

# UWW ANTI-DOPING PANEL

## DECISION

### Case

United World Wrestling (UWW)

v.

Mr Seyed Mostafa S. Salehizadeh (Athlete - Greco-Roman Wrestling - member of the Iranian national team)

#### Panel:

- Dr Milica Vukasinovic-Vesic
- Dr Daniel Wozniak
- Ms Carla Morais

- Prosecutor: UWW

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#### I. Introduction

1. This is the final Decision of the UWW Anti-doping panel as between UWW and Mr Seyedmostafa S. Salehizadeh relating to an Anti-Doping Rule Violation (“ADRV”) arising from the UWW Anti-Doping Rules (“the Rules”).
2. United World Wrestling (UWW) is the governing body for the sport of Wrestling. It is based in Corsier-sur-Vevey, Switzerland.
3. Mr Salehizadeh (herein after the “Athlete”) is a Greco-Roman wrestler from Iran. His competitions results include two times Asian Champion (including the Asian Championship 2018), one time Asian Champion in Juniors, and several medals in international tournaments. According to UWW’s records, the wrestler was holder of a UWW licence in 2018. According to the available records in the World Anti-doping Agency’s clearinghouse ADAMS, the test performed on this athlete on the occasion of the Asian Championship 2018 is the only one recorded in this system.
4. As a UWW licensed wrestler, he was subject to the jurisdiction of UWW and bound to comply with the Rules. Pursuant to the Rules, UWW was empowered to conduct Doping Controls, as those terms are used in the Rules, in respect of all Wrestlers subject to the jurisdiction of UWW.

#### II. Facts

5. On 28 February 2018, after finishing first in his category at the Senior Asian Championship, a *Doping Control Officer* (“DCO”) collected a urine *Sample* in-competition from the Athlete. The Sample was split into two separate bottles, which were given reference numbers 4077987.
6. Both Samples were transported to the World Anti-Doping Agency (“WADA”)-accredited Laboratory in Doha (Qatar) (the “Laboratory”). The Laboratory analyzed the A Sample in accordance with the

procedures set out in WADA's International Standard for Laboratories. On 26 April 2018, the analysis of the A Sample returned an Adverse Analytical Finding ("AAF") for the following:

*S1.1A Exogenous AAS/stanozolol metabolite 4-Hydroxy-Stanozolol, 16Beta-Hydroxy-Stanozolol.*

Stanozolol is an Exogenous Anabolic Androgenic Steroid under class S1.1A of the 2018 Prohibited List and is prohibited at all times (in and out-of-competition).

7. This substance is a *non-specified substance*.
8. According to UWW's records, no Therapeutic Use Exemption ("TUE") was granted by UWW to the athlete to justify the Presence of *Stanozolol* in his system.
9. No apparent departure from the International Standard for Testing & Investigation or International Standard for Laboratories caused the Adverse Analytical Finding.
10. On 2 May 2017, the wrestler was formally charged with the commission of an anti-doping rule violation (herein after 'ADRV') for the Presence of: Stanozolol metabolite 4-Hydroxy-Stanozolol, 16Beta-Hydroxy-Stanozolol in a *Sample* provided by the Wrestler on 28 February 2018 numbered A 4077987, in violation of Article 2.1 of the [UWW Anti-doping Rules](#) (herein after the "Rules").
11. In view that the substance is not a specified substance, a provisional suspension was imposed on the Wrestler from 7 May 2018 in accordance with article 7.9.1 of the Rules.
12. A deadline to request the opening and analysis of the B sample was set until 7 May 2018
13. On 6 May 2018, the wrestler (by letter via his National Federation) requested to have his provisional suspension lifted prior the full hearing in the matter and requested the B sample analysis and asked to be present during the procedure.
14. On 4<sup>th</sup> June, UWW informed the wrestler that his request for the lifting of his suspension was not accepted since no justification (for example a contamination) was provided for the lifting of the suspension. UWW confirmed that arrangements would be made for the B sample opening and analysis.
15. The B sample analysis took place on 4<sup>th</sup> July 2018 in presence of the wrestler, his advisor and interpreter as well as an independent third party provided by the laboratory.
16. On 9 July 2018, the laboratory reported the B sample analysis result, which confirmed the result of the A sample analysis.
17. On 11 July, UWW informed the wrestler of this result and outlined that the anti-doping rules violation was established pursuant to article 2.1.2 of the ADR. A new deadline to provide explanations and/or request a hearing was set on 26 July 2018.
18. On 27 July 2018, UWW received the athlete's statement of defense.
19. As the athlete had requested it, a hearing was held. The athlete accepted that this took place by phone conference and that, for organizational reasons, only one member of the panel would attend the hearing. This hearing took place on 22 January 2019. Minutes were drafted and sent to the Athlete on 23 January 2019. No remark was received from him in this regard.

### III. Applicable rules

20. These proceedings are conducted in application of the Rules.

21. Art. 2.1 of the Rules provides as follows:

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

2.1.1 It is each Athlete's personal duty to ensure that no Prohibited Substance enters his or her body. Athletes 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 Athlete's part be demonstrated in order to establish an anti-doping rule violation under Article 2.1.

2.1.2 Sufficient proof of an anti-doping rule violation under Article 2.1 is established by any of the following: presence of a Prohibited Substance or its Metabolites or Markers in the Athlete's A Sample where the Athlete waives analysis of the B Sample and the B Sample is not analysed; or, where the Athlete's B Sample is analysed and the analysis of the Athlete's B Sample confirms the presence of the Prohibited Substance or its Metabolites or Markers found in the Athlete's A Sample; or, where the Athlete'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.

22. Art. 9 of the Rules provides as follows:

An anti-doping rule violation in Individual Sports in connection with an In-Competition test automatically leads to Disqualification of the result obtained in that Competition with all resulting Consequences, including forfeiture of any medals, points and prizes.

23. Art. 10.2 of the Rules provides as follows :

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 Articles 2.1, 2.2 or 2.6 shall be as follows, subject to potential reduction or suspension pursuant to Articles 10.4, 10.5 or 10.6:

10.2.1 The period of Ineligibility shall be four years where:

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

10.2.1.2 The anti-doping rule violation involves a Specified Substance and United World Wrestling can establish that the anti-doping rule violation was intentional.

10.2.2 If Article 10.2.1 does not apply, the period of Ineligibility shall be two years.

24. Art. 10.4 provides as follows:

10.4 Elimination of the Period of Ineligibility where there is No Fault or Negligence

If an Athlete or other Person establishes in an individual case that he or she bears No Fault or Negligence, then the otherwise applicable period of Ineligibility shall be eliminated.

25. Art. 10.5 provides as follows:

10.5 Reduction of the Period of Ineligibility based on No Significant Fault or Negligence

[...]

10.5.1.2 Contaminated Products

In cases where the Athlete or other Person can establish No Significant Fault or Negligence and that the detected Prohibited Substance came from a Contaminated Product, then the period of Ineligibility shall be, at a minimum, a reprimand and no period of Ineligibility, and at a maximum, two years Ineligibility, depending on the Athlete's or other Person's degree of Fault.

26. Appendix I (Definitions) of the Rules provides as follows:

No Fault or Negligence: The Athlete or other Person's establishing that he or she did not know or suspect and could not reasonably have known or suspected even with the exercise of utmost caution, that he or she had Used or been administered the Prohibited Substance or Prohibited Method or otherwise violated an anti-doping rule. Except in the case of a Minor, for any violation of Article 2.1, the Athlete must also establish how the Prohibited Substance entered his or her system.

No Significant Fault or Negligence: The Athlete or other Person's establishing that his or her Fault or negligence, when viewed in the totality of the circumstances and taking into account the criteria for No Fault or negligence, was not significant in relationship to the anti-doping rule violation. Except in the case of a Minor, for any violation of Article 2.1, the Athlete must also establish how the Prohibited Substance entered his or her system.

27. Art. 12.3 of the Rules reads as follows :

12.3 If an anti-doping rule violation is committed by an Athlete during an official competition on the UNITED WORLD WRESTLING calendar, a 20.000 Swiss Francs fine will be imposed on the Athlete's National Federation.

#### IV. Discussion

28. The UWW Anti-doping panel observes that the results of the analysis of the sample provided by the Athlete establish the presence in his sample of the metabolites of a Prohibited Substance, i.e. Stanozolol.
29. The substance detected in the Athlete's sample is an anabolic steroid. It is listed in the WADA 2018 Prohibited List and is prohibited at all times. According to the prohibited list, the substance is a non-specified substance.
30. The panel is satisfied that the sample that has been analysed by the WADA accredited laboratory in Doha is unequivocally linked to the Athlete and no departure from WADA's International Standards for Laboratories occurred.
31. The panel notes that no Therapeutic Use Exemption was granted to the Athlete for the use of the substance.
32. In view of the analytical results, the Anti-doping Panel finds that an anti-doping rule violation pursuant to Art. 2.1 of the Rules consisting of the presence of a Prohibited Substance in the Athlete's body is established.
33. In his written statement of defense and during the hearing, the athlete did not deny the anti-doping rules violation (article 2.1 "*Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample*").
34. The athlete rather sought to exonerate himself from any fault and intention, thereby seeking an elimination or a reduction of the period of ineligibility, based on "No Fault or Negligence" and/or "No significant Fault or Negligence".
35. In this respect, the Athlete put forward several arguments that can be summarized as follows: the athlete has no history of doping and has always followed ethics in his activities as a sportsman; according to him, he had no interest in taking any banned substance in view of his athletic superiority in his style and category compared to his opponents on the Asian continent; he used supplements that

were verified and approved by the team doctors; according to him, the prohibited substance must have been ingested through contaminated supplements or products; he finally hazarded a guess that an opponent might have sabotaged him during a training camp.

36. On the first two arguments, the panel notes that a clean record of doping and the observance of morality and ethics principles are obviously not admissible to consider any reduction of the period of ineligibility. Similarly, the fact that the Athlete does not need any substance because of his athletic superiority does not explain the presence of the substance in his sample and is not an acceptable argument.
37. On the ingestion through a contaminated product, the panel notes that one essential element when referring to “No significant fault or negligence” is for the Athlete to establish, on a balance of probability, how the prohibited substance entered his system. In the case at hand, the Athlete supposed that his supplements were contaminated. He supported this assumption by citing Dr Georgakopoulos of the laboratory of Doha who explained that the substance might have been ingested through a contaminated product. When asked by the panel about it, Dr Georgakopoulos confirmed that he told the athlete that this could be an explanation but in no case was it the explanation. It was simply a hypothesis.
38. The Athlete also and explained that he attempted to have his supplements analysed by a laboratory (one in Tehran and another one, by a WADA accredited laboratory, but not specifically indicated by the Athlete). However due to the cost of this operation and to his limited incomes, he could not afford it.
39. In view of these elements, the panel considers that the Athlete failed to demonstrate how the prohibited substance entered his system. On this ground, it is not necessary to examine the degree of fault or negligence by the Athlete.
40. On the speculation made by the Athlete regarding a possible sabotage by an opponent, the Athlete did not bring the beginning of an evidence to support it.
41. Based on the above, the panel finds that the Athlete should be sanctioned with a period of ineligibility of four years.

## **V. Consequences**

Considering the above, pursuant to the Rules:

A. Mr Seyed Mostafa S. Salehizadeh:

- I. Is found to have committed an anti-doping rules violation, namely article 2.1 of the Rules;
- II. His results obtained at the Asian Championships are disqualified. His medal must be returned to the UWW headquarters within 30 days from the date of the decision;
- III. Is imposed a period of ineligibility of four years, from 7 May 2018 until 6 May 2022;

B. The Iranian Wrestling Federation is:

- I. Imposed a fine of 20'000 Swiss Francs.

## **VI. Status during ineligibility**

In order to understand the athlete's rights during this period of ineligibility, please refer to article 10.12 of the United World Wrestling Anti-doping rules.

During the period of Ineligibility, the athlete shall not be permitted to participate in any capacity in a Competition or other activity (other than authorized anti-doping education or rehabilitation programs) organized, convened or authorized by:

- United World Wrestling or by any body that is a member of, or affiliated to, or licensed by United World Wrestling;
- any Signatory (as that term is defined in the ADR);
- any club or other body that is a member of, or affiliated to, or licensed by, a Signatory or a signatory's member organization; or
- any professional league or any international-or national-level Event organization.

## VII. Right to Appeal

Pursuant to article 13.2.1 of the United World Wrestling Anti-doping rules, this decision may be appealed to the Court of Arbitration for Sport within 21 days after reception of the decision (please refer to the procedural rule R47 and the following of the CAS Code).

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This decision is to be notified to the Athlete c/o his National Federation.



Dr. Milica Vukašinović-Vesić, PhD



Dr. iur. Daniel Wozniak



Ms Carla Morais

Corsier-sur-Vevey, 28 January 2019