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DECISION OF THE ANTI-DOPING PANEL

in the Matter
of
Mr. Hamzeh Nekoei (Iran)

Panel Members: Mr. John A. Faylor, Attorney-at-Law, Frankfurt am Main, Germany
(Chairman)
Professor Luigi Fumagalli, Professor and Attorney-at-Law, Milan, Italy
Dr. Peter Jenoure, Doctor of Medicine, Lugano, Switzerland

Archer: Mr. Hamzeh Nekoei,
World Archery represented by its Secretary General, Mr. Tom Dielen, and its
Federation: Anti-Doping Administrator, Mr. Pedro Goncalves

* * * * *

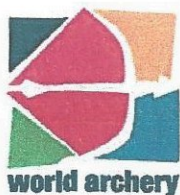
Hearing Date: 8 May 2014

Time: 09.00 AM

Place: Headquarters of the World Archery Federation, Maison du Sport International, Lausanne, Switzerland

I. OVERVIEW

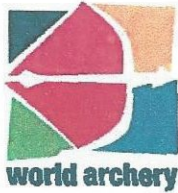
1. Mr. Hamzeh Nekoei, the Archer, competed in the 18th Asian Archery Championships held in Taipei between 29 October and 2 November 2013. Mr. Nekoei ranked 1st in the Compound Men's Individual competition and his Iranian team ranked 3rd in the Compound Men's Team competition.
2. On 1 November 2013, Mr. Nekoei underwent a doping control during competition and submitted a urine sample. He disclosed on the Doping Control Form on that day that he had taken adult cold tablets, the last such tablet having been taken, as stated by Mr. Nekoei, four days before. There were no other entries made regarding medications or supplements on the Doping Control Form.



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2. On 19 December 2013, the Secretary General of the World Archery Federation (hereinafter also "WA") notified Mr. Nekoei c/o the Iranian Archery Federation of an Adverse Analytical Finding ("AAF") of the WADA-accredited laboratory in Tokyo, Japan.
3. The analysis of the A-Sample reported that the Archer's mean concentration of glycerol, a prohibited specified substance listed under S5 (Diuretics and other masking agents), amounted to 35.4 mg/ml, whereby the corrected threshold for glycerol is 1.65 mg/ml and the corrected decision limit is 1.9 mg/ml.
4. By letter dated 29 December 2013, the Secretary General of the Iran-NADO submitted that the Athlete had not used any doping substance before competition, pointing out that if consumption of a prohibited substance took place, this was not intentional. The Archer waived his right to analyze the B-Sample.
5. On 06 February 2014, the Secretary General of WA informed the Secretary General of the Iran Archery Federation that, despite the Archer's waiver to test the B-Sample, WA had asked the Tokyo laboratory to analyze the B-sample. The Secretary General of the Iran Archery Federation was informed that the analysis was scheduled to start on 12 February at 10:00 AM and that an independent witness would be present during the analysis. Again, the Archer was given the opportunity to be present.
6. On 13 February 2014, the Secretary General of the Iran Archery Federation was informed by the Secretary General of WA that the B-Sample had confirmed the outcome of the A-Sample and that the requested hearing would take place on either 08 or 09 May 2014.
7. On 17 February 2014, the Secretary General of WA notified the Secretary General of the Iran Archery Federation, requesting, in turn, that he inform the Archer that the Executive Committee of WA had taken the decision to provisionally suspend him as of 17 February 2014.
8. Likewise on 17 February 2014, the Athlete and the Iran Archery Federation were informed that, in accordance with the request of the Archer, a hearing was scheduled in Lausanne on 08 May 2014.
9. On 19 March 2014 and 6 April 2014, Mr. Nekoei and WA agreed to an Order of Procedure for the Hearing on 8 May 2014.
10. On 30 April 2014, the Archer submitted his Letter of Defense. On the same date, the Anti-Doping Administrator entered his "Written Submission prior to Hearing".
11. Upon reviewing the Archer's Letter of Defense, the Chairman of the Anti-Doping Panel sent the Archer on 2 May 2014 a letter pointing out specifically the issues which the Panel wished him to address in the upcoming hearing.



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12. The hearing before the Anti-Doping Panel took place on 8 May 2014 in the headquarters of WA in Lausanne. The hearing was attended by Mr. Nekoei, personally, in addition to the following persons:

For the Archer

Mr. Mohammad Ali Shojaei, President of the IRI Archery Federation
Dr. Ahamad Shojaei Baghini
Mr. Mohammad Reza Haji Anzehaei, Chairman of International Affairs of the Iran Archery Federation, as translator

For World Archery

Mr. Tom Dielen, Secretary General of WA
Mr. Pedro Goncalves, WA Anti-Doping Administrator
Mr. Davide Delfini, Advisor to the Anti-Doping Administrator

The protocol of the hearing was made by Mr. Thomas Aubert of World Archery.

II. The Statement of the Archer

1. In its letter to WA dated 29 December 2013, which was accompanied by a letter from the Archer, the Iran NADO National Anti-Doping Organization stated on behalf of the Archer that "he used no doping substance before his performance."
2. The Iran NADO further submitted in its letter that the Archer actually used 4 substances prior to his performance. These other substances are stated as "green tea, Adult Cold (tablets), Neurobione Ampoule (B1, B2, B12, B complex) and "Ghovatoo" which is described as "a natural supplement of Iranian herbal medicine".
3. The statement of the Iran NADO further states that

"The only possibility that might prove the positive result is the athlete's consumption of the herbal medicine powder as a supplement that its name is "Ghovatoo", and its material of this substance includes 7 kinds of natural oil seeds, nuts which is completely Iranian Traditional Food."
4. The Iran NADO further submits that the Archer's consumption of Ghovatoo "was not intentional". WA was requested to "reconsider its positive doping test result."



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5. In his Letter of Defense received on 30 April 2014, the Archer described “how the prohibited substance glycerol entered into my body which caused the sample to show positive.” The Archer asserts that he did not have any knowledge and information about glycerol and the effects on his sport performance.

6. The Archer explains the presence of the prohibited substance as follows:

“I think this specified substance probably entered my body by using a traditional food called Ghovato that has strengthening role. I emphasize that that (sic.) before sample collection I did not have any injections and this substance entered into my body by using local herbal food and did not have any intention to use this prohibited substance to enhance my sport performance.”

7. Mr. Nekoei proceeds to point out in his letter that many states in Iran have traditional foods which have a “strengthening role”. Ghovato is such a traditional food “which includes chocolate powder and powder of different herbal oily seeds”. The Archer claims to have used this food “my whole life”. The food of eastern Asian countries, he asserts, “does not have compatibility with our appetite”. In Chinese Taipei, he claims to have used more Ghovato daily as a food substitution.

8. The Archer submits that he consulted with the Archery Federation doctor. He continues:

“Then I understood that this specified substance is in the prohibited list of WADA that this could have any enhance (sic.) in my sport performance in competitions and this specified substance could have entered my body by using strengthening food . . .”

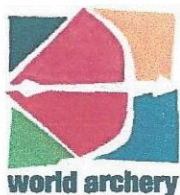
9. Mr. Nekoei closes his statement by averring that the presence of the specified substance in his body “did not enhance my sport performance or mask the use of a performance-enhancing substance.” The Archer denies any intention of using the substance for the purpose of performance enhancement or to make the use of a performance-enhancing substance.

10. Citing Art. 35.11.4 of the Anti-Doping Rules, Mr. Nekoei requests that the panel to “forgive” him, this being a first-time violation which was unintentional.

III.

The Statement of World Archery

1. In his Written Submission received by WA on 30 April 2014, a copy of which was received by the Archer, the Anti-Doping Administrator repeats the results ascertained in the laboratory analysis and confirms that no applicable Therapeutic Use Exemption (TUE) was granted to Mr. Nekoei nor was there any apparent departure from the International Standard



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for Testing or the International Standard for Laboratories which could undermine the validity of the AAF.

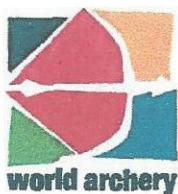
2. The Administrator then asserts that the presence of a prohibited substance in the body of an athlete constitutes a strict liability violation of the Anti-Doping Rules. Whether the presence of the prohibited substance is intentional or unintentional, the result of negligence or other type of fault, is irrelevant.
3. The Administrator then proceeds to outline the conditions set out in Article 35.11.4 of the WA Anti-Doping Rules which, if met, can result in a reduction of the sanction:

"To justify any reduction, the athlete must produce corroborating evidence in addition to his word which establishes to the comfortable satisfaction of the hearing panel the absence of intent to enhance sport performance; the degree of fault shall be the criterion considered in assessing any reduction of the period of ineligibility."

4. The Administrator concedes that the finding of glycerol could have been caused by the ingestion of a traditional dish or by the "Adult Cold Tabs", but also points out that "the concentration of Glycerol found in the sample is quite high, therefore it appears unlikely that any kind of food contamination may be the explanation for the Adverse Analytical Finding."
5. The Administrator states his opinion as follows:

". . . the athlete has not demonstrated that the prohibited substance entered his system following the ingestion of a traditional dish. In fact the athlete did not transmit any evidence proving the content of the traditional dish. Furthermore despite the request of World Archery Anti-Doping Administrator, the athlete has not provided any information regarding the "Adult Cold Tabs" that he mentioned on the Doping Control Form."

6. Taking the position that the Archer has not satisfied his burden of proof, but citing the fact that the Archer has not committed any previous anti-doping violation, he requests (1) that the Panel impose a two (2) year period of ineligibility upon the Archer, (2) that all results obtained at the 18th Asian Archery Competition be disqualified and that the Archer forfeit all medals, points and prizes, including disqualification and forfeiture of same with regard to his team and (3) that all sport-related financial support or other sport-related benefits received by the Archer be withheld by World Archery in accordance with Art. 34.11.10.3 of the WA Anti-Doping Rules.

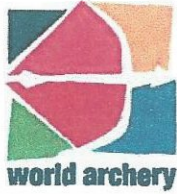


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IV. The Hearing

1. At the hearing on 8 May 2014, the Administrator pointed out that the threshold set by WADA of 1.9 mg/ml is already set at a high level in order to account for the normal use of nutritional supplements.
2. The Administrator also confirmed that the Documentation Packages for both the A- and B-Sample analyses, both of which had been forwarded to the Archer, contained no indication of a laboratory failure or malfunction. The equipment used in the testing was deemed to be accurate and reliable.
3. The Administrator concluded that “we have a clear finding of glycerol in an amount which exceeds the threshold.”
4. The Chairman of International Affairs of the Iran Archery Federation, Mr. Mohammad Reza Haji Anzehaei (“**Mr. Haji**”) stated his belief and that of the Archer that “everything has been done normally”.
5. Speaking through his translator, Mr. Haji, the Archer submitted that the high level of glycerol found in his sample was the result of a high intake of the “traditional national food” of Iran and his local domicile, Kerman. This is namely a mixed powder consisting of 6 to 7 ingredients, mostly oily seeds, but also including nuts such as cashews, and coconut. The food can be mixed with liquids such as tea, water or milk, or can be eaten as a powder. The name of the food is “Ghovato”.
6. Mr. Nekoei repeated several times that he was unable to eat Chinese food due to its taste, aroma and form. Ghovato, he stated, served as a substitute for the Chinese food he would otherwise have had to eat in Taipei. He claimed to have lost 2 kilo of weight during his stay in Taipei.
7. Mr. Nekoei stated upon further questioning, however, that he did not eat exclusively Ghovato during his 6 day stay in Taipei. He was able to eat shrimps and potatoes, bisquets and chocolates while there. He also drank orange juice while there.
8. Notwithstanding his admitted consumption of certain fruits, fish, potatoes and chocolates, he nevertheless ate a greater amount of Ghovato in Taipei than he normally would have eaten in Iran. He estimated that, where he might consume one ½ kg bag Ghovato per day in Iran, he ate three ½ kg bags per day while in Taipei. He stated upon questioning from the Panel that he had taken 6 to 7 ½ kilo bags of Ghovato with him, approximately 3 to 4 kilos in total.
9. Mr. Nekoei confirmed that he had a surplus of Ghovato left-over at the end of his stay in Taipei and took this left-over amount with him back to Iran. He cited the name and address of the confectionery in his hometown of Kerman where he had bought his supply for Taipei.



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He purchased this supply not “from the barrel”, but rather in bags. Upon being notified of the positive test result, he stopped eating it. When asked, however, whether he requested an explanation from the named confectionery regarding the content of the Ghovato which he had purchased, he responded “no”.

10. The Archer further explained that Ghovato is manufactured all over Iran. It is made largely in private households, mostly by confectionaries, but also by larger manufacturers. It can be bought in bags or “out of the barrel”. It is not a trademarked product and the contents, in most cases, cannot be found on the label of the bag. Being a traditional food, he claimed to have eaten Ghovato all of his life, including the five year period during which he competed actively in archery competition.
11. When asked by the Administrator and the Panel whether he had ever thought of having the left-over amount from Taipei or even a typical sample of the Ghovato sold in the named confectionary analyzed in a laboratory to determine its content, the Archer answered “no”.
12. When asked by the Panel whether he had ever been tested during his 5 years of active archery competition, the Archer responded that he had been tested once while competing in Indonesia. He stated that he had been eating Ghovato during this period. The test done on the sample collected in Indonesia was negative. The Administrator confirmed that the Archer had not previously been accused or sanctioned for a doping violation.
13. When pressed by the Panel with the question whether he had searched his mind following notification of the AAF as to how, when and where he could have eaten or drunk any other foods or beverages containing glycerol, he responded: “No, I knew it was the Ghovato”. In response to the question posed by the Administrator whether he had ever drunk the isotonic beverage “Gatorade”, the Archer responded “no”.
14. Mr. Nekoei confirmed that the Iran Archery Federation, mostly at the beginning of the year, would provide pamphlets and would hold classes regarding prohibited substances wherein nutritional supplements were also mentioned. He confirmed that he, himself, was aware of the risks arising from using nutritional supplements. He claimed, however, that he never thought a traditional national food like Ghovato could contain a prohibited substance.
15. Speaking for the Archer, Mr. Haji stated at the close of the questioning that “we were told to have an attorney, but I felt we do not need one.” He asserted that we are all “friends” and act ourselves as attorneys for the accused, Mr. Nekoei. We all have the same goal. We want “clean sport”. Mr. Haji confirmed that “we did not hide any information.
16. In his closing statement, speaking through his translator, Mr. Nekoei submitted that maybe his “lack of experience” had caused him not to submit a sample of the Ghovato for analysis. He has been honest with the Panel. He repeated that the presence of glycerol in his sample was not intentional, he did not know the ingredients of the Ghovato which he had consumed.



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It was not taken to enhance his sporting performance.

17. Citing the fact that this was a first-time offence, he pleaded to be forgiven by the Panel.

V. The Relevant Anti-Doping Rules

1. Book 6 of the World Archery Anti-Doping Rules as contained in the World Archery Rulebook version 2013-04-01 sets out the provisions which govern the decision in the matter at hand.

Art. 35.3.1 The presence of a Prohibited Substance or its Metabolites or Markers in an athlete's Sample

Art. 35.3.1.1 It is each athlete's personal duty to ensure that no Prohibited Substance enters his body. Athletes are responsible for any Prohibited Substance or its Metabolites or Markers found to be present in their Samples. Accordingly, it is not necessary that intent, fault, negligence or knowing Use on the athlete's part be demonstrated in order to establish an Anti-Doping Rule violation under 35.3.1. The presence of a Prohibited Substance or its Metabolites or Markers in an athlete's Sample (page 272).

Art. 35.3.2 Use or Attempted Use by an athlete of a Prohibited Substance or a Prohibited Method

Art. 35.3.2.1 It is each Athlete's personal duty to ensure that no Prohibited Substance enters his or her body. Accordingly, it is not necessary that intent, fault, negligence or knowing Use on the Athlete's part be demonstrated in order to establish an anti-doping rule violation for Use of a Prohibited Substance or a Prohibited Method.

Art. 35.3.2.2 The success or failure of the Use of a Prohibited Substance or Prohibited Method is not material. It is sufficient that the Prohibited Substance or Prohibited Method was Used or Attempted to be Used for an anti-doping rule violation to be committed.

Art. 35.4 Proof of Doping

Art. 35.4.1 Burdens and Standards of Proof

World Archery and its Member Associations shall have the burden



of establishing that an Anti-Doping Rule violation has occurred. The standard of proof shall be whether World Archery or its Member Associations has established an Anti-Doping Rule violation to the comfortable satisfaction of the 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. Where these Rules place the burden of proof upon the athlete or other Person alleged to have committed an Anti-Doping Rule violation to rebut a presumption or establish specified facts or circumstances, the standard of proof will be a balance of probability, except as provided in Articles 10.4 and 10.6, where the Athlete must satisfy higher burden of proof.

Art. 35.10 Automatic disqualification of individual results

A violation of these Anti-Doping rules in Individual Events in connection with an In-Competition test automatically leads to Disqualification of the individual result obtained in that Competition with all resulting consequences, including forfeiture of an medals, points and prizes.

Art. 35.11 Sanctions on individuals

Art. 35.11.1 Disqualification of Results in Event during which an Anti-Doping Rule Violation occurs

An Anti-Doping Rule violation occurring during or in connection with an Event may lead to Disqualification of all of the athlete's individual results obtained in that Event with all consequences, including forfeiture of all medals, points and prizes, except as provided in Article 35.11.1.1.

Art. 35.11.1.1 If the athlete establishes that he bears No Fault or Negligence for the violation, the athlete's individual results in the other Competition shall not be Disqualified unless the athlete's result in Competition other than the Competition in which the Anti-Doping Rule violation occurred were likely to have been affected by the athlete's Anti-Doping Rule violation.

Art. 35.11.2 Ineligibility for Presence, Use or Attempted Use, or Possession of Prohibited Substances and Prohibited Methods



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The period of Ineligibility imposed for a violation of 35.3.1. The presence of a Prohibited Substance or its Metabolites or Markers in an athlete's Sample (page 272)(Presence of Prohibited Substance or its Metabolites or Markers), 35.3.2. Use or Attempted Use by an athlete of a Prohibited Substance or Prohibited Method (page 273)(use or Attempted Use of Prohibited Substance or Prohibited Method) or 35.3.6 (Possession of Prohibited Substances and Methods (page 273)(Possession of Prohibited Substances and Methods) shall be as follows, unless the conditions for eliminating or reducing the period of Ineligibility, as provided in 35.22.3. Ineligibility for Other Anti-Doping Rule Violations (page 287) and 35.11.5 Elimination or Reduction of Period of Ineligibility Based on Exceptional Circumstances (page 288), or the conditions for increasing the period of Ineligibility, as provided in 35.11.7. Multiple Violations (page 290), are met:

First violation: two years' Ineligibility

Art. 35.11.4

Elimination or Reduction of the Period of Ineligibility for Specified Substances under Specific Circumstances

Where an Athlete or other Person can establish how a Specified Substance entered his or her body or came into his or her possession and that such Specified Substance was not intended to enhance the Athlete's sport performance or mask the use of a performance-enhancing substance, the period of Ineligibility found in 35.11.2 Ineligibility for Presence, use or Attempted Use, or Possession of Prohibited Substances and Prohibited Methods shall be replaced with the following: First Violation: At a minimum, a reprimand and no period of Ineligibility from future Events, and at a maximum, two (2) years of Ineligibility. To justify any elimination or reduction, the Athlete or other Person must produce corroborating evidence in addition to his or her word which establishes to the comfortable satisfaction of the hearing panel the absence of an intent to enhance sport performance or mask the use of a performance enhancing substance. The Athlete or other Person's degree of fault shall be the criterion considered in assessing any reduction of the period of Ineligibility.



Art. 35.12 Consequences to teams

If a member of a team found to have committed a violation of these Anti-Doping Rules during an Event, the team shall be Disqualified from the Event. For a nations ranking, the results of that nation shall be removed.

2. The 2013 Prohibited List, International Standard, maintained by WADA, is incorporated into the World Archery Anti-Doping Rules in Art. 35.5.1. Section S5 of the 2013 Prohibited List specifically prohibits masking agents and defines them as follows:

“S5. Diuretics and other Masking Agents

Masking agents are prohibited. They include:

Diuretics; desmopressin, plasma expanders (e.g. glycerol);

VI. Jurisdiction

The jurisdiction of the Panel rests on Section 35.9.1.2 Anti-Doping Rules of WA which are contained in Book 6, Chapter 35 of the WA Anti-Doping Rules:

Article 35.9.1.2. When it appears, following the Results Management process described in 35.8. Results management (page 281), that these Anti-Doping Rules have been violated in connection with World Archery Testing or Testing at an International Event then the case shall be assigned to the Anti-Doping Panel for adjudication.

VII. The Merits

1. The Panel has concluded to its comfortable satisfaction on the basis of the Document Packages and the evidence submitted, that both the Archer's A- and B-Samples contained the prohibited masking agent, glycerol, in a concentration of 35.4 mg/ml. The permissible threshold for this specified substance was 1.9 mg/ml. The Panel concurs with the Anti-Doping Administrator that this concentration of the prohibited substance far exceeds the permissible threshold.
2. Even if the granting of a Therapeutic Use Exemption (TUE) were possible for such a specified substance as glycerol, which it is not, no TUE had been or was in the process of being granted to Mr. Nekoei. The Archer contests neither the presence nor concentration of the specified substance nor the correctness of the laboratory analysis.



3. In light of the established presence of glycerol in his body during competition at the 18th Asian Championships, the Panel concludes that the Archer has committed an anti-doping violation pursuant to Art. 35.3.1 of the Anti-Doping Rules. This rule makes clear that it is his responsibility and personal duty to ensure that no prohibited substance enters his body. Lack of intent, absence of fault, lack of knowledge, all of these defenses are irrelevant in establishing the commission of the violation at hand.
4. The issue confronting the Panel is whether the Archer's explanation for the presence of this specified substance merits an elimination or reduction of the sanctions prescribed in Art. 35.11.4 of the Anti-Doping Rules (the "Rules"), in particular, the period of Ineligibility which, in the case at hand, is set at two (2) years pursuant to Art. 35.11.2 of the Rules.
5. The Panel has not been persuaded that the mitigating criteria for granting an elimination (against the issuance of a reprimand) or a reduction in the two-year sanction have been met.
6. Applying the standard of proof of a balance of probability (Art. 35.4.1) which the accused violator must bear, the Archer, in the case at hand, has failed to establish how the specified substance, glycerol, entered his body or came into his possession (Art. 35.11.4).
7. Without evidence regarding the source of the glycerol contamination, the issue of whether the Archer acted with or without intent to enhance his sport performance becomes moot. Absent clarity with regard to the source, the Panel finds no cause to embark upon determining whether the Archer intended or did not intend to enhance his sport performance.
8. Mr. Nekoei was given sufficient notice and instructions both in the Administrator's Notification of the Adverse Analytical Finding dated 19 December and in his Written Statement received on 30 April 2014 and in the Panel's written instructions of 2 May 2014, that

"... it is your burden to explain to the Panel by submitting either relevant physical evidence and/or providing witness/expert testimony the following:

- *how the Specified Substance entered your body*
- *how the Specified Substance come into your possession*
- *that the Specified Substance was not intended to enhance your athletic performance or mask the use of a performance-enhancing substance."*

9. The Archer has failed to meet his burden of proof. The Panel is not persuaded on the balance of probabilities that the Ghovato which he alleges to have eaten in an amount which exceeds – by three times -- his normal intake of the food accounted for the glycerol level established in his urine in such high concentration during the Asian Championship.
10. The fact that the Archer brought a ½ kg sample bag of his country's traditional national food

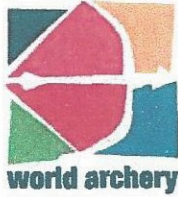


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with him to the hearing could not, and did not, serve as evidence that the glycerol finding in his urine derived from the Ghovato which he has claimed to be the source of the contamination.

11. To provide evidentiary proof of the high glycerol contamination caused by his alleged consumption of Ghovato, he would have had to show the Panel that (1) the Ghovato contained in the bag which he brought with him to the hearing was indeed the same ("left-over") Ghovato which he had purchased in the confectionery prior to his departure in such large amount (4 to 5 kilos in total!).
12. This evidence might have been achieved by submission of a purchase receipt from the confectionery and a witness statement of the store owner and/or a witness statement from a coach, trainer or other functionary of the Iran Archery Federation that the bag lying before the Panel at the hearing was indeed a "left-over" quantity from the original purchase.
13. More importantly, however, the Archer failed to prove to the Panel that Ghovato, in general, meaning the Ghovato which constitutes the "traditional national food" in Iran, is even capable of containing, much less frequently does contain glycerol. An analysis of the sample bag presented to the Panel at the hearing would have helped in this regard.
14. Had the bag which he brought to the hearing provably contained glycerol, he could have produced witness evidence that he indeed ate Ghovato, any Ghovato, during the Asian competition, in an attempt to allow the Panel to deduce that the Ghovato allegedly ate by the Archer might have contained the prohibited specified substance glycerol. The Panel cannot know, much less be convinced, that the traditional national food Ghovato is even capable of containing glycerol at all without evidence of this nature.
15. In light of the fairness which the Panel must exercise vis-à-vis those archers who abide by the Anti-Doping Rules, Mr. Nekoei and the Iran Archery Federation cannot expect that the Panel will make a "leap of faith" in relying merely on the Archers "word" that it was the Ghovato which he purchased in the confectionery in Kerman and later consumed in such high quantity in Taipei which accounts for a concentration of the prohibited substance which so vastly exceeded the permitted threshold.
16. The Panel desperately required corroborating evidence (see Art. 35.11.4) and would have been impressed if Mr. Nekoei and the Iran Archery Federation, upon being informed of the AAF on 19 December 2013, had immediately attempted to retrieve any left-over amount of the Ghovato from his stay in Taipei and submitted this to a WADA-accredited laboratory for analysis.
17. Even if a portion of the original Ghovato was no longer available at that time, it would have been most instructive to the Panel, if the Archer had immediately gone to the confectionery, purchased the same or a similar sample of the Ghovato which he had purchased earlier for

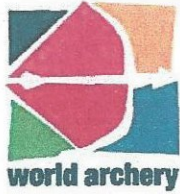


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his trip to Taipei, obtained a written confirmation (sworn or in lieu of oath) from the confectionery that the ingredients in the purchased sample were the same or similar to the ingredients of the original Taipei purchase.

18. Upon obtaining such a similar sample and confirmation from the store owner, the Archer should then have submitted the sample Ghovato to a WADA laboratory for analysis. Had the analysis confirmed the presence of glycerol, the Archer would have secured persuasive and corroborating evidence that Ghovato was indeed the culprit, i.e. the cause of his glycerol contamination.
19. It would then have been the task of the Archer to prove that the purpose of consuming the glycerol-contaminated Ghovato in such high quantities was motivated not by any intent to enhance his sport performance, but rather to avoid the taste and odor of Asian cooking.
20. To this day, the Panel has no corroborating evidence that the Ghovato which the Archer alleges to have eaten contained glycerol at all, much less the excessive quantity of Ghovato which he claims to have consumed containing such a high level of glycerol. The Anti-Doping Rules do not permit the Panel to rely merely upon the word of Mr. Nekoei.
21. Based upon the above, the Panel has no justification or grounds upon which to apply the sanction-mitigating rules of Art. 35.11.4. It is compelled to impose a two year period of ineligibility together with the ancillary penalties, namely disqualification of individual and team results (Art. 35.10 and Art. 35.12 of the rules) set out in the decision which has already been communicated to the Archer.
22. Finally, the Panel wishes to establish that, with this decision, it has no intention to place the truthfulness or integrity of the Archer into question. It is merely unable to make the "leap of faith" which the Archer has requested. The Panel regrets that the Archer and his Federation did not heed the specific instructions given by the Administrator and the Panel prior to the hearing with regard to the central issues which had to be addressed.
23. In this regard, the Panel has recognized the fact that this is a first-time offense and acknowledges the Archer's 5 years of loyal competition in the sport. The Panel wishes the youthful Archer continued success upon his return to competition when his two year period of ineligibility expires. The time of the provisional suspension which commenced on 17 February 2014 will be credited to the two year ineligibility period now imposed in accordance with Art. 35.11.9.3 of the Rules.
24. The Panel denies the petition of the Anti-Doping Administrator to withhold some or all sport-related financial support or other sport-related benefits received by the Archer during his period of Ineligibility. The Archer receives no support or other benefits from the WA and the Panel has no knowledge that the Iran Archery Federation grants him support or benefits.



VIII. Costs

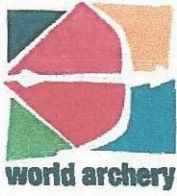
1. This decision is pronounced without costs to the Archer. He shall assume, however, whatever costs have been incurred in conjunction with his defense, in addition to the costs which he has incurred from attending the hearing on 8 May in Lausanne.
2. Any costs of World Archery Federation to be assumed by the Iran Archery Federation shall be calculated and communicated separately by the Secretary General of World Archery.

IX. Archer's Right to Appeal to CAS

1. The decision of the Panel made under these Anti-Doping Rules may be appealed exclusively to the Court of Arbitration for Sport (CAS) in Lausanne in accordance with Art. 35.14.2. of the rules and in accordance with the provisions applicable before the CAS.
2. The time to file an appeal to CAS is twenty-one (21) days from the date of receipt of this decision by the appealing party (Art. 35.14.6 of the Rules).

X. The Decision of the Panel

1. Mr. Hamzeh Nekoei has committed an anti-doping rule violation pursuant to Article 35.3.1 of the Anti-Doping Rules of the World Archery Federation.
2. Mr Hamzeh Nekoei is sanctioned with a period of ineligibility of two (2) years in accordance with Article 35.11.1 of the Anti-Doping Rules of the World Archery Federation, commencing as of the date of the provisional suspension on 17 February 2014.
3. All competitive results achieved at the 18th Asian Archery Championships between 29 October 2013 and 2 November 2013 and, in particular, all medals, points and prizes and prize money, obtained by Mr. Hamzeh Nekoei individually and by the team in which he was a member, are disqualified. Likewise, any competitive results obtained by him individually or by any team in which he was a member from the date of his positive sample on 1 November 2013 until the date of his provisional suspension are hereby retroactively forfeited.
4. This decision is pronounced without costs to Mr. Hamzeh Nekoei, other than the costs which he has incurred personally in connection with preparing his defense and attending the hearing in Lausanne on 8 May 2014. Any costs of World Archery Federation to be assumed by the Iran Archery Federation shall be calculated and communicated separately by the Secretary General.




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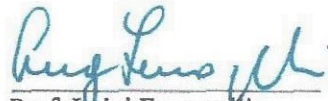
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5. This decision may be appealed exclusively to the Court of Arbitration for Sport within twenty-one (21) days from the date of receipt of the full written decision of the Anti-Doping Panel containing an explanation of the reasons for the above sanctions.

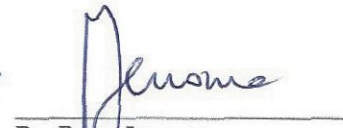
Lausanne, 26 May 2014



John A. Faylor
President



Prof. Daigi Fumagalli
Member



Dr. Peter Jenoure
Member