



International Paralympic Committee
Anti-Doping Committee

In the matter of:

INTERNATIONAL PARALYMPIC COMMITTEE
(the *Applicant*)

Versus

Ms. Ruza Kuzieva
(the *Respondent*)

The case is heard in front of the Hearing Body comprised of:

Dr. Toni Pascual, Chairperson of the IPC Anti-Doping Committee; Ms. Nicki Vance, Mr. Joseph de Pencier and Ms. Kate Rogowiec; Members of the IPC Anti-Doping Committee (together with the Chairperson, the *Hearing Panel*)

Hearing conducted on 04 June 2013 at 14:00 CET via teleconference.



Parties

1. The Applicant is the global governing body of the Paralympic Movement and, in particular, of the Paralympic Games. In addition, the IPC is the International Federation of several sports, including IPC Powerlifting. The IPC's registered offices are in Bonn, Germany.
2. The Respondent is a Uzbekistani athlete in the sport of IPC Powerlifting.

Communication

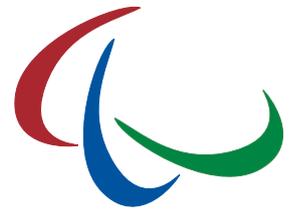
3. In accordance with Article 14.1.1 of the IPC Anti-Doping Code 2011 (the *Code*), the Respondent (and other relevant persons) shall be notified of a Sample that is brought forward as an Adverse Analytical Finding by the IPC through the relevant National Paralympic Committee (*NPC*).

Background

4. On the 23 February 2013, the Respondent competed at the 5th Fazaa International Powerlifting Competition event in Dubai, United Arab Emirates (the *Event*).
5. The Event was approved by IPC Powerlifting. The United Arab Emirates National Anti-Doping Committee (UAE NADO) had been identified as the authorized sample collection agency.
6. After the Respondent completed her competition on 23 February 2013, she was requested to provide a sample for doping control for an in-competition test.
7. The Respondent provided a sample (sample number 2755945) (the *Sample*) and disclosed the use of vitamin C as medications and/or supplements used in the last seven days before the doping control test.



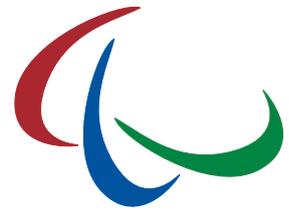
8. The Respondent complied with the request, provided the Sample and signed the doping control form without adverse comment. By doing so, the Respondent indicated that she was satisfied with the sample collection procedures that had been followed in conducting the test. The Samples were sent for analysis to the WADA accredited laboratory in Bloemfontein, South Africa (Department of Pharmacology, hereafter the *Laboratory*).
9. On 16 April 2013, the Laboratory reported an Adverse Analytical Finding for Methandienone. This substance is classified under S1A. Exogenous Anabolic Androgenic Steroids (AAS) on the World Anti-Doping Code (WADC) 2013 Prohibited List (the *Prohibited List*) and is prohibited both in-competition and out-of-competition.
10. The initial review by the IPC determined that the Respondent did not have an applicable Therapeutic Use Exemption (*TUE*) for this substance, and that there was no departure from the International Standard for Laboratories or International Standard for Testing that caused the Adverse Analytical Finding.
11. On 19 April 2013, the IPC notified the Respondent via the National Paralympic Committee of Uzbekistan of the Adverse Analytical Finding in accordance with Article 7.2 of the Code. The Respondent was advised that she was provisionally suspended from the date of notification (19 April 2013) and that unless Articles 10.4 or 10.5 of the Code applies, the standard sanctions for a first-time violation would normally be:
 - automatic disqualification of any competition results in connection with an in-competition test, including forfeiture of any medals, points and prizes obtained on the date of sample collection (23 February 2013);
 - disqualification of all competition results including forfeiture of any medals, points and prizes obtained subsequent to the sample collection date (23 February 2013);
 - an ineligibility period of two (2) years; and
 - a financial sanction of €1.500 (Article 10.11 and Chapter 1.2, Section 2, IPC Handbook ('Rules on the imposition of financial sanctions for anti-doping rule violations')).The Respondent was also advised of her rights, including the right to request a B sample analysis and the laboratory documentation package.



12. The notification included a form titled “Letter of Decision” for the Respondent to complete and return by no later than 25 April 2013 at 17:00 hours CET.
13. After various email exchanges between the Applicant and NPC Uzbekistan, the deadline to respond was extended to 08 May 2013.
14. The NPC also submitted by email the following statement: “It is important to note that our athlete did not confirmed using ANY doping drugs before competition. The only medicine she used few days before the competition was a antifu drug which contains paracetamol, coffein and acidum ascorbinici.”
15. The Respondent returned the signed Letter of Decision on the 08 May 2013 indicating that she would like her B sample analysed.
16. On 21 May 2013, the Laboratory reported that the B sample confirmed the result of the A sample.
17. On 23 May 2013 the Respondent was notified that a Hearing (as defined in the Code) would be scheduled to address her Adverse Analytical Finding and possible Anti-Doping Rule Violation.

The Hearing

18. The Hearing took place on 04 June 2013 via conference call, in accordance with Article 8.1.6 of the Code.
19. The IPC was represented in the case by:
 - Dr. Peter Van de Vliet, IPC Medical & Scientific Director
 - Ms. Vanessa Webb, IPC Anti-Doping Senior Manager
20. Attending the Hearing on behalf of the Respondent were:
 - Ms. Ruza Kuzieva – the Respondent
 - Mr. Umid Akhmatdjanov - Deputy Chairman
 - Mr. Omon Gafurov - Secretary General



Ms. Navruza Yuldasheva - Executive Director and Interpreter

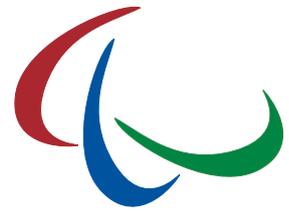
Ms. Dilbar Karimova - Head of International Relations

Mr. Abror Abdullaev – Coach

21. Mr. Jon Amos, Chairperson, Sport Technical Committee IPC Powerlifting, attended as the representative of IPC Powerlifting and as an observer.
22. The following outline of the facts and parties' positions is illustrative only and may not comprise every piece of information or submission made by the parties. The Hearing Body has carefully considered all the evidence and submissions provided by the parties, even if there is no specific reference in this recommendation.
23. Through her interpreter, the Respondent explained that she declared vitamin C on her doping control form and for reasons that are not clear, the anti-flu drug that she took was not recorded as a declared medication.
24. The Respondent did not know how the prohibited substance entered her body and was not able to explain the adverse analytical finding.

Analysis

25. The principle of strict liability applies to anti-doping matters. An athlete is responsible for any Prohibited Substance found in his or her sample, and an Anti-Doping Rule Violation occurs whenever a Prohibited Substance is found in an athlete's sample (comment to Code Article 2.1.1.).
26. The Hearing Panel concluded that it seems unlikely that the vitamin C or the anti-flu drug purchased over the counter at a pharmacy would be the source of the prohibited substance in question. In any case, the Hearing Panel requests that NPC Uzbekistan should, in advance of the hearing, have followed up with the Respondent to determine how the substance could have entered the Respondent's body and to take steps to ensure that a similar occurrence does not take place again. The Hearing Panel requests that the IPC receive a follow-up report from the NPC regarding the issue as soon as possible.



27. The Hearing Panel does not consider that Article 10.5 applies as the Respondent has failed to provide evidence that the circumstances in her case were truly exceptional.

Recommendation to the IPC Governing Board

28. The IPC Anti-Doping Committee recommends the following to the IPC Governing Board:
- a. pursuant to Article 9 of the Code, disqualification of the results obtained in the Competition on 23 February 2013 with all resulting consequences, including forfeiture of any medals, points and prizes;
 - b. pursuant to Article 10.1 of the Code, disqualification of all of the Respondent's individual results obtained in that Event (from 23-27 February 2013) with all Consequences, including forfeiture of all medals, points and prizes;
 - c. pursuant to Article 10.2 of the Code, a two (2) year period of ineligibility should be imposed on the Respondent;
 - d. pursuant to Article 10.9.3 of the Code, the Respondent shall receive credit for the period of provisional suspension and should therefore be declared ineligible from 19 April 2013 (date of notification) until 18 April 2015; and
 - e. pursuant to Article 10.11 of the Code and the IPC Handbook, Section 2, Chapter 1.2 ('Rules on the imposition of financial sanctions for anti-doping rule violations'), a financial sanction of €1.500,- should be imposed on the Respondent.

Appeal

29. The Respondent is reminded of the appeal procedures set out in Article 13 of the IPC Anti-Doping Code.



Submitted to the IPC Governing Board on 07 June 2013 as a recommendation from the IPC Anti-Doping Committee in accordance with Article 8.5.2 of the IPC Anti-Doping Code 2011.

On 08 June 2013 the IPC Governing Board reviewed the above document and accepted the recommendation of the IPC Anti-Doping Committee.

A handwritten signature in black ink, appearing to read 'Xavier Gonzalez', is positioned above the printed name.

Mr. Xavier Gonzalez
Chief Executive Officer
International Paralympic Committee

- cc. Toni Pascual, Chairperson IPC Anti-Doping Committee
Jon Amos, Chairperson, IPC Powerlifting – Sport Technical Committee
Peter Van de Vliet, IPC Medical & Scientific Director
WADA Results Management