

UWW ANTI-DOPING PANEL

DECISION

Case

United World Wrestling (UWW)

v.

Mr Asilbek Nematov (Athlete - Greco-Roman Wrestling - member of the Uzbekistan cadets national team)

Panel:

- Dr Daniel Wozniak
- Dr Milica Vukasinovic-Vesic
- Ms Carla Morais

- Prosecutor: UWW

I. Introduction

1. This is the final Decision of the UWW Anti-doping panel as between UWW and Mr Asilbek Nematov 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 Asilbek Nematov (herein after the “Wrestler”) is a 16 years old Greco-roman wrestler (60 kg) from Uzbekistan. According to United World Wrestling, his participation in the Asian Championships Cadet 2018 is his first international competition. According to UWW’s records, the wrestler was holder of a UWW licence in 2018. According to the available records, the test performed on this athlete on the occasion of the Asian Championship 2018 was the first one he was subject to.
4. 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

5. On 10 May 2018, a *Doping Control Officer* (“DCO”) collected a urine *Sample* from the wrestler. Assisted by the DCO, the wrestler split the *Sample* into two separate bottles, which were given reference numbers 4071656.
6. Both Samples were transported to the World Anti-Doping Agency (“WADA”)-accredited Laboratory in Doha (Qatar) (the “Laboratory”). The Laboratory analysed the A Sample in accordance with the procedures set out in WADA’s International Standard for Laboratories. The concentration of 19-Norandrosterone in the Sample, obtained using the Confirmation Procedure and stated in accordance with the reporting rules in WADA TD2017NA, was estimated at 14.9 ng/mL. Further analysis (IRMS analysis) was required to determine

the origin of the endogenous anabolic steroid. The IRMS analysis was performed under UWW approval in Rome Laboratory. The GC/C/IRMS analysis were consistent with an exogenous origin of 19-Norandrosterone. The analysis of the A Sample returned an Adverse Analytical Finding (“AAF”) for the following S1.1B Endogenous AAS/19-norandrosterone.

7. 19-norandrosterone is an Endogenous Anabolic Androgenic Steroid under class S1.1B of the 2018 Prohibited List. The exogenous origin was determined. This substance, when administered exogenously is prohibited at all times (in and out-of-competition).
8. This substance is a non-specified substance.
9. No apparent departure from the International Standard for Testing & Investigation or International Standard for Laboratories caused the Adverse Analytical Finding.
10. On 12 July 2018, the wrestler was formally charged with the commission of an anti-doping rule violation (herein after ‘ADRV’) for the Presence of 19-norandrosterone in a *Sample* provided on 10 May 2018 numbered A 4071656, in violation of Article 2.1 of the [ADR](#).
11. In an email dated 16 July 2018, the wrestler’s national federation confirmed reception of the notice on his behalf and informed that the wrestler waived his right for the opening and analysis of the B sample.
12. In this same email, the following was stated: *“Uzbekistan Wrestling Association had a strict talk with the personal coach of this athlete. This athlete lives in Karshi region (Uzbekistan) and he was always with his personal coach. During the discussion with the athlete he told that he took this substation long before the 2018 Cadet Asian Chps”*.
13. On 17 July 2018, UWW confirmed reception of this email and took note of the wrestler’s decision not to analyze the B sample. UWW also took note of the admittance of the anti-doping rules violation and informed the wrestler of the possibility to either waive a hearing and/or the submission of a written statement of defense and accept the consequences or ask that the UWW Anti-doping Panel determine what Consequences should be imposed upon him. It was also requested from the athlete to provide more information on the circumstances around the taking of the substance.
14. On 18 July 2018, the wrestler’s national federation replied that the UWW letter of 17 July had been noted and that the wrestler would not provide further comment.
15. On 23 July 2018, UWW sent a letter to the wrestler’s national federation whereby it was acknowledged that the wrestler had admitted the violation and accepted the consequences. In that letter, further information was requested about the personal coaches of Mr Nematov.
16. On 24 July 2018, the National team coach informed of the names of the personal coaches and stated that the wrestler took the substance *“under direction of his personal coaches”*.
17. On 25 July 2018, UWW sent an Acceptance of Sanction form to the wrestler (c/o his national federation) requesting a signature from him, one of his parents and his national federation.
18. On 3 August 2018, the form was received with the signature of the National team coach and the NF’s Secretary General. UWW was informed in a phone conversation with the National Federation that the Athlete’s father refused to sign and to have this form signed by his son.
19. On 7 August 2018, UWW received a letter from the Uzbek Wrestling Federation informing that the personal coaches of this athlete would undergo an investigation from the public authorities.
20. No further information was received from the athlete.

III. Applicable 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. 3.1 of the Rules provides as follows:

3.1 Burdens and Standards of Proof

UNITED WORLD WRESTLING shall have the burden of establishing that an anti-doping rule violation has occurred. The standard of proof shall be whether UNITED WORLD WRESTLING 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 Anti-Doping Rules place the burden of proof upon the *Athlete* or other *Person* alleged to have committed an antidoping rule violation to rebut a presumption or establish specified facts or circumstances, the standard of proof shall be by a balance of probability.

24. Art. 9 of the Rules provides as follows:

ARTICLE 9 AUTOMATIC DISQUALIFICATION OF INDIVIDUAL RESULTS

An anti-doping rule violation in Individual Sports in connection with an In- Competition test automatically leads to Disqualification of the result obtained in that Competition with all resulting Consequences, including forfeiture of any medals, points and prizes.

25. 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.

26. 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.

IV. Discussion

27. All documents and submissions were carefully reviewed by the panel and the following considerations were made.
28. Considering the analysis result of the sample collected on the athlete and the fact that he waived his right to the analysis of the B sample, thereby accepting this result, this panel is comfortably satisfied with the establishment of the anti-doping rules violation, namely the presence of a prohibited substance in an athlete's sample.
29. The athlete admitted the use of the substance. He refused to provide further details about the circumstances of the taking of the substances, the exact name of the substance, its route of administration, whether he knew what the consequences of using the substance would be or any other information about his coaches.
30. Considering the poor information provided on the circumstances around of this act of doping, this panel does not see any element that could be considered for the reduction of the sanction.

V. Decision

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

- I. Is found to have committed an anti-doping rules violation, namely article 2.1 of the Rules;
- II. Is imposed a period of ineligibility of four (4) years, starting from 16 July 2018 until 15 July 2022 included.
- III. The results obtained in the Asian Championship Cadet are disqualified. With this disqualification, the ranking must be modified accordingly, and the place earned for the Youth Olympic Games 2018 is to be reallocated in accordance with the 2018 qualifying system for Wrestling.
- IV. The Uzbek Wrestling Federation is imposed a fine of 20'000 Swiss Francs.

VI. Status during ineligibility

In order to understand the athlete's 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, the athlete 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.

VII. 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).

This decision is to be notified to the Athlete c/o his National Federation.

Corsier-sur-Vevey, 25 August 2018



Dr. iur. Daniel Wozniak



Dr. Milica Vukašinović-Vesić, PhD



Ms Carla Morais