

UWW ANTI-DOPING PANEL

DECISION

Case

United World Wrestling (UWW) v. Mr Mahmoud Said Badawi (Athlete - FS 86 kg - member of the Egyptian Wrestling Federation)

Panel:

- Dr Daniel Wozniak
- 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 Mahmoud Said Badawi 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 Mahmoud Said Badawi (herein after the “wrestler”) is an international Freestyle wrestler (86 kg) from Egypt. 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 Avril 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 4113285.
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: *19-noretiocholanolone* and *19-norandrosterone*. This result was reported by the laboratory on 23 May 2017.
6. *19-noretiocholanolone* and *19-norandrosterone* are Anabolic Steroids under class S1.1B of WADA’s 2017 *Prohibited List* and is prohibited at all times (in and out-of-competition).
7. These substances are *non-specified substances*.

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 30 May 2017, the wrestler was formally charged with the commission of an anti-doping rule violation (herein after 'ADRV') for the Presence of: *19-noretiocholanolone* and *19-norandrosterone* in a Sample provided by the Wrestler on 30 April 2017 numbered A 4113285, 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 30 May 2017 in accordance with article 7.9.1 of the Rules.
12. A deadline to request the opening and analysis of the B sample was set until 4 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. Without reply after this new deadline, the athlete would be deemed as having accepted the result of the A sample.
14. On 20 June 2017, the Egyptian Wrestling Federation sent an email to UWW saying that they would provide UWW with the athlete's written explanations.
15. On 14 July, as no answer was received from the athlete, the file was forwarded to this panel for a decision.

III. Applicable rules

16. These proceedings are conducted in application of the Rules.
17. 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.

18. 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.

19. 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 did not request the B sample analysis although he was offered two deadlines to request such analysis.

The athlete was offered either a hearing, the provision of written explanations or both solutions. No answer was received from the athlete.

One can interpret this silence as the acceptance of the consequences provided by the UWW Rules for an ADRV.

IV. Decision

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

A. The wrestler Mr Mahmoud Said Badawi 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 30 May 2017 until 29 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 Egyptian 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. iur. Daniel Wozniak

Dr Szabolcs Molnar



Mrs Carla Morais