

**INTERNATIONAL OLYMPIC COMMITTEE**

**IOC DISCIPLINARY COMMISSION**

**DECISION**

**REGARDING ZULFIYA CHINSHANLO  
BORN ON 25 JULY 1993, ATHLETE, KAZAKHSTAN, 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:

**I. FACTS**

1. Zulfiya CHINSHANLO (hereinafter the “**Athlete**”), participated in the Games of the XXX Olympiad, London 2012 (the “**2012 Olympic Games**”).
2. On 29 July 2012, the Athlete competed in the Women’s 53 kg weightlifting event in which she ranked 1<sup>st</sup> and for which she was awarded the gold medal.
3. On 26 July 2012, the Athlete was requested to provide a urine sample for a doping control (in competition). Such sample was identified with the number 2718218.
4. The A-Sample 2718218 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: oxandrolone 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 26 May 2016, the IOC notified the Athlete, through her 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 her 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 her right to request a copy of the laboratory documentation package.
13. On 1 June 2016, the Athlete sent to the IOC through her NOC her completed AAF Notification Appendix in which she indicated that she accepted the AAF. She further indicated that she requested the opening and analysis of her B-Sample and that she would not personally attend the process. She indicated that she would be represented by Mr Alimzham Akayev on this occasion. Finally, she requested a copy of the laboratory documentation package.
14. On 2 June 2016, the IOC informed the Athlete, through her NOC, that the opening and analysis of his B-Sample was scheduled to take place on 8 June 2016 at the Laboratory.
15. The opening of the B-Sample took place on 8 June 2016.
16. The opening of the B-Sample was conducted in the presence of an independent witness, Mr Akayev and an IOC representative.
17. 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: oxandrolone and stanozolol.
18. On 13 June 2016, the IOC notified the B-Sample results to the Athlete through her NOC. The Athlete was invited to indicate whether she accepted the Adverse Analytical Finding and whether she requested the B-Sample laboratory documentation package. The Athlete was further informed of the possibility to present her defence in writing and/or to attend the hearing of the Disciplinary Commission. The IOC finally indicated that the hearing should be scheduled to take place during the last week of June or the first part of July 2016.
19. On 20 June 2016, the Athlete sent to the IOC through her NOC her completed Disciplinary Commission Form. She did not indicate whether she accepted the Adverse Analytical Finding resulting from the analysis of the B-Sample and requested a copy of the B-Sample laboratory documentation package.
20. In her Disciplinary Commission Form, the Athlete indicated that she was not in the position to decide whether she accepted the Adverse Analytical Finding as she first would like to review the documentation packages. She requested to be granted a deadline of at least one month as of the receipt of the documentation package in order to prepare her defence. She further indicated that her attendance to the hearing of Disciplinary Commission would also depend on the review of the documentation package. She finally indicated that she would present a defence in writing.

21. In her Disciplinary Commission Form, the Athlete accepted that her case should be decided after the Olympic Games Rio 2016.
22. On the same day, the NOC indicated that the Athlete accepted the fact that her 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.
23. On 11 July 2016, the IOC informed the Athlete, through her NOC, that the Disciplinary Commission would hear her case after the Olympic Games Rio 2016 under the condition that the Athlete would confirm in writing that she would not challenge her provisional suspension issued by her IF.
24. On 12 July 2016, the Athlete confirmed that she would not challenge the provisional suspension. She again requested the A- and B-Sample laboratory documentation packages and required additional time to review these documents.
25. On 26 July 2016, the IOC confirmed that the hearing of the Disciplinary Commission would be scheduled to be held after the Olympic Games Rio 2016.
26. In the same communication, the IOC provided the A-Sample & B-Sample laboratory documentation packages together with additional documentation related notably to the handling of the sample in London and its transfer to the WADA accredited laboratory in Lausanne.
27. On 21 September 2016, the IOC informed the Athlete through her NOC that the hearing of the Disciplinary Commission was scheduled to be held on 18 October 2016. The Athlete was invited to confirm whether she would attend personally the hearing and whether she would be represented or assisted by a counsel and/or a scientific expert. She was also invited to submit a written defence.
28. On the same day, the NOC and the IF were invited to file written observations and to indicate whether they would send a representative to the hearing.
29. On 27 September 2016, the NOC confirmed that the Athlete had been informed of the letter dated 21 September 2016 and indicated that Mr Akayev would participate in the hearing as the representative of the Athlete.
30. On 7 October 2016, the IOC requested the NOC to clarify whether Mr Akayev would represent the NOC and/or the Athlete. The IOC asked to be provided with a power-of-attorney duly signed by the Athlete in the event the Athlete accepted to be represented by Mr Akayev.
31. On 11 October 2016, Mr Claude Ramoni, attorney-at-law, informed the IOC that he would be acting as representative of the Athlete. A power-of-attorney was provided to the IOC.
32. In his letter, Mr Ramoni indicated that the Athlete did not challenge the adverse analytical finding reported by the Laboratory nor the corresponding anti-doping rule violation. He indicated that accordingly neither the Athlete nor her counsel would attend the hearing of the Disciplinary Commission.
33. The Athlete's counsel expressly stated that his letter should not be understood as an admission of intention, fault or negligence by his client. He further reserved his client's right to make further submissions in relation to the reported adverse analytical finding in any proceedings that might be conducted in relation to the finding, notably before the IF.

34. On 12 October 2016, the IOC acknowledged receipt of the letter dated 11 October 2016 received from the Athlete's counsel. The Athlete was advised that the Disciplinary Commission would issue a decision on the basis of the file.
35. On the same day, the IOC invited the NOC and the IF to file written observations by 14 October 2016.
36. The NOC and the IF did not submit any observations.

## II. APPLICABLE RULES

37. 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."*

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

39. 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."*

40. 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.*

41. 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.”*

42. 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.”*

43. 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.”*

44. 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.”*

45. 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.”*

### **III. DISCUSSION**

46. The results of the analysis of the sample provided by the Athlete establish the presence in her sample of the metabolites of two Prohibited Substances, i.e. oxandrolone and stanozolol.

47. The substances detected are anabolic steroids. They are listed in the WADA 2012 Prohibited List and in all subsequent lists under S1.
48. In her AAF Notification Form, the Athlete accepts the adverse analytical finding. In the letter dated 11 October 2016, the Athlete's counsel confirmed that the Athlete does not challenge the adverse analytical finding.
49. Based on the above, the Disciplinary Commission finds that the Athlete has in any event committed an anti-doping rule violation pursuant to Art. 2.1 of the Rules consisting in the presence of Prohibited Substances in her body. Such violation is even expressly admitted.
50. In addition, the Disciplinary Commission observes that the circumstances support also a finding of anti-doping rule violation based on art. 2.2 of the Rules.
51. The fact that doping substances which are "classical" doping substances were detected supports this consideration.
52. Oxandrolone and stanozolol are indeed both substances used as performance enhancing substances. There is therefore a simple and straightforward explanation for their presence in the Athlete's sample, i.e. their use as such.
53. The fact that the Athlete has accepted the AAF and did not submit any explanation points in the same direction.
54. In any event the existence of an anti-doping rule violation is established based on the presence of Prohibited Substances in the Athlete's sample and this is sufficient to trigger the consequences applicable pursuant to the Rules.
55. These consequences are limited to consequences in connection with the 2012 Olympic Games.
56. 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.).
57. 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

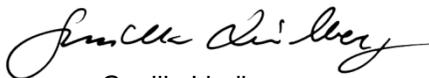
- I. The Athlete, Zulfiya CHINSHANLO:
  - (i) is found to have committed an anti-doping rule violation pursuant to the IOC Anti-Doping Rules applicable to the Games of the XXX Olympiad in London in 2012 (presence, and/or use, of Prohibited Substances or its Metabolites or Markers in an athlete's bodily specimen),
  - (ii) is disqualified from the event in which she participated upon the occasion of the Olympic Games London 2012, namely the Women's 53 kg weightlifting event, in which she ranked 1<sup>st</sup> and for which she was awarded the gold medal.
  - (iii) has the medal, the medallist pin and the diploma obtained in the Women's 53 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, the medallist pin and the diploma awarded in connection with the Women's 53 kg weightlifting 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