

# UWW ANTI-DOPING PANEL

## DECISION

### Case

**United World Wrestling (UWW) v. Mr Islambek Dadov (Athlete - GR 71 kg - member of Azerbaijan Wrestling Federation)**

#### Panel:

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

\*\*\*\*\*

#### I. Introduction

1. This is the final Decision of the UWW Anti-doping panel as between UWW and Mr Islambek Dadov 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 Islambek Dadov (herein after the “wrestler”) is a Greco-Roman wrestler (71 kg) from Azerbaijan. He is an elite wrestler and member of the Azerbaijan wrestling team. He won several medals in top international events, including a junior world bronze in 2016, a gold Youth Olympic Games medal in 2014 and two other medals in cadets championships. 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 1 April 2017, a *Doping Control Officer* (“DCO”) collected a urine *Sample* in-competition from the wrestler on the occasion of the European Championship U23. The *Sample* was split into two separate bottles, which were given reference numbers 4059803.
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: *Clomiphene and its metabolite*. This result was reported by the laboratory on 20 April 2017.

6. *Clomiphene* 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. *Clomiphene* is a *specified substance*.
8. According to UWW's records, no Therapeutic Use Exemption ("TUE") was delivered by UWW to justify the Presence of *Clomiphene* 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: *Clomiphene* in a *Sample* provided by the Wrestler on 1 April 2017 numbered A 4059803, in violation of Article 2.1 of the [UWW Anti-doping Rules](#) (herein after the "Rules").
11. A copy of the laboratory result and the doping control form were provided with the notice of charge.
12. The athlete was offered the right to have the B sample analyzed and the right to request a copy of the laboratory documentation package.
13. 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 whether he wished to have the B sample analyzed or whether he accepted the result of the A sample.
14. On 2 May 2017, the athlete confirmed, via his national federation, that he did not wish to open and analyze the B sample.
15. Pursuant to article 7.9.2 of the Rules, the wrestler was not suspended provisionally nor opted for a voluntarily provisional suspension as offered to him in the notice of charge of 24 April 2017.
16. The wrestler did not request a hearing but submitted written explanations in writing on 13 May 2017. In his submission, the athlete explained that he got married in November 2015 and after that, he got "married sexual problems" [sic]. He was treated in November and December 2016 for his infertility and his doctor prescribed him tablets called "Duinum" [the medicine containing the prohibited substance found in his system]; he did not know that this medicine contained a prohibited substance and claimed that he was ashamed to inform his team doctor of his problem.
17. In view of these explanations, UWW requested additional information from the wrestler on 17 May 2017: - Name and contact details of the Doctor who prescribed these medicines; - Copy of the medicine prescription by the Doctor and reasons for this prescription.
18. On 25 May 2017, UWW received additional documents, namely: a wedding certificate, 2 pictures of the medicine box (Duinum); a prescription form. The name of the doctor and his phone number was also provided.
19. Additional documents were requested on 12 July by UWW to document the diagnosis and the prescribed treatment.

20. Such documents were received on 13 July (original and official translation).

### III. Relevant rules

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

22. 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.*

23. 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.*

24. Art. 10.5 of the Rules provides as follows:

#### 10.5 Reduction of the Period of Ineligibility based on No Significant Fault or Negligence

*10.5.1 Reduction of Sanctions for Specified Substances or Contaminated Products for Violations of Article 2.1, 2.2 or 2.6.*

##### *10.5.1.1 Specified Substances*

*Where the anti-doping rule violation involves a Specified Substance, and the Athlete [...] can establish No Significant Fault or Negligence, then the period of Ineligibility shall be, at a minimum, a reprimand and no period of Ineligibility, and at a maximum, two years of Ineligibility, depending on the Athlete's [...] degree of Fault.*

#### IV. Discussion

25. The presence of the substances identified as Clomiphene was established by the A Sample report. This result was not contested by the *Wrestler*. Clomiphene is a specified substance under class S4.3 of WADA's Prohibited List 2017.
26. In his submission, the athlete explained that he followed a treatment for *oligospermia* and that he was prescribed a number of medicines, among them *Duinum*, which contains the prohibited substance *Clomiphene*. The athlete took the treatment during the months of November and December 2016 and claimed that he was not aware that his medicine contained a prohibited substance.
27. A complete medical file documenting his treatment was provided by the athlete.
28. In the present case, the substance found is a specified substance. There is no evidence that this rules violation was intentional. The default sanction should be 2 years.
29. The panel finds that athlete has established how he ingested the substance, i.e. through the use of the prescribed Duinum. However, his was at fault when he did not inform his team doctor of his pathology and treatment. This could have avoided the rules violation through a TUE application. The panel also found that the athlete, aged 20 when tested, may not have received a comprehensive anti-doping education in his country.
30. Based on all circumstances of this case and pursuant to article 10.5.1.1 on Specified Substances, the panel found that the degree of fault of the wrestler was normal (as compared to a significant or light degree of fault) and warrants a suspension period of twelve months.

#### IV. Decision

Considering the above, pursuant to the Rules, the UWW Anti-doping panel decides that the wrestler, Mr Islambek Dadov:

- I. Is found to have committed an anti-doping rules violation, namely article 2.1 of the Rules;
- II. Is imposed a period of suspension of twelve (12) months from the date of the decision, until 27 July 2018 included.
- III. The results obtained in the European Championship U23 are disqualified with all resulting consequences, including the forfeiture of the medal, points and prizes. The medal obtained in this competition must be returned to UWW headquarters within 30 days from the date the decision is received by the wrestler's national federation.

## 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, 28<sup>th</sup> July 2017



Dr. Milica Vukašinović-Vesić, PhD



Dr. iur. Daniel Wozniak

Ms Carla Morais