

# UWW ANTI-DOPING PANEL

## DECISION

### Case

United World Wrestling (UWW) v. Mr Aslan VISAITOV (Athlete - GR 66 kg - member of the Russian Wrestling Federation)

### Panel:

- Dr Milica Vukasinovic-Vesic
- Dr Wozniak Daniel
- Mrs Carla Morais
  
- Prosecutor: UWW

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## I. Introduction

1. This is the final Decision of the UWW Anti-doping panel as between UWW and Mr Aslan VISAITOV relating to an Anti-Doping Rule Violation (“ADRV”) arising from the UWW Anti-Doping Rules (“the Rules”).
2. United World Wrestling (UWW) is the governing body for the sport of Wrestling. It is based in Corsier-sur-Vevey, Switzerland.
3. Mr Aslan VISAITOV (herein after the “wrestler”) is a Greco-Roman wrestler (66 kg) from the Russian Federation. He is an elite wrestler and multiple times member of the Russian wrestling team. He won several medals in top international events, including a bronze medal at the World Championship Junior in 2014, a bronze medal in the European Championship 2015 and a silver medal in the U23 European Championship in 2017. As a UWW licensed wrestler, he was subject to the jurisdiction of UWW and bound to comply with the Rules. Pursuant to the Rules, UWW was empowered to conduct Doping Controls, as those terms are used in the Rules, in respect of all Wrestlers subject to the jurisdiction of UWW.

## II. Facts

4. On 2 April 2017, on the occasion of the European U23 Championship, a *Doping Control Officer* (“DCO”) collected a urine *Sample* in-competition from the wrestler. The *Sample* was split into two separate bottles, which were given reference numbers **4059815**.
5. Both *Samples* were transported to the World Anti-Doping Agency (“WADA”)-accredited Laboratory in Seibersdorf (AUT) (the “Laboratory”). The Laboratory analyzed the A *Sample* in accordance with the procedures set out in WADA’s International Standard for Laboratories. The analysis of the A *Sample* returned an *Adverse Analytical Finding* (“AAF”) for the following:

GW1516 - Peroxisome Proliferator Activated Receptor  $\delta$  (PPAR $\delta$ ) agonists. This result was reported by the laboratory on 20 April 2017.

6. GW1516 - Peroxisome Proliferator Activated Receptor  $\delta$  (PPAR $\delta$ ) agonists is a Hormone and metabolic modulator under class S4 of WADA's 2017 Prohibited List and is prohibited at all times (in and out-of-competition).
7. GW1516 - Peroxisome Proliferator Activated Receptor  $\delta$  (PPAR $\delta$ ) agonists is a not specified substance.
8. According to UWW's records, no Therapeutic Use Exemption ("TUE") was delivered by UWW to justify the Presence of Peroxisome Proliferator Activated Receptor  $\delta$  (PPAR $\delta$ ) agonists in the wrestler's system.
9. No apparent departure from the International Standard for Testing & Investigation or International Standard for Laboratories caused the Adverse Analytical Finding.
10. On 24 April 2017, the wrestler was formally charged with the commission of an anti-doping rule violation (herein after 'ADRV') for the Presence of: Peroxisome Proliferator Activated Receptor  $\delta$  (PPAR $\delta$ ) agonists in a Sample provided by the Wrestler on 2 April 2017 numbered A 4059815, in violation of Article 2.1 of the [UWW Anti-doping Rules](#) (herein after the "Rules").
11. In view that the substance is not a specified substance, a provisional suspension was imposed on the Wrestler from 24 April 2017 in accordance with article 7.9.1 of the Rules, with the possibility offered to the wrestler for an expedited hearing.
12. A deadline to request the opening and analysis of the B sample was set until 29 April 2017.
13. On 28 April 2017, an email was sent to the Russian Federation to ask whether the proceedings were made clear for the athlete. No reply was received.
14. On 1<sup>st</sup> May 2017, as UWW had not heard from the Wrestler, an email was sent to him c/o his National Federation asking if he wished to have the B sample analyzed or whether he accepted the result of the A sample.
15. On 4<sup>th</sup> May 2017, as no answer was received, a letter was sent to the athlete c/o his National Federation whereby it was concluded that the athlete waived the B sample analysis and accepted the result of the B sample. Sufficient proof of an anti-doping rule violation was thereby established.
16. On the same day, the Russian Federation informed that all the documents had been forwarded to the wrestler. No other comment was provided.
17. The deadline to either request a hearing and/or submit a written defense was set on 14 May 2017.
18. As no answer reached UWW, the wrestler was informed on 17 May that the panel would decide on the basis of the existing elements. After this date, still no comment was made either by the wrestler or by his national federation.

### **III. Applicable rules**

19. These proceedings are conducted in application of the Rules.

20. Art. 2.1 of the Rules provides as follows:

#### *2.1 Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample*

*2.1.1 It is each Athlete's personal duty to ensure that no Prohibited Substance enters his or her body. Athletes are responsible for any Prohibited Substance or its Metabolites or Markers found to be present in their Samples. Accordingly, it is not necessary that intent, Fault, negligence or knowing Use on the Athlete's part be demonstrated in order to establish an anti-doping rule violation under Article 2.1.*

*2.1.2 Sufficient proof of an anti-doping rule violation under Article 2.1 is established by any of the following: presence of a Prohibited Substance or its Metabolites or Markers in the Athlete's A Sample where the Athlete waives analysis of the B Sample and the B Sample is not analyzed; or, where the Athlete's B Sample is analyzed and the analysis of the Athlete's B Sample confirms the presence of the Prohibited Substance or its Metabolites or Markers found in the Athlete's A Sample; or, where the Athlete's B Sample is split into two bottles and the analysis of the second bottle confirms the presence of the Prohibited Substance or its Metabolites or Markers found in the first bottle.*

21. Art. 10.2 of the Rules provides as follows :

#### *10.2 Ineligibility for Presence, Use or Attempted Use, or Possession of a Prohibited Substance or Prohibited Method*

*The period of Ineligibility for a violation of Articles 2.1, 2.2 or 2.6 shall be as follows, subject to potential reduction or suspension pursuant to Articles 10.4, 10.5 or 10.6:*

*10.2.1 The period of Ineligibility shall be four years where:*

*10.2.1.1 The anti-doping rule violation does not involve a Specified Substance, unless the Athlete or other Person can establish that the anti-doping rule violation was not intentional.*

*10.2.1.2 The anti-doping rule violation involves a Specified Substance and United World Wrestling can establish that the anti-doping rule violation was intentional.*

*10.2.2 If Article 10.2.1 does not apply, the period of Ineligibility shall be two years.*

22. Art. 12.3 of the Rules reads as follows :

*12.3 If an anti-doping rule violation is committed by an Athlete during an official competition on the UNITED WORLD WRESTLING calendar, a 20.000 Swiss Francs fine will be imposed on the Athlete's National Federation.*

### **III. Discussion**

In the present case, the anti-doping rule violation does not involve a specified substance.

The athlete has failed to dispute the charge within the deadline imposed although he has received all documents and information pertaining to this case; he therefore deemed to have admitted the

violation through the waiving of a hearing and/or the submission of written explanations and to have accepted the consequences mandated by the Rules. The violation may be considered intentional.

#### **IV. Decision**

Considering the above, pursuant to the Rules, the UWW Anti-doping panel decides that:

A. The wrestler Mr Aslan VISAITOV is:

- I. Found to have committed an anti-doping rules violation, namely article 2.1 of the Rules;
- II. Imposed a period of suspension of four years, starting from 24 April 2017 until 23 April 2021 included;
- III. The results obtained in the U23 European Championship are disqualified with all resulting consequences, including the forfeiture of his Silver medal, his points and prizes. The Silver medal obtained in this competition must be returned to UWW within 30 days from the date the decision is received by the wrestler's national federation to the UWW Secretariat.

B. The Russian Wrestling Federation is:

- I. Imposed a fine of 20'000 Swiss Francs.

#### **V. Status during ineligibility**

In order to understand your rights during this period of ineligibility, please refer to article 10.12 of the United World Wrestling Anti-doping rules.

During the period of Ineligibility, you shall not be permitted to participate in any capacity in a Competition or other activity (other than authorized anti-doping education or rehabilitation programs) organized, convened or authorized by:

- United World Wrestling or by any body that is a member of, or affiliated to, or licensed by United World Wrestling;
- any Signatory (as that term is defined in the ADR);
- any club or other body that is a member of, or affiliated to, or licensed by, a Signatory or a signatory's member organization; or
- any professional league or any international-or national-level Event organization.

#### **VI. Right to Appeal**

Pursuant to article 13.2.1 of the United World Wrestling Anti-doping rules, this decision may be appealed to the Court of Arbitration for Sport within 21 days after reception of the decision (please refer to the procedural rule R47 and the following of the CAS Code).

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Corsier-sur-Vevey. 30 May 2017



Dr. Milica Vukašinović-Vesić, PhD



Dr. iur. Daniel Wozniak



Mrs Carla Morais