the Laboratory. Such analysis resulted in a Presumptive Adverse Analytical Finding (“**PAAF**”) as it indicated the potential presence of the metabolites of a Prohibited Substance: stanozolol.
16. On 18 May 2016, the Athlete through his NOC was informed of the PAAF and of the possibility to attend the opening and splitting of the B-Sample into a B1- and B2-Sample, the sealing of the B2-Sample and the analysis of the B1-Sample.
17. On 22 May 2016, the Athlete provided the IOC through his NOC with his completed PAAF Notification Appendix in which he indicated that he would not personally attend the opening, splitting of the B-Sample, the sealing of the B2-Sample and the analysis of the B1-Sample but would be represented on this occasion by Yerzhas Boltayev (coach) and Alimzhan Akayev from his NOC.
18. On 26 May 2016, the IOC informed the Athlete, through his NOC, that the opening, splitting of the B-Sample and the sealing of the B2-Sample would occur on 1 June 2016 followed by the analysis of the B1-Sample.
19. The opening and splitting of the B-Sample, the sealing of the B2-Sample occurred on 1 June 2016 at the Laboratory.
20. The Athlete did not attend the opening and splitting of the B-Sample and was represented on this occasion by Mr Akayev. The IOC was represented by Mr Nicolas Français.
21. As provided in the ISL, the opening and splitting was attended by an independent witness.
22. The results of the B1-Sample analysis were reported on 2 June 2016. These results establish the presence of the metabolites of a Prohibited Substance, namely stanozolol.
23. Such results constitute an Adverse Analytical Finding. They were reported to the IOC in accordance with article 7.2.1 of the Rules.

24. Further to the verifications set forth in Art. 7.2.2 of the Rules and in application of Art. 7.2.3 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.
25. Pursuant to Art. 7.2.4 of the Rules, the IOC President set up a Disciplinary Commission, consisting in this case of:
  - Mr Denis Oswald (Chairman, Switzerland), who is a member of the IOC Legal Affairs Commission;
  - Mrs Gunilla Lindberg (Sweden)
  - Mr Ugur Erdener (Turkey)
26. On 3 June 2016, the IOC notified the Athlete through his NOC of the above-mentioned AAF and of the institution of disciplinary proceedings to be conducted by the Disciplinary Commission. The IOC also informed the Athlete of his right to request and to attend the opening of the B2-Sample and its analysis. He was finally informed of his right to request a copy of the laboratory documentation package.
27. On 9 June 2016, the Athlete provided the IOC through his NOC with his completed AAF Notification Appendix in which he did not indicate whether or not he accepted the Adverse Analytical Finding and requested the opening and analysis of the B2-Sample. He indicated that he would not personally attend the process but would be represented on this occasion by Mr Akayev.
28. On 10 June 2016, the IOC informed the Athlete through his NOC that the opening and analysis of the B2-Sample would take place on 14 June 2016 at the Laboratory.
29. The opening of the B2-Sample occurred on 14 June 2016 in the presence of an independent witness and Mr Akayev, followed by the analysis.
30. The results of the B2-Sample analysis were reported to the IOC on 15 June 2016. They confirmed the presence in the B2-Sample of the metabolites of a Prohibited Substance, namely stanozolol.
31. On 20 June 2016, the IOC communicated to the Athlete through his NOC the results of the B2-Sample analysis. The Athlete was invited to indicate whether he accepted the Adverse Analytical Finding, whether he would attend the hearing of the Disciplinary Commission and/or he would submit a defence in writing. The Athlete was also informed of his right to request a copy of the laboratory documentation package.
32. On 24 June 2016, the Athlete sent to the IOC through his NOC his completed Disciplinary Commission Form. He did not indicate whether he accepted the Adverse Analytical Finding resulting from the analysis of the B-Sample and requested a copy of the B-Sample laboratory documentation package.
33. In his Disciplinary Commission Form, the Athlete indicated that he was not in the position to decide whether he accepted the Adverse Analytical Finding as he first would like to review the documentation packages. He requested to be granted a deadline of at least one month as of the receipt of the documentation packages in order to prepare his defence. He further indicated that his attendance to the hearing of the Disciplinary Commission would also depend on the review of the documentation packages. He finally indicated that he would present a defence in writing.
34. In his Disciplinary Commission Form, the Athlete accepted that his case should be decided after the Olympic Games Rio 2016.

35. On the same day, the NOC indicated that the Athlete accepted the fact that his case could not be solved before the Olympic Games Rio 2016 and therefore accepted not to participate in the Olympic Games Rio 2016. The IOC was finally informed that the NOC would send Mr Akayev to the hearing of the Disciplinary Commission.
36. On 1 July 2016, the IOC provided the Athlete through his NOC with a copy of the B1-Sample laboratory documentation package.
37. On 7 July 2016, the IOC provided the Athlete through his NOC with a copy of the B2-Sample laboratory documentation package.
38. On 12 July 2016, the Athlete confirmed that he would not challenge the provisional suspension issued by the IWF. He again requested time to review the laboratory documentation packages received.
39. On 15 July 2016, the IOC confirmed that the hearing of the Disciplinary Commission would be scheduled to be held after the Olympic Games Rio 2016.
40. In the same communication, the IOC provided the Athlete with additional documentation related notably to the handling of the sample in London and its transfer to the WADA accredited laboratory in Lausanne.
41. On 19 August 2016, Mr Mike Morgan informed the IOC that he had been appointed as the Athlete's counsel. The IOC was requested to send once again a copy of the laboratory documentation packages. Such were provided on the same day.
42. On 21 September 2016, the IOC informed the Athlete's counsel that the hearing of the Disciplinary Commission was scheduled to be held on 17 October 2016. The Athlete was invited to confirm whether he would attend the hearing and whether he would be represented or assisted by a counsel and/or a scientific expert. He was further offered the possibility to submit a written defence by 10 October 2016.
43. On the same day, the NOC and the IF were invited by the IOC to send a representative to attend the hearing and to submit written observations within a deadline expiring on 10 October 2016.
44. On 4 October 2016, the Athlete's counsel informed the IOC that the analytical results were not challenged.
45. In the same letter, the Athlete informed the IOC that neither him nor his counsel would attend the hearing scheduled for 17 October 2016.
46. In his communication, the Athlete's counsel underlined that the fact that the Athlete did not challenge the analytical results did not constitute any admission of intent, fault or negligence. The Athlete's right to make submissions in relation to the reported adverse analytical findings in further proceedings was further reserved.
47. On 12 October 2016, the IOC acknowledged receipt and indicated that the Disciplinary Commission would issue a decision on the basis of the file.
48. Neither the NOC nor the IF filed written observations.

49. It is finally noted that samples provided by the same Athlete on the occasion of the Games of the XXX Olympiad in London in 2012 (the “**2012 Olympic Games**”) were also subject to further analysis.
50. In this case, the analytical results also indicated the presence of Prohibited Substances, namely dehydrochloromethyltestosterone (turinabol) and stanozolol.
51. Corresponding disciplinary proceedings addressing this further matter have been conducted in parallel and a decision issued (LRT II – 006).

## II. APPLICABLE RULES

52. These proceedings are conducted in application of the Rules.
53. Art. 2.1 of the Rules provides as follows:

*“The presence of a Prohibited Substance or its Metabolites or Markers in an Athlete’s bodily Specimen.*

- 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 bodily Specimens. 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 *Excepting those substances for which a quantitative reporting threshold is specifically identified in the Prohibited List, the detected 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.*
- 2.1.3 *As an exception to the general rule of Article 2.1, the Prohibited List may establish special criteria for the evaluation of Prohibited Substances that can also be produced endogenously.”*

54. Art. 2.2 of the Rules provides as follows:

*“Use or Attempted Use of a Prohibited Substance or a Prohibited Method*

*2.2.1 The success or failure of the 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.”*

55. Art. 5.1 of the Rules provides as follows:

*“The IOC is responsible for Doping Control during the Period of the Olympic Games. The IOC is entitled to delegate all or part of its responsibility for Doping Control to one or several other organisations.*

*The Period of the Olympic Games, or In-Competition Period, is defined as “the period commencing on the date of the opening of the Olympic village for the Olympic Games, namely, 27 July 2008 up until and including the day of the closing ceremony of the Olympic Games, namely, 24 August 2008.*

*All Athletes participating at the Olympic Games shall be subject, during the Period of the Olympic Games, to Doping Control initiated by the IOC at any time or place, with No Advance Notice. Such Doping Control may include Testing for all Prohibited Substances and all Prohibited Methods referred to in the Prohibited List.*

*The IOC shall have the right to conduct or cause to conduct Doping Control during the Period of the Olympic Games, and is responsible for the subsequent handling of such cases.”*

56. Art. 7.3.3 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 General Secretary of the NOC of the Athlete or other Person shall be deemed to be a delivery of notice to the NOC.”*

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

*“A violation of these Rules in connection with Doping Control automatically leads to Disqualification of the Athlete with all other consequences, including forfeiture of any medals, points and prizes.”*

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

*“An Anti-Doping Rule violation occurring during or in connection with the Olympic Games may lead to Disqualification of all of the Athlete’s results obtained in the Olympic Games with all consequences, including forfeiture of all medals, points and prizes, except as provided in Article 9.1.1.”*

59. Art. 9.1.1 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 other Competition 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”.*

60. Art. 9.3 of the Rules provides as follows:

*“The management 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 Olympic Games, shall be managed by the relevant International Federation”.*

### **III. DISCUSSION**

61. The presence of metabolites of a Prohibited Substance, i.e. stanozolol, has been established in 2016 in the sample 1844067 that the Athlete provided on 9 August 2008, upon the occasion of the 2008 Olympic Games.

62. The substance detected in the Athlete’s sample is an anabolic steroid. It is listed in the WADA 2008 Prohibited List and in all subsequent lists.

63. The Disciplinary Commission notes that the Athlete does not challenge the analytical results.

64. Based on the above, the Disciplinary Commission finds that the Athlete has, at any event, committed an anti-doping rule violation pursuant to Art. 2.1 of the Rules consisting in the presence of a Prohibited Substance in his body.

65. In addition, the Disciplinary Commission observes that the circumstances would also support a finding of an anti-doping rule violation based on Art. 2.2 of the Rules.
66. The fact that a doping substance, which is a “classical” doping substance and appears to have been broadly used at the time of the analysis, was detected, supports this consideration.
67. Further, the fact that a sample of the same Athlete collected on the occasion of the 2012 Olympic Games was also found to contain Prohibited Substances, dehydrochloromethyltestosterone (turinabol) and stanozolol, more than suggests that the Athlete has been repeatedly using Prohibited Substances throughout his career. He could evade detection until the new methods based on long-term metabolites finally exposed him.
68. Pursuant to the Rules, the consequences of an anti-doping rule violation are limited to consequences in connection with the 2008 Olympic Games. They are set forth in Art. 8 and 9 of the Rules and are the following.
69. In application of Art. 8.1 and/or Art. 9 of the Rules, the results achieved by the Athlete at the Men’s 94 kg weightlifting event in which he ranked 1st during the 2008 Olympic Games, shall be annulled, with all resulting consequences (notably withdrawal of medal, diploma, pin etc.).
70. In application of Art. 9.3 of the Rules, the further management of the consequences of the anti-doping rule violations and in particular the imposition of sanctions over and above those related to the Olympic Games 2008 shall be conducted by the International Weightlifting Federation (“**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 XXIX Olympiad in Beijing in 2008 and, in particular, 2, 5.1, 7.3.3, 8 and 9 thereof.

THE DISCIPLINARY COMMISSION OF THE  
INTERNATIONAL OLYMPIC COMMITTEE  
DECIDES

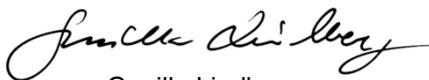
- I. The Athlete, Ilya ILIN:
  - (i) is found to have committed an anti-doping rule violation pursuant to the IOC Anti-Doping Rules applicable to the Games of the XXIX Olympiad in Beijing in 2008,
  - (ii) is disqualified from the Men's 94 kg weightlifting event in which he participated upon the occasion of the Olympic Games Beijing 2008,
  - (iii) has the medal, the medallist pin and the diploma obtained in the Men's 94 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 National Olympic Committee of the Republic of Kazakhstan shall ensure full implementation of this decision.
- IV. The National Olympic Committee of the Republic of Kazakhstan shall notably secure the return to the IOC, as soon as possible, of the medal, medallist pin and diploma awarded in connection with the Men's 94 kg weightlifting event to the Athlete.
- V. This decision enters into force immediately.

Lausanne, 22 November 2016

In the name of the IOC Disciplinary Commission



Denis Oswald, Chairman



Gunilla Lindberg



Ugur Erdener