

INTERNATIONAL OLYMPIC COMMITTEE

IOC DISCIPLINARY COMMISSION

DECISION

**REGARDING NORAYR VARDANYAN
BORN ON 15 MAY 1987, ARMENIA, 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. Norayr VARDANYAN (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 11th.
3. On 25 July 2012, the Athlete was requested to provide a urine sample for a doping control (in competition). Such sample was identified with the number 2721247.
4. The A-Sample 2721247 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
 - Mr Juan Antonio Samaranch (Spain)
 - Mr Ugur Erdener (Turkey)
12. On 3 October 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 6 October 2016, the NOC and the IF informed the IOC that the Athlete was currently representing the Weightlifting Federation of the United States of America.
14. On 10 October 2016, the IF provided the IOC with the email address and the phone number of the Athlete.
15. On 18 October 2016, the IOC notified directly the Athlete of the AAF Notification Letter initially sent on 3 October 2016.
16. On 24 October 2016, the Athlete sent to the IOC his completed AAF Notification Appendix in which he indicated that he accepted the Adverse Analytical Finding. He however requested the opening and analysis of his B-Sample and did not indicate whether, if conducted, he would attend the process, neither personally nor through a representative. He finally did not indicate whether he requested a copy of the laboratory documentation package.
17. In his AAF Notification Appendix, the Athlete wrote the following comment:

"I just want everyone to take into consideration that I have been competing clean for the USA for the past 3 years. I have multiple clean sample results from USADA. Thank you."
18. On 28 October 2016, the IOC informed the Athlete that the opening and analysis of her B-Sample would not be conducted as he accepted the Adverse Analytical Finding resulting from the analysis of the A-Sample.
19. In the same communication, the Athlete was further informed of the possibility to present his defence in writing and/or to attend the hearing of the Disciplinary Commission, which should be scheduled to take place in December 2016.
20. On 2 November 2016, the Athlete sent to the IOC his completed Disciplinary Commission Form in which he indicated that he would not attend the hearing of the Disciplinary Commission, neither personally nor through a representative. He also indicated that he would present his defence in writing.
21. On 11 November 2016, the IOC invited the Athlete to submit his written defence by 25 November 2016.
22. On 25 November 2016, the Athlete presented his defence in writing. The Athlete explained that he had been invited to participate in his first senior camp in Armenia at the end of 2011 for the preparation of the 2012 Olympic Games. At this time, he understood that all top level athletes were using Prohibited Substances as his teammates spoke about it very

openly. He asserted that he had always assumed that elite weightlifting athletes used Prohibited Substances but was not aware of the process conducting to this practice. He submitted that he did not know what to do and had no advice from anybody.

23. The Athlete further explained that he decided to move back to the USA after the 2012 Olympic Games as he felt lost in his career. He wanted to take control of his training and of his “recovery”.
24. He asserted that he has been training and competing as a clean athlete in the USA since 2013. He contended that he had been subject to several anti-doping tests and that none of them has return as Adverse Analytical Finding. The Athlete finally asked the Disciplinary Commission to take into consideration the fact that he has been training and competing as a clean athlete for the three last years.
25. Neither the NOC nor the IF filed written observations.

2. APPLICABLE RULES

26. 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.”*

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

28. 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.”*

29. 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.”*

30. 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.”

31. 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.”

32. 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.”

33. 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.”

34. 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

35. The results of the analysis of the sample provided by the Athlete establish the presence in his sample of the metabolites of a Prohibited Substance, i.e. dehydrochlormethyltestosterone (turinabol).
36. The substance detected is an anabolic steroid. It is listed in the WADA 2012 Prohibited List and in all subsequent lists under S1.
37. The Athlete accepts the Adverse Analytical Finding and does not challenge the validity of the analytical results.
38. 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.
39. 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.
40. The Athlete indeed openly admits that he has been using Prohibited Substances while preparing for the 2012 Olympic Games.
41. 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.
42. The consequences of an anti-doping rule violation pursuant to the Rules are limited to consequences in connection with the 2012 Olympic Games.
43. 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 diploma).
44. 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, Norayr VARDANYAN:
 - (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 94 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 National Olympic Committee of Armenia shall ensure full implementation of this decision.
- IV. This decision enters into force immediately.

Lausanne, 10 January 2017

In the name of the IOC Disciplinary Commission



Denis Oswald, Chairman



Juan Antonio Samaranch



Ugur Erdener