

INTERNATIONAL OLYMPIC COMMITTEE

IOC DISCIPLINARY COMMISSION

DECISION

**REGARDING ILYA ILIN
BORN ON 24 MAY 1988, KAZAKHSTAN, 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:

I. FACTS

1. Ilya ILIN (hereinafter the “**Athlete**”), participated in the Games of the XXX Olympiad, London 2012 (the “**2012 Olympic Games**”).
2. On 4 August 2012, the Athlete competed in the Men’s 94 kg weightlifting event in which he ranked 1st and for which he was awarded the gold 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 2721766.
4. The A-Sample 2721766 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 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, which was initially scheduled to take place between 6, 7 or 8 June 2016. The Athlete was also informed of his right to request a copy of the laboratory documentation package.
13. On 2 June 2016, the Athlete through his NOC provided the IOC with his completed AAF Notification Appendix in which he indicated that he accepted the Adverse Analytical Finding. He however requested the opening and analysis of the B-Sample. He further indicated that he would not personally attend the process but would be represented on this occasion by Mr Berik Sattyklyshov, doctor, and Mr Alimzhan Akayev from his NOC. He finally requested a copy of the laboratory documentation package.
14. On 2 June 2016, the IOC informed the Athlete, through his NOC, that the opening of his B-Sample was scheduled to take place on 7 June 2016 followed by the analysis of the sample over the following days.
15. The opening of the B-Sample occurred on 7 June 2016 in the presence of Mr Sattyklyshov, Mr Akayev, an IOC representative and an independent witness.
16. 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 stanozolol.
17. On 13 June 2016, the IOC notified the B-Sample results to the Athlete through his NOC. He 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. 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.
18. On 20 June 2016, the Athlete through his NOC sent to the IOC his completed Disciplinary Commission Form. He did not indicate whether he accepted the Adverse Analytical Finding resulting from the analysis of the B-Sample and requested a copy of the B-Sample laboratory documentation package.
19. In his Disciplinary Commission Form, the Athlete indicated that he was not in the position to decide whether he accepted the Adverse Analytical Finding as he first would like to review the documentation packages. He requested to be granted a deadline of at least one month as of the receipt of the documentation packages in order to prepare his defence. He further indicated that his attendance to the hearing of Disciplinary Commission would also depend on the review of the documentation package. He finally indicated that he would present a defence in writing.

20. In his Disciplinary Commission Form, the Athlete accepted that his case should be decided after the Olympic Games Rio 2016.
21. On the same day, the NOC indicated that the Athlete accepted the fact that his 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.
22. On 12 July 2016, the Athlete confirmed that he would not challenge the provisional suspension issued by the IWF and requested to schedule the hearing of the Disciplinary Commission after the Olympic Games Rio 2016.
23. On 14 July 2016, the IOC confirmed that the hearing would be rescheduled after the Olympic Games Rio 2016. The IOC also provided the Athlete, through his NOC, with a copy of the A-Sample and B-Sample laboratory documentation packages as well as with additional documentation related notably to his sample, in particular the handling of the sample in London and its transfer to the WADA accredited laboratory in Lausanne.
24. On 19 August 2016, Mr Mike Morgan informed the IOC that he had been appointed as the Athlete's counsel. The IOC was requested to send once again a copy of the laboratory documentation packages. Such was provided on the same day.
25. On 21 September 2016, the IOC informed the Athlete's counsel that the hearing of the Disciplinary Commission was scheduled to be held on 17 October 2016. The Athlete was invited to confirm whether he would attend the hearing and whether he would be represented or assisted by a counsel and/or a scientific expert. He was further offered the possibility to submit a written defence by 10 October 2016.
26. On the same day, the NOC and the IF were invited by the IOC to send a representative to attend the hearing and to submit written observations within a deadline expiring on 10 October 2016.
27. On 4 October 2016, the Athlete's counsel informed the IOC that the analytical results were not challenged.
28. In the same letter, the Athlete informed the IOC that neither he nor his counsel would attend the hearing scheduled for 17 October 2016.
29. In his communication, the Athlete's counsel underlined the fact that the athlete did not challenge the analytical results and did not constitute any admission of intent, fault or negligence. The Athlete's right to make submissions in relation to the reported adverse analytical findings in further proceedings was further reserved.
30. On 12 October 2016, the IOC acknowledged receipt and indicated that the Disciplinary Commission would issue a decision on the basis of the file.
31. Neither the NOC nor the IF filed written observations.
32. It is finally noted that the samples provided by the same Athlete on the occasion of the Games of the XXIX Olympiad in Beijing in 2008 (the "**2008 Olympic Games**") were also subject to further analysis.
33. In this case, the analytical results also indicated the presence of a Prohibited Substance, namely stanozolol.

34. Corresponding disciplinary proceedings addressing this further matter have been conducted in parallel and a decision issued (BRT III– 013).

II. APPLICABLE RULES

35. 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.”

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

37. 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.”

38. 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.*

39. 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.”

40. 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.”

41. 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.”

42. 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.”

43. 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

44. 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.

45. The substances detected are anabolic steroids. They are listed in the WADA 2012 Prohibited List and in all subsequent lists under S1.

46. The Disciplinary Commission notes that the Athlete does not challenge the analytical results.

47. Based on the above, the Disciplinary Commission finds that the Athlete has, at any event, committed an anti-doping rule violation pursuant to Art. 2.1 of the Code consisting in the presence of a Prohibited Substance in his body.
48. In addition, the Disciplinary Commission observes that the circumstances would also support a finding of an anti-doping rule violation based on art. 2.2 of the Code.
49. The fact that doping substances, which are “classical” doping substances and appear to have been broadly used at the time of the analysis, were detected supports this consideration.
50. Further, the fact that a sample of the same Athlete collected on the occasion of the 2008 Olympic Games was also found to contain a Prohibited Substance, stanozolol, which was also detected in the sample collected in 2012, more than suggests that the Athlete has been doping on a regular basis throughout his career. He could evade detection until the new methods based on long-term metabolites finally exposed him.
51. Pursuant to the Rules, the consequences of an anti-doping rule violation are limited to consequences in connection with the 2012 Olympic Games.
52. 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.).
53. 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, Ilya ILIN:
 - (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,
 - (ii) is disqualified from the Men's 94 kg weightlifting event in which he participated upon the occasion of the Olympic Games London 2012,
 - (iii) has the medal, the medallist pin and the diploma obtained in the Men's 94 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, medallist pin and diploma awarded in connection with the Men's 94 kg weightlifting event to the Athlete.
- V. This decision enters into force immediately.

Lausanne, 22 November 2016

In the name of the IOC Disciplinary Commission



Denis Oswald, Chairman



Gunilla Lindberg



Ugur Erdener