

International Paralympic Committee
Anti-Doping Committee

In the matter of:

INTERNATIONAL PARALYMPIC COMMITTEE
(the applicant, referred to as the *IPC*)

Versus

Mr. Shota OMARASHVILI
(the respondent, referred to as the *Athlete*)

The case is heard in front of the Hearing Body comprised of:

Dr. Toni Pascual, Chairperson of the IPC Anti-Doping Committee; and
Mr. George Tsamis, Mr. Joseph de Pencier; Members of the IPC Anti-Doping Committee
(together with the Chairperson, the *Hearing Body*)

The Hearing was conducted on 7 September 2012 at 11:00 BST in person at the IPC meeting room on the second floor of the NPC Services Centre, London 2012 Paralympic Village, London, England.

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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 Athlete is a Georgian athlete in the sport of IPC Powerlifting.

Communication

3. In accordance with Article 14.1.1 of the IPC Anti-Doping Code 2011 (the *Code*), the Athlete (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. The Athlete competed at the London 2012 Paralympic Games (the *Event*) in the sport of powerlifting in class -60 kg on 1 September 2012.
5. The IPC is the organiser of the Event and, therefore, the Major Events Organiser in accordance with the Code. From 22 August 2012 until 9 September 2012, the IPC is the competent results management authority for all samples collected in connection with the Event.
6. The London Organising Committee of the Olympic and Paralympic Games had been identified by the IPC as the authorized sample collection agency.
7. On 27 August 2012, the Athlete was requested to submit a urine sample for doping control for an out of competition test in London, England. The Athlete complied with the request and provided a urine sample (sample number 2721081) (the *Sample*) and the Athlete declared on the doping control form that he had taken "nutritional supplements, vitamins, protein, animal pack and glutamine" (in the Georgian language) during the past seven (7) days before the doping control test.
8. At the sample collection, the Athlete signed a doping control form without adverse comment and stated that he was satisfied with the procedure (in the Georgian language). By doing so, the Athlete indicated that he was satisfied with the sample



collection procedure that had been followed in conducting the test. The Sample was sent for analysis to the Drug Control Centre, the King's College Laboratory, a WADA accredited laboratory based in Harlow, England during the Event (the *Laboratory*).

9. On 5 September 2012, the Laboratory reported that “*the GC/C/IRMS results are consistent with the administration of exogenous steroids*” (the *Prohibited Substance*) in the Sample and, therefore, there was an adverse analytical finding. The Laboratory also added the following explanation of the GC/C/IRMS analysis conducted: “*The carbon isotope ratios for androsterone and etiocholanolone were significantly different (greater than 3 delta units) from that of 11-ketoetiocholanolone (endogenous reference steroid) and the carbon isotope ratios for 5 α -androstenediol and 5 -androstenediol from that of pregnanediol (endogenous reference steroid).*” The adverse analytical finding is classified as “S1b. Endogenous Anabolic Androgenic Steroids when administered exogenously” on the World Anti-Doping Code (WADC) 2012 Prohibited List (the *Prohibited List*) and is prohibited both in and out of competition.
10. The IPC conducted an initial review of the adverse analytical finding and determined that the Athlete 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.
11. On 6 September 2012 at 10:00 BST, the IPC notified the Athlete via the President of NPC Georgia of the adverse analytical finding in accordance with Article 7.2 of the Code. The Athlete was advised that he was provisionally suspended from the date of notification (6 September 2012) and that unless Articles 10.4 and 10.5 of the Code applies, the standard sanctions for a first-time violation would normally be:
 - a. 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 the Sample collection (27 August 2012);
 - b. disqualification of all competition results including forfeiture of any medals, points and prizes obtained subsequent to the date of the Sample collection (27 August 2012);
 - c. an ineligibility period of two (2) years; and



- d. a financial sanction of one thousand five hundred Euros (€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”)).
12. The Athlete was also advised of his rights, including the right to request a B sample analysis and the laboratory documentation package.
13. The notification included a form titled “Letter of Decision” for the Athlete to complete and return to the IPC by no later than 6 September 2012 at 19:00 BST at a meeting between the Athlete, a representative of NPC Georgia, the IPC Anti-Doping Manager and the Chairperson of the Anti-Doping Committee and, if the Athlete wished, a translator (the *Meeting*).
14. At the Meeting, which was held at 16:00 BST on 6 September 2012, the IPC Anti-Doping Manager and the Chairperson of the Anti-Doping Committee explained the process to the Athlete, the President of NPC Georgia and the Athlete’s coach. Mr. David Julien, member of the WADA independent observer team was also present at the Meeting. The Athlete completed and returned the signed Letter of Decision to the IPC at the Meeting. In the Letter of Decision, the Athlete stated that he admits that he has committed an Anti-Doping Rule Violation and that he accepts the consequences as set out in the “Notification of an Adverse Analytical Finding”.
15. Following the Meeting, the IPC Anti-Doping Committee decided to call the Athlete to a hearing to seek further clarity in the case and, therefore, the IPC notified the Athlete of the same via NPC Georgia on 6 September 2012.

Hearing

16. The Hearing took place on 7 September 2012 at 11:00 BST at the NPC meeting room on the second floor of the NPC Services Centre, Paralympic Village, London.
17. The IPC was represented in the case by:
Ms. Vanessa Webb, IPC Anti-Doping Manager
18. Attending the Hearing on behalf of the Athlete were:
Mr. Shota Omarashvili, the Athlete;
Mr. Zurab Khomasuridze, Team leader of NPC Georgia;
Mr. Levan Odisharia, President of NPC Georgia; and
Mr. Giorgi Bilashvili, the Athlete’s coach.



19. Ms. Emilie Jones, IPC's legal advisor, attended the Hearing and acted as counsel to the IPC.
20. Mr. Anders Solheim, member of the WADA independent observer team at the London 2012 Paralympic Games, attended as an observer.
21. Mr. Alexander Metsatunyan, a LOCOG translator, also attended the Hearing as a translator to the Hearing Body.
22. 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 Hearing Body has carefully considered all the evidence and submissions provided by the parties, even if there is no specific reference in this recommendation.
23. The IPC summarised the case to date as outlined in the Background section above.
24. The Athlete stated that he is unsure of how the Prohibited Substance entered his body, but suspects that it may have been contained in one of the nutritional supplements he used prior to the Event.
25. Following the Athlete's statement, the Hearing Body noted that the Athlete had indicated on the Letter of Decision, which was completed at the Meeting, that he admitted an anti-doping rule violation and all the consequences of such violation. The Hearing Body explained that if the Athlete wished to explain his circumstances and add any facts to his case, the Athlete should have indicated that he challenged the anti-doping rule violation and requested a hearing. The Hearing Body explained that to ensure that the Athlete fully understood the process and that there was no miscommunication when completing the Letter of Decision, the IPC Anti-Doping Committee had decided to call a hearing to seek further clarification.
26. The Athlete had purchased several nutritional products, including "animal pack" and the other substances declared on the doping control form, which may contain the Prohibited Substance (the *Products*). The *Products* were taken orally in liquid or tablet form. He had purchased the *Products* at supermarkets and pharmacies in Georgia, where the *Products* are commonly sold. All the *Products* are advertised in magazines and on TV as "legal products". The Athlete stated that he is aware that certain products contain steroids, and that such products are illegal; therefore, he purchased products which were advertised as "legal products" only.



27. When the Athlete purchased the Products, he studied the product labels and did not note any prohibited substances on the label. The Athlete did some searches on the internet to see if any of the Product ingredients were prohibited substances, but did not conduct detailed research.
28. There is no team doctor of the Georgian delegation in London at the Event. The Athlete does not have a doctor or a sports nutritionist that advises him on medications or nutrition. The Athlete has been advised by friends on what supplements to use. The Athlete stated that he did not inform his coach about the specific supplements he was taking; rather, he took the decision himself to use the supplements. He did bring the “animal pack” product with him to London, but not any of the other products declared on the doping control form.
29. The Athlete stated that the Product does enhance his performance.
30. The Athlete informed the Hearing Body that he has competed on an international level at tournaments in Georgia and Dubai in June 2011 and February 2012, but he has never been tested for doping previously. The Athlete is not aware whether there were any doping controls at those international competitions.
31. The President of NPC Georgia stated that NPC Georgia asked athletes and coaches what medicines and supplements the athletes are using, but that there is no formal process in place. NPC Georgia trusts that the athletes and coaches do not use any prohibited substances.
32. The Athlete’s coach stated that he coaches five to six athletes. He informed the Hearing Body that he always asks his athletes what supplements they are using, and that he tells them to only use legal supplements. The Hearing Body noted that this was inconsistent with the Athlete’s response as the Athlete said that he had not informed his coach of the substances he was taking.
33. The Hearing Body noted that in this particular case, the current system of NPC Georgia had not worked. NPC Georgia responded that it is working on putting in place an anti-doping program and that cases like this one highlighted the need for a more structured system.



Analysis

34. For the reasons set out below, the Hearing Body concludes that the athlete ought to be subject to a period of ineligibility of two (2) years. The period of ineligibility will start on 6 September 2012, the date of notification. In addition, the Athlete will be required to pay a financial sanction of €1,500.
35. The principle of strict liability applies to anti-doping rule violations. Article 2.1 of the Code states that it is an athlete's personal duty to ensure that no prohibited substance listed on the Prohibited List enters his or her body. An anti-doping rule violation occurs whenever a prohibited substance is found in an athlete's sample (comment to Code Article 2.1.1.).
36. The Prohibited Substance found in the Athlete's sample is classified as class "S1b. Endogenous Anabolic Androgenic Steroids when administered exogenously" in the Prohibited List and is prohibited both in-and out-of-competition.
37. The Hearing Body did not find any compelling reasons to apply article 10.5 of the Code as the Athlete failed to establish that he bears no fault or negligence or no significant fault or negligence.

Recommendation to the IPC Governing Board

38. The Hearing Body of the IPC Anti-Doping Committee recommends to the IPC Governing Board to impose a two year period of ineligibility pursuant to Article 10.2 of the Code. The period of ineligibility should start as of 6 September 2012.
39. The Hearing Body recommends to the IPC Governing Board to impose a financial sanction to €1,500 pursuant to Article 10.11 of the Code.

Submitted to the IPC Governing Board on 7 September 2012 as a recommendation from the IPC Anti-Doping Committee in accordance with Article 8.5.2 of the IPC Anti-Doping Code 2011.



On 08 September 2012 at 12:20 BST 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 read 'Xavier Gonzalez', is written over the typed name.

Mr. Xavier Gonzalez
Chief Executive Officer
International Paralympic Committee

- cc. Toni Pascual, Chairperson IPC Anti-Doping Committee
- Jon Amos, Chairperson Sport Technical Committee IPC Powerlifting
- Kerwin Clarke, WADA Results Management
- Anders Solheim, Chairperson WADA Independent Observer Team London 2012 Paralympic Games