

WORLD RUGBY

IN THE MATTER OF AN ALLEGED ANTI-DOPING RULE VIOLATION BY ADRIAN GABRIEL CHIPER CONTRARY TO WORLD RUGBY REGULATION 21 BEFORE A JUDICIAL COMMITTEE

Judicial Committee

Joseph de Pencier (Chair)	Canada
Dr. Stephen Targett	New Zealand
Dr. Ismail Jakoet	South Africa

DECISION OF THE JUDICIAL COMMITTEE

1. This is a decision made under World Rugby's Regulation 21 (as updated to 18 May 2015), the federation's Anti-Doping Regulation ("Regulation"). We find that Adrian Gabriel Chiper ("Player") committed an anti-doping rule violation and is to be sanctioned to four (4) years ineligibility.

Introduction

2. World Rugby alleged that the Player committed an anti-doping rule violation ("ADRV").
3. According to Regulation 21.7.10.2 of the Regulation, a panel of the Judicial Committee ("JC") was appointed to consider the Player's case.

Background

4. The Player was a front-row forward with the Romanian Senior National Representative Squad. For the 2017/2018 season he was professionally contracted to the rugby section of Dinamo Bucuresti, one of Romania's largest sporting clubs competing across a number of disciplines with their rugby team in the Super Liga.
5. On November 10, 2017, the Player was sent a Notice by World Rugby of a possible ADRV through the Federatia Romana de Rugby ("Union").
6. As the Notice set out, on 18 October 2017, the Player provided a urine Sample, in Bucharest, Romania as part of World Rugby's Out of Competition testing

programme.¹ The Sample, code number 6304986, was collected and sealed by an authorised Doping Control Officer from the National Anti-Doping Agency of Romania in accordance with the International Standard for Testing and Investigations and was split into A and B Samples. The Player signed a Doping Control form acknowledging the collection of the Samples. The Player noted on his Doping Control Form that he was taking “Augmenti; Zinin; Proteine; Tribulus; Glutamine; Amino Acizi” [sic]. He had no comments on the collection process.

7. The A and B Samples were transported to the World Anti-Doping Agency (“WADA”) accredited laboratory at the Institute of Biochemistry - German Sport University Cologne, Germany. The Laboratory analysed the A Sample in accordance with the procedures set out in WADA’s International Standard for Laboratories against the current WADA Prohibited List. The analysis returned an Adverse Analytical Finding for 19-norandrosterone at a concentration higher than 15ng/mL. The Player was provided with a copy of the laboratory analysis report.
8. 19-norandrosterone is classified in category S1.1b Endogenous Androgenic Anabolic Steroids on WADA’s 2017 List of Prohibited Substances. This Prohibited Substance is not a “Specified Substance.”
9. According to World Rugby’s records, the Player did not have a Therapeutic Use Exemption (“TUE”) approving use of this Prohibited Substance to treat a legitimate medical condition. World Rugby asserted the ADRV against the Player by the Notice through the Union. That Notice included a copy of the Regulations, the ADAMS report of the Adverse Analytical Finding (“AAF”) of the A Sample, the Doping Control Form and the Preliminary Review Report. The Notice advised the Player that he was provisionally suspended as of that date. It also gave the Player 14 days to request the B sample opening.
10. The AAF involves the prohibited substance 19-norandrosterone is classified in category S1.1b Endogenous Androgenic Anabolic Steroids on WADA’s 2017 List of Prohibited Substances, which appears at Schedule 2 of World Rugby’s Regulation. It is a “Non-Specified Substance” as defined by the Regulation 21.4.2.2, and prohibited both in-competition and out-of-competition.
11. The preliminary review of the case dated November 9, 2017, was performed by Emeritus Professor David Gerrard, a member of the World Rugby Anti-Doping Advisory Committee, pursuant to Regulation 21.7.2. He found that there was no apparent departure from the International Standard for Testing and Investigations and/or applicable provisions of the International Standard for Laboratories that undermines the validity of the AAF.
12. By e-mail dated November 17, 2017, the Player’s Union confirmed that the Notice and included documents had been received by the Player.
13. By e-mail dated November 27, 2017, to the Player’s Union, World Rugby advised the Player that if he did not request the B Sample opening, by December 1, 2017, he

¹ The Player was tested Out of Competition at a squad test arranged by World Rugby in Romania on 18 October 2017. Seven other players were tested at the same time, all returning negative results.

would be deemed to have waived his right to it and deemed to have accepted the A Sample analytical result. No request from the Player for the B Sample opening was received.

14. By e-mail dated December 5, 2017, to the Player's Union, World Rugby advised the Player that he was deemed to have waived the B Sample opening. That e-mail also advised the Player that he had 14 days to confirm if he wished to exercise his right to a hearing. That day, the Player replied that he did wish to have a hearing.
15. By e-mail dated December 21, 2017, to the Player's Union, World Rugby advised the Player that the JC had been appointed comprising of Mr. Joseph de Pencier (Canada)(Chair), Dr. Stephen Targett (New Zealand) and Dr. Ismail Jakoet (South Africa). It also advised that the JC would issue a directions minute in due course which will outline the proposed process.
16. On January 25, 2018, the JC issued directions for the hearing of this matter and for certain pre-hearing exchanges between the Parties.

Pre-Hearing Submissions

17. The Player provided a brief written statement on February 23, 2018, stating:

“Hello, I call Adrian Chiper and I want to tell you that I do not consider myself guilty of my positive finding. I think it is a mistake of analysis and I did not take anything forbidden only by the vitaminization offered by the club. Finally, I want to remind you that during the investigation period I did not get any money and I have nothing to live with. Than you and I hope that you make the best decision.” [sic]

18. World Rugby filed a pre-hearing Written Submission date March 16, 2018.
19. According to that Written Submission, the Player did not provide any evidence of testing of the club vitamins or of positive tests returned by other players from his club nor any witness statements or other evidence other than his own denials in support of his case.
20. On the the Prohibited Substance, the Written Submission stated:
 - a. 19-norandrosterone is a metabolite of 19-nor steroids such as Nandrolone. [Prohibited List, S1.1b Endogenous Anabolic Androgenic Steroids] 19-norandrosterone and anabolic steroids such as Nandrolone have been used to enhance performance in sport over many years and continue to be used by athletes today.
 - b. The website Steroid.com lists, inter alia, the following effects of Nandrolone which make it plain why bodybuilders and doping athletes choose the steroid:

“For the off-season athlete Nandrolone is often a staple and one of the best choices he can make. Increases in mass will not occur at a rapid rate,

and that will remain true even if using a short ester version. You're not going to gain 20-30lbs of mass in 4 weeks as you might with Oxymetholone, but you will gain quality mass and quite a bit over time, not the sloppy mass often seen in rapid acting mass builders. Strength should also increase to a degree, although this steroid isn't well known for being a strong strength promoter. For the off-season athlete he will also enjoy the recovery and therapeutic benefits that are provided. This is important as off-season training is normally the time when the heaviest weights are used. The user will also find that he should be able to gain more size with less body fat than he would without Nandrolone...

"We then find ourselves with the athlete, he's not looking to bulk or cut but needs enhanced performance nonetheless. Nandrolone is one of the best choices if not the absolute best choice when it comes to a steroid to meet this end. Very low doses of Nandrolone will provide the relief and recovery they need, and a slightly higher dose will provide this along with increased levels of muscular endurance..." [See: <https://www.steroid.com/Nandrolone.php>]

- c. 19-norandrosterone has featured in seven prior World Rugby cases decided under the previous Regulation 21 sanctioning regime, namely: World Rugby v Gargalic (28 November 2014, 2 year sanction); Van Huyssteen v IRB CAS 2014/A/3772, (2 year sanction); IRB v Parada Heit (31 October 2012, 2 year sanction); IRB v Nuñez Lasalle (1 July 2011, 15 month sanction); IRB v Chochishvili (4 July 2008, 2 year sanction); IRB v Iraj (13 March 2008, 2 year sanction). [footnotes omitted]
- d. One current case in which a four-year sanction was imposed but which is under appeal as at the present date and thus the details of which cannot be disclosed. Additionally, Nandrolone has arisen in three World Rugby cases, namely: IRB v Coetzee (31 January 2013, 2 year sanction); IRB v Chirara (8 March 2013, 2 year sanction); IRB v González (29 June 2008, 2 year sanction). In all of these cases the relevant player was unable to achieve any reduction in the applicable sanction at the relevant time. [footnotes omitted]
- e. Nandrolone (under brand name Deca-Durabolin) was at the centre of the high-profile investigations in the US with respect to baseball players Roger Clemens and Barry Bonds. It was also the drug Linford Christie (Olympic sprinter), Mohammad Asif (fast bowler, Pakistan cricket team), Starling Marte (Major League Baseballer), interim heavyweight world champion Luis Ortiz and prominent UK boxing cousins Tyson and Hughie Fury, amongst others, tested positive for. It has also been linked to apparent widespread steroid use in NCAA American football. In 2012 ESPN reported that "Jared Foster, 24, a quarterback recruited to play at the University of Mississippi, was kicked off the team in 2008 after local authorities arrested him for giving a man nandrolone, an anabolic steroid, according to court documents... He said he put on enough lean muscle to go from 185 pounds to 210 in about two months." Similarly, in 2013, the New York Times reported a player "took a pill normally prescribed for tuberculosis and had 60 ultrasound treatments to dislodge the banned substance, known as 19-norandrosterone..." It is clear that Nandrolone is a drug of choice among doped

power athletes in rugby and other disciplines.

- f. World Rugby noted that the Player was an adult aged 21 years at the material time contracted to a professional club in the Super Liga. It is noted that the Player points to vitamins as the only possible source of his Adverse Analytical Finding. In *World Rugby v Chery & Ntshiwa* (22 October 2016, 2 years) the Judicial Committee at paragraph 65 held that “the risks involved in taking supplements are well known.” Similarly, the CAS Panel in *Knauss v FIS CAS 2005/A/84726* held at paragraph 7.3.3 that “a great number of cases have become known and have been heavily discussed in the media in which athletes have pleaded that a nutritional supplement was – unbeknownst to them – contaminated. The Appellant, a professional athlete, who has competed at the highest levels for many years with great success, could not and should not have remained ignorant of these warnings.” More recently CAS, in *Sibel Özkan Konak v. International Olympic Committee (IOC) CAS 2016/A/474627* at paragraph 17, held that where an athlete pointed to so-called run-of-the-mill supplementation (in that case, whey protein) as the route of ingestion:

“- The Appellant has provided no evidence of the contamination by Stanazolol of the whey protein supplement said to be taken by her during the Beijing Olympiad; the Paper contains no evidence to that effect. - There are other supplements recorded on the relevant DCF which are likelier candidates for such contamination. - In any event warnings against use of unreliable supplements have been published for many years. - The Appellant’s own evidence reveals no due diligence, still less absence of any fault. - The use by the Appellant of “a classical doping substance for its straightforward purpose does not appear to be the most unlikely hypothesis”.”

- g. World Rugby submitted that, as set out further in these Submissions, those CAS comments are apposite in the present case also.

21. The Written Submission addressed World Rugby’s Regulation 21 and its source, the World Anti-Doping Code:

- a. Regulation 21 sets out the framework under which players can be subjected to Doping Control and the procedures for any alleged infringements of those Regulations. The Regulations adopt the mandatory provisions of the World Anti-Doping Code 2015 (“the Code”). [footnote omitted]
- b. The Regulations and the Code are based on the principles of personal responsibility and strict liability for the presence of Prohibited Substances or the use of Prohibited Methods.
- c. The Regulations were amended on 1 January 2015 in line with changes to the Code. The sanctioning regime in the Code (and accordingly, the Regulations) was revised in 2015 pursuant to a strong lobby from the sporting world (including athletes, in particular) to WADA to increase the sanctions on those who are found to have committed anti-doping rule violations.

- d. The rationale for the prescriptive sanctioning process is set out at the head of the new Code, as follows:

“The purposes of the World Anti-Doping Code and the World Anti-Doping Program which supports it are: ▪ To protect the Athletes’ fundamental right to participate in doping-free sport and thus promote health, fairness and equality for Athletes worldwide, and ▪ To ensure harmonized, coordinated and effective anti-doping programs at the international and national level with regard to detection, deterrence and prevention of doping.

“The Code

The Code is the fundamental and universal document upon which the World Anti-Doping Program in sport is based. The purpose of the Code is to advance the anti-doping effort through universal harmonization of core anti-doping elements. It is intended to be specific enough to achieve complete harmonization on issues where uniformity is required, yet general enough in other areas to permit flexibility on how agreed-upon anti-doping principles are implemented. The Code has been drafted giving consideration to the principles of proportionality and human rights.”

- e. Regulation 21.2.1 provides: “21.2.1 Presence of a Prohibited Substance or its Metabolites or Markers in a Player’s Sample 21.2.1.1 It is each Player’s personal duty to ensure that no Prohibited Substance enters his or her body. Players 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 Player’s part be demonstrated in order to establish an anti-doping rule violation under Regulation 21.2.1 (Presence). [See Comment 1]
- i. 21.2.1.2 Sufficient proof of an anti-doping rule violation under Regulation 21.2.1 is established by any of the following: presence of a Prohibited Substance or its Metabolites or Markers in the Player’s A Sample where the Player waives analysis of the B Sample and the B Sample is not analysed; or, where the Player’s B Sample is analysed and the analysis of the Player’s B Sample confirms the presence of the Prohibited Substance or its Metabolites or Markers found in the Player’s A Sample; or, where the Player’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. [See Comment 2]
 - ii. 21.2.1.3 Excepting those substances for which a quantitative threshold is specifically identified in the Prohibited List, the presence of any quantity of a Prohibited Substance or its Metabolites or Markers in a Player’s Sample shall constitute an anti-doping rule violation.
 - iii. 21.2.1.4 As an exception to the general rule of Regulation 21.2.1 (Presence), the Prohibited List or International Standards may establish

special criteria for the evaluation of Prohibited Substances that can also be produced endogenously.”

- iv. Comment 1 provides: “An anti-doping rule violation is committed under this Regulation without regard to a Player’s Fault. This rule has been referred to in various CAS decisions as “Strict Liability”. A Player’s Fault is taken into consideration in determining the Consequences of this antidoping rule violation under Regulation 21.10. This principle has consistently been upheld by CAS.”

22. The Written Submission addressed the applicable burdens and standards of proof:

- a. World Rugby has the burden of establishing that an anti-doping rule violation has occurred to the comfortable satisfaction of the hearing body (Regulation 21.3.1):

“World Rugby shall have the burden of establishing that an anti-doping rule violation has occurred. The standard of proof shall be whether World Rugby 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 Player alleged to have committed an anti-doping rule violation to rebut a presumption or establish specified facts or circumstances, the standard of proof shall be by a balance of probability. [See Comment 10]” [Comment 10: “This standard of proof required to be met by World Rugby is comparable to the standard which is applied in most countries to cases involving professional misconduct.”]

- b. World Rugby submitted that based upon the ‘A’ Sample result, the Player’s failure to request an analysis of his B Sample and in the absence of any demonstrated procedural discrepancies, World Rugby has discharged the burden of proof to the comfortable satisfaction standard that the Player has committed an anti-doping rule violation in contravention of Regulation 21.2.1, namely the presence of a Prohibited Substance (19-norandrosterone), in his Sample.

23. The Written Submission sets out extensive arguments concerning the applicable sanctions in this case. Those arguments are summarized as needed in the JC’s analysis, below.

24. In summary, the Written Submission took this position on sanctions:

“Accordingly, World Rugby submits that there are no grounds for a reduction in the applicable four-year sanction. World Rugby requests the Judicial Committee to impose a four-year period of Ineligibility in this case.”

25. World Rugby did not propose to call any other witnesses or present any other witness statements in addition to the statement of Mr David Ho [Exhibit 1] but reserved the right to produce relevant witnesses and/or witness statements if appropriate subject to any oral submissions made by the Player.

Hearing

26. The hearing was held by teleconference/video conference on May 9, 2018.
27. The hearing was attended by the Player as well as the Union's National Team Manager Iustin Ilieiu, and its Chief Medical Officer Dr Alin Popescu.
28. For World Rugby, the hearing was attended by Senior Legal Counsel Ben Rutherford, Science and Results Manager David Ho, and Testing Administrator Clive Kennington, and Claudio acting as Translator.
29. World Rugby relied largely on its Written Submission and the documents and exhibits associated with it. These included:
 - Exhibit 1 The Statement of David Ho
 - Exhibit 2 Regulation 21
 - Exhibit 3 The Player's Doping Control Form
 - Exhibit 4 The ADAMS AAF report
 - Exhibit 5 World Rugby's Preliminary Decision Letter
 - Exhibit 6 Correspondence between the Player and World Rugby
 - Exhibit 7 The World Rugby Player's Profile
 - Exhibit 9 The Player's Written Submission
 - Exhibit 10 The JC's Directions
30. The Player testified:
 - a. He agreed with the AAF and that he had committed an ADRV.
 - b. He was aware that steroids were prohibited.
 - c. He took "medication" to help with a knee injury and before a selection camp for the national team.
 - d. He Googled his knee injury to determine how to treat it.
 - e. He did not report the injury to team officials, worried that he would jeopardize his chance of selection.
 - f. He ordered the medication over the internet, not knowing that they were not permitted. He cannot recall from which site he ordered the tablets. Nor can he recall the name of the product (except that it started with "T").
 - g. He has no receipt or other record of the purchase.
 - h. He did not intend to take a prohibited substance.
 - i. He did not discuss his medication with his team mates.
 - j. He forgot to declare the "medication" on his doping control form.
 - k. Only after his sample was collected did he discuss his "medication" with his team Doctor, and did he and the Doctor do any internet research into his "medication."
 - l. He was not aware of the World Rugby or NADA Romania websites with anti-doping information.
 - m. He regretted what he had done.
 - n. He hoped that his prospects of rehabilitation would lessen any period of ineligibility.

31. World Rugby reiterated what it said in its Written Submission: based on the facts of the case as established at the hearing, the Player had committed the ADRV “intentionally” and that a four (4) year period of ineligibility should be imposed.

JC Analysis

32. World Rugby has proven the ADRV. The Player did not challenge it. Therefore, the JC’s task is to determine the appropriate consequences.
33. World Rugby argues that the underlying rationale of the Code which is implemented by Regulation 21 is to harmonise doping control regulation across sports globally and in particular the harmonisation of sanctions. Consequently, there are limited circumstances in which discretion in the area of sanctioning can be exercised. This principle continues to be necessary to ensure the harmonisation objective and consistency of sanction application across all sports is achieved. The JC agrees.

34. The relevant portion of the Regulation is:

“21.10.2 Ineligibility for Presence, Use or Attempted Use, or Possession of a Prohibited Substance or Prohibited Method The period of Ineligibility for a violation of Regulations 21.2.1 (Presence), 21.2.2 (Use or Attempted Use) or 21.2.6 (Possession) shall be as follows, subject to potential reduction or suspension pursuant to Regulations 21.10.4, 21.10.5 or 21.10.6:

21.10.2.1 The period of Ineligibility shall be four years where:

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

21.10.2.1.2 The anti-doping rule violation involves a Specified Substance and World Rugby (or the Association, Union or Tournament Organiser handling the case as applicable) can establish that the anti-doping rule violation was intentional.

21.10.2.2 If Regulation 21.10.2.1 does not apply, the period of Ineligibility shall be two years.

21.10.2.3 As used in Regulations 21.10.2 and 21.10.3, the term “intentional” is meant to identify those Players who cheat. The term therefore requires that the Player or other Person engaged in conduct which he or she knew constituted an anti-doping rule violation or knew that there was a significant risk that the conduct might constitute or result in an anti-doping rule violation and manifestly disregarded that risk. An anti-doping rule violation resulting from an Adverse Analytical Finding for a substance which is only prohibited In-Competition shall be rebuttably presumed to be not intentional if the substance is a Specified Substance and the Player can establish that the Prohibited Substance was Used Out-of-Competition. An anti-doping rule violation resulting from an Adverse Analytical Finding for a substance which is only prohibited In-Competition shall not be considered intentional if the substance is not a Specified Substance and the Player can

establish that the Prohibited Substance was Used Out-of-Competition in a context unrelated to sport performance.” [emphasis added]

35. World Rugby argues that the standard or default period of ineligibility for a presence violation for a non-Specified Substance such as 19-norandrosterone is four (4) years. The JC agrees.
36. Therefore, the question becomes whether there are grounds for reducing that period of ineligibility.
37. According to the Regulation, the onus is on the Player to establish (on the balance of probabilities) that the anti-doping rule violation (that is, the presence of the Prohibited Substance in his sample) was unintentional. If he can do so, the presumptive period of ineligibility can be reduced from four (4) to two (2) years.
38. Prior to the hearing, the Player had intimated that he sought to prove a lack of intention based on his consumption of vitamins provided by his club which he vaguely pointed to as the only possible source of the 19-norandrosterone in his system. However, at the hearing, the Player’s evidence was of the purchase of unknown tablets (a “medication”) from the internet, without proof of purchase and without consulting a doctor, without investigation as to the product’s contents, to treat a self-diagnosed knee injury that he did not disclose to team officials. There is no independent corroboration of any of this, except that he did not disclose his injury.
39. On the balance of probabilities, the JC is skeptical of the Player’s story. To self-diagnose and to self-treat a knee injury in the sport of rugby, based on advice from Google, is difficult to understand. Therefore, it is difficult to accept the Player’s version how the prohibited substance entered the Players’s system. While not absolutely essential to proving that the ADRV was unintentional, any question about the source of the prohibited substance severely undercuts the Player’s case on this point.²
40. In any event, it is hard to see how the Player’s scenario, even if fully accepted, proves that the Player did not act intentionally. Perhaps the Player might not have known his actions would constitute an ADRV. But at the very least as an experienced sportsman who knew steroids were prohibited, the risk of an AAF in the circumstances was clear. On his own evidence, the Player manifestly disregarded it.³
41. World Rugby argues that the Player has presented no basis for a reduction of the four (4) period of ineligibility for intentional doping involving a non-Specified Substance as provided by the other provisions of the Regulation. The JC agrees. The Player has certainly not established “no fault or negligence” (Regulation 21.10.4).

² As argued in paragraph 35 of the World Rugby Written Submission, the JC accepts the CAS jurisprudence on intention in cases such as the present was helpfully summarised in the 2017 decision WADA v. EGY-NADO & Radwa Arafa Abd Elsalam CAS 2016/A/456336.

³ The Player did not specifically argue lack of anti-doping education. But as the World Rugby Written Submission noted in its paragraph 47(a), this does not fully excuse a Player’s lack of personal responsibility and in any event in this case there were obvious steps the Player could have taken to avoid a product containing a prohibited substance.

Accepting his testimony, he has no basis for establishing “no significant fault or negligence” (Regulation 21.10.5). On his own words, the Player’s fault or negligence was clearly very significant. Therefore, he cannot rely on the reason of “contaminated products” to seek a reduction (even if there was independent evidence to show contamination, which there is not) (Regulation 21.10.5.2.1). Nor was there any “substantial assistance” offered (Regulation 21.10.6) nor a “prompt admission” (Regulation 21.10.6.3).

Decision

42. The JC accepts the submissions of World Rugby in their entirety. There is no reason not to apply the standard sanction in this case for a first anti-doping rule violation.
43. The Period of Ineligibility will be four (4) years, starting from the date the Player was Provisionally Suspended (November 10, 2017) (see Regulation 21.10.11.3). Therefore, the Player will become eligible again to participate in rugby on November 10, 2021.
44. The restrictions on the Player’s status during his Period of Ineligibility are set out in Regulation 21.10.12.

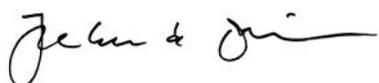
Costs

45. If World Rugby wishes the JC to exercise its discretion in relation to costs pursuant to Regulation 21.21.10, written submissions should be provided to me by 17:00 Dublin time on August 30, 2018, with any responding written submissions from the Player to be provided by no later than 17:00 Dublin time on September 7, 2018.

Review

46. This decision is final, subject to referral to a Post Hearing Review (Regulation 21.13.8) or an Appeal (Regulation 21.13.1 - .7).

August 20, 2018



Joseph de Pencier, Chair of the Judicial Committee

Cc: Dr. Stephen Targett and Dr. Ismail Jakoet