

DECISION OF THE ATHLETICS INTEGRITY UNIT IN THE CASE OF MR BENIK ABRAMYAN

INTRODUCTION

1. World Athletics has established the Athletics Integrity Unit ("**AIU**") whose role is to protect the integrity of the sport of Athletics, including fulfilling World Athletics' obligations as a Signatory to the World Anti-Doping Code ("the "**Code**"). World Athletics has delegated implementation of the World Athletics Anti-Doping Rules ("**ADR**") to the AIU, including but not limited to the following activities in relation to International-Level Athletes: Testing, Investigations, Results Management, Hearings, Sanctions and Appeals.
2. Mr Benik Abramyan ("the **Athlete**") is a 37-year-old discus/shot athlete from Georgia¹.
3. This matter constitutes the Athlete's second Anti-Doping Rule Violation; the Athlete has previously been found to have committed an Anti-Doping Rule Violation based on the presence of Mesterolone and Methandienone in a Sample collected on 11 August 2011 and was issued with a period of Ineligibility of two (2) years from 31 August 2011 to 30 August 2013 as a result.
4. This decision is issued by the AIU pursuant to Rule 8.5.6 ADR, which provides as follows:

"8.5.6 In the event that the Athlete or other Person either (i) admits the violation and accepts the proposed Consequences or (ii) is deemed to have admitted the violation and accepted the Consequences as per Rule 8.5.2(f), the Integrity Unit will promptly:

- (a) issue a decision confirming the commission of the violation(s) and the imposition of the specified Consequences (including, if applicable, a justification for why the maximum potential sanction was not imposed);*
- (b) Publicly Report that decision in accordance with Rule 14;*
- (c) send a copy of the decision to the Athlete or other Person and to any other party that has a right, further to Rule 13, to appeal the decision (and any such party may, within 15 days of receipt, request a copy of the full case file pertaining to the decision)."*

THE ATHLETE'S COMMISSION OF A SECOND ANTI-DOPING RULE VIOLATION

5. Rule 2 ADR sets out that the following shall constitute an Anti-Doping Rule Violation pursuant to the ADR:

"2.1 Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample"

¹ <https://worldathletics.org/athletes/georgia/benik-abrahamyan-14191348>

6. On 31 July 2021, the Athlete provided a urine Sample Out-of-Competition in Tokyo, Japan, which was given code 3751788 (the "Sample"), pursuant to Testing conducted by the International Testing Agency ("ITA") on behalf of the International Olympic Committee ("IOC") in accordance with the IOC Anti-Doping Rules applicable to the Games of the XXXII Olympiad Tokyo 2020 (as of March 2021) ("the IOC ADR").
7. On 2 August 2021, the World Anti-Doping Agency ("WADA") accredited laboratory in Tokyo, Japan (the "Tokyo Laboratory") reported that analysis of the Sample had revealed the presence of the following ("the Adverse Analytical Finding")
 - 7.1. Metabolites of Metandienone, specifically:
 - (a) Epimetendiol at an estimated concentration of 1.4ng/mL;
 - (b) 17 β -hydroxymethyl,17 α -methyl-18-nor-androst-1,4,13-trien-3-one at an estimated concentration of 28ng/mL; and
 - (c) 17 α -methyl-5 β -androstane-3 α ,17 β -diol) at an estimated concentration of 1.6ng/mL; and
 - 7.2. Dehydrochloromethyl-testosterone ("DHCMT") commonly known as "Oral Turinabol" at an estimated concentration of 25ng/mL and its Metabolite, 6 β -hydroxy-4-chlorodehydromethyltestosterone, at an estimated concentration of 3ng/mL; and
 - 7.3. a Metabolite of Tamoxifen, specifically 3-hydroxy-4-methoxytamoxifen, at an estimated concentration of 0.6ng/mL.
8. The ITA reviewed the Adverse Analytical Finding in accordance with Article 5 of the International Standard for Results Management ("ISRM") and determined that:
 - 8.1. The Athlete did not have a Therapeutic Use Exemption ("TUE") that had been granted (or that would be granted) for the Metabolites of Metandienone, the DHCMT and its Metabolite or the Metabolite of Tamoxifen that were detected in the Sample; and
 - 8.2. there was no apparent departure from the International Standard for Testing and Investigations ("ISTI") or from the International Standard for Laboratories ("ISL") that could reasonably have caused the Adverse Analytical Finding.
9. Therefore, on 3 August 2021, the ITA notified the Athlete of the following:
 - 9.1. the Adverse Analytical Finding;
 - 9.2. the fact that the Adverse Analytical Finding may result in Anti-Doping Rule Violations pursuant to Article 2.1 and/or Article 2.2 of the IOC ADR ("the ADRVs");
 - 9.3. an immediate mandatory Provisional Suspension from the Olympic Games; and
 - 9.4. the right to request the B Sample analysis of the Sample by 14:00 Tokyo time on 3 August 2021; or

- 9.5. the right to an expedited final hearing to determine the Consequences in relation to the Olympic Games.
10. The Athlete failed to request the analysis of the B Sample by the deadline specified by the ITA.
11. In addition, following an application filed by the ITA (on behalf of the IOC) with the Court of Arbitration for Sport Anti-Doping Division (“**CAS ADD**”) on 3 August 2021 requesting confirmation of the Provisional Suspension imposed upon the Athlete, the Athlete failed to challenge the imposition of the Provisional Suspension, to request a hearing before the CAS ADD or to file any submissions. Notwithstanding the Athlete’s failure to request a hearing in relation to the Provisional Suspension, the sole arbitrator of the CAS ADD convened the parties to a hearing on 3 August 2021 but the Athlete failed to appear.
12. Therefore, on 3 August 2021, the CAS ADD issued its operative decision in relation to the Provisional Suspension imposed upon the Athlete followed by a full reasoned award on 6 August 2021.
13. Further on 6 August 2021, the IOC filed its application with respect to the ADRVs with the CAS and, on 23 August 2021, the Athlete was granted a 15-day deadline to submit an Answer to the IOC application.
14. On 10 August 2021, the AIU issued the Athlete with its own Notice of Provisional Suspension² and Public Disclosure based on the Adverse Analytical Finding (in respect of the Athlete’s Provisional Suspension beyond the Olympic Games). The AIU’s letter informed the Athlete, *inter alia*, that (a) the Adverse Analytical Finding was being brought forward by the ITA as an apparent Anti-Doping Rule Violation under Article 2.1 and/or Article 2.2 of the IOC ADR, which was responsible (in accordance with Article 7.1.1 of the IOC ADR) for determining, on behalf of the IOC (i) whether an Anti-Doping Rule Violation had been committed and (ii) the applicable Consequences related to the Olympic Games; and (b) that, following the determination of the above matters, the ITA would refer the determination of (further) Consequences for any Anti-Doping Rule Violations beyond the Olympic Games to the AIU on behalf of World Athletics (if applicable).
15. On 20 August 2021, the Athlete responded to the AIU letter of 10 August 2021 stating that he admitted the ADRVs and (although none had been specified by the AIU at that time) accepted the asserted period of Ineligibility.
16. On 3 September 2021, the Athlete sent an e-mail to the CAS ADD informing that he (i) admitted the ADRVs, (ii) did not challenge the Provisional Suspension and (iii) would not request a hearing.

² The notice afforded the Athlete a period of seven (7) days within which to make written submissions to the AIU within the context of a Provisional Hearing if he considered that there were grounds to lift the Provisional Suspension imposed. The Athlete made no submission by that deadline.

17. On 2 August 2022, the CAS ADD provided the AIU with a copy of the Award issued by a Sole Arbitrator dated 17 June 2022 in relation to the ADRVs and the imposition of Consequences under the IOC ADR (“the **CAS Award**”). The CAS Award ruled that the Athlete had committed an Anti-Doping Rule Violation pursuant to Article 2.1 of the IOC ADR.
18. No appeal was filed against the CAS Award within the applicable deadline.
19. Therefore, on 22 August 2022, the AIU issued the Athlete with a Notice of Charge in accordance with Rule 8.5.1 ADR and Article 7.1 ISRM confirming that, by reason of the CAS Award, he had been found to have committed a second Anti-Doping Rule Violation under Rule 2.1 ADR, which warranted a period of Ineligibility of eight (8) years pursuant to Rule 10.9.1(a) ADR (“the **Charge**”). The AIU invited the Athlete to respond to the Charge confirming how he wished to proceed with the determination of the Consequences by no later than 29 August 2022³.
20. On 29 August 2022, the AIU received an Acceptance of Consequences Form signed by the Athlete.

CONSEQUENCES

21. The Anti-Doping Rule Violation pursuant to Rule 2.1 ADR is the Athlete’s second Anti-Doping Rule Violation pursuant to Rule 10.9.3(a) ADR.
22. Rule 10.9.1(a) ADR specifies that the period of Ineligibility for an Anti-Doping Rule Violation that is a second Anti-Doping Rule Violation shall be as follows:

“10.9.1 Second or third anti-doping rule violation:

- (a) *For an Athlete of other Person’s second anti-doping rule violation, the period of Ineligibility will be the greater of:*
- (i) *a six month period of Ineligibility; or*
- (ii) *a period of Ineligibility in the range between:*
- (aa) *the sum of the period of Ineligibility imposed for the first anti-doping rule violation plus the period of Ineligibility applicable to the second anti-doping rule violation treated as if it were a first violation; and*
- (bb) *twice the period of Ineligibility otherwise applicable to the second anti-doping rule violation treated as if it were a first violation.*

23. The period of Ineligibility imposed for the Athlete’s first Anti-Doping Rule Violation was a period of two (2) years.

³ The AIU informed the Athlete that he had until 29 August 2022 (and in any event until no later than 11 September 2022) to sign and return an Acceptance of Consequences Form (enclosed with the Notice of Charge) to benefit from an automatic one (1)-year reduction in the eight (8)-year period of Ineligibility pursuant to Rule 10.8.1 ADR and that, if he failed to do so by that date, he would be deemed to have accepted the Consequences set out in the Charge, and the AIU would then issue a final decision in his case.

24. For the second Anti-Doping Rule Violation, although Tamoxifen is a Specified Substance, Metandienone and DHCMT are Non-Specified Substances prohibited at all times. Rule 10.2.1(a) is therefore engaged and the applicable period of Ineligibility is four (4) years, unless the Athlete can demonstrate that the second violation was not intentional.
25. The Athlete has not demonstrated that the second Anti-Doping Rule Violation was not intentional. Therefore, the mandatory period of Ineligibility for the second Anti-Doping Rule Violation (treated as if it were a first violation) is a period of Ineligibility of four (4) years.
26. In accordance with Rule 10.9.1(a), the period of Ineligibility to be imposed for the Athlete's second Anti-Doping Rule Violation is therefore a period in the range of between six (6) and eight (8) years, to be determined based on the entirety of the circumstances and the Athlete's degree of Fault for the second violation.
27. The AIU considers the circumstances of the Athlete's second Anti-Doping Rule Violation to be sufficiently serious to justify the maximum period of Ineligibility of eight (8) years being imposed. In particular, the Adverse Analytical Finding provides evidence that the Athlete used multiple Prohibited Substances that are potent anabolic agents as part of a sophisticated doping programme⁴ targeted at the Olympic Games.
28. However, Rule 10.8.1 ADR provides that an athlete potentially subject to an asserted period of Ineligibility of four (4) years or more may benefit from a one (1)-year reduction in the period of Ineligibility based on an early admission and acceptance of sanction:
- “10.8.1 One year reduction for certain anti-doping rule violations based on early admission and acceptance of sanction.*
- Where the Integrity Unit notifies an Athlete or other Person of an anti-doping rule violation charge that carries an asserted period of Ineligibility of four (4) or more years (including any period of Ineligibility asserted under Rule 10.4), if the Athlete or other Person admits the violation and accepts the asserted period of Ineligibility no later than 20 days after receiving the Notice of Charge, the Athlete or other Person may receive a one (1) year reduction in the period of Ineligibility asserted by the Integrity Unit. Where the Athlete or other Person receives the one (1) year reduction in the asserted period of Ineligibility under this Rule 10.8.1, no further reduction in the asserted period of Ineligibility will be allowed under any other Rule.”*
29. The Charge, asserting a period of Ineligibility of eight (8) years, was issued to the Athlete on 22 August 2022 and, on 29 August 2022, the AIU received an Acceptance of Consequences Form signed by the Athlete in which the Athlete accepted that asserted period of Ineligibility.
30. The Athlete shall therefore receive a one (1) year reduction in the asserted period of Ineligibility pursuant to Rule 10.8.1 based on an early acceptance of sanction.

⁴ It is widely known that Tamoxifen is used typically as post-cycle therapy (PCT) following sophisticated steroid use for several reasons, including to help prevent gynecomastia, to reduce water retention and to increase testosterone levels by blocking the effects of oestrogen in the body leading to increased muscle mass and strength.

31. On the basis that the Athlete has been found by the CAS ADD to have committed an Anti-Doping Rule Violation under Rule 2.1 IOC ADR, the Athlete has committed a second Anti-Doping Rule Violation under the ADR. In accordance with Rule 10.9.1(a) ADR and the application of Rule 10.8.1 ADR, the AIU accordingly confirms by this decision the following Consequences for a second Anti-Doping Rule Violation under the ADR:

31.1. a period of Ineligibility of seven (7) years commencing on 3 August 2021 (the date of Provisional Suspension imposed by the ITA pursuant to the IOC ADR); and

31.2. disqualification of the Athlete's results on and since 31 July 2021, with all resulting Consequences, including the forfeiture of any titles, awards, medals, points prizes and appearance money.

32. The Athlete has accepted the above Consequences for his second Anti-Doping Rule Violation and has expressly waived his right to have those Consequences determined by the Disciplinary Tribunal at a hearing.

PUBLICATION

33. In accordance with Rule 8.5.6(b) ADR, the AIU shall publicly report this decision on the AIU's website.

RIGHTS OF APPEAL

34. This decision constitutes the final decision of the AIU pursuant to Rule 8.5.6 ADR.

35. Further to Rule 13.2.3 ADR, WADA and the Georgia Anti-Doping Agency have a right of appeal against this decision to the Court of Arbitration for Sport in Lausanne, Switzerland, in accordance with the procedure set out at Rule 13.6.1 ADR.

36. If an appeal is filed against this decision by WADA or the Georgia Anti-Doping Agency, the Athlete will be entitled to exercise his right of cross-appeal in accordance with Rule 13.2.4 ADR.

Monaco, 8 September 2022