



International Paralympic Committee  
Anti-Doping Committee

In the matter of:

INTERNATIONAL PARALYMPIC COMMITTEE  
(the *Applicant*)

Versus

MR VIRENDER  
(the *Respondent*)

The case is heard in front of the Panel comprised of:

Dr. José A. Pascual, Spain, Chairperson IPC Anti-Doping Committee  
(Chairperson)

Mr. Joseph de Pencier, Canada, Member IPC Anti-Doping Committee

Dr. Matthias Strupler, Switzerland, Member IPC Anti-Doping Committee

(hereafter the Hearing Panel)

Hearing on 28 January 2011 at 12:00 via teleconference.

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## Parties

1. The International Paralympic Committee (IPC), the Applicant, is the global governing body of the Paralympic Movement and, in particular, of the Paralympic Games. In addition, the IPC is the International Federation of several sports, including IPC Powerlifting. The IPC holds registered offices in Bonn, Germany.
2. Mr. Virender, the Respondent, is an Indian athlete in the sport of IPC Powerlifting, participating in the 2010 Asian Para Games.

## Communication

3. In accordance with Article 14.1 of the IPC Anti-Doping Code 2009 (the Code), the Respondent (and other persons) shall be notified by the IPC through the relevant National Paralympic Committee (NPC).

## Background

4. The Asian Paralympic Committee (APC) is the event organizer. In accordance with the provisions set forth in the 2010 Asian Para Games Doping Control Guide, the IPC is responsible for the 2010 Asian Para Games Anti-Doping Programme (art 1).
5. On 14 December 2010, the Respondent was subject of an out-of-competition test at the 2010 Asian Para Games in Guangzhou, China.
6. The Athlete provided a sample (sample number 1928956) (the *Sample*) and signed the doping control form without adverse comment. By doing so, the Respondent indicated that he was satisfied with the sample collection procedures that had been followed in conducting the test. The Sample was sent for analysis to the WADA accredited Laboratory 'National Anti-Doping Laboratory' (the *Laboratory*) in Beijing, China.
7. On 17 December 2010, the Laboratory reported an adverse analytical finding for methandienone metabolites (Epimetendiol and 17 $\beta$ -Hydroxymethyl-17 $\alpha$ -methyl-18-norandrost-1,4,13-trien-3-one) and 19-norandrostenedione. Both substances are classified as S1.1.a Exogenous Anabolic Androgenic Steroids (AAS) in the World Anti-Doping Agency (WADA) 2010 Prohibited List (the *Prohibited List*) and are prohibited at all times (both in- and out-of-competition). The laboratory also reported the finding of 19-norandrosterone >25 ng/mL (metabolite of 19-norandrostenedione), above the threshold of 2 ng/mL.



8. The initial review by the IPC determined that there was no applicable Therapeutic Use Exemption (TUE) for this substance, and that there was no departure from the International Standard for Laboratories or International Standard for Testing that caused the adverse analytical finding.
9. Accordingly, on 18 December 2010, the IPC notified the Athlete via the NPC of India of the adverse analytical finding in accordance with Article 7.2 of the IPC Anti-Doping Code 2009 (the *Code*). The Respondent was advised that he was provisionally suspended from the date of notification and that the normal consequences of such an anti-doping rule violation would be:
  - the automatic disqualification of the competing results in connection with an in-competition test, including forfeiture of any medals, points and prizes obtained on the date of sample collection (14 December 2010);
  - the disqualification of all competing results including forfeiture of all competing results including forfeiture of any medals, points and prizes obtained subsequent to the sample collection date; and
  - in application of Article 10.6 “Aggravating Circumstances Which May Increase the Period of Ineligibility a two year period of ineligibility”, a four year ineligibility period.The respondent was also advised of his rights, including to request the B sample analysis and the laboratory documentation package.
10. Additionally, the Respondent is informed that Article 10.6 of the Code (‘Aggravating Circumstances’) would not be applied and therefore the period of ineligibility would be reduced to two year, if ‘... the Athlete or other Person can prove to the comfortable satisfaction of the hearing body that he or she did not knowingly commit the Anti-Doping Rule Violation. And that an Athlete or other Person can avoid the application of this Article by admitting the Anti-Doping Rule Violation as asserted promptly after being confronted with the Anti Doping Rule Violation by an Anti-Doping Organization.
11. The notification letter enclosed a letter “Letter of Decision” for the Respondent to complete and return to IPC by no later than 18:00 on 18 December 2010.
12. The Respondent returned the Letter of Decision to the IPC in timely fashion. In the letter, the Athlete signed that:



- he did not have a TUE granted for the prohibited substances in question;
  - he accepted a provisional suspension starting on the date of the notification of an adverse analytical finding (18 December 2010);
  - he accepted the results of the A sample analysis;
  - he expressly waived the right to request the B sample analysis; and
  - he accepted to have committed an anti-doping rule violation in accordance with Article 2.1 of the Code.
13. The Respondent also accepted an ineligibility period of two years, subject to the Hearing body comfortably satisfied that he did not knowingly commit the Anti-Doping Rule Violation (Article 10.6).
14. The Respondent submitted an additional letter which reads: *"I, the undersigned is the Indian Para Powerlifter, participating in the 100 kg Class at the Asian Para Games 2010 and ranked 6<sup>th</sup>, took Dyanabol Tabs in the month of April, without knowledge of Indian Para Powerlifting Team Coach. I apologies that I had committed the mistake, I myself is responsible for that, but promise that in future such mistake will not repeated in my life at any cost unless I may be banned from participating in the Para Sports for life."*
15. Upon receipt of the Letter of Decision, the IPC invited the Respondent in writing to a Hearing to consider his additional submission (Respondent letter of 18 December 2010) in accordance with Article 10.6 of the Code.
16. On 13 January 2011, the IPC followed up with an official invitation to the Hearing scheduled on 28 January 2011 via teleconference , and requested the Respondent to submit any relevant reasoning to the case in writing to the IPC by no later than 25 January 2011.
17. At date of 25 January 2011 no additional information has been received from the Respondent.

### **The Hearing**

18. On 28 January 2011 the Hearing on this case occurred via teleconference. The Hearing Panel was convened in accordance with Article 8.1 of the Code and accordingly has jurisdiction to decide on the matter of alleged anti-doping rule violation of the Respondent. The Hearing was audio taped for evidential purposes.
19. The IPC was represented in the case by:



dr. Peter Van de Vliet, IPC Medical & Scientific Director  
Ms. Lydia Grecova, IPC Anti-Doping Administration Manager  
Ms. Emilie Jones, IPC's Legal Counsel

20. Attending the hearing on behalf of the Respondent were  
Mr. Virender, the Respondent  
Mr. Vijay Munishvar, Team Coach Para Powerlifting NPC India
21. Ms. Athena Charitaki, IPC Powerlifting, Shooting and Wheelchair Dance Sport Manager, attended the Hearing as representative of IPC Powerlifting.
22. The following outline of the parties' positions is illustrative only and does not necessarily comprise every contention put forward by the parties. The Hearing Panel has carefully considered all the submissions made by the parties, even if there is no specific reference to those submissions in the following summary.
23. The Applicant's case is that the Respondent constituted a violation of Article 2.1 of the Code and that Article 10.6 of the Code ('Aggravating Circumstances') applies because multiple prohibited substances have been reported by the Laboratory.
24. The Hearing Panel is in view that the use of Dianabol as disclosed by the Respondent in his letter of 18 December (as used in April 2010), does not explain any of the multiple adverse analytical findings in the sample collected in December. In any case accepting the recent use of Dianabol would only explain the finding of methandienone metabolites but not the presence of 19-norandrostenedione. The Hearing Panel asked the Respondent to admit the use of all substances used for them to consider avoiding the application of Article 10.6. In response, the Respondent admitted the use of Dianabol as well as the use of caffeine before the Competition. The Respondent cannot explain the presence of 19-norandrostenedione, a substance not known to him.
25. The Respondent further apologized for his mistake and promises not to repeat this mistake in future.

### **Legal Analysis**

26. As a member of the NPC India and a registered competitor in the 2010 Asian Para Games the Code applies to the Athlete.



27. The principle of strict liability applies to anti-doping matters. Athletes are primarily responsible for what is found in their system. The detection of a prohibited substance by a WADA accredited laboratory in an athlete's sample will ordinarily constitute grounds for the finding of an anti-doping rule violation, unless the athlete can establish good reason why the detection of the substance would not constitute such a violation.
28. 19-norandrostenedione at the reported concentration, and the methandienone metabolites found in the Respondent's sample are substances under S1.1.a AAS on the WADA 2010 Prohibited List and prohibited both in-and out-of-competition.
29. The Respondent admitted the anti-doping rule violation in the Letter of Decision and repeated this in the Hearing. Additionally, he admitted the use of Dianabol (containing methandienone) prior to the competition. Consequently, the present case constitutes an anti-doping rule violation under Article 2.1 of the Code.
30. Because multiple adverse analytical findings were reported, Article 10.6 of the Code applies. This may result in a sanction of up to 4 years ineligibility. The Respondent could avoid the application of this Article by admitting the anti-doping rule violation as asserted promptly after being confronted with the findings. The Respondent admitted the use of Dianabol (containing methandienone) but denied or is not aware of the use of 19-norandrostenedione. Consequently, the present findings are considered aggravating circumstances as set forth in Article 10.6 of the Code.
31. The Panel however is in view that the prompt admission should be considered when evaluating a possible increase of the period of ineligibility between two and four years.
32. The Hearing Panel is further of the opinion that the acceptance of an anti-doping rule violation upon receipt of the Notification is a timely admission of the anti-doping rule violation in accordance with Article 10.9.2 of the Code.

### **Recommendation to the IPC Governing Board**

33. The IPC Anti-Doping Committee recommends as follows:
  - a. Pursuant to Article 9 of the IPC Anti-Doping Code 2009, the Respondent's individual results obtained in the 2010 Asian Para Games from the date of 14 December 2010 onwards are



automatically disqualified, including forfeiture of any medals, points and prizes won;

- b. Pursuant to Article 10.2 and Article 10.6 of the IPC Anti-Doping Code 2009, a three year period of ineligibility is imposed on the Respondent.
  - c. Pursuant to Article 10.9.2 of the IPC Anti-Doping Code 2009, the Respondent is declared ineligible from 14 December 2010 until 13 December 2013;
34. The IPC Anti-Doping Committee reminds the Respondent of his status during Ineligibility as set forth in Article 10.10 of the Code.

#### **Appeal**

35. The Respondent is reminded the Appeal procedures in Article 13 of the IPC Anti-Doping Code.

Submitted to the IPC Governing Board as recommendation from the IPC Anti-Doping Committee in accordance with Article 8.5.2 of the IPC Anti-Doping Code 2009.

On 02 February 2011 the IPC Governing Board reviewed the above document and ratified the decision of the IPC Anti-Doping Committee.

A handwritten signature in black ink, appearing to read "Xavier Gonzalez", is positioned above the typed name.

Xavier Gonzalez  
Chief Executive Officer  
International Paralympic Committee

- cc. Kerwin Clarke, WADA Result Management  
Toni Pascual, Chairperson IPC Anti-Doping Committee  
Jon Amos, Chairperson STC IPC Powerlifting