

INTERNATIONAL OLYMPIC COMMITTEE

IOC DISCIPLINARY COMMISSION

DECISION

**REGARDING ARTUR TAYMAZOV
BORN ON 20 JULY 1979, 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. Artur TAYMAZOV (hereinafter the “**Athlete**”), participated in the Games of the XXIX Olympiad in Beijing in 2008 (the “**2008 Olympic Games**”).
2. On 21 August 2008, the Athlete competed in the Men’s 96-120 kg Freestyle wrestling event in which he ranked 1st and for which he was awarded a gold 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 1846495.
4. The A-Sample 1846495 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 an 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 similarly precautionous 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 this 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 two Prohibited Substances: dehydrochlormethyltestosterone (turinabol) and stanozolol.
16. On 12 July 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. He was advised that the process would take place even if he chose not to attend or he did not respond.
17. The Athlete did not reply.
18. On 15 July 2016, the Athlete through his NOC was granted an additional deadline until 18 July 2016 to indicate whether he would attend the opening and splitting of the B-Sample, the sealing of the B2-Sample and the analysis of the B1-Sample. The Athlete was advised that in accordance with Art. 7.3.3 of the Rules, notice to an athlete might be accomplished by delivery of the notice to the NOC and that therefore the previous correspondences were deemed notified to him. He was reminded that the process would take place between 19 and 26 July 2016 even if he chose not to attend or he did not respond.
19. The Athlete did not reply.
20. The opening and splitting of the B-Sample, the sealing of the B2-Sample occurred on 25 July 2016 at the Laboratory.
21. The Athlete did not attend the opening and splitting of the B-Sample and was not represented on this occasion.
22. As provided in the ISL, the opening and splitting was attended by an independent witness.
23. The results of the B1-Sample analysis were reported on 28 July 2016. These results establish the presence of the metabolites of two Prohibited Substances, namely dehydrochlormethyltestosterone (turinabol) and stanozolol.

24. Such results constitute an Adverse Analytical Finding (“**AAF**”). They were reported to the IOC in accordance with article 7.2.1 of the Rules.
25. 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.
26. 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)
27. On 29 July 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 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 on 8 or 9 August 2016. The Athlete was finally informed of his right to request a copy of the laboratory documentation package.
28. On 8 August 2016, the Athlete was granted an additional deadline until 10 August 2016 to complete and return the AAF Notification Appendix. The IOC informed the Athlete that in the event he did not respond, it might be decided not to proceed with the analysis of the B2-Sample and to proceed directly with the procedure before the Disciplinary Commission.
29. The Athlete did not reply.
30. On 12 August 2016, the Athlete was advised through his NOC that the IOC had elected not to proceed with the analysis of the B2-Sample. He was invited to indicate whether he would attend the hearing of the Disciplinary Commission and whether he would submit a defence in writing.
31. On 26 September 2016, the Athlete through his NOC was granted an additional deadline until 5 October 2016 to complete and return his Disciplinary Commission Form.
32. On 11 October 2016, due to the lack of response, the Athlete was advised that the Disciplinary Commission would issue a decision on the basis of the file. He was further granted a deadline until 21 October 2016 to submit his written defence.
33. On the same day, the NOC and the IF were invited to file written observations by 21 October 2016.
34. On 20 October 2016, the Athlete’s counsel, Mr Ramunas Audzevicius, attorney-at-law, informed the IOC to be authorised to act as representative of the Athlete. He requested to be provided with a copy of the entire file, a copy of the laboratory documentation packages pertaining to the A-, B1- and B2-Sample and any documentation relating to the handling of the samples. He finally requested an extension of the deadline to present the defence of his client.
35. On 24 October 2016, the Athlete’s counsel was provided with a copy of all correspondences sent to his client through his NOC as well as with documentation relating to his client’s sample, in particular the handling of the sample in Beijing and its transfer to Lausanne. He was informed that a copy of the A- and B1- Sample laboratory

documentation packages had been requested to the Laboratory and would be provided as soon as received from the laboratory.

36. In the same correspondence, the IOC invited the Athlete once again to indicate whether he requested the opening and analysis of the B2-Sample and whether he would attend the process, either personally and/or through a representative. The Athlete was advised that he would have the possibility to present his defence.
37. On 1 November 2016, the Athlete's counsel requested the opening and analysis of the Athlete's B2-Sample.
38. On 10 November 2016, the Athlete through his counsel was informed that the opening of the B2-Sample would occur on 21 November 2016 followed by the analysis of the sample over the following days.
39. On 14 and 17 November 2016, the Athlete's counsel informed the IOC that Mr Denis Parchajev, attorney-at-law, would attend the opening and the analysis of the B2-Sample on behalf of the Athlete.
40. On 17 and 21 November 2016, the IOC provided the Athlete's counsel with a copy of the A- Sample and B1-Sample laboratory documentation packages.
41. As planned, the opening of the B2-Sample occurred on 21 November 2016 at the Laboratory in the presence of an independent witness.
42. Mr Parchajev attended the process on behalf of the Athlete. The IOC was represented on this occasion by Mr Nicolas Français, IOC external legal counsel.
43. The results of the B2-Sample analysis were reported to the IOC on 22 November 2016. They confirmed the presence in the B2-Sample of metabolites of two Prohibited Substances, namely dehydrochlormethyltestosterone (turinabol) and stanozolol.
44. On 22 November 2016, the IOC communicated to the Athlete, through his counsel, the results of the B2-Sample analysis. He was informed that a copy of the B2-Sample laboratory documentation package would be provided as soon as received from the Laboratory. 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 written defence.
45. On 28 November 2016, the Athlete through his counsel sent to the IOC his completed Disciplinary Commission Form in which he indicated that he did not accept the Adverse Analytical Finding. He also indicated that he would not personally attend the hearing of the Disciplinary Commission but he would be represented on this occasion by his counsel. He finally indicated that he would also present his defence in writing.
46. On the same day, the Athlete's counsel requested for an extension of time in order to prepare the Athlete's written submissions and requested to set the hearing date in January 2017.
47. On 8 December 2016, the IOC acknowledged receipt of the Disciplinary Commission Form and confirmed that the hearing of the Disciplinary Commission would be scheduled to be held in January or February 2017.
48. On the same day, the IOC provided the Athlete through his counsel with a copy of the B2-Sample laboratory documentation package.

49. On 23 January 2017, the IOC informed the Athlete through his counsel that the hearing of the Disciplinary Commission was scheduled to be held on 1 March 2017. He was invited to indicate by 8 February 2017 whether he would attend the hearing, either personally and/or through a representative and was informed of the possibility to participate in the hearing via videoconference. He was finally given the possibility to submit a written defence within a deadline expiring on 20 February 2017.
50. On 8 February 2017, the Athlete's counsel informed the IOC that the Athlete would be represented at the hearing by Mr Ramunas Audzevicius, Mr Denis Parchajev and Mr Edgaras Margevicius, attorneys-at-law, who would participate in the hearing via videoconference.
51. On 20 February 2017, the Athlete submitted a written defence, which will be discussed below.
52. The NOC and the IF did not file written observations.
53. On 23 February 2017, the Athlete's counsel informed the IOC that the Athlete would not personally participate in the hearing.
54. The hearing of the Disciplinary Commission was held on 1 March 2017 at the IOC Headquarters in Lausanne, Switzerland.
55. The Athlete did not attend the hearing via videoconference. He was represented on this occasion by Mr Ramunas Audzevicius and Mr Denis Parchajev, attorneys-at-law, who participated in the hearing via videoconference.
56. The IOC was represented by Ms Tamara Soupiron, IOC legal counsel as well as Mr Jean-Pierre Morand and Mr Nicolas Français, IOC external legal counsels.

II. APPLICABLE RULES

57. These proceedings are conducted in application of the Rules.
58. 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."*

59. 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.”

60. 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.”

61. Art. 6.5 of the Rules provides as follows:

“Samples shall be stored in a secure manner at the laboratory or as otherwise directed by the IOC and may be further analysed. Consistent with Article 17 of the Code the ownership of the samples is vested in the IOC for the eight years. During this period, the IOC shall have the right to re-analyse samples (taken during the Period of the Olympic Games). Any anti-doping rule violation discovered as a result thereof shall be dealt with in accordance with these Rules. After this period, the ownership of the samples shall be transferred to the laboratory storing such IOC Anti-Doping Rules – 07.05.2008(F) Page 10 samples, provided that all means of identification of the Athletes will be destroyed and that proof of this destruction shall be provided to the IOC.”

62. 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.”

63. 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.”

64. 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.”

65. 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.”

66. 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

A. Establishment of Anti-Doping Rule Violation

67. The presence of the metabolite of two Prohibited Substances has been established in 2016 in the sample 1846495 that the Athlete provided on 21 August 2008, upon the occasion of the 2008 Olympic Games.
68. The substances detected in the Athlete’s sample, i.e. dehydrochloromethyltestosterone (oral turinabol) and stanozolol are exogenous anabolic steroids. They are listed in the WADA 2008 Prohibited List and in all subsequent lists.
69. In spite of the arguments submitted by the Athlete in this respect, which are expressly discussed below, the Disciplinary Commission is satisfied that the samples which have been re-analysed by the Laboratory are unequivocally linked to the Athlete and that no relevant departure from the WADA International Standards occurred.
70. Moreover, the Disciplinary Commission is further satisfied that the analytical results are valid and do properly establish the presence of the Prohibited Substances at stake in the Athlete’s samples.
71. The Disciplinary Commission notes that the Athlete does not expressly dispute the analytical finding as such.
72. Based on the above, the Disciplinary Commission finds that an anti-doping rule violation pursuant to Art. 2.1 of the Rules consisting in the presence of a Prohibited Substance in the Athlete’s body is established.
73. In addition, the Disciplinary Commission finds that an anti-doping rule violation could also be held as established if the circumstances were considered in the perspective of art. 2.2 of the Rules.
74. In this respect, the Disciplinary Commission observes that the nature of the substances which were found in the Athlete’s sample (i.e. two traditional doping substances) makes these results consistent with the use of a Prohibited Substance specifically ingested to deliberately improve performance.

75. The Disciplinary Commission, which has now handled multiple cases arising out of the re-analysis of samples collection on the occasion of the 2008 and 2012 Olympic Games, observes that the presence of oral turinabol has been established in a remarkably high number of cases.
76. In a few of these cases, oral turinabol was found together with a further Prohibited Substance. In this context, stanozolol was the further Prohibited Substance most often found in association with oral turinabol.
77. The findings of these two substances together constitutes already a strong indication that said substances have been used for no other purpose than performance enhancement.
78. The Disciplinary Commission further notes that prior to the application of a new detection strategy searching for metabolites remaining detectable over a much longer period of time and which began to apply only from late 2012/2013, the detection window of said substance was limited to much shorter period of time (5 to 10 days).
79. The search for the newly established so called “long-term” metabolites significantly extended the detection window (e.g. up to 50 and more days in the case of oral turinabol). Such a significant extension of the detection window is the obvious explanation for the unfortunately spectacular and unprecedented high number of positive cases which were revealed by the re-analysis process.
80. Doping is a planned process in which the detection window is a key parameter. The athletes using the substance at the time, and/or the persons who were supporting them in this respect, planned with the detection window applicable at the time. They did not expect that the detection window would subsequently be significantly extended, by virtue of a new method capable of detecting long-term metabolites during a much longer period of time.
81. This explains why athletes, who had in the past effectively managed to avoid anti-doping controls could be caught. It is an illustration of the effectiveness of the re-analysis process and of its purpose, which is essentially to give those, who think they can outsmart the anti-doping controls, the message that they will never be safe.
82. In the context of these proceedings, the samples of the Athlete were found to contain long term metabolites of two anabolic steroids. This corresponds to what could be found in an athlete, who would have planned his use of steroids and discontinue it in time to escape detection based on the then expected detection window.
83. In any event for the purpose of these proceedings, it is not necessary to examine exhaustively whether the Athlete could establish how the substance entered his body, as the mere establishment of presence suffices to justify the application of the consequences provided for under the Rules.
84. In conclusion, the Disciplinary Commission finds that an anti-doping rule violation is established pursuant to both Art. 2.1 and Art. 2.2 of the Rules.

B. Arguments of the Athlete

85. The Athlete has challenged the commission of an anti-doping rule violation on the basis of various arguments set out in his written submission and presented at the hearing, which are addressed below. None of them put the above finding into question.

i. The Athlete had nothing to gain and everything to lose by using Prohibited Substances

86. The Athlete submits that he had never used any Prohibited Substance during his entire career. He contends that it would make no sense to take the risk of being involved in a doping scandal in 2008 while he was already a well-accomplished international athlete. He refers to his silver and gold Olympic medals won in Sydney and Athens, respectively in 2000 and 2004.
87. The Disciplinary Commission finds that the argument presented by the Athlete is completely meritless.
88. Except in the few cases in which an athlete is caught for a second time, all the athletes found to have committed an anti-doping rule violation have a prior clean records. This does only confirm that his samples analysed with the then available methods did not return with positive results, when they were analysed.
89. This is not establishing in an absolute manner the fact that the Athlete did not use Prohibited Substance even at the time of the prior tests. The results at stake effectively just demonstrate the contrary.
90. It is a fact that certain athletes have been doping during years before or even without being caught at all. The case of Mr Lance Armstrong is a particularly striking example but there are many other similar examples.
91. For this reason already, an argument drawn from previous untainted achievements is without relevance.
92. The Disciplinary Commission further fails to see any logical value in the argument according to which an athlete having achieved good results in the past would, for this reason, necessarily use Prohibited Substances to achieve new good results.
93. Such a baseless argument does not in any event put in doubt the validity of the analysis performed by the Laboratory in 2016 and thus the establishment of the anti-doping rule violation.

ii. The Athlete bears no fault

94. The Athlete submits that he did not commit a *violation* of an anti-doping rule as he did not commit a fault. He considers that it is incorrect to punish anyone who did not intend or know that there were a risk of committing a violation. The Athlete refers to the principle of presumption of innocence. He further contends that he cannot be found to have committed an anti-doping rule violation in this case as the IOC fails to prove beyond a reasonable doubt the subjective intent to commit a wrongful act.
95. The Athlete bases this argument on the allegation that the Prohibited Substances might have entered his body by consuming contaminated food supplements. The Athlete indicates that he always carefully read the labels of all the supplements he ingested.
96. The Athlete further asserted that he had never been given any anti-doping education and that element should be taken into account in the analysis of the degree of fault.
97. The Disciplinary Commission observes that according to Art. 2.1.1 of the Rules, "*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.*" This provision

clearly states that an anti-doping rule violation is established by the mere presence of the Prohibited Substances in the bodily sample, irrespectively of any fault.

98. Moreover, the Disciplinary Commission notes that Art. 9.1 of Rules applicable in the case at hand as the sample was collected in-competition provides an automatical disqualification of the athlete, independently of any fault.
99. Given the above, the Athlete's arguments are in any event irrelevant. Indeed, the mere presence of the Prohibited Substance – which is not contested by the Athlete – is sufficient to establish an anti-doping rule violation and to automatically trigger the main consequence pursuant to the Rules consisting in the disqualification of the results.
100. They are further brought forward without any credible basis.
101. Regarding the hypothesis of food supplements contamination, the Disciplinary Commission observes that athletes have long been warned against the use of supplements. As such, the fact that turinabol or stanozolol may have been ingested as part of a supplement is not likely to constitute an element exonerating the Athlete from having been at fault for using a Prohibited Substance.
102. The Disciplinary Commission observes that legitimate supplements do not, as a rule, contain turinabol or stanozolol and even less both of these substances. Accidental double contamination of a legitimate controlled supplement by these substances appears to be, to say the least, very unlikely.
103. Beyond mere general explanations, the Athlete did not even try to identify a particular supplement, which could have been a potential concrete source of the alleged contamination. The only mention on his DCF is "VIT" (for vitamins).
104. The Athlete describes himself as an accomplished and successful athlete. He participated many times to the high profile events, such as the Olympic Games, World Championships and other international competitions. He also explained that he was used to undergo doping controls.
105. In view thereof his claims not to have been properly informed and educated in respect of doping rings particularly unconvincing.
106. The Disciplinary Commission feels unnecessary to remind that the principle "*in dubio pro reo*" finds no application in anti-doping proceedings. On the contrary, and even if the absence of fault would be relevant, which it is not, it would be the Athlete's burden to demonstrate that he acted without fault.
107. When assessing the arguments and elements brought forward by the Athlete, the Disciplinary Commission can only observe that the Athlete is not bringing the least element, which could support a finding of absence of fault.

iii. Alleged procrastination of the IOC

108. The Athlete submits that he is not able to defend himself properly due to the long period of time since collection time. He asserts that the recollection of the events prior to the 2008 Olympic Games cannot be expected due to the unreasonable procrastination of the IOC.
109. The Disciplinary Commission observes that by signing the Eligibility Conditions Form in 2008, the Athlete agreed to comply with the Olympic Charter and with the IOC Anti-Doping Rules applicable to the Games of the XXIX Olympiad in Beijing (the Rules).

110. Art. 6.5 of the Rules specifically provides that the IOC has the right to re-analyse the samples taken during the period of the Olympic Games for a period of eight years. The Athlete was therefore aware that reanalysis of his samples may be conducted by the IOC during this period.
111. It is in the nature of re-analysis that its effectiveness depends on time: the more time elapses between the initial analysis and the more likely it is that improvements in methods and equipment may allow to detect Prohibited Substances, which were not found in the initial analysis.
112. Art. 6.5 of the Rules give the IOC the discretion to re-analyse during 8 years. The Disciplinary Commission finds that the IOC appropriately exercised this discretion in re-analysing the Athlete's sample at a time when improvements effectively allowed to detect that the Athlete had used Prohibited Substances.

iv. Retirement of the Athlete from professional sport

113. The Athlete submits that he cannot be punished as he already retired from professional sport. He asserts that such sanction would not serve the objectives of the fight against doping.
114. The Disciplinary Commission observes that the Rules cover specifically the participation of the Athlete to the Olympic Games 2008 and the results he achieved then.
115. In this context, he agreed to rules providing that the validity of these results and specifically the fact that they were achieved with the Athlete without Prohibited Substances in his body could be checked during 8 years.
116. The purpose of this possibility to check the results a posteriori is to protect the integrity of the results and the interests of the other competitors.
117. These interests are completely independent from the fact that the athlete, who achieved a certain result did or not retire in the meantime.
118. Retirement from sport does thus and obviously not render athletes immune from being subject to the control expressly provided for in the Rules.
119. In conclusion, the Disciplinary Commission observes that none of the arguments put in question the finding of commission of an anti-doping rule violation by the Athlete.

C. Consequences of the anti-doping rule violation

120. Under the Rules, the consequences of anti-doping rule violations are limited to consequences in connection with the 2008 Olympic Games.
121. In application of Art. 8.1 and 9.1 of the Rules, the results achieved by the Athlete during the 2008 Olympic Games shall be annulled, with all resulting consequences (notably withdrawal of medals, diplomas, pins etc.).
122. 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 2008 Olympic Games, 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, 9 and 16 thereof.

THE DISCIPLINARY COMMISSION OF THE
INTERNATIONAL OLYMPIC COMMITTEE
DECIDES

- I. The Athlete, Artur TAYMAZOV:
 - (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 event in which he participated upon the occasion of the Olympic Games Beijing 2008, namely, the Men's 96-120 kg Freestyle wrestling event in which he ranked 1st and for which he was awarded a gold medal, and
 - (iii) has the gold medal, the diploma and the medallist pin obtained in the Men's 96-120 kg Freestyle wrestling event withdrawn and is ordered to return 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 gold medal, the diploma and the medallist pin awarded in connection with the Men's 96-120 kg Freestyle wrestling event to the Athlete.
- V. This decision enters into force immediately.

Lausanne, 31 March 2017

In the name of the IOC Disciplinary Commission



Ugur Erdener



Denis Oswald, Chairman



Gunilla Lindberg