

INTERNATIONAL OLYMPIC COMMITTEE

IOC DISCIPLINARY COMMISSION

DECISION

**REGARDING BOYANKA KOSTOVA
BORN ON 10 MAY 1993, AZERBAIJAN, 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. Boyanka KOSTOVA (hereinafter the “**Athlete**”), participated in the Games of the XXX Olympiad, London 2012 (the “**2012 Olympic Games**”).
2. On 30 July 2012, the Athlete competed in the Women’s 58 kg weightlifting event in which she ranked 5th and for which she was awarded a diploma.
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 2718220.
4. The A-Sample 2718220 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 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, which was initially scheduled to take place between 6, 7 or 8 June 2016. The Athlete was also informed of her right to request a copy of the laboratory documentation package.
13. On 31 May 2016, the Athlete through her NOC provided the IOC with her completed AAF Notification Appendix in which she indicated that she did not accept the Adverse Analytical Finding and requested the opening and analysis of the B-Sample. She further indicated that she would personally attend the process and that she would be assisted on this occasion by Mr Rustamzade Irada. She finally requested a copy of the laboratory documentation package.
14. On 2 June 2016, the IOC informed the Athlete, through her NOC, that the opening of her B-Sample was scheduled to take place on 7 June 2016 followed by the analysis of the sample over the following days.
15. On 6 June 2016, the Athlete informed the IOC that she would be assisted by Mr Anar Bagirov, Director of the International Relations Department of her NOC.
16. The opening of the B-Sample occurred on 7 June 2016.
17. The opening of the B-Sample was conducted in the presence of the Athlete, Mr Bagirov, an IOC representative and an independent witness.
18. 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.
19. On 13 June 2016, the IOC notified the B-Sample results to the Athlete. She 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.
20. On 20 June 2016, Mr Mike Morgan informed the IOC that he was acting for the Athlete and requested a deadline extension to respond to the communication dated 13 June 2016.
21. On 11 July 2016, the IOC informed the Athlete's counsel that the hearing of the Disciplinary Commission was scheduled to be held on 21 or 22 July 2016 and invited the Athlete to indicate whether she intended to attend the hearing and/or to be represented.
22. On 12 July 2016, the IOC provided the A-Sample and B-Sample laboratory documentation packages.

23. On 17 July 2016, the Athlete's counsel informed the IOC that the Athlete would need more time to investigate the source of the Prohibited Substances detected in her sample and requested the postponement of the hearing until October 2016. This request was accepted.
24. On 29 July 2016, the IOC provided additional documentation related notably to the handling of the Athlete's sample in London and its transfer to Lausanne.
25. On 21 September 2016, the IOC informed the Athlete's counsel that the hearing of the Disciplinary Commission had been scheduled to be held on 17 October 2016. The Athlete was invited to confirm whether she would attend and/or be represented at the hearing. She was further offered the possibility to submit a written defence.
26. On 4 October 2016, the Athlete, through her counsel, informed the IOC that the analytical results were not challenged.
27. In the same letter, the Athlete informed the IOC that neither she nor her counsel would attend the hearing scheduled for 17 October 2016. It was noted that the letter did not constitute any admission of intent, fault or negligence and she reserved her right to make submissions in relation to the reported adverse analytical findings at further proceedings that might be conducted in relation to those findings.
28. The IOC acknowledged receipt and communicated that the Disciplinary Commission would issue a decision on the basis of the file.
29. Neither the NOC nor the IF filed written observations.

II. **APPLICABLE RULES**

30. 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."*
31. Art. 2 of the Rules provides that Article 2 of the Code applies to determine anti-doping rule violations.
32. 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."*

33. 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.*

34. 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."

35. 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."

36. 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."

37. 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."

38. 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**

39. 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. dehydrochloromethyltestosterone (turinabol) and stanozolol.
40. The substances detected are anabolic steroids. They are listed in the WADA 2012 Prohibited List and in all subsequent lists under S1.
41. The Disciplinary Commission notes that the Athlete does not challenge the analytical results.
42. 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 her body.
43. 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.
44. 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.
45. Pursuant to the Rules, the consequences of an anti-doping rule violation are limited to consequences in connection with the 2012 Olympic Games.
46. 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.).
47. 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**").

* * * * *

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, Boyanka KOSTOVA:
 - (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 Women's 58 kg weightlifting event in which she participated upon the occasion of the Olympic Games London 2012,
 - (iii) has the diploma obtained in the Women's 58 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 Azerbaijani Republic shall ensure full implementation of this decision.
- IV. The National Olympic Committee of the Azerbaijani Republic shall notably secure the return to the IOC, as soon as possible, of the diploma awarded in connection with the Women's 58 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