



International Paralympic Committee
Anti-Doping Committee

In the matter of:

INTERNATIONAL PARALYMPIC COMMITTEE
(the *Applicant*)

Versus

Mr. Youssef Assouggane
(the *Respondent*)

International Paralympic Committee
Adenauerallee 212-214
53113 Bonn, Germany

Tel. + 49 228 2097-200
Fax.: +49-228-2097-209

E-mail: info@paralympic.org
Web: <http://www.paralympic.org>



Parties

1. The IPC 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's registered offices are in Bonn, Germany.
2. The Respondent is a Moroccan athlete in the sport of IPC Powerlifting.

Communication

3. In accordance with Article 14.1.1 of the IPC Anti-Doping Code 2009 (the *Code*), the Respondent (and other relevant persons) shall be notified of a Sample that is brought forward as an Adverse Analytical Finding by the IPC through the relevant National Paralympic Committee (NPC).

Background

4. On 18 October 2011, the Respondent competed at the IPC Khorfakkan International 3rd Championship in Khorfakkan, United Arab Emirates (UAE).
5. The Event is approved by IPC Powerlifting and the UAE Anti-Doping Organization has been identified as the Anti-Doping Organization with Result Management jurisdiction.
6. After completion of his competition, the Respondent was requested to provide a sample for doping control for an in-competition test.
7. The Respondent provided a sample (sample number 2624257) (the *Sample*) and declared the use of the following medications and substances on the form: Doliprane and Creatine.
8. The Respondent signed the doping control form (*DCF*) 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 in South Africa (South African Doping Control Laboratory, the *Laboratory*).
9. On 1 November 2011, the Laboratory reported to the IPC an adverse analytical finding for 19-norandrosterone and 19-noretiocholanolone. This substance is classified as S1B. Endogenous Anabolic Androgenic



Steroids in the World Anti-Doping Agency (WADA) 2011 Prohibited List (the *Prohibited List*) and is prohibited both in-competition and out-of-competition.

10. The UAE Anti-Doping Organization does not hold jurisdiction over the Respondent as he is not a UAE national, and deferred the case to the IPC in its position as International Federation to conduct the Result Management.
11. The initial review by the IPC determined that the Respondent did not have an 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.
12. Accordingly, on 4 November 2011, the IPC notified the Respondent via the Royal Moroccan Federation of Sports for Disabled (NPC Morocco) of the Adverse Analytical Finding in accordance with Article 7.2 of the Code. The Respondent was advised that he was provisionally suspended from the date of Notification (4 November 2011) and that unless Article 10.5 of the Code applies, the standard sanctions for a first-time violation would be:
 - automatic disqualification of any competition results in connection with an in-competition test, including forfeiture of any medals, points and prizes obtained on the date of sample collection (18 October 2011);
 - disqualification of all competition results including forfeiture of any medals, points and prizes obtained subsequent to the sample collection date;
 - an ineligibility period of two (2) years; and
 - a financial sanction of €1.500 (Article 10.11 and Chapter 1.2, Section 2, IPC Handbook ('Rules on the imposition of financial sanctions for anti-doping rule violations')).

The Respondent was also advised of his rights, including the right to request the B sample analysis and the laboratory documentation package.

13. The Notification included a form titled "Letter of Decision" for the Respondent to complete and return to the IPC by no later than 11 November 2011 at 17:00 hours CET.
14. In the Letter of Decision, the Respondent stated that he:
 - had no valid TUE justifying the presence of the Prohibited Substance found in his sample;



- accepted the A sample analysis and waived the right for the B sample analysis;
- accepted to have committed an anti-doping rule violation;
- accepted the consequences as set out in the 'Notification of an Adverse Analytical Finding'; and
- waived the right to a Hearing.

15. Upon receipt of the Letter of Decision, the Chairperson of the IPC Anti-Doping Committee decided to hold a telephone conference with the Respondent to ensure that the Respondent understood the content of the Notification and the Letter of Decision as well as the consequences of accepting that he had committed an Anti-Doping Rule Violation. This call took place on 13 December 2011.

Attending the call were:

- Dr. Toni Pascual, Chairperson IPC Anti-Doping Committee
- Ms. Vanessa Webb, IPC Anti-Doping Manager
- Mr. Youssef Assouggane, the Respondent
- Mr. Hicham Ouardi, the Respondent's interpreter
- Mr. Hamid El Aouni, the President of the Royal Moroccan Federation of Sports for Disabled

Analysis

16. The following outline of the facts and parties' positions is illustrative only and may not comprise every piece of information or submission made by the parties. The Chairperson of the IPC Anti-Doping Committee has carefully considered all the evidence and submissions provided by the parties, even if there is no specific reference in this recommendation.
17. The Respondent confirmed during the phone call that he had signed the Notification himself and that he understood the consequences. The Respondent indicated that he had not received a translated version of the Notification but that the Vice President of his Federation verbally translated the information to him in his mother tongue
18. The Respondent has no education in anti-doping matters and in particular he does not have any knowledge of his rights and the procedural steps to follow. When asked if he had taken the substance in question (anabolic steroid), the Respondent replied that he only took Creatine and Doliprane. He did not have an explanation as to how the anabolic steroid was found in his body. When asked if he knew what substance returned the Adverse Analytical Finding, the Respondent



said that he understood that it was a hormone. He reiterated that the only substances that he took were Creatine and Doliprane.

19. Dr. Pascual asked the Respondent why he accepted the commission of an Anti-Doping Rule Violation if he had not taken the substance. The Respondent replied he did not have any economic resources. When asked if he knew he waived the right to a hearing where he could have asked for a reduction of the sanction based on exceptional circumstances, the Respondent replied that he did not know that.
20. The NPC did not seem to have any knowledge of the procedural matters in anti-doping or understand the content of the Notification or Letter of Decision. Accordingly, they could not inform and advise the Respondent on how to proceed.
22. Indicative in this regard is the fact that the NPC showed its will to promptly act on the case by sanctioning the athlete on its own. However this shows its lack of understanding of the Code or the content of the Notification or Letter of Decision. Also the Respondent or the NPC were unaware of any financial sanction accompanying the ineligibility period.
23. There is a lack of understanding of the meaning of the rights described in the letter of decision by which the athlete accepted the commission of an anti-doping rule violation, which he claims he never committed. The NPC has not been able to help in making the athlete understand those rights.
24. The Chairperson of the IPC Anti-Doping Committee therefore is in view that conducting a full hearing is not recommended since the same information will be discussed.

Recommendation to the IPC Governing Board

25. The commission of the Anti-Doping Rule Violation and its consequences as described in the Notification sent to and agreed upon by the Respondent shall be upheld:
 - a. Pursuant to Article 9 of the IPC Anti-Doping Code 2009, the Respondent is automatically disqualified of any competition results in connection with an in-competition test, including forfeiture of any medals, points and prizes obtained on the date of sample collection (18 October 2011) and disqualified of all competition results



including forfeiture of any medals, points and prizes obtained subsequent to the sample collection date;

- b. Pursuant to Article 10.2 and Article 10.9 of the IPC Anti-Doping Code 2009, a two-year ineligibility period is imposed on the Respondent, starting the date of Notification (4 November 2011); and
- c. Pursuant to Article 10.11 of the IPC Anti-Doping Code 2009 and the IPC Handbook, Section 2, Chapter 1.2 ('Rules on the imposition of financial sanctions for anti-doping rule violations'), a financial sanction of €1.500 is imposed on the Respondent.

26. The Respondent shall be reminded of his status of ineligibility as set forth in Article 10.10 of the IPC Anti-Doping Code.

Appeal

27. The Respondent shall be reminded of the Appeal procedures in Article 13 of the IPC Anti-Doping Code.

Submitted to the IPC Governing Board as a recommendation from the IPC Anti-Doping Committee in accordance with Article 8.5.2 of the IPC Anti-Doping Code 2009 on 21 December 2011.

On 10 January 2012 the IPC Governing Board reviewed the above document and accepted the recommendation of the IPC Anti-Doping Committee.

A handwritten signature in black ink, appearing to be 'Xavier Gonzalez', is written over a vertical line.

Mr. Xavier Gonzalez
Chief Executive Officer
International Paralympic Committee

cc. Kerwin Clarke, WADA Results Management
Toni Pascual, Chairperson IPC Anti-Doping Committee