

INTERNATIONAL OLYMPIC COMMITTEE

IOC DISCIPLINARY COMMISSION

DECISION

**REGARDING BESIK KUDUKHOV
BORN ON 15 AUGUST 1986, ATHLETE, RUSSIAN FEDERATION, 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 XXX Olympiad, London 2012 (the “**Rules**”) and, in particular, Articles 1, 2, 6.3.3, 7 and 8 thereof:

I. FACTS

1. Besik Kudukhov (hereinafter the “**Athlete**”), participated in the Games of the XXX Olympiad, London 2012 (the “**2012 Olympic Games**”).
2. On 11 August 2012, the Athlete competed in the Men’s 60kg freestyle wrestling event in which he ranked 2nd and for which he was awarded a 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 2721630.
4. The A-Sample 2721630 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 a Prohibited Substance: dehydrochlormethyltestosterone (turinabol).
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. The Athlete was also informed of his right to request a copy of the laboratory documentation package.
13. The NOC informed the IOC that the Athlete died on 29 December 2013 in a car crash on a federal highway in southern Russia.
14. The B-Sample of the Athlete has neither been opened nor analysed.

II. **DECISION TO FILE THE CASE**

15. The fact that the Athlete had died in December 2013 was not known when the decision to include his samples in the re-analysis process was made.
16. Given this particular situation, the process normally followed starting with the notification of the AAF can no longer be followed.
17. Disciplinary proceedings, which could have resulted in the establishment of the anti-doping rule violation and the consequences resulting therefrom cannot be conducted against a deceased person.
18. Consequently, these proceedings must be filed.
19. The Disciplinary Commission observes that the situation is unsatisfactory as it implies that Olympic results which would probably have had to be reviewed will remain uncorrected. However, this is the unavoidable consequence of the fact that proceedings in which the existence of an anti-doping violation would have been established or not, can no longer be conducted.

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CONSIDERING the above,

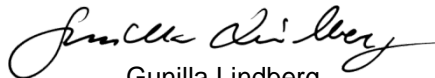
THE DISCIPLINARY COMMISSION OF THE
INTERNATIONAL OLYMPIC COMMITTEE
DECIDES

- I. The proceedings are filed.

Lausanne, 19 October 2016

In the name of the IOC Disciplinary Commission


Denis Oswald, Chairman


Gunilla Lindberg


Ugur Erdener