



International Paralympic Committee
Anti-Doping Committee

In the matter of:

INTERNATIONAL PARALYMPIC COMMITTEE
(IPC)

Versus

Mr. Ilfat MUKHATAROV
(Athlete)



Parties

1. The IPC 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 Athlete is a Russian 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 Athlete (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 04 April 2014, the Athlete was tested out-of-competition while he was in Dubai, United Arab Emirates (UAE) for the IPC Powerlifting World Championships.
5. Professional Worldwide Controls (PWC) had been identified by the IPC as the authorized sample collection agency.
6. The Athlete was notified of his selection for doping control and was requested to provide a urine sample and a blood sample in accordance with applicable rules and regulations.
7. The Athlete complied with the request to provide both samples. The urine sample code number is 369200 (the *Sample*). On the doping control form, the Athlete declared the use of "Amino Vitamin" as medications and/or supplements used in the last seven days before the doping control test.



8. The blood code sample (number 860777) has not yet been analysed pending approval of the analytical method for hGH by the World Anti-Doping Agency (WADA).
9. The Athlete signed the doping control form without adverse comment. By doing so, the Athlete indicated that he was satisfied with the sample collection procedures that had been followed in conducting the test. The Sample was sent for analysis to the WADA accredited laboratory in Barcelona, Spain (Fundació Institut Mar D'Investigacions Mèdiques (IMIM), hereafter the *Laboratory*).
10. On 30 April 2014, the Laboratory reported an Adverse Analytical Finding for Indapamide. This substance is classified under S5. Diuretics and Masking Agents on the World Anti-Doping Code (WADC) 2014 Prohibited List (the *Prohibited List*) and is prohibited both in-competition and out-of-competition.
11. The initial review by the IPC determined that the Athlete 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.
12. On 05 May 2014, the IPC notified the Athlete via the National Paralympic Committee of Russia of the Adverse Analytical Finding in accordance with Article 7.2 of the Code. The Athlete was advised that he was provisionally suspended from the date of notification (05 May 2014) and that unless Articles 10.4 or 10.5 of the Code applies, the standard sanctions for a first-time violation would normally be:
 - pursuant to article 10.2, an ineligibility period of two (2) years;
 - pursuant to article 10.8, disqualification of results with all consequences, including forfeiture of all medals, points and prizes in competitions subsequent to sample collection (04 April 2014); and
 - pursuant to Article 10.11 and the provisions of the IPC Handbook, Section 2, Chapter 1.2 (Rules on the imposition of financial sanctions for anti-doping rule violations), a financial sanction of EUR 1,500.The Athlete was also advised of his rights, including the right to request a B sample analysis and the laboratory documentation package.
13. The notification included a form titled “Letter of Decision” for the Athlete to complete and return by no later than 13 May 2014 at 17:00 hours CET.



14. Due to delays on the part of the Russian NPC, the Athlete did not return the signed Letter of Decision by the deadline. The IPC granted an extension of the time limit and allowed the Athlete to submit his response by 28 May 2014.
15. The IPC subsequently received the signed Letter of Decision and the Athlete stated that he accepts that he committed an anti-doping rule violation and accepts the consequences as set out in the “Notification of an Adverse Analytical Finding” (and outlined above in paragraph 12).

Analysis

16. 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.).
17. The Athlete accepted to have committed an anti-doping rule violation and accepted the consequences as set out in the “Notification of an Adverse Analytical Finding”.

Recommendation to the IPC Governing Board

18. The IPC Anti-Doping Committee recommends the following to the IPC Governing Board:
 - a. pursuant to article 10.2 of the Code, a two (2) year period of ineligibility shall be imposed on the Athlete;
 - b. pursuant to article 10.8, disqualification of results with all consequences, including forfeiture of all medals, points and prizes in competitions subsequent to sample collection (04 April 2014),
 - c. pursuant to Article 10.9.2 of the Code (Timely Admission), the period of ineligibility shall start on the date of sample collection and therefore the Athlete should be declared ineligible from 04 April 2014 until, and including, 03 April 2016; and



- d. pursuant to article 10.11 and the provisions of the IPC Handbook, Section 2, Chapter 1.2 (Rules on the imposition of financial sanctions for anti-doping rule violations), a financial sanction of EUR 1,500.

Appeal

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

Submitted to the IPC Governing Board on 20 June 2014 as a recommendation from the IPC Anti-Doping Committee in accordance with Article 8.5.2 of the IPC Anti-Doping Code 2011.

On 22 June 2014 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 and title.

Mr. Xavier Gonzalez
Chief Executive Officer
International Paralympic Committee

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