



Tribunal Arbitral du Sport
Court of Arbitration for Sport

CAS 2014/A/3469 IAAF v. SAAF & Hussian Alhamdah

ARBITRAL AWARD

delivered by the

COURT OF ARBITRATION FOR SPORT

sitting in the following composition:

Sole arbitrator: Mr Ercus **Stewart S.C.**, Barrister, Dublin, Ireland

Ad hoc Clerk: Mr Patrick **Grandjean**, Attorney-at-law, Lausanne, Switzerland

in the arbitration between

International Association of Athletics Federations (IAAF), Monaco

Represented by its legal counsel Mr Huw Roberts and by Mr Richard Liddell, Barrister, London, England.

- Appellant -

and

Saudi Arabian Athletics Federation (SAAF), Riyadh, Saudi Arabia

- First Respondent -

and

Mr Hussian Alhamdah

Jointly represented by Mr Emmanuel Hudson and Mr Howard L. Jacobs, Attorneys-at-law, California, United States of America

- Second Respondent -

I. PARTIES

1. The International Association of Athletics Federations (hereinafter "IAAF" or the "Appellant") is the international federation governing the sport of athletics world-wide. It has its registered seat in Monaco.
2. The Saudi Arabian Athletics Federation (hereinafter "SAAF" or, together with Mr Hussian Alhamdah, the "Respondents") is the national federation governing the sport of athletics in Saudi Arabia. It has its registered seat in Riyadh, Saudi Arabia, and is a member of the IAAF.
3. Mr Hussian Alhamdah (hereinafter the "Athlete" or, together with SAAF "the Respondents") is an athlete of Saudi Arabian nationality and is born on 4 August 1983. He is an International-level long-distance runner, specialised in the 5,000 and 10,000 meters disciplines.

II. FACTUAL BACKGROUND

A. Background facts

4. Below is a summary of the relevant facts and allegations based on the Parties' written and oral submissions, pleadings, and evidence adduced. References to additional facts and allegations found in the Parties' written and oral submissions, pleadings, and evidence will be made, where relevant, in connection with the legal analysis that follows. While the Sole Arbitrator has considered all the facts, allegations, legal arguments, and evidence submitted by the Parties in the present proceedings, he refers in his Award only to the submissions and evidence he deems necessary to explain his reasoning.

B. The Biological Passport (hereinafter the "ABP")

5. The appeal is brought by IAAF against a decision rendered on 21 November 2013 by the Saudi Arabian Anti-Doping Disciplinary Committee, which found the Athlete guilty of an anti-doping rule violation on the basis of abnormal values and variations in his ABP profile (hereinafter the "Appealed Decision"). The Athlete was sanctioned with a two and a half years period of ineligibility, the loss of "*all medals/awards*" as well as the invalidation of all the results obtained since 26 March 2009. IAAF seeks to increase the ban to the maximum four years as it is of the view that there are aggravating circumstances, which the first instance failed to take into consideration when adopting the disciplinary measures against the Athlete.
6. Against this background, and in order to fully appreciate the facts of the case as well as the issues to be addressed, it appears appropriate to give a brief account of the fundamental principles, which govern the ABP.

7. While direct detection methods aim to detect the doping agent itself, the focus of the ABP is not on the detection of prohibited substances but rather on the effect of these substances on the body (CAS 2010/A/2235, para. 7, page 2).
8. With regard to the ABP program, WADA developed "*Operating Guidelines & Compilation of Required Elements*". The version in force at the time of the Appealed Decision was Version 4.0 of November 2013 (hereinafter "WADA's Guidelines"). According to this document (page 3) "*The ABP Program is administered through WADA's Anti-Doping Administration and Management System (ADAMS), a secure online database management tool for data entry, storage, sharing, and reporting, designed to assist stakeholders and WADA in their anti-doping operations. The ABP intends to establish that an Athlete is manipulating his/her physiological variables, without necessarily detecting a particular Substance or Method. This approach has proven effective in establishing Anti-Doping Rule Violations (ADRVs), without having to rely on traditional analytical approaches and Target Testing those likely to be doping. The ABP does not replace traditional Testing methods, but rather complements analytical methods to further refine and strengthen overall anti-doping strategies.*"
9. According to WADA's Guidelines, the "Passport" is "*A collation of all relevant data unique to an individual Athlete that may include longitudinal profiles of Markers, heterogeneous factors unique to that particular Athlete and other relevant information that may help in the evaluation of Markers*" (Page 26). The results will be reviewed upon application of the "Adaptive Model"; i.e. "*A mathematical model that was designed to identify unusual longitudinal results from Athletes. The model calculates the probability of a longitudinal profile of Marker values assuming, that the Athlete has a normal physiological condition.*" (Page 24).
10. "*The Adaptive Model is capable of identifying atypical values or profiles that warrant further attention and review. The Adaptive Model predicts for an individual an expected range within which a series of Marker values falls assuming a normal physiological condition. Outliers correspond to those values out of the 99%-range (0.5 - 99.5 percentiles)*"(WADA's Guidelines, page 44).

C. The Athlete's biological profile

11. The Athlete was included in the IAAF ABP testing program. Since 2009, the Athlete had been tested on a regular basis by the IAAF for the purpose of measuring his blood variables.
12. On 31 August 2011, at the World Championships in Athletics held in Daegu, South Korea, the Athlete was subject to a blood sample collection.
13. On 2 September 2011, Dr Juan Manuel Alonso, the IAAF Medical Delegate, together with Dr Pierre-Yves Garnier, the IAAF's Medical Manager, arranged a meeting with the Athlete, his coach, Mr Saad Shadad Al Samri, and a SAAF representative, Mr Chafk Sabbagh, to discuss the Athlete's unusual blood sample results. On that occasion, the Athlete's attention was drawn on the fact that competing with such elevated values would present a very significant risk to his health.

14. In spite of Dr Alonso's advice to pull out of the World Championships, the Athlete declared that he would compete in the final of the Men's 5000m, which would take place two days later. He also confirmed that he would get a medical check-up as soon as possible after the end of the competition.
15. On 2 September 2011, Dr Alonso notified the following letter to the Athlete:

"Dear Alhamdah, Hussain Jamaan

I am writing to you in my capacity as IAAF Medical Delegate at these World Championships in connection with an urgent matter that has been brought to my attention by the IAAF Anti-Doping Delegate, Dr Gabriel Dolle.

On 31 August 2011, you provided a blood sample to the IAAF as part of the IAAF's Blood Testing Programme for the Athlete Biological Passport, with the following results:

<i>BP ID#</i>	<i>HCT: %</i>	<i>HGB: g/dL</i>	<i>MCH: pg</i>	<i>MCHC:g/dL</i>	<i>MCV:fL</i>	<i>Off- score</i>	<i>RBC: 10⁶/uL</i>	<i>RET# 10⁶/uL</i>	<i>RET%</i>
<i>NI9D12</i>	<i>62.7</i>	<i>20.9</i>	<i>31.3</i>	<i>33.3</i>	<i>94</i>	<i>156.7</i>	<i>6.67</i>	<i>0.0507</i>	<i>0.76</i>

These results were referred to me yesterday morning by Dr Dolle in strict medical confidence because of his concern as a medical doctor at the exceptionally high values recorded.

I very much share Dr Dolle's concern at these results that are significantly outside of the norm for the male athlete population. Indeed, in my medical opinion, such values present a very significant risk to your health if you are to compete in current climatic conditions in the final of the Men's 5000m on Sunday, 4 September 2011. It is ultimately your choice whether or not to compete but it is my clear professional judgment that you should not do so in such a physical condition and I strongly advise you to take your own medical advice before deciding to go ahead.

I take this opportunity to remind you in any event that, under IAAF Rule 49, you are responsible for your own physical health and medical supervision and that, by entering these World Championships, you are specifically releasing the IAAF from any liability for any loss, injury or damage that you may suffer in relation to or as a result of your participation."

16. The same day, the Athlete signed the above letter, whereby he also acknowledged that he read it, had it explained to him and understood its content. Likewise, the Athlete's coach also signed the said letter, which contained a statement according to which he acknowledged that he had a responsibility under IAAF Rules to ensure that the Athlete was in a state of physical health that was compatible with elite level competition.

17. On 3 September 2011, the Athlete was asked to provide another blood sample, the results of which were as follows:

Date of test	HCT: %	HGB: g/dL	MCH: pg	MCHC:g/dL	MCV:fL	Off-score	RBC: 10 ⁶ /uL	RET# 10 ⁶ /uL	RET%
03.09.2011	62.2	21.3	32.2	34.2	94.1	160.7	6.61	0.0502	0.76

18. On 4 September 2011 and in spite of Dr Juan Manuel Alonso's warning, the Athlete took part in the Men's 5000m final at the World Championships and finished in 13th position.

19. On 30 November 2011, Dr Garnier wrote the following e-mail to the Athlete's coach:

"We would like to ask for some information about the medical condition of the [Athlete] (please inform him about this email because he has no email contact).

As you know Dr. Alonso, IAAF medical delegate, and I met you with the athlete during the last WA championship in August 2011 in Daegu, following up unexpected high values observed within the haematological biological passport testing pre competition for all athletes.

During this confidential meeting (...), we informed the athlete and you of the need to have ASAP an expert medical check-up and for this purpose we have offered our assistance.

At the moment we have no news, so I would like to remind of your promise to carry out a medical check-up as soon as possible and to keep us informed of the results. For your information we have contacted Dr. Saleh Al-Konbaz, President of the Saudi Arabian Sports Medicine Association, to help us with this problematic health issue."

20. Dr Garnier received no answer from the Athlete or his coach.

21. Between 26 March 2009 and 7 August 2012, the Athlete was subject to five blood sample collections. The data contained in his Passport were recorded under the following anonymous identifying code: N19D12:

Date of test	HCT: %	HGB: g/dL	MCH: pg	MCHC:g/dL	MCV:fL	Off-score	RBC: 10 ⁶ /uL	RET# 10 ⁶ /uL	RET%
26.03.2009	61.6	20.4	33.1	33.6	101	133.5	6.08	0.0800	1.38
16.08.2009*	57.5	18.8	30.1	32.7	92.1	146.4	6.24	0.0300	0.48
31.08.2011**	62.7	20.9	31.3	33.3	94	156.7	6.67	0.0507	0.76

03.09.2011**	62.2	21.3	32.2	34.2	94.1	160.7	6.61	0.0502	0.76
07.08.2012***	47.5	16.4	30.7	34.5	88.8	122.4	5.35	0.0257	0.48

*World Championships in Berlin, Germany

**World Championships in Daegu, South Korea

***Olympic Games in London, England

22. On 6 December 2012, Dr Gabriel Dollé, the IAAF Anti-Doping Administrator, informed SAAF that he had initiated an investigation into a potential anti-doping rule violation committed by the Athlete pursuant to the ABP program. He confirmed that abnormal values had been identified by the Adaptive Model in that the samples deviated from the norm by 99.9%. In accordance with the IAAF Anti-Doping Regulations, the Athlete's blood profile had been reviewed by a Panel of three experts (hereinafter the "Experts Panel"), who unanimously expressed the opinion *"that it was highly unlikely that his longitudinal profile was the result of abnormal physiological or pathological condition and that it may be the result of the use of a prohibited substance or a prohibited method."*
23. Under these circumstances, Dr Dollé confirmed to SAAF that IAAF was considering bringing charges against the Athlete for an anti-doping rule violation and could be seeking an increased 4-year sanction on the grounds of aggravating circumstances. It advised that the Athlete *"can avoid the application of an increased sanction by promptly admitting by no later than Monday 17 December 2012 an anti-doping rule violation under IAAF Rule 32.2 (b) and by accepting an effective 2-year ineligibility as from the date of his acceptance. (...) Before formal charges are brought against the athlete, he has an opportunity (...) to provide an explanation for his abnormal profile. The athlete's explanation, if any, must be provided to me in writing, in English, no later than Thursday 20 December 2012"*.
24. The Athlete failed to admit to the anti-doping rule violation by the imposed deadline of 17 December 2012. He also did not provide any explanation with regard to his abnormal profile.
25. On 24 December 2012, the Athlete voluntarily submitted to a blood test, conducted in a Hospital.
26. On 2 January 2013, there was hearing and on same date SAAF informed Dr Dollé that the Athlete a) had been heard the very same day by its Medical Committee and b) declared on that occasion that *"The routine tests of his blood are usually showing 'blood abnormal variables measurements'."* This statement lead SAAF to conclude that *"while [its] Medical Committee considers that the blood variables of [the Athlete are] abnormal and strange, and while the Committee fully respects the statements of [the Athlete], the Committee would like to urge the IAAF Medical Committee to carry out further tests / researches on the samples of [the Athlete] to indicate whether any genetic reasons could create such variables and whether they can put the life of our athlete in danger"*.

27. On 5 January 2013, SAAF sent to IAAF some "*laboratory tests and results*", which allegedly had been carried out upon the Athlete's instructions following the World Championships held in South Korea. It appeared that the said tests were the ones conducted on 24 December 2012.
28. On 15 February 2013, Dr Dollé informed in writing SAAF that the Athlete's explanations and tests of 24 December 2012 had been submitted to the Experts Panel for a second review of the case. The experts' written opinion was attached to the letter and was summarized by Dr Dollé as follows:

"(i) the laboratory test report produced by [the Athlete] shows relatively normal results, consistent with the haemoglobin concentration corresponding to test # 5 of his profile;

(ii) the above values differ significantly from the other "extreme" haemoglobin values observed in the [Athlete's] profile, therefore excluding a pathological condition.

(iii) the high concentration of ferritin appearing on the test laboratory report (3532 ng/mL) is abnormally high and consistent with a doping protocol for EPO or blood manipulation.

The experts also considered that no plausible explanation was provided by the athlete for the abnormally high haemoglobin values combined with abnormally low reticulocytes counts observed on 26 March 2009, 16 August 2009, 31 August 2011 and 3 September 2011, just prior to major international competitions. These values, according to the experts, can only be the result of doping".

29. In the same letter and in light of the opinion rendered by the Experts Panel, Dr Dollé confirmed that "*IAAF asserts that [the Athlete] has committed an anti-doping rule violation under IAAF Rule 32.2 (b) (Use or Attempted Use by an Athlete of a Prohibited Substance or a prohibited Method). Accordingly, [the Athlete] is now provisionally suspended by the IAAF from all competitions in athletics pending resolution of his case by your Federation in accordance with IAAF Rule 38.2. This suspension shall take effect immediately (...).*"

D. The Disciplinary Proceedings before SAAF

30. On 17 March 2013, the Athlete was heard by the SAAF Medical Committee. Before that body, he made the following statements:

" a) He did not use any Prohibited Substances or a Prohibited Method.

b) That the blood variations in his blood could be involuntary, especially as he was suffering from some special disease in blood as he already explained in the previous hearing session hold for him).

c) He finds it strange why the IAAF makes its decision by comparing the blood status after Daegu World Championships & London Olympic Games as no tests were carried out in between those two major competitions on him.

d) His Provisional Suspension had created a lot of psychological set backs for him, as he was looking forward to becoming an Olympian and a World Class Athlete."

31. The same day, SAAF disclosed the Athlete's statements to Dr Dollé, who confirmed on 21 March 2013, that none of the Athlete's arguments constituted a valid ground for reconsidering IAAF's position expressed on 15 February 2013. Dr Dollé urged SAAF to make a final decision without further delay a) confirming that the Athlete was guilty of an anti-doping rule violation and b) sanctioning him with a four-year period of ineligibility on the grounds of the following aggravating circumstances:
- " • *the [Athlete] committed the anti-doping rule violation as part of a doping plan or scheme;*
 - *[he] used or possessed multiple prohibited substances or methods or a combination of both;*
 - *[he] used prohibited substances or methods on multiple occasions;*
 - *[he] engaged in a deceptive or obstructing conduct to avoid the detection of adjudication of an anti-doping rule violation."*
32. Dr Dollé's letter of 21 March 2013 remained unanswered and so did two further remainders sent on 12 April and 2 May 2013 by IAAF, which was inquiring on the status of the Athlete's case.
33. On 6 May 2013, Dr Dollé wrote again to SAAF asking whether a final decision had been taken in the Athlete's case.
34. On 13 May 2013, SAAF answered to Dr Dollé that "*we are performing some 'Medical Checkups including genetic tests' on [the Athlete] and we will report to you immediately in due time.*"
35. On 21 May 2013, IAAF expressed its surprise over the new tests performed at this stage of the proceedings as the Athlete had already been given the opportunity to file explanations and further medical records. In addition, it asked SAAF for further information as regards a) who ordered these new investigations, b) on what basis, c) what test were to be carried out, d) by whom and e) when the results would be available.
36. On 4 June 2013, SAAF answered IAAF's letter of 21 May 2013 and explained that the Athlete was to be given another chance to bring forward new evidence in order to substantiate his case. With reference to the new "*Medical Checkups*", SAAF confirmed that they had been ordered by its Medical Committee and were conducted by "*Haematology specialists*". In addition, SAAF informed IAAF of the following:
- " *The [Athlete's samples] have been sent to the Mayo Clinic in USA and the results thereof will be forwarded to you immediately upon our receipt of the same and they require 10 working days (after their official receipt of said samples) to be able to issue their reports & to give their recommendations.*

2. *The above mentioned (further medical checks including the "Genetic tests") were, actually, ordered to ensure the safe health conditions of [the Athlete], relying on authorized documents issued by a specialized medical department.*
 3. *Attached, herewith, the medical report indicating the type of medical checks carried out & the laboratory results.*
 4. *Please be informed that our Federation has already taken decisions to, provisionally, suspend [the Athlete] from all competitions in athletics locally and abroad. (...)*
 5. *There is no clear evidence that '[the Athlete has] used or attempted to use any specific prohibited substance or prohibited method'.*
 6. *As regarding the option of referring this issue to the "Court of Arbitration for Sport" in Switzerland, kindly be advised that this choice still exists, especially if the results of such medical checks up have proved to be come in favor of our athletes.*
 7. *Please, consider that [the Athlete has] confirmed [he has] never used any prohibited substance throughout [his] sport career."*
37. SAAF enclosed with its letter a medical report delivered by Dr Saud Abo Harbesh, dated 29 May 2013, which provides so far as material as follows:

"(...) [the Athlete] had been seen in my haematology/oncology outpatient clinic at Specialized Medical Center Hospital on May 12, 2013 by request of the Sports Medicine in the Kingdom for further investigation of his polycythaemia as well as hemosiderosis.

The story of this gentleman is that he is a Marathon runner who has been found by the international committee to have very high serum ferritin and high haemoglobin (...) and he was prohibited from participation in a further service because of claim that this is most likely due to erythropoietin or erythropoietin analogue injection.

By taking quick history from the patient, he said he used to do his training in a mountainous area which is more than 3000 meter above the sea level and then in Morocco. Then he left that area to London where he participated in the International Olympian.

He said he has no family history of any haematological disorder and he never been told by any previous physician that he got blood disorder until recently that he been quoted by the medical team and found to have high haemoglobin.

He said that currently, he is just doing his usual daily exercise and he is not willing to participate in any activity for the time being and he denies any injection but he states he received oral iron tablet.

(...)

I think given the above story which I will assume that at least for the last few months because he is away of any championship that he has not receive any erythropoietin or erythropoietin analogue even if we have not believed that he

received from the beginning and the area where he participate in the exercise which is high mountainous area, this may explain the high haemoglobin especially in athletes young man like him. So 17.5 of haemoglobin is not terribly high but the most important result here is this high serum ferritin and according to the patient that he is receiving element supplement although we have no positive result of hemochromatosis genetic study.

So in summary given this story, most likely the explanation for his polycythaemia is just athlete sporty cardiovascular system and ongoing problem is this hemochromatosis."

38. On 11 June 2013, SAAF confirmed to IAAF that the Athlete just underwent his last medical tests, the result of which would be forwarded to it immediately upon their receipt.
39. On 28 August 2013, SAAF forwarded to IAAF "*some lab tests performed for the family members of [the Athlete].*"
40. The new documents filed by SAAF over the last three months were submitted to the Experts Panel for a new evaluation.
41. On 23 September 2013, Dr Dollé informed in writing SAAF that the Experts Panel confirmed its initial position. Under these circumstances, Dr Dollé urged SAAF to make its final decision without further delay.
42. SAAF referred the Athlete's case to the Saudi Arabian Anti-Doping Committee (hereinafter the "SAADC"), which held a hearing on 4 November 2013. The minutes of the meeting indicate in relevant part the following:

"The athlete was asked about his explanation to why there was variation in the Haemoglobin which was confirmed through the analysis done by the IAAF. He replied that: I was new in sport, and was training in Morocco. Then someone came to me at the stadium in Casa in 2009. He advised me to use Reromon injections to enhance my performance. Then he used to contact me through the phone, and send me the mentioned substance by freight after I sent him the money. May be the mistake lies in the lack of coordination with the supervisor in charge in the Federation. (...)

The athlete was asked about the prohibited substance or prohibited method used, and about the source of this substance?? He stated that the substance was REROMON ampoules. I used to get it from one Moroccan guy, his name was Yousef Wazzani. (...).

The athlete was asked about the number of times he used this substance during the follow up of his blood tests? He replied: I had taken Ferritin injections six times from 2009 to 2012. I used the RECROMON ampoules with the rate of (one box in 2009; each box contained 6 ampoules, and one box in 2010; each box contained 6 ampoules, and two boxes in 2011; each box contained 6 ampoules, and two boxes in 2012; six ampoules in each box) (...).

The athlete was given the chance to add any additional sayings or comments he wishes to make and he replied: "I'm hoping of penalty reduction to fulfil my dreams in sports and I advise my colleagues not to use unknown substances, and I advise them to communicate with officials in the Federation and I acknowledge to fully cooperate now and in the future. (...)"

The session concluded with the following recommendations:

- 1. Approve the validity of doping control procedures and its compliance with the international regulations.*
- 2. Approve the result of the Haemoglobin level variation analysis.*
- 3. Keep the provisional suspension on Athlete Hussain Jamaan Al Hamdha of the Saudi National Athletics Team till final decision will be made in his case.*
- 4. Refer the case to the Saudi Anti-Doping Disciplinary Panel to make its decision."*

43. In a letter dated 11 November 2013 and sent to Dr Dollé, the SAADC briefly summarized the factual background of the case and gave a short account of the proceedings before it. It confirmed that it referred the case to the Saudi Anti-Doping Disciplinary Committee, which *"had decided [to impose upon the Athlete] two years and six months of ineligibility starting from the date of the initial suspension, the disqualification of the results obtained since 26/09/2009"*. This body claimed as aggravating circumstances justifying a two and a half years ban the fact that the Athlete *"denied for an extended period any wrong doing when asked by the [SAAF]", "He underwent numerous medical testing to prove he did not use any substances and gave false information to his physician", "This has caused significant and unnecessary delay and effort to the parties involved", "Finally, during the interview by the Saudi Anti-Doping Committee, he confessed without further delay or manipulation."*
44. On 24 November 2013, SAAF confirmed to Dr Dollé that the Saudi Anti-Doping Disciplinary Committee decided the following:
 - 1. To suspend the [Athlete] for 2 & half year as from the date of provisionally suspension of the athlete on 15.02.2013 from all competitions inside Saudi Arabia and abroad in accordance with Article 2/2, Article 10/2 & 6 of the Rules & Regulations of the Saudi Arabian Anti-Doping Committee.*
 - 2. To withdraw all medals/awards given to the athlete and to cancel all results that he achieved as from 26th March, 2009 (being the date of start noticing in the analysis of the blood variation tests carried out by IAAF as per Article 9 of the "Rules & Regulations" of Saudi Arabian Anti-Doping Committee."*
45. On 25 November 2013, IAAF was notified of the Appealed Decision.

III. SUMMARY OF THE PROCEEDINGS BEFORE THE COURT OF ARBITRATION FOR SPORT

46. On 9 January 2014, IAAF filed in a timely manner its statement of appeal with the Court of Arbitration for Sport (hereinafter the "CAS") in accordance with Article R47 et seq. of the Code of Sports-related Arbitration (hereinafter the "Code").
47. On 17 January 2014, the CAS Court Office acknowledged receipt of IAAF's statement of appeal, of its payment of the CAS Court Office fee and took note of its nomination of Mr Romano Subiotto, Q.C., as arbitrator.
48. On 22 January 2014, IAAF applied for a 5-day extension of the deadline to file its appeal brief, which was granted.
49. On 29 January 2014, IAAF reported to the CAS Court Office that the Parties were trying to settle their dispute amicably and required the proceedings to be stayed. This information was validated by SAAF with a fax-letter dated 29 January 2014.
50. On 30 January 2014, the CAS Court Office confirmed that, in view of the Parties' discussions, the procedure was stayed and all pending deadlines were suspended.
51. On 4 March 2014, the CAS Court Office asked the Parties for an update on the status of their negotiations.
52. On 7 March 2014, IAAF confirmed to the CAS Court Office that the Parties were still in negotiations.
53. On 23 June 2014, IAAF advised the CAS Court Office that the Parties failed to reach a settlement agreement.
54. On 24 June 2014, the CAS Court Office notified the Parties of the resumption of the procedure. It acknowledged receipt of IAAF's appeal brief dated 29 January 2014, invited the Respondents to jointly nominate an arbitrator within 10 days and granted them a 30-day deadline to file their respective answer.
55. On 26 June 2014, the SAAF sent an e-mail to the CAS Court Office to explain that it *"insists on imposing just two years suspension on [the Athlete] and [that it] would like to indicate herewith that [its] request for two years suspension depends on the fact that the original letter [it has] received from the IAAF stated very clearly that (in case the athletes confess taking doping, the suspension period will be for 2 years)"*. Separately, it informed the CAS Court Office, that it would be represented Mr Emanuel K. Hudson, attorney-at-law in California, United States of America.
56. On 4 July 2014 and in view of the limited scope of the dispute, IAAF wrote to the CAS Court Office to request the present matter to be submitted to a Sole Arbitrator.
57. On 7 July 2014, the CAS Court Office invited the Respondents to comment within five days on IAAF's request of 4 July 2014. As the Respondents failed to reply within the stipulated time, the CAS Court Office granted them another deadline expiring on 28 July 2014.

58. On 4 August 2014, the CAS Court Office observed that it had not received the Respondents' answer or any communication from them in this regard. It invited the Parties to state whether their preference was for a hearing to be held and advised them that the President of the CAS Appeals Arbitration Division would decide on IAAF's request to submit the present arbitration to a Sole Arbitrator.
59. On 8 August 2014, IAAF confirmed to the CAS Court Office that it preferred for the matter to be decided solely on the basis of the Parties' written submissions, whereas the Respondents expressed their preference for a hearing to be held.
60. On 12 August 2014, the CAS Court Office informed the Parties that the President of the CAS Appeals Arbitration Division had decided to submit the case to a Sole Arbitrator.
61. On 19 August 2014, the Respondents asked the CAS Court Office that the time limit for the filing of their answer be fixed after the payment by IAAF of its share of the advance of costs or, in the alternative, on or before 19 September 2014. The Respondents were already out of time, as on 24 June, 2014, the CAS Court Office had notified and granted them a 30-day deadline to file their respective answer.
62. On 29 August 2014, the CAS Court Office notified the Parties that the Respondents' request to "*fix their time limit for filing their answer after the Appellant's payment of its share of the advance of costs is untimely and should be denied.*" It invited IAAF to comment on the Respondents' request to submit their answer on or before 19 September 2014.
63. On 1 September 2014, the CAS Court Office advised the Parties that the Panel to hear the case had been constituted as follows: Sole Arbitrator: Mr Ercus Stewart S.C., Barrister in Dublin, Ireland.
64. On 1 September 2014, IAAF confirmed to the CAS Court Office that it objected to the Respondents' application for the extension of the deadline to file their answer.
65. On 9 September 2014, the Parties were informed that the Sole Arbitrator had decided a) to deny the Respondents' request to set a new time limit for the filing of their answer and b) to hold a hearing, which was scheduled for 3 November 2014, with the agreement of the Parties.
66. On 20 and 22 October 2014, IAAF and the Respondents respectively signed and returned the Order of Procedure in this appeal.
67. The hearing was held on 3 November 2014 at the CAS premises in Lausanne. The Sole Arbitrator was assisted by Mr Antonio de Quesada, Counsel to the CAS, and Mr Patrick Grandjean, *ad hoc* Clerk.
68. The following persons attended the hearing:
 - IAAF was represented by its Anti-Doping Senior Manager, Mr Thomas Capdevielle, assisted by Mr Richard Liddell, Barrister.

- SAAF was represented by its General Secretary, Mr Suhail Q. Al-Zawawi, assisted by Mr Howard L. Jacobs, attorney-at-law.
 - The Athlete was not present but was also represented by Mr Jacobs, who confirmed that he had the authority to act on behalf of both Respondents.
69. The Sole Arbitrator heard the detailed submissions of the Parties. After the Parties' final arguments, the Sole Arbitrator closed the hearing and announced that his award would be rendered in due course. At the conclusion of the hearing, all Parties accepted that their rights before the Sole Arbitrator had been fully respected. The Sole Arbitrator reserved his award, and this award takes account of all the arguments and material admitted before him including, but not restricted to, those summarised above.

IV. SUBMISSIONS OF THE PARTIES

(i) The Appeal

70. IAAF submitted the following requests for relief:

"In all the circumstances, the IAAF respectfully seeks the CAS Panel to rule as follows:

- (i) The IAAF appeal is admissible;*
- (ii) The decision of the SAAF dated 24 November 2013 confirming that the Athlete is guilty of an anti-doping rule violation be upheld;*
- (iii) There are aggravating circumstances in the Athlete's case warranting the imposition of a 4-year period of Ineligibility in accordance with IAAF Rule 40.6;*
- (iv) The period of ineligibility in the Athlete's case therefore be increased from 2.5 years to 4 years in accordance with Rules 40.6 and 40.20, such 4-year period to start on the date of the CAS decision, with any period of provisional suspension and/or Ineligibility previously served to be credited against the total period of Ineligibility to be imposed;*
- (v) All competitive results obtained by the Athlete from the date of commission of the antidoping rule violation on 26 March 2009 through to the commencement of his provisional suspension be disqualified, will all resulting consequences in accordance with IAAF Rule 40.8; and*
- (vi) The IAAF be awarded its indemnity costs in the appeal (including CAS costs), such costs to be confirmed."*

71. The submissions of IAAF, in essence, may be summarized as follows:

- The Saudi Anti-Doping Disciplinary Committee failed to take into account important aggravating factors, which are set out in Rule 40.6 of the applicable IAAF Rules.

- The Athlete knowingly committed a doping offense. He purchased, possessed and used prohibited substance in order to enhance his sporting performances.
- He committed anti-doping rule violations on multiple occasions, over a number of years. *"It is clear that he did so as part of a carefully planned doping plan or scheme"*.
- He admitted to doping only during the hearing before the SAADC on 4 November 2013. *"Up until that point – over a period of almost 12 months – the Athlete had to the contrary repeatedly denied having engaged in blood doping"*. In addition, he admitted to his violation only when he was confronted with the IAAF's charges.
- The Athlete's values were extremely high, which establishes that he most likely engaged in blood manipulation.
- *"The Athlete or other Person engaged in deceptive or obstructing conduct to avoid the detection or adjudication of an anti-doping rule violation."* He deliberately misled the IAAF as well as the SAAF and had repeatedly lied before he finally capitulated *"in the face of what was a compelling scientific case against him from the start."*
- The Athlete failed to admit to his anti-doping rule violation on a timely basis and *"thereby to have Rule 40.6 dis-applied in his case."*
- A four-year ban would be consistent with numerous precedents.

The IAAF expanded on their Submissions at the hearing.

(ii) The Answer

The Respondents failed to submit their answer within the given time limit. They gave no explanation for not submitting their answer within the very reasonable time limit of 30 days from 24 June 2014 and were already out of time when they made their request, which was not supported with any explanation or grounds.

V. APPLICABLE LAW

72. Article R58 of the Code provides the following:

"The Panel shall decide the dispute according to the applicable regulations and, subsidiarily, to the rules of law chosen by the parties or, in the absence of such a choice, according to the law of the country in which the federation, association or sports-related body which has issued the challenged decision is domiciled or according to the rules of law that the Panel deems appropriate. In the latter case, the Panel shall give reasons for its decision".

73. Rule 30 of the IAAF Competition Rules (hereinafter the "IAAF Rules") provides so far as material as follows:

"1. The Anti-Doping Rules [i.e. Chapter 3 Section I of the IAAF Rules] shall apply to the IAAF, its Members and Area Associations and to Athletes, Athlete Support Personnel and other Persons who participate in the IAAF, its Members and Area Associations by virtue of their agreement, membership, affiliation, authorisation, accreditation or participation in their activities or competitions. (...).

3. In order to be eligible to compete or participate in, or otherwise be accredited at, an International Competition, Athletes (and where applicable) Athlete Support Personnel and other Persons must have signed an agreement to the Anti-Doping Rules and Regulations in a form to be decided by the Council.

74. IAAF informed SAAF that it had initiated an investigation into a potential anti-doping rule violation committed by the Athlete pursuant to the ABP program on 6 December 2012, hence after the 1 November 2011, which is the date when the 2012-2013 IAAF Rules entered into force.

75. Pursuant to IAAF Rule 42.22, *"In all CAS appeals involving the IAAF, CAS and the CAS Panel shall be bound by the IAAF Constitution, Rules and Regulations (including the Anti-Doping Regulations)"*. By IAAF Rule 42.23, in all CAS appeals involving the IAAF, the governing law shall be Monegasque law.

76. For the above reasons, the Sole Arbitrator finds that the IAAF Rules, edition 2012-2013, and, to the extent necessary, Monegasque law shall apply.

VI. JURISDICTION

77. The jurisdiction of the CAS is not disputed by the Parties. It derives from Article R47 of the Code and from IAAF Rule 42.3, which states the following:

"Appeals Involving International-Level Athletes: in cases involving International-Level Athletes or their Athlete Support Personnel, the first instance decision of the relevant body of the Member shall not be subject to further review or appeal at national level and shall be appealed only to CAS in accordance with the provisions set out below."

78. In the present case, it is not disputed that the Appealed Decision has been issued by the Saudi Arabian Anti-Doping Disciplinary Committee and that there is no internal remedy to put it into question. It follows that the CAS has jurisdiction to decide on the present dispute. It is further confirmed by the orders of procedure duly signed by the Parties and accepted on behalf of all parties at the hearing.

79. Under Article R57 of the Code, the Sole Arbitrator has full power to review the facts and the law. In this regard and according to IAAF Rule 42.20, *"All appeals before CAS (...) shall take the form of a re-hearing de novo of the issues on appeal and the CAS Panel shall be able to substitute its decision for the decision of the relevant tribunal of*

the Member or the IAAF where it considers the decision of the relevant tribunal of the Member or the IAAF to be erroneous or procedurally unsound. The CAS Panel may in any case add to or increase the Consequences that were imposed in the contested decision."

VII. ADMISSIBILITY

80. Based on IAAF Rule 42.5, IAAF has standing to file an appeal with the CAS against the Appealed Decision. Furthermore, IAAF's right to appeal is not disputed.
81. The appeal is admissible as IAAF submitted it within the deadline provided by Article R49 of the Code as well as by IAAF Rule 42.13. It complies with all the other requirements set forth by Article R48 of the Code.

VIII. PROCEDURAL ISSUE – NEW DOCUMENTS FILED BY THE PARTIES

82. On 31 October 2014, IAAF filed copies of CAS award and a decision issued by a National Anti-Doping Tribunal. At the hearing, its representative also submitted, and furnished to the Respondents, a written outline or skeleton of its oral arguments.
83. On 31 October 2014, the Respondents also filed copies of three CAS awards.
84. Article R56 para. 1 of the Code provides as follows:

“Unless the parties agree otherwise or the President of the Panel orders otherwise on the basis of exceptional circumstances, the parties shall not be authorized to supplement or amend their requests or their argument, to produce new exhibits, or to specify further evidence on which they intend to rely after the submission of the appeal brief and of the answer”.
85. Regarding the CAS Awards and decision filed by the Parties, and the written outline of oral Submissions, neither IAAF nor the Respondents objected to their production, leaving it to the Sole Arbitrator to decide whether they should be admitted, and the Sole Arbitrator allowed these additional documents.

IX. MERIT

86. In the present appeal by IAAF, the Athlete, as well as SAAF, does not contest guilt or the offence or the presence of aggravating circumstances. At the first instance hearing, the Athlete admitted, in fact made a very full admission, including how, when and where he committed the offence. The athlete did not appeal the sanction (which had taken into account aggravating circumstances) of 2 1/2 years.
87. Moreover, it is undisputed that a) the Athlete's offence must be sanctioned as a first anti-doping rule violation, b) the standard sanction for a first anti-doping rule violation according to the then applicable regulations is a two-year period of ineligibility, c)

which may be increased up to a maximum of four years by reason of aggravating circumstances.

88. The fact that, in the future, the standard sanction will be increased to a period of four-year ineligibility is irrelevant to the issues in this case. The present dispute has to be decided on the rules as they stand, not on the rules as they will become in the future (see CAS 2013/A/3080, para. 76).
89. It is also uncontroversial that the Saudi Arabian Anti-Doping Disciplinary Committee is an independent body. At least no submission to the contrary has been put to the CAS. The Saudi Arabian Anti-Doping Disciplinary Committee determined that a two-and-a-half-year ban to be the appropriate penalty, in addition to the other sanction of loss of awards and medals going back to 2009. Neither the Athlete nor SAAF lodged an appeal against this decision and, consequently, accepted the result, the finding and the sanction in relation to the aggravating factors.
90. IAAF seeks (and did seek) to increase the period of ineligibility to four years as it is (and was) of the view that there are aggravating circumstances, which the first instance failed to take into consideration when adopting the disciplinary measure, sanction of 2 years 6 months, against the Athlete.
91. Hence, the only issue to be resolved by the Sole Arbitrator is whether the period of ineligibility imposed upon the Athlete should be increased from 2 years 6 months to 4 years.

(i) The Applicable rules related to the issue to be resolved by the Sole Arbitrator

92. The IAAF Rules provide so far as material as follows

Rule 33 Proof of doping

Burdens and Standards of Proof

1. The IAAF, the Member or other prosecuting authority shall have the burden of establishing that an anti-doping rule violation has occurred. The standard of proof shall be whether the IAAF, the Member or other prosecuting authority has established an anti-doping rule violation to the comfortable satisfaction of the relevant hearing panel, bearing in mind the seriousness of the allegation which is made. This standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt.

2. Where these Anti-Doping Rules place the burden of proof upon the Athlete or other Person alleged to have committed an anti-doping violation to rebut a presumption or establish specified facts or circumstances, the standard of proof shall be by a balance of probability, except as provided in Rules 40.4 (Specified Substances) and 40.6 (aggravating circumstances) where the Athlete must satisfy a higher burden of proof. (...)

Rule 40 Sanctions on Individuals

Disqualification of Results in the Competition during which an Anti-Doping Rule Violation Occurs

1. An anti-doping rule violation occurring during or in connection with a Competition shall lead to the disqualification of all of the Athlete's results from the Competition, with all resulting consequences for the Athlete, including the forfeiture of all titles, awards, medals, points and prize and appearance money, except as provided below. If the Athlete establishes that he bears No Fault or Negligence for the violation, the Athlete's individual results in the other Events shall not be disqualified unless the Athlete's results in Events other than the Event in which the anti-doping rule violation occurred were likely to have been affected by the Athlete's anti-doping rule violation.

Ineligibility for Presence, Use or Attempted Use or Possession of Prohibited Substances and Prohibited Methods

2. The period of Ineligibility imposed for a violation of Rules 32.2(a) (Presence of a Prohibited Substance or its Metabolites or Markers), 32.2(b) (Use or Attempted Use of a Prohibited Substances or Prohibited Method) or 32.2(f) (Possession of Prohibited Substances and Prohibited Methods), unless the conditions for eliminating or reducing the period of Ineligibility as provided in Rules 40.4 and 40.5, or the conditions for increasing the period of Ineligibility as provided in Rule 40.6 are met, shall be as follows: First Violation: Two (2) years' Ineligibility.

(...)

Aggravating Circumstances which may Increase the Period of Ineligibility

6. If it is established in an individual case involving an anti-doping rule violation other than violations under Rule 32.2(g) (Trafficking or Attempted Trafficking) and Rule 32.2(h) (Administration or Attempted Administration) that aggravating circumstances are present which justify the imposition of a period of Ineligibility greater than the standard sanction, then the period of Ineligibility otherwise applicable shall be increased up to a maximum of four (4) years unless the Athlete or other Person can prove to the comfortable satisfaction of the hearing panel that he did not knowingly commit the anti-doping rule violation.

(a) Examples of aggravating circumstances which may justify the imposition of a period of Ineligibility greater than the standard sanction are: the Athlete or other Person committed the antidoping rule violation as part of a doping plan or scheme, either individually or involving a conspiracy or common enterprise to commit anti-doping rule violations; the Athlete or other Person used or possessed multiple Prohibited Substances or Prohibited Methods or used or possessed a Prohibited Substance or Prohibited Method on multiple occasions; a normal individual would be likely to enjoy performance-enhancing effects of the anti-doping rule violation(s) beyond the otherwise applicable period of Ineligibility; the Athlete or other Person engaged in

deceptive or obstructing conduct to avoid the detection or adjudication of an anti-doping rule violation. For the avoidance of doubt, the examples of aggravating circumstances referred to above are not exclusive and other aggravating factors may also justify the imposition of a longer period of Ineligibility.

- (b) *An Athlete or other Person can avoid the application of this Rule by admitting the anti-doping rule violation as asserted promptly after being confronted with the anti-doping rule violation (which means no later than the date of the deadline given to provide a written explanation in accordance with Rule 37.4(c) and, in all events, before the Athlete competes again).*

(...)

Disqualification of Results in Competitions Subsequent to Sample Collection or Commission of an Anti-Doping Rule Violation

8. *In addition to the automatic disqualification of the results in the Competition which produced the positive sample under Rules 39 and 40, all other competitive results obtained from the date the positive Sample was collected (whether In-Competition or Out-of-Competition) or other anti-doping rule violation occurred through to the commencement of any Provisional Suspension or Ineligibility period shall be Disqualified with all of the resulting Consequences for the Athlete including the forfeiture of any titles, awards, medals, points and prize and appearance money.*

9. *The following shall apply to prize money forfeited under Rule 40.8:*

- (a) *Allocation of Forfeited Prize Money: where prize money has not already been paid to the Ineligible Athlete, it shall be re-allocated to the Athlete(s) who placed behind the Ineligible Athlete in the relevant Event(s) or Competition(s). Where prize money has already been paid to the Ineligible Athlete, it shall be re-allocated to the Athlete(s) who placed behind the Ineligible Athlete in the relevant Event(s) or Competition(s) only if and when all the forfeited prize money has been repaid by the Ineligible Athlete to the relevant person or entity; and*
- (b) *as a condition of regaining eligibility after being found to have committed an anti-doping rule violation, the Ineligible Athlete must first repay all prize money forfeited under Rule 40.8 above (see Rule 40.12(a)).*

Commencement of Period of Ineligibility

10. *Except as provided below, the period of Ineligibility shall start on the date of the hearing decision providing for Ineligibility or, if the hearing is waived, on the date the Ineligibility is accepted or otherwise imposed. Any period of Provisional Suspension (whether imposed or voluntarily accepted) shall be credited against the total period of Ineligibility to be served.*

- (a) *Timely Admission: where the Athlete promptly admits the antidoping rule violation in writing after being confronted (which means no later than the date of the deadline given to provide a written explanation in accordance with Rule 37.4(c) and, in all events, before the Athlete competes again), the period of Ineligibility may start as early as the date of Sample collection or the date on which another anti-doping rule violation last occurred. In each case, however, where this Rule is applied, the Athlete or other Person shall serve at least one-half of the period of Ineligibility going forward from the date the Athlete or other Person accepted the imposition of a sanction, the date of a hearing decision imposing a sanction or the date the sanction is otherwise imposed.*
- (b) *If a Provisional Suspension is imposed and respected by the Athlete, then the Athlete shall receive a credit for such period of Provisional Suspension against any period of Ineligibility which may ultimately be imposed.*
- (c) *If an Athlete voluntarily accepts a Provisional Suspension in writing (pursuant to Rule 38.2) and thereafter refrains from competing, the Athlete shall receive credit for such period of voluntary Provisional Suspension against any period of Ineligibility which may ultimately be imposed. In accordance with Rule 38.3, a voluntary suspension is effective upon the date of its receipt by the IAAF.*
- (d) *No credit against a period of Ineligibility shall be given for any time period before the effective date of the Provisional Suspension or voluntary Provisional Suspension regardless of whether the Athlete elected not to compete or was not selected to compete.*

(ii) The sanction to be imposed upon the Athlete

- 93. In the present case, the Athlete admitted the anti-doping rule violation as well as the presence of aggravating circumstances, and did not appeal.
- 94. The Saudi Anti-Doping Disciplinary Committee imposed upon the Athlete "two years and six months of ineligibility starting from the date of the initial suspension, the disqualification of the results obtained since 26/09/2009" and held as aggravating circumstances the fact that the Athlete "denied for an extended period any wrong doing when asked by the [SAAF]", "He underwent numerous medical testing to prove he did not use any substances and gave false information to his physician", "This has caused significant and unnecessary delay and effort to the parties involved", "Finally, during the interview by the Saudi Anti-Doping Committee, he confessed without further delay or manipulation."
- 95. IAAF contends that, in its decision, the Saudi Anti-Doping Disciplinary Committee failed to refer to the use and repeated use of prohibited substances and to the Athlete's doping scheme. It is of the opinion that a two-and-a-half-year period of ineligibility does not reflect the multiple triggers of IAAF Rule 40.6. The Athlete's last minute admission does not change the fact that the ban should be increased to the maximum penalty of four years in view of the following aggravating factors:

- The Athlete has used prohibited substance on multiple occasions, from 2009 to 2012, i.e. during over three years. He doubled the doses in 2011 and 2012.
- He intentionally used the prohibited substance on multiple occasions, as part of a doping plan or scheme. This is specifically established by the fact that he used ferritin in concert with recombinant injection.
- He knew that the prohibited substances had performance-enhancing effects. Evidence shows that three major events were concerned: the 2009 World Championships in Berlin, Germany, the 2011 World Championships in Daegu, South Korea, the 2012 Olympic Games in London, England.
- He engaged in a broad deceptive and obstructive conduct over a considerable period of time.
 - o He misled the officials in Daegu, South Korea in order to be allowed to compete in the World Championships. He committed himself to get a medical check-up as soon as possible after the end of the competition but left unanswered IAAF's numerous enquiries regarding his health status. In addition, he underwent his first medical check-up on 24 December 2012, over a year after the World Championships in Daegu.
 - o In January 2013, he misled for the first time the SAAF Medical Committee to which he declared that the "*routine tests of his blood are usually showing 'blood abnormal variables measurements'*".
 - o On 17 March 2013, he told the SAAF Medical Committee that "*He did not use any Prohibited Substances or a Prohibited Method*" and that he suffered from some kind of blood disease. In addition, he blamed IAAF for the stress caused by his situation and his provisional suspension.
 - o On 29 May 2013, he lied to Dr Harbesh and tricked him into establishing a report with erroneous conclusions, which led SAAF to conduct further tests, including genetic tests.

96. At the hearing, the Respondents raised the following points:

- In the presence of a doping violation established by reference to the so-called ABP, IAAF systematically seeks to increase the standard sanction to the maximum penalty regardless of the specific circumstances of the case.
- The Athlete was heard by an independent Panel, which assessed all the facts and evidence before it and found a two-and-a-half-year ban to be inside the range of a reasonable sanction. Under the principle of deference, the Sole Arbitrator should recognize the conclusions of the first instance.
- It is not disputed that the Athlete tried to mislead SAAF. However, he admitted to the offence the first time he was heard by the SAADC. He has never tried to deceive the first instance. Before this body, the Athlete made a complete

admission and gave evidence on how often he used prohibited substance, on the nature, the source and the purpose of the prohibited substance. He can be criticized for the timing of his admission but not for its substance. Such full admission is very rare and must be taken into account when setting the sanction. If lying to the judging body is an aggravating circumstance, then telling the full truth before such a body is a mitigating factor. It would be a wrong message to send to the sport community to sanction an athlete with the maximum penalty in spite of the fact that he fully admitted before the first instance.

- The Athlete gave the name of his provider. He was obviously willing to provide "*Substantial Assistance*" within the meaning of IAAF Rule 40.5 (c), which would have entitled him to the suspension of the three-quarters of the otherwise applicable period of ineligibility. There is no timing to provide "*Substantial Assistance*." The purpose of IAAF Rule 40.5 (c) is to offer an inducement to athletes to assist in the fight against doping. It would be a wrong message to send to the sport community to sanction an athlete with the maximum penalty in spite of the fact that he is willing to cooperate.
- The Athlete only used one kind of prohibited substance; i.e. EPO. If it were a positive case - as opposed to a ABP case – his anti-doping rule violation would have been sanction with a two-year period of ineligibility.
- The Athlete's attempt to avoid a positive test was not sophisticated at all. The fact that he used EPO for three years without adverse analytical findings is simply explained by the fact that the EPO tests are not good. In addition, the present dispute is based on only five blood samples collected between 2009 and 2012. There is not enough data available to conclude that the Athlete used a sophisticated pattern to avoid a positive test.

97. IAAF and the Respondents rely on, and quoted extensively from, several authorities in support of their respective case:

- CAS 2010/A/2235 UCI v/ Tadej Valjavec & Olympic Committee of Slovenia, delivered on 21 April 2011 by a CAS Panel composed of three arbitrators (hereinafter the "*Valjavec Case*"). Mr Tadej Valjavec had been a professional rider since 2000 and was an Elite category cyclist. He was included in the ABP program of the Union Cycliste Internationale (hereinafter "UCI") and subject to 21 in and out-of-competition blood sample collection between March 2008 and August 2009. The Panel found that:
 - o the tests "*revealed abnormalities in the context of [Mr Valjavec's] ABP such as to excite the need for explanation;*
 - o *the explanations given were as scrutinized by the UCI's experts whose testimony, where their evidence conflicted with the evidence of [Mr Valjavec's] experts, the CAS Panel preferred both because of their (for the most part) greater experience and expertise, and because of the weight of published literature which supported it;*

- *in any event the factual premise for [Mr Valjavec's] explanations depended in substantial measure on his say - so uncorroborated by independent testimony, and the CAS Panel was disinclined to accept it where it was manifestly improbable, e.g. the failure to report alarming black stools in April 2009;*
- *the pattern of values under scrutiny was entirely consistent with blood manipulation, not least, but not only, because of the degree of abnormality; the coincidence of the blood manipulation asserted by UCI with the [Mr Valjavec's] racing calendar was striking".*

As regards the period of ineligibility, the Panel dismissed the contention of UCI that blood manipulation constitutes an aggravating factor and, consequently, that a minimum three-year ban should be imposed upon Mr Valjavec. It held that UCI's submission "*has no foundation in the UCI ADR which does not under article 293 differentiate between various forms of first offence or suggest that blood manipulation attracts ratione materiae a higher sanction than the presence of a prohibited substance. It is the circumstances of the offence, not the commission of the offence itself which may aggravate. Here there is nothing before the CAS Panel to displace the presumption that 2 years ineligibility for a first offence is appropriate in this case*".

- CAS 2013/A/3080 Alemitu Bekele Degfa v. Turkish Athletics Federation & IAAF, delivered on 14 March 2014 (hereinafter the "*Bekele Case*"), where the CAS Panel - composed of three arbitrators - reduced the 4-year ban to two years and nine months. Ms Bekele Degfa was an international-level long-distance runner, specialised in the 3,000 and 5,000 meters disciplines. In September 2010, "*the IAAF received what it describes as a 'tip-off' from an anonymous Turkish athlete which suggested, inter alia, that Ms Bekele was engaged in doping practices*". Between August 2009 and November 2011, she was subject to six blood sample collections. In view of Ms Bekele's abnormal values, IAAF initiated an investigation into a potential anti-doping rule violation. On 23 February 2013, Ms Bekele provided a first explanation for her high haemoglobin. "*On 1 March 2012, however, she withdrew that explanation and submitted a new, more considered response which in essence explained her elevated HGB by reference to a combination of factors including (1) the inhalation of pure oxygen under hyperbaric conditions; (2) training at altitude and in hot and humid conditions; and (3) various food supplements*." Before the first instance Panel, she offered further explanations: "*(1) vaginal bleeding following the abortion of twins on 21 May 2009; (2) food poisoning and gastrointestinal infection from 2 to 11 September 2009; (3) lung pathology resulting from underwater training with pure oxygen from 8 March 2010 to 25 September 2010; (4) hyperthyroidism on 16 April 2010; (5) severe malaria from 21 May 2011 to 10 November 2011*." These explanations were supported by a medical report. They were reviewed by experts, who remained of the unanimous opinion that there was no reasonable explanation for Ms Bekele's blood profile other than the use of a prohibited substance or method. The first instance found that Ms Bekele committed an anti-doping rule violation as laid down in the applicable regulations and imposed a four years period of ineligibility on her on the grounds that there were aggravating

circumstances. Ms Bekele lodged an appeal before the CAS, where she maintained that she had never used any banned substance or method and was unable to explain her elevated values.

In the Bekele Case, the CAS Panel was "comfortably satisfied that her conduct in advance of the taking of Samples 2 and 3, involving as it did a course of conduct over a considerable period, amounted to a doping plan or scheme. Whilst this was not a sophisticated conspiracy (...), this was not a case of an athlete taking a banned substance on a single occasion. It was a repetitive and planned application of drugs (rhEPO) or sophisticated, premeditated reinfusion techniques. Likewise, under these circumstances it is difficult to conceive that Ms Bekele acted without the help or assistance of others. (...). Furthermore, the Panel is comfortably satisfied that she used or possessed a Prohibited Substance or Prohibited Method on multiple occasions, in line with Rule 40.6(a) (...).

The Panel also found that Ms Bekele did not engage in deceptive or obstructing conduct to avoid the detection or adjudication of an anti-doping rule violation:

- by just relying "*on factors which are found not to be sufficient to explain the anomalies in (...) her ABP. (...) the subject was not explored in any detail by the IAAF;*"
- or by adopting doping practices designed to maximize their impact and minimize their detection.

"Even if such conduct amounts to one aggravating circumstance, something further is needed before the conduct is such as to justify an increased sanction (...)."

The Panel also took into account the fact that Ms Bekele's established culpability related to a single year and to the "*targeting of two competitions within this year*".

As a result, the Panel's view "is this is not a case in which the period of ineligibility should be increased to the maximum available. To do so would be to suggest that in all cases of blood doping a four-year period of ineligibility would under the rules as they stand be almost de rigueur, when the rules do not make specific provision for a more severe penalty in blood doping cases. Again, each case has to be considered on its own merits and in the particular circumstances of this case, taking account of the gravity of the aggravating circumstances which have been established. As such the Panel takes the view that the appropriate period of ineligibility in this case is two years and nine months."

- CAS 2012/A/2773 – IAAF v. Hellenic Amateur Athletic Association (SEGAS) and Irimi Kokkinariou, delivered on 30 November 2012 (hereinafter the "*Kokkinariou Case*"), where the CAS Sole Arbitrator extended the 2-year ban to "*the maximum permitted period of four years*". Ms Irimi Kokkinariou is an international-level athlete specialized in the 3000 meters steeplechase disciplines. Between September 2009 and August 2011, she was subject to 13 blood sample collections. On 23 August 2011, IAAF initiated an investigation into a potential anti-doping rule violation. On 23 September 2011, she explained that "*the*

abnormal values and variations observed in her profile could be due to a combination of extreme fatigue, health problems, the use of a hypoxic device, training at altitude, as well as possible analytical problems with some of the blood samples on her ABP." These explanations were reviewed by experts, who were of the unanimous opinion that there was no reasonable explanation for Ms Kokkinariou's blood profile other than the use of a prohibited substance or method. The first instance found that the requirements of IAAF Rule 40.6 (aggravating circumstances which may Increase the Period of Ineligibility) were not met. IAAF lodged an appeal before CAS and applied for a four-year period of ineligibility. According to IAAF, Ms Kokkinariou's actions constituted three kinds of aggravating circumstances listed in IAAF Rule 40.6: 1) use of prohibited substance or method on multiple occasions; 2) engaging in a doping plan or scheme; and 3) engaging in deceptive or obstructing conduct to avoid detection or adjudication of an anti-doping violation. Ms Kokkinariou not only did not file an answer (neither did her federation) but informed the CAS that "*she no longer wished to participate in any arbitration procedure with the IAAF regarding the allegation of violating the IAAF Rules*". Based on numerous experts' opinions, the Sole arbitrator found that:

- Ms Kokkinariou had used a prohibited substance or method on more than one occasion.
- Ms Kokkinariou's ABP taken together with her blood test results from the 2006-2009 period and 2011 (no test had been carried out from summer 2010 ... summer 2011) "*was highly consistent, strongly indicating the presence of a well organized doping scheme. Additional evidence of the presence of a doping scheme is provided by Ms. Kokkinariou's ferritin level measured at the IAAF World Championships, 2011. All three Experts as well as Dr. Sottas agree that Ms. Kokkinariou's ferritin level was highly irregular, and was likely the result of iron supplements taken to boost the efficacy of an ESA regimen. (...) The statements of the Experts regarding Ms. Kokkinariou's ABP and ferritin levels (measured in 2011) show to the Sole Arbitrator's comfortable satisfaction that Ms. Kokkinariou used a Prohibited Substance as part of structured regimen between 2006 and 2009, and once again in 2011. The Sole Arbitrator finds this clearly qualifies as planned activity under IAAF Rule 40.6.*"
- It has not been established that Ms Kokkinariou engaged in deceptive conduct designed to avoid detection and/or adjudication of a doping violation. In this regard, the Sole Arbitrator observed that "*most, if not all, doping practices are timed to avoid detection. As a result, an aggravating circumstance is likely to require a further element of deception*".

As a result, the Sole Arbitrator found that Ms Kokkinariou "*committed a violation of IAAF Rule 32 under two separate categories of aggravating circumstances pursuant to IAAF Rule 40.6. Ms Kokkinariou has been found to have repeatedly used a Prohibited Substance over a protracted period as part of a doping scheme, and on the basis of this multiple triggering of IAAF Rule 40.6, the Sole Arbitrator finds that Ms. Kokkinariou's Ineligibility Period should be extended to the*

maximum permitted period of four years".

- CAS 2011/A/2678 – IAAF v. RFEA & Francisco Fernández Peláezu: delivered on 17 April 2012 (hereinafter the "*Fernández Case*"), where the CAS Sole Arbitrator had to deal with the issue of substantial assistance. Mr Fernández is an international-level athlete specialized in 20 km race walking disciplines. He was found to be a member of a group of persons, who supplied doping products to people of different sports and categories. Mr Fernández appeared voluntarily before the civil authorities in charge with the investigation as well as before his federation – RFEA – in spite of the fact that no disciplinary proceedings or adverse analytical findings had formally been lodged against him. He "*declared that (i) to date, no prohibited substance had ever been detected in his body; (ii) he violated the IAAF Rules due to the possession of substances included in the Prohibited List; (iii) he was not aware of the exact composition of these substances, which were provided by a doctor, but he believed they featured in sections S1 and S2 of the Prohibited List; (iv) he had cooperated with the Spanish judicial authorities and the police, providing testimony in the context of "Operación Grial"; (v) his cooperation aimed at revealing information about medical treatments, the sale and distribution of prohibited substances, the organisation of the doping ring, and other data; and (vi) the Spanish police considered his cooperation to be substantial for the purpose of establishing criminal violations by third Parties in a Spanish Criminal Court.*" Later on, he signed an "Agreement to Co-operate" and gave further evidence as to some doctor's methods, the involvement of third parties and other doping offenses. Mr Fernández, who was found to have committed an anti-doping rule violation, sought to obtain a reduction of the sanction based on substantial assistance. In support of his case, he relied on a) two letters from the Spanish Guardia Civil and the Council for Sport, acknowledging that he had assisted the police in its investigation, and provided cooperation as a witness to an alleged crime, b) on a written statement evidencing the fact that he had been interviewed by the Spanish Guardia Civil, c) on an order from the Investigating Court no. 14 of Valencia, Spain and d) a press release. The Sole Arbitrator found that none of those documents provided any information on the implication of third parties resulting directly from the Athlete's assistance.

"Accordingly, the Sole Arbitrator is comfortably satisfied that the relevant facts on which Fernández relies do not meet the criteria set forth in Article 40.5(c) of the IAAF Rules. Indeed, there is no evidence in the file establishing that the Athlete's assistance led to the discovery or the establishment of an anti-doping rule violation or criminal offense or breach of professional rules by another Person pursuant to Article 40.5(c), neither at the level of the IAAF nor at the level of the RFEA or at any other level." As a result, the Sole Arbitrator decided not to reduce the standard sanction for a first anti-doping rule violation; i.e. two-year period of ineligibility.

- CAS 2009/A/1817 & CAS 2009/A/1844: WADA & FIFA v. Cyprus Football Association (CFA), C. Marques, L. Medeiros, E. Eranosian, A. Efthymiou, Y.

Sfakianakis, D. Mykhailenko, S. Bengeloun & B. Vasconcelos: delivered on 26 October 2010 (hereinafter the "*Cyprus Case*") where the CAS Panel - composed of three arbitrators – had to deal with the issue of substantial assistance. In this case, several professional football players committed a doping offence (a prohibited substance was found in their bodily samples) and sought to obtain a reduction of the sanction based on substantial assistance. The Panel held that "*for the purposes of the application of the FIFA Cooperation Rule, [it] has simply to verify whether "help" was provided and whether this help led to the exposure of the doping offence by another person.*" On the basis of the declarations of two players, it has been established that their coach had administered prohibited substance to players before several matches. Their testimonies allowed further investigation to be conducted with respect to the pills administered and to initiate proceedings against the said coach. The Panel found that the two players provided "help" by way of assistance and information and could not understand how they could have cooperated more with the investigation. It concluded that the concerned players were entitled to a reduction of their ban and considered as totally immaterial WADA's argument that the doping offence committed by the coach would have been discovered even without the information provided by the two players. Under these circumstances, the Panel confirmed the reduced period of ineligibility of one year imposed by the previous instance.

- Several decisions rendered by National Anti-Doping Organisations:

- o **UK Anti-Doping and Bernice Wilson**: decision delivered in September 2011, where the Panel found that the aggravating circumstances justified a four-year ban. Ms Wilson is an international-level sprinter. Following an in-competition drug testing carried out during the Bedford International Games in June 2012, she tested positive to two different prohibited substances. Before the Panel, she denied having ever willingly used prohibited substance and that "*the only pills that she had taken were vitamins that she had obtained from places like Boots and Holland & Barrett. However, she also told [the Panel] she had taken what she understood to be a multi-vitamin drink provided to her by Dr Skafidas, which he had (she understood) from a supplier in Germany.*" The Panel dismissed Ms Wilson's contention that the positive tests suffered from departures from recognized procedures and that the chain of custody had been breached. "*Essentially therefore, Ms Wilson's case was one of asserting that, since she knew herself to be innocent, somebody else must be responsible for the contamination of the sample. She suggested as possible culprits some other (unidentified) jealous competitors, possibly gaining access to her belongings at the stadium that day.*" The Panel took into account the following aggravating factors: a) Ms Wilson had not sought to adduce any evidence to explain how the prohibited substances came to be in her system, b) she used several prohibited substances, c) there was evidence of repeated use of at least one of those substances, d) she was an experienced and senior athlete, e) she had consistently denied any kind of guilt, f) she had sought to blame other people. As regards this last point, the Panel held that these "*are very serious allegations to make and when [as it is the case here] they are found to be*

untrue, such conduct constitutes an aggravating factor of substantial importance".

"In our judgement, Ms Wilson is a senior athlete who should face the consequence of what she has done in an attempt to cheat the public and her fellow competitors. We consider that it is appropriate to impose a period of ineligibility at the maximum of four years". This decision was confirmed on appeal by the national appeal tribunal.

- **UK Anti-Doping and Craig Windsor:** decision delivered on 30 April 2013, where the Panel found that the aggravating circumstances justified a period of ineligibility of three years and nine months. Mr Windsor was a professional boxer who was charged with the following three anti-doping rule violations: a) on a number of occasions in January 2013, he used or attempted to use the prohibited substance oxandrolone, b) sometime in December 2012 and/or January 2013 he possessed oxandrolone and c) on or about 9 January 2013, he possessed another prohibited substance, *i.e.* stanozolol. Before the first instance, Mr Windsor admitted to the anti-doping rule violations. Until the hearing, he denied any wrongdoings, in spite of incriminating messages posted on his Facebook account (which he attributed to his ex-partner). The Panel imposed upon Mr Windsor a period of ineligibility of three years and nine months based on a) *"the possession of multiple Prohibited Substances"*, b) the *"use of one of those Prohibited Substances over a not insignificant period of time"*, c) this *"was planned doping. He took the prohibited steroids very specifically in order to help him train harder and grow stronger and harder for a fight planned for February"*.

98. In setting the sanction, it is necessary to take into account the range of the applicable measures. As regards the period of ineligibility, the sanction according to Rule 40.6 of the IAAF Rules varies from a two-year ban as a minimum, to a four-year ban as a maximum. In precedent CAS cases where a doping violation had been established not on the basis of an adverse analytical finding but by reference to the ABP, the ban imposed varied between two years (*Valjavec Case*) to four years (*Kokkinariou Case*). The *Kokkinariou Case* is the only CAS decision relied on by IAAF where the maximum period of ineligibility was imposed. In addition, it was a decision rendered by a Sole Arbitrator. In contrast, CAS Panels composed of three arbitrators found a two-year ban to be appropriate in the presence of anti-doping rule violation detected through the ABP system: *Valjavec Case*; CAS 2009/A/1912; CAS 2010/A/2178; CAS 2010/A/2308; CAS 2010/A/2174. In the most recent case, *i.e.* the *Bekele Case*, the CAS Panel reduced the 4-year ban to two years and nine months.

99. Furthermore, the Sole Arbitrator considers that the following findings in the *Bekele Case* are pertinent to the present appeal (para. 78):

"(...) the threshold for an athlete to get a reduction from the standard sanction of two years is high, both in relation to the objective facts that have to be submitted and proven, as well as in relation to the degree of fault. Even if the conditions for a reduction or suspension of the period of ineligibility are fulfilled, panels in

general are hesitant to allow for a maximum reduction, but rather tend to weigh the circumstances speaking in favour of the athlete carefully and with a sense of proportion. Furthermore, the starting point for a reduction is, in principle, the standard sanction and not the lower limit of the sanction range. In the view of the Panel, the same principles should apply if - as it is the case here - an increase of the standard sanction is in question."

100. The Sole Arbitrator finds that the present dispute presents similarities with the *Bekele Case*. The number of blood samples is similar (5 for the Athlete and 6 for Ms Bekele) and were collected over a similar period of time (2009, 2011 and 2012 for the Athlete and 2009 to 2011 for Ms Bekele). Just like for Ms Bekele, the Sole Arbitrator is satisfied that the Athlete's doping took place over a considerable period of time. It was repetitive and carefully planned. Both the Athlete and Ms Bekele committed their respective anti-doping rule violations ahead of important sporting events. In this regard, however, whereas Ms Bekele has been shown to have used prohibited substance or method repeatedly in targeting two competitions within the same year (the 2010 IAAF Indoor World Championships in Doha, Qatar and the 2010 IAAF European Championships in Barcelona, Spain), the Athlete obviously committed the doping offence in connection with three major championships over three years (the 2009 World Championships in Berlin, the 2011 World Championships in Daegu and the 2012 Olympic Games in London). Still, the Athlete's culpability is less than that of Ms Kokkinariou, "*whose career over five of six years appears to have been built on blood doping*" (see *Bekele Case*, para. 82).
101. Where there are the most serious and grievous aggravating factors, the maximum penalty is four years. An aggravating factor could be denial at first instance, and a further aggravating factor could be a denial at any appeal. This had occurred in some of the cases referred by the Parties. In some of the cases, including at hearings or in the process, including appeals, there was no admission by the athletes, yet a lesser sanction than the maximum four years was imposed.
102. Contrary to all the above mentioned cases (except Mr Craig Windsor's, whose admission was not spontaneous as he had been tricked into discussing over Facebook his own use of performance-enhancing drugs by a fellow British boxer (who was trying to reduce his own suspension and who turned the Facebook messages in to the UK Anti-Doping), the Athlete admitted doping when he was heard for the first time by the first instance disciplinary body. His admission was detailed as he explained how, when and where he committed the offence.
103. One of the major differences between the present dispute and the *Bekele Case* is that Ms Bekele persistently denied any wrong doings, before the first instance as well as before the CAS. In spite of her attitude, the CAS Panel of three Arbitrators was not satisfied that Ms Bekele engaged in deceptive or obstructive conduct justifying the imposition of an increased sanction. Likewise in the *Kokkinariou Case*, the Sole Arbitrator came to the same conclusion, in spite of Ms Kokkinariou enduring lies and refusal to proceed before the CAS. Conversely, the Athlete's conduct does not deserve to be judged more harshly, considering that he did admit before the first instance

judging authority and did not appeal the decision or the increased sanction of 2 ½ years. He accepted, and is serving, that sanction.

104. The Saudi Anti-Doping Disciplinary Committee imposed upon the Athlete "*two years and six months of ineligibility starting from the date of the initial suspension, the disqualification of the results obtained since 26/09/2009.*" It was correct in deciding that there were aggravating circumstances, which is not disputed, and was not appealed, by the Respondents, in particular the athlete, in the present arbitration. The Saudi Anti-Doping Disciplinary Committee was aware of the aggravating circumstances, was informed of same by IAAF, and imposed a sanction accordingly. The decision at first instance was made by an independent anti-doping committee, which had regard to the circumstances and IAAF's submissions and request to impose a greater sanction by reason of aggravating factors.
105. Having regard to all of the circumstances of the case, the Sole Arbitrator has come to the conclusion that the sanction imposed by the Saudi Anti-Doping Disciplinary Committee is proportionate and in line with recent relevant jurisprudence with comparable facts, namely the *Bekele Case*. Therefore, the Sole Arbitrator, even though having full power of review of the disputed facts and law in the exercise of his jurisdiction, deems that he shall recognize the sanction a) imposed by the authorized disciplinary body in the exercise of the discretion allowed by the relevant rules and b) which appears not to be evidently and grossly disproportionate to the offence (See CAS 2009/A/1870 par. 125 and references; CAS 2011/A/2645 Union Cycliste Internationale (UCI) v. Alexander Kolobnev & Russian Cycling Federation, par. 94).
106. Based on the above considerations, the Sole Arbitrator has come to the conclusion that the 2-and-a-half year suspension imposed upon the Athlete should be confirmed.
107. With reference to the commencement of period of ineligibility, IAAF Rule 40.10 has the following content:

"Except as provided below, the period of Ineligibility shall start on the date of the hearing decision providing for Ineligibility or, if the hearing is waived, on the date the Ineligibility is accepted or otherwise imposed. Any period of Provisional Suspension (whether imposed or voluntarily accepted) shall be credited against the total period of Ineligibility to be served."
108. In the present case, it is undisputed that the Athlete was provisionally suspended as of 15 February 2013. That is the date set in the Appealed Decision for the beginning of the period of ineligibility. The Sole Arbitrator sees no reason to decide otherwise.
109. Furthermore, the Appealed Decision also complies with IAAF Rule 40.1 related to "*Disqualification of Results in the Competition during which an Anti-Doping Rule Violation Occurs.*"
110. As a result, the Sole Arbitrator holds that the Appealed Decision should be upheld in its entirety, without modification.

111. This conclusion makes it unnecessary for the Sole Arbitrator to consider the other requests submitted by the Parties. Accordingly, all other prayers for relief are rejected.

X. COSTS

112. Article R64.4 of the Code provides:

"At the end of the proceedings, the CAS Court Office shall determine the final amount of the cost of arbitration, which shall include the CAS Court Office fee, the administrative costs of the CAS calculated in accordance with the CAS scale, the costs and fees of the arbitrators calculated in accordance with the CAS fee scale, a contribution towards the expenses of the CAS, and the costs of witnesses, experts and interpreters. The final account of the arbitration costs may either be included in the award or communicated separately to the parties".

113. Article R64.5 of the Code provides:

"In the arbitral award, the Panel shall determine which party shall bear the arbitration costs or in which proportion the parties shall share them. As a general rule, the Panel has discretion to grant the prevailing party a contribution towards its legal fees and other expenses incurred in connection with the proceedings and, in particular, the costs of witnesses and interpreters. When granting such contribution, the Panel shall take into account the outcome of the proceedings, as well as the conduct and the financial resources of the parties".

114. Bearing in mind the outcome of the arbitration, in particular the fact that, in the present case, IAAF's appeal is to be dismissed, the Sole Arbitrator holds that the costs of this appeal, as determined by the CAS Court Office, should be borne by IAAF in full.
115. As a general rule, the CAS grants the prevailing party a contribution toward its legal fees and other expenses incurred in connection with the proceedings. However, in the light of all of the specific circumstances of the case, in particular of the fact that the Respondents did not file any answer and insisted on the holding of a hearing, whereas the IAAF confirmed that it preferred for the matter to be decided solely on the basis of the written submissions, the Sole Arbitrator concludes that it is reasonable for the Parties to bear their own costs and other expenses incurred in connection with this arbitration.

ON THESE GROUNDS

The Court of Arbitration for Sport rules that:

1. The appeal filed by the International Association of Athletics Federations against the decision issued by the Saudi Anti-Doping Disciplinary Committee and notified on 25 November 2013 is dismissed.
2. The decision issued by the Saudi Anti-Doping Disciplinary Committee and notified on 25 November 2013 is confirmed.
3. The costs of the arbitration, to be determined by the CAS Court Office, shall be borne by the International Association of Athletics Federations.
4. Each party shall bear its own costs.
5. All other motions or prayers for relief are dismissed.

Lausanne, Switzerland
Date: 12 January, 2015.

THE COURT OF ARBITRATION FOR SPORT



Ercus Stewart S.C.
Sole Arbitrator



Patrick Grandjean
Ad hoc Clerk