

INTERNATIONAL OLYMPIC COMMITTEE

IOC DISCIPLINARY COMMISSION

DECISION

**REGARDING RAULI TSIREKIDZE
BORN ON 24 MAY 1987, GEORGIA, 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 XXX Olympiad, London 2012 (the "**Rules**") and, in particular, Articles 1, 2, 6.3.3, 7 and 8 thereof:

1. FACTS

1. Rauli TSIREKIDZE (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 9th.
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 2721769.
4. The A-Sample 2721769 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 stanozolol.
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;
 - Mrs Gunilla Lindberg (Sweden)
 - Mr Ugur Erdener (Turkey)
12. On 19 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 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. On 28 July 2016, the IOC sent a reminder to the Athlete, through his NOC.
14. On 29 July 2016, the Athlete sent to the IOC through his NOC his completed AAF Notification Appendix in which he indicated that he did not accept the AAF. He further indicated that he did not request the opening and analysis of his B-Sample and that, if conducted, he would not attend the process, neither personally nor through a representative. He finally requested a copy of the laboratory documentation package.
15. On 2 August 2016, the IOC informed the Athlete, through his NOC, that the opening and analysis of his B-Sample was scheduled to take place on 8 August 2016 at the Laboratory.
16. The opening of the B-Sample took place on 8 August 2016.
17. The opening of the B-Sample was conducted in the presence of an independent witness and an IOC representative.
18. The results of the analysis were reported to the IOC on 11 August 2016. They confirmed the presence in the B-Sample of the two Prohibited Substances already detected in the A-Sample: dehydrochlormethyltestosterone (turinabol) and stanozolol.
19. On 16 August 2016, the IOC notified the B-Sample results to the Athlete through his NOC. 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.
20. On 19 August 2016, the Athlete sent to the IOC through his NOC his completed Disciplinary Commission Form in which he indicated that he did not accept the Adverse Analytical Finding and he did not request a copy of the B-Sample laboratory documentation package. He indicated that he would personally attend the hearing of the Disciplinary Commission and would be assisted by Tinatini Revazashvili, interpreter. He further wrote in his Disciplinary Commission Form that he would participate in the hearing via videoconference. He finally indicated that he would also present his defence in writing.
21. On 23 August 2016, the IOC acknowledged receipt of the Athlete's Disciplinary Commission Form and invited the Athlete to submit a written defence by 2 September 2016.
22. On 30 August 2016, the Athlete filed a written defence.

23. In his written submissions, the Athlete indicated that he had a serious surgery in 2011 at his shoulder. In order to accelerate the recovery, he would have consumed food supplements, which he bought on the internet after checking whether they contained any prohibited substance. He indicated that he also used these supplements after the 2012 Olympic Games. While preparing the 2013 European Championships, he would have been subject to an anti-doping control which would have returned positive and would have served a “two-year disqualification”. He asserted that he realised his mistake and he would have collaborated actively with the national anti-doping organisation. He contended that he psychically suffered from not being allowed to participate in the Olympic Games Rio 2016.
24. He finally requested to “alleviate the punishment” and to let him participate in future competitions.
25. On 31 August 2016, the IOC acknowledged receipt of the Athlete’s written defence.
26. On 21 September 2016, the Athlete was advised by the IOC that the hearing of the Disciplinary Commission would be held on 19 October 2016. Referring to the Athlete’s Disciplinary Commission Form, the IOC requested the Athlete to confirm that he would participate in the hearing via videoconference. He was finally invited to submit a written defence by 12 October 2016.
27. On the same day, the NOC and the IF were invited to indicate whether they would send a representative to the hearing. The NOC and the IF were invited to file written observations by 12 October 2016.
28. On 28 September 2016, the Athlete confirmed that he would participate in the hearing via videoconference.
29. Neither the NOC nor the IF filed any written observations.
30. The hearing of the Disciplinary Commission was held on 18 October 2016 at the IOC Headquarter in Pully, Switzerland.
31. The Athlete attended the hearing via videoconference and was assisted on this occasion by Mrs Tinatini Revazashvili, interpreter. The IOC was represented by Mrs Tamara Soupiron, IOC Legal Counsel as well as by Mr Jean-Pierre Morand and Mr Nicolas Français, attorneys-at-law, IOC external legal counsels.
32. During the hearing, the Athlete repeated that he had undergone an arm operation in 2011. He submitted that, during the rehabilitation course from 2011 to 2013, he ingested food supplements, which he bought on the internet. He explained that there was no anti-doping organisation in Georgia at the time that could have controlled the supplements. He alleged that many other Georgian athletes were also controlled positive before the anti-doping organisation started controlling food supplements and medicines used by sportsmen.
33. The Athlete stated that he was aware that some food supplements might contain Prohibited Substances or could be contaminated.
34. The Athlete further indicated that the European Weightlifting Federation had issued a decision sanctioning him with a two-year disqualification, which ended in 2015. He was on the list of athletes who were selected to participate in the 2016 Rio Olympic Games. However, because of the present proceedings, the Georgian Olympic Committee refused to send him to Rio. The Athlete then clarified that this was due to the provisional suspension issued by the IWF. He further indicated that he was still training but was not

allowed to participate in any international competitions for the moment. For this reason, he was presently not using any food supplements.

35. The Athlete explained that he had never heard about stanozolol and turinabol. He had been surprised that such substances were found in his sample.
36. He finally submitted that he was now training hard to participate in the European and World Championships and asked the Disciplinary Commission to help him to be allowed to take part in these events. He contended that he was not taking any supplements or medication anymore and was working closely with the anti-doping organisation in his country.
37. Neither the NOC nor the IF were represented at the hearing.
38. Minutes of the hearing were taken by Mrs Kate Ollier. The hearing was also recorded.

2. APPLICABLE RULES

39. 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.”

40. Art. 2 of the Rules provides that Article 2 of the Code applies to determine anti-doping rule violations.

41. 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.*

42. 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.”*

43. 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.”

44. 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.”

45. 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.”

46. 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.”

47. 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

48. 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. dehydrochloromethyltestosterone (turinabol) and stanozolol.
49. The substances detected are anabolic steroids. They are listed in the WADA 2012 Prohibited List and in all subsequent lists under S1.
50. The Athlete does challenge the validity of the analytical results.
51. The Athlete simply denies having used performance-enhancing substances. As an explanation for the presence of the Prohibited Substances, he raises the hypothesis that the substances may have been contained in supplements used at that time.
52. Based on the analytical results establishing the presence of Prohibited Substances in the Athlete's sample, the Disciplinary Commission finds that the Athlete has in any event committed an anti-doping rule violation pursuant to Art. 2.1 of the Code.
53. In addition, the Disciplinary Commission finds that an anti-doping rule violation is also established if the circumstances are considered in the perspective of art. 2.2 of the Code.
54. The Disciplinary Commission observes that the nature of the substances which were found in the Athlete's sample are consistent with intentional use of Prohibited Substances specifically ingested to deliberately improve performance. The fact that the metabolites of doping substances, which are "classical" doping substances, were found, supports this consideration.
55. Furthermore, the Disciplinary Commission observes that the fact that the substances in question may have been contained in food supplements would not exonerate the Athlete from having used it.
56. First, the use of food supplements in which Prohibited Substances are used as an ingredient may just be a way of using deliberately such Prohibited Substances. The fact that the Prohibited Substances might be the ingredient of a food supplement does not make it less reprehensible to use than the substances in isolation.
57. Furthermore, athletes have been repeatedly warned to apply extreme caution when using food supplements, which may contain undeclared Prohibited Substances or which may have been contaminated during production.
58. With the mere unsupported hypothesis that the source of finding could be food supplements, the Athlete does not establish that he applied the level of caution. Assuming for the sole purpose of discussion, that the source of the analytical finding would indeed be supplements in which the Prohibited Substances would have been included without the Athlete's knowledge, there is in any event no indication (not to speak of any evidence) in the Athlete's explanations that he satisfied the high duty of care and caution in choosing food supplements, which is expected from high-level athletes.
59. In conclusion, the Disciplinary Commission finds that an anti-doping violation is thus established pursuant to both Art. 2.1 and Art. 2.2 of the Code.
60. The consequences of an anti-doping rule violation pursuant to the Rules are limited to consequences in connection with the 2012 Olympic Games.

61. 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.).
62. 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**"). In this context, the IWF will have to consider the impact of the fact that the Athlete has served a sanction for an anti-doping rule established after the Olympic Games.

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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, Rauli TSIREKIDZE:
 - (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 Men's 85 kg weightlifting event in which he participated upon the occasion of the Olympic Games London 2012;
- 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 Georgian National Olympic Committee shall ensure full implementation of this decision.
- IV. This decision enters into force immediately.

Lausanne, 10 November 2016

In the name of the IOC Disciplinary Commission



Ugur Erdener



Denis Oswald, Chairman



Gunilla Lindberg