

INTERNATIONAL OLYMPIC COMMITTEE

IOC DISCIPLINARY COMMISSION

DECISION

**REGARDING SOSLAN TIGIEV
BORN ON 12 OCTOBER 1983, UZBEKISTAN, ATHLETE, WRESTLING**

(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. Soslan TIGIEV (hereinafter the “**Athlete**”), participated in the Games of the XXIX Olympiad in Beijing in 2008 (the “**2008 Olympic Games**”).
2. On 20 August 2008, the Athlete competed in the Men’s 66-74kg freestyle wrestling event in which he ranked 2nd and for which he was awarded a silver medal.
3. On the same day, the Athlete was requested to provide a urine sample for a doping control. Such sample was identified with the number 1845094.
4. The A-Sample 1845094 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 then 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. Such analysis resulted in a Presumptive Adverse Analytical Finding (“**PAAF**”) as it indicated the potential presence of a Prohibited Substance: dehydrochloromethyltestosterone (turinabol).
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, which was initially scheduled to take place either on 31 May 2016 or 1 June 2016.
17. On 24 May 2016, the NOC informed the IOC that the Athlete stopped his sport career after the Olympic Games 2012 London, changed his citizenship and moved to another country.
18. On 27 May 2016, the IOC requested the NOC to continue its efforts in locating the Athlete.
19. On the same day, the IOC informed the Athlete, through his NOC, that the opening and splitting of the B-Sample, sealing of the B2-Sample and analysis of the B1-Sample had been postponed and would take place on 6 June 2016. The Athlete was advised that the process would be conducted in any event as his attendance to the process was not required at this stage under the applicable ISL.
20. Despite the fact that no answer was received, the process was nevertheless postponed.
21. On 7 June 2016, the IOC requested assistance of the IF in locating the Athlete.
22. On 8 June 2016, the IF informed the IOC that the Athlete has moved to Russia.
23. On 10 June 2016, the IF provided the IOC with the email address of the Athlete’s brother. The IOC was advised that the Athlete’s brother had been informed that the IOC needed to contact the Athlete for a serious issue.
24. On 13 June 2016, the IOC requested the Athlete’s brother to provide the IOC with the contact details of the Athlete.

25. On 15 June 2016, the Athlete's brother provided the IOC with the contact details of the Athlete.
26. The opening and splitting of the B-Sample, the sealing of the B2-Sample occurred on 27 June 2016 at the Laboratory.
27. The Athlete did not attend the opening and splitting of the B-Sample and was not represented on this occasion.
28. As provided in the ISL, the opening and splitting was attended by an independent witness.
29. The results of the B1-Sample analysis were reported on 28 June 2016. These results establish the presence of the metabolites of a Prohibited Substance, namely dehydrochlormethyltestosterone (turinabol).
30. Such results constitute an Adverse Analytical Finding. They were reported to the IOC in accordance with article 7.2.1 of the Rules.
31. 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.
32. 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)
33. On 4 July 2016, the IOC informed the Athlete directly by letter sent by DHL and by email 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 attend the opening of the B2-Sample and its analysis, either in person and/or through a representative, which was initially scheduled to take place 12 July 2016. The Athlete was finally informed of his right to request a copy of the laboratory documentation package.
34. The correspondence dated 4 July 2016 has been effectively delivered to the Athlete.
35. The Athlete did not reply.
36. On 6 October 2016, the IOC sent a letter to the Athlete by DHL. In this letter, the IOC noted that no reply had been given to the correspondence dated 5 July 2016. He was reminded that in application of Art. 7.3.3 of the Rules, any notification to him might in any event be accomplished by delivery to his NOC. The Athlete was further advised that failing to request the analysis of the B2-Sample, he was considered as having waived his right to request the analysis in accordance with Art. 7.2.5 of the Rules.
37. In the same letter, the Athlete was advised that the IOC had decided not to proceed with the B2-Sample analysis and to pursue the disciplinary proceedings on the basis of the B1-Sample analysis results only. He was invited to indicate by 12 October 2016 whether he would attend the hearing of the Disciplinary Commission. He was finally offered the

possibility to present his defence in writing by 14 October 2016.

38. On the same day, the NOC and the IF were invited to indicate whether they would send a representative to the hearing of the Disciplinary Commission. They were further offered the possibility to file written observations by 14 October 2016.
39. The letter dated 6 October 2016 was effectively delivered to the Athlete on 10 October 2016.
40. The Athlete did not reply.
41. Neither the NOC nor the IF filed any written observations.

II. **APPLICABLE RULES**

42. These proceedings are conducted in application of the Rules.
43. 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.”*

44. 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.”

45. 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.”

46. Art. 7.2.5 of the Rules provides as follows:

“The IOC President or a person designated by him shall, in confidence, promptly notify the Athlete or other Person concerned, the Athlete’s or other Person’s chef de mission, the International Federation concerned and a representative of the Independent Observer Program of:

- a) the adverse analytical finding;*
- b) the Athlete’s right to request the analysis of the B sample or, failing such request, that the B sample analysis may be deemed waived;*
- c) the right of the Athlete and/or the Athlete’s representative to attend the B sample opening and analysis if such analysis is requested;*
- d) the Athlete’s right to request copies of the A and B sample laboratory package, which includes information as required by the International Standard for Laboratories;*
- e) the anti-doping rule violation or of the additional investigation that will be conducted as to whether there is an anti-doping rule violation;*
- f) the composition of the Disciplinary Commission.*

It shall be the responsibility of the chef de mission to inform, in confidence, the relevant National Anti-Doping Organisation of the Athlete.”

47. 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.”

48. 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.”

49. 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.”

50. 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".

51. 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

52. The presence of metabolites of a Prohibited Substance, i.e. dehydrochlormethyltestosterone (turinabol), has been established in 2016 in the sample 1845094 that the Athlete provided on 20 August 2008, upon the occasion of the 2008 Olympic Games.
53. 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.
54. The Disciplinary Commission is satisfied that the sample which has been re-analysed by the Laboratory is unequivocally linked to the Athlete and that no relevant departure from the WADA International Standards occurred.
55. The Disciplinary Commission observes that the Athlete has been duly notified of all the communications, which were addressed to him through his NOC and/or directly.
56. The Athlete effectively received the communication dated 5 July 2016 sent by DHL. Such communication included the AAF notification and the invitation to exercise the right to attend the B2-Sample opening and analysis.
57. In any event, the Disciplinary Commission observes that notification of all communications addressed to the Athlete through his NOC shall be deemed as duly accomplished by delivery to the NOC in accordance with Art. 7.3.3 of the Rules.
58. This applies in particular to the notification of the question regarding the exercise of the right of the Athlete to request the analysis of the B2-Sample. Such question was duly included in the AAF notification letter.
59. The Athlete, having been duly notified, did not request the analysis of the B2-Sample. Such may therefore be deemed waived.
60. In the absence of an Athlete's request and since the IOC decided not to conduct the B2-Sample analysis, the analytical results are in this case based on the results of the B1-sample.
61. Such results establish the presence of metabolites of a Prohibited Substance, i.e. dehydrochlormethyltestosterone (turinabol) in the sample, which the Athlete provided upon the occasion of the 2008 Olympic Games.
62. Based on the above results, the Disciplinary Commission finds that the Athlete has committed an anti-doping rule violation pursuant to Art. 2.1 of the Rules consisting in the presence of a Prohibited Substance in his bodily sample.

63. In addition, the Disciplinary Commission observes that the circumstances also support a finding of anti-doping rule violation based on art. 2.2 of the Rules.
64. The fact that a doping substance which is a “classical” doping substance broadly used at the time of the analysis supports this consideration.
65. There is indeed a simple and straightforward explanation for the fact that dehydrochloromethyltestosterone (turinabol) was found in the Athlete’s sample, i.e. its use as doping agent for the purpose of performance enhancement.
66. The consequences of an anti-doping rule violation under the Rules 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.
67. In application of Art. 8.1 and/or Art. 9 of the Rules, the results achieved by the Athlete at the Men’s 66-74kg freestyle wrestling.
68. In the event in which he ranked 2nd during the 2008 Olympic Games, shall be annulled, with all resulting consequences (notably withdrawal of medal, diploma, pin etc.).
69. 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 United World Wrestling (“**UWW**”).

* * * * *

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

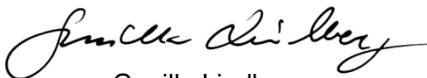
- I. The Athlete, Soslan TIGIEV:
 - (i) is found to have committed an anti-doping rule violation pursuant to the IOC Anti-Doping Rules applicable to the Games of the XXIX Olympiad in Beijing in 2008 (presence and/or use, of a Prohibited Substance or its Metabolites or Markers in an athlete's bodily specimen),
 - (ii) is disqualified from the Men's 66-74kg freestyle wrestling event in which he participated upon the occasion of the Olympic Games Beijing 2008,
 - (iii) has the medal, the medallist pin and diploma obtained in the Men's 66-74kg freestyle wrestling event withdrawn and is ordered to return the same.
- II. The UWW 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 Uzbekistan shall ensure full implementation of this decision.
- IV. The National Olympic Committee of the Republic of Uzbekistan shall notably secure the return to the IOC, as soon as possible, of the medal, the medallist pin and the diploma awarded in connection with the Men's 66-74kg freestyle wrestling event to the Athlete.
- V. This decision enters into force immediately.

Lausanne, 19 October 2016

In the name of the IOC Disciplinary Commission



Denis Oswald, Chairman



Gunilla Lindberg



Ugur Erdener