

INTERNATIONAL OLYMPIC COMMITTEE

IOC DISCIPLINARY COMMISSION

DECISION

**REGARDING APTI AUKHADOV
BORN ON 18 NOVEMBER 1992, ATHLETE, RUSSIAN FEDERATION, 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 XXX Olympiad, London 2012 (the “**Rules**”) and, in particular, Articles 1, 2, 6.3.3, 7 and 8 thereof:

1. FACTS

1. Apti AUKHADOV (hereinafter the “**Athlete**”), participated in the Games of the XXX Olympiad, London 2012 (the “**2012 Olympic Games**”).
2. On 3 August 2012, the Athlete competed in the Men’s 85 kg weightlifting event in which he ranked 2nd and for which he was awarded the silver medal.
3. On the same day, the Athlete was requested to provide a urine sample for a doping control (in competition). Such sample was identified with the number 2721842.
4. The A-Sample 2721842 was analysed during the 2012 Olympic Games by the WADA-accredited Laboratory in London. Such 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 “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 2012 Olympic Games. These additional analyses were notably performed 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 reanalysis process would be conducted as a regular A and B sample analysis, without resorting to a splitting of the B-sample.
8. The remains of the A-Sample were analysed by the Laboratory and resulted in an Adverse Analytical Finding (“**AAF**”) as it showed the presence of the metabolites of two Prohibited Substances: Dehydrochlormethyltestosterone (turinabol) and Drostanolone.
9. The results were reported to the IOC in accordance with Art. 6.2.1 of the Rules.
10. Further to the verifications set forth in Art. 6.2.2 of the Rules and in application of Art. 6.2.3 of the Rules, the IOC President, Mr Thomas Bach, was informed of the existence of the AAF and the essential details available concerning the case.

11. Pursuant to Art. 7.2.4 of the Rules, the IOC President set up a Disciplinary Commission, consisting in this case of:
 - Mr Denis Oswald (Chairman, Switzerland), who is a member of the IOC Legal Affairs Commission;
 - Mr Juan Antonio Samaranch (Spain)
 - Mr Ugur Erdener (Turkey)
12. On 26 May 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 the opening and analysis of the B-Sample and to attend this process, either in person and/or through a representative. The Athlete was also informed of his right to request a copy of the laboratory documentation package.
13. By email dated 1st June 2016 received by the IOC through the Athlete's National Federation, the Athlete submitted written observations. He indicated that he was shocked by the information received and submitted that he does not accept the AAF. He further requested the opening and analysis of his B-Sample and requested the A-Sample laboratory documentation package. The Athlete indicated that he would like to attend the opening of his B-Sample, together with his lawyer and scientific expert. He requested a deadline extension until 2 June 2016 to provide the IOC with the name of his representatives. He finally requested the hearing of his case to be scheduled after 5 July 2016.
14. On 2 June 2016, the Athlete sent to the IOC through his NOC his completed AAF Notification Appendix by which he indicated that he does not accept the AAF. He further indicated that he does not request the opening and analysis of his B-Sample and that he would not send any representative to attend such a process. Finally, he did not request a copy of the laboratory documentation package.
15. On 3 June 2016, the IOC informed the Athlete, directly and through his NOC, that the opening and analysis of his B-Sample was scheduled to take place on 7 June 2016 and invited once again the Athlete to attend the process. The Athlete was also informed that the opening of the B-Sample would be conducted in the presence of an independent witness and of an NOC representative.
16. This Athlete did not reply.
17. The opening of the B-Sample took place on 7 June 2016.
18. The Athlete did not attend the opening and analysis of his B-Sample and was not represented on this occasion.
19. The opening of the B-Sample was conducted in the presence of an independent witness and of Mr Victor Berezov, Deputy Chief of the Russian Olympic Committee Legal Department.
20. The results of the analysis were reported to the IOC on 10 June 2016. They confirmed the presence in the B-Sample of the two Prohibited Substances already detected in the A-Sample: Dehydrochlormethyltestosterone (turinabol) and Drostanolone.

21. On 13 June 2016, the IOC notified the B-Sample results to the Athlete. The Athlete was invited to indicate whether he accepted the Adverse Analytical Finding and whether he requested the B-Sample laboratory documentation package. The Athlete was further informed of the possibility to present his defence in writing and/or to attend the hearing of the Disciplinary Commission.
22. The Athlete did not reply to the communication dated 13 June 2016.
23. On 22 June 2016, the IOC sent a reminder to the Athlete and required the Athlete to provide an answer to the communication dated 13 June 2016 within a deadline granted until 23 June 2016.
24. The Athlete did not reply.
25. On 4 July 2016, the IOC informed the Athlete that the hearing of the Disciplinary Commission was scheduled to be held on 11 July 2016 and invited once again the Athlete to indicate whether he would attend the hearing personally and/or through a representative. The Athlete was also invited to submit a written defence within a deadline granted until 8 July 2016.
26. On the same day, the IOC invited the NOC and the IF concerned to send a representative to the hearing and/or to send written observations within a deadline granted until 8 July 2016.
27. On 6 July 2016, the NOC communicated to the IOC that the Athlete had informed his NF that he would not attend the hearing of the Disciplinary Commission.
28. Neither the NOC nor the IF filed written observations.

2. APPLICABLE RULES

29. 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.”

30. Art. 2 of the Rules provides that Article 2 of the Code applies to determine anti-doping rule violations.
31. 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."*
32. Art. 2.2 of the Code provides the following constitutes an anti-doping rule violation:
- "Use or Attempted Use by an Athlete of a Prohibited Substance or a Prohibited Method.*
- 2.2.1 *It is each Athlete's personal duty to ensure that no Prohibited Substance enters his or her body. Accordingly, it is not necessary that intent, fault, negligence or knowing Use on the Athlete's part be demonstrated in order to establish an anti-doping rule violation for Use of a Prohibited Substance or a Prohibited Method.*
- 2.2.2 *The success or failure of the Use or Attempted Use of a Prohibited Substance or Prohibited Method is not material. It is sufficient that the Prohibited Substance or Prohibited Method was Used or Attempted to be Used for an anti-doping rule violation to be committed.*
33. 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."*
34. 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."*
35. 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."*

36. 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.”

37. 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.”

3. DISCUSSION

38. 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 (turinabol) and Drostanolone.
39. The substance detected are anabolic steroids. They are listed in the WADA 2012 Prohibited List and in all subsequent lists under S1.
40. Based on the above and for the reasons that follow, the Disciplinary Commission finds that the Athlete has committed an anti-doping rule violation pursuant to the Rules.
41. An anti-doping rule violation is already established in application of Art. 2 of the Rules in connection with Art. 2.1 of the Code based on the established presence of two Prohibited Substances in the Athlete’s body.
42. The Disciplinary Commission finds that an anti-doping rule violation is also established if the circumstances are considered in the perspective of Art. 2 of the Rules in connection with Art. 2.2 of the Code (Use of a Prohibited Substance).
43. In his written observations dated 1 June 2106, the Athlete has disputed the results of the A-Sample analysis. Beyond alleging to be chocked, the Athlete does not bring forth any explanation in respect of that fact that two different anabolic steroids were found in his sample.
44. After confirmation of the A-Sample analysis by the B-Sample analysis results, the Athlete ceased to react and did not submit any further observation.
45. The Disciplinary Commission observes that Dehydrochlormethyltestosterone (turinabol) and Drostanolone are classical performance enhancing doping substances.
46. In the absence of any other explanation, the likely and simple explanation for the fact that Dehydrochlormethyltestosterone (turinabol) and Drostanolone were found present in the Athlete’s sample is consequently is that that Athlete used them for doping purposes.
47. The Disciplinary Commission thus comes to the conclusion that the Athlete committed an anti-doping rule violation, which can be held as established both in application of Art. 2.1 and Art. 2.2. of the Code (in both cases, a violation pursuant to Art. 2 of the Rules).

48. The consequences of an anti-doping rule violation pursuant to the Rules are limited to consequences in connection with the 2012 Olympic Games.
49. In application of Art. 7.1 and/or Art. 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 medal, diploma, pin etc.).
50. In application of Art. 8.3 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 2012 Olympic Games 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 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, Apti AUKHADOV:
 - (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 85kg weightlifting event, in which he ranked 2nd and for which he was awarded the silver medal.
 - (iii) has the medal, the medalist pin and the diploma obtained in the Men's 85kg 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 Russian Olympic Committee shall ensure full implementation of this decision.
- IV. The Russian Olympic Committee 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 85kg weightlifting event to the Athlete.
- V. This decision enters into force immediately.

Lausanne, 12 October 2016

In the name of the IOC Disciplinary Commission



Denis Oswald, Chairman



Juan Antonio Samaranch



Ugur Erdener