

UWW ANTI-DOPING PANEL

DECISION

Case

United World Wrestling (UWW) v. Mr Iftene Zohier (Athlete - FS 65 kg - member of the Algerian Wrestling Federation)

Panel:

- Dr Milica Vukasinovic-Vesic
- Dr Szabolcs Molnar
- Mrs Carla Morais

- Prosecutor: UWW

I. Introduction

1. This is the final Decision of the UWW Anti-doping panel as between UWW and Mr Iftene Zohier 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 Iftene Zohier (herein after the “wrestler”) is a Freestyle wrestler (65 kg) from the Algerian Wrestling Federation. 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 30 April 2017, on the occasion of the African 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 4113010.
5. Both *Samples* were transported to the World Anti-Doping Agency (“WADA”)-accredited Laboratory in Lausanne (SWI) (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: *Metabolites of Stanozolol*. This result was reported by the laboratory on 24 May 2017.
6. *Stanozolol* is an Anabolic Steroid under class S1.1A of WADA’s 2017 *Prohibited List* and is prohibited at all times (in and out-of-competition).
7. *Stanozolol* is a non-specified substance.

8. According to UWW's records, no Therapeutic Use Exemption ("TUE") was delivered by UWW to justify the Presence of *Stanozolol* 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 1 June 2017, the wrestler was formally charged with the commission of an anti-doping rule violation (herein after 'ADRV') for the Presence of: *Stanozolol* in a *Sample* provided by the Wrestler on 30 April 2017 numbered A 4113010, in violation of Article 2.1 of the [UWW Anti-doping Rules](#) (herein after the "Rules").
11. A provisional suspension was imposed on the Wrestler from 1 June 2017 in accordance with article 7.9.2 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 6 June 2017.
13. On 8 June, as no answer was received with regard to the B sample analysis, UWW contacted the athlete through his national federation and set a new deadline on 9 June to request such analysis. It was specified that without any reply on the matter of the B sample analysis, the athlete would be deemed to have accepted the A sample result.
14. On 12 June 2017, UWW received the athlete's written explanations, without any mention about the B sample analysis. Four picture of the supplements used by the athlete were provided with his file.
15. In his explanations, the athlete sustained the following (translation from his letter of 12 June):

"Dear Sir, following the notification of 1 June charging me of an anti-doping rules violation after the control on 30 April 2017 in Morocco, on the occasion of the African Championship, I inform you that testing procedure has not complied with the international standards for testing since:

- the doping control station did not meet the international norms;*
- several individuals, strangers to the control, had free access to the station;*
- the door of the station was opened during the controls which facilitated the free access of several people to the testing;*
- the waiting room came down to a simple corridor where other people occupied the waiting bench with the athletes;*
- drink (water) was proposed to me by the Doping Control Officer before producing the sample;*

All these elements constitute test procedure irregularities.

*A prohibited substance was found in my urine (stanozolol); it is possible that this substance was contained in diet supplements purchased in sports shops.
Attached are the products.*

I kindly ask you to take into consideration the procedure irregularities and the possibility of contaminated food that I used which will sanction my sporting career without knowing the source of the product".

16. On 20 June 2017, UWW provided the athlete's explanations to the African Regional Anti-doping Organization in charge of the testing and asked for their position.
17. On the same day, the Executive Manager of the anti-doping organization replied the following:

"It is with pleasure that I reply to your request knowing that I was also a Doping Control Agent (DCA) during this event:

1: regarding the control station, it was a large changing-room with two processing spaces separated by folding-screen; it was the only available space to proceed with the anti-doping tests; I consider that this space was acceptable and respected the doping control procedure. No comments were made neither by the athletes who were tested nor by their accompanying persons (coaches, managers, ...).

2: Access to the room: a DCA (Dr Ramadan) was present at all times in the room which was accessible only by the selected athlete and only one accompanying person.

The waiting room was in the corridor which goes alongside the processing room and limited outside by a folding-screen; one chaperone minimum was present with the athletes in the waiting room. No foreign person was authorized to accede this place when we were present.

3- drinks: we never propose water to athletes - same instructions given to the chaperone; this is a condition that we respect and has always been applied.

For your information, all DCA who worked during this event are confirmed senior DCAs.

At disposal for further information”.

18. UWW contacted the UWW Medical delegate at the competition to seek his opinion on the integrity of the doping control process. According to him, there was no irregularities that could undermine the validity of the doping control process and all conditions were adequate.
19. On 23 June 2017, i.e. two days after the deadline to provide and/or request a hearing, UWW wrote to the athlete to inform that the file would be forwarded to the Anti-doping panel and that due note was taken on the fact that the athlete provided written explanations and did not request to be heard.

III. Applicable rules

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

21. 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.

22. 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.

23. 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 case at hand, the anti-doping rule violation involved a non-specified substance, prohibited at all times.

The athlete challenged the conditions of testing and alleged that international testing norms and standards were not met. However, he did not bring any evidence to support these alleged irregularities.

On another hand, the anti-doping organization in charge of the testing confirmed that the conditions were acceptable and complied with the standards. This was confirmed by the UWW Medical delegate. No complaints were received from other athletes.

The athlete also provided a list of dietary supplements and supposed that the presence of metabolites of stanozolol in his system could be due to the ingestion of these supplements. Again, there is no evidence that he actually used these supplements and that one or several were contaminated. It is common knowledge that supplements may be contaminated and that athletes are responsible for what they ingest. The Code's comment to article 10.4 is clear about the contaminated products and the impossibility to reduce a sanction for no fault no negligence for such reason.

IV. Decision

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

A. The wrestler Mr Iftene Zohier 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 1 June 2017 until 31 May 2021 included;
- III. The results obtained in the African Championship are disqualified with all resulting consequences, including the forfeiture of his Silver medal, his points and prizes. The Gold 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 Algerian 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).

Corsier-sur-Vevey, 25 July 2017



Dr. Milica Vukašinović-Vesić, PhD

Dr Szabolcs Molnar



Mrs Carla Morais