

INTERNATIONAL OLYMPIC COMMITTEE

IOC DISCIPLINARY COMMISSION

DECISION

**REGARDING NURCAN TAYLAN
BORN ON 29 OCTOBER 1983, TURKEY, ATHLETE, WEIGHTLIFTING**

(Rule 59.2.1 of the Olympic Charter)

Pursuant to the Olympic Charter and, in particular, Rule 59.2.1 thereof, and pursuant to the IOC Anti-Doping Rules applicable to the Games of the XXIX Olympiad in Beijing in 2008 (the “**Rules**”) and, in particular but without limitation, Articles 2, 5.1, 7.3.3, 8 and 9 thereof:

I. FACTS

1. Nurcan TAYLAN (hereinafter the “**Athlete**”), participated in the Games of the XXIX Olympiad, Beijing 2008 (the “**2008 Olympic Games**”).
2. On 9 August 2008, the Athlete competed in the women 48 kg weightlifting event, in which she did not finish.
3. On 2 August 2008, the Athlete was requested to provide a urine sample for a doping control. This doping control was performed at the request of the IOC. The sample collected from the Athlete was identified with the number 1845031.
4. The A-Sample 1845031 was tested during the 2008 Olympic Games by the WADA-accredited Laboratory in Beijing, but did not result in an adverse analytical finding at that time.
5. After the conclusion of the 2008 Olympic Games, all the samples collected upon the occasion of the 2008 Olympic Games were transferred to the WADA-accredited “Laboratoire suisse d’analyse du dopage” in Lausanne, Switzerland (“the **Laboratory**”) for long-term storage.
6. The IOC decided to perform further analyses on samples collected during the 2008 Olympic Games. These additional analyses were notably performed with improved analytical methods in order to possibly detect Prohibited Substances which could not be identified by the analysis performed at the time of the 2008 Olympic Games.
7. In accordance with the provisions of the applicable International Standards for Laboratories (the “**ISL**”), the IOC decided that the reanalysis process would be conducted as follows:
 - An initial analysis was to be conducted on the remains of the A-samples
 - If such initial analysis resulted in the indication of the potential presence of a Prohibited Substance or its Metabolites or Markers (“Presumptive Adverse Analytical Finding” - PAAF), the full confirmation analysis process (double confirmation) was to be conducted on the B-Sample, which would be split for the occasion into a B1- and a B2 Sample (becoming thus the equivalent of an A- and B-Sample).
8. The decision to proceed based on split B-samples was made in principle for all the re-analysis.

9. This choice was made in view of the fact that during the transfer of the samples from the Beijing laboratory to the Laboratory, the A-samples were not individually resealed nor transported in sealed containers.
10. At that time, resealing of A-Samples (or transport in sealed containers) was not a requirement pursuant to the then applicable ISL (2008).
11. However, it was felt that the option to rely on the B-Sample did constitute an additional precaution securing the strength and reliability of the analytical process.
12. A similarly precautionous approach was adopted with regard to the implementation of the analytical process and notably of its first phase (opening and splitting of the B-Sample in a B1- and B2-Sample, sealing of the B2-Sample and analysis of the B1-Sample).
13. Pursuant to the ISL, the presence of the Athlete is not a requirement for such first phase of the B-Sample analysis.
14. The IOC nevertheless decided, once again as a matter of principle, that, whenever this was practically possible, the Athlete would be offered the opportunity to attend the above described first phase of the B-sample procedure.
15. The remains of the A-Sample of the Athlete were subject to initial analysis in 2016. Such analysis resulted in a Presumptive Adverse Analytical Finding (“**PAAF**”) as it indicated the potential presence of the metabolites of a Prohibited Substance: stanozolol.
16. On 18 May 2016, the Athlete through her NOC was informed of the PAAF and of the possibility to attend the opening and splitting of the B-Sample into a B1- and B2-Sample and the analysis of the B1-Sample.
17. On 23 May 2016, the Athlete sent directly to the IOC her completed PAAF Notification Appendix, in which she indicated that she would not attend the opening, splitting of the B-Sample, the sealing of the B2-Sample and the analysis of the B1-Sample, neither personally nor through a representative.
18. On 26 May 2016, the IOC informed the Athlete that the opening and splitting of the B-Sample, the sealing of the B2-Sample and the analysis of the B1-Sample would take place on 1 June 2016 at the Laboratory in the presence of an independent witness.
19. The opening and splitting of the B-Sample, the sealing of the B2-Sample and the analysis of the B1-Sample occurred on 1 June 2016 at the Laboratory in the presence of an independent witness.
20. The Athlete did not attend the process. Neither the NOC nor the IF concerned sent a representative on this occasion.
21. The Laboratory reported the results of the analysis on 2 June 2016. They confirmed the presence in the B1-Sample of a Prohibited Substance: stanozolol.
22. Such results constitute an Adverse Analytical Finding (“**AAF**”). They were reported to the IOC in accordance with Art. 7.2.1 of the Rules.
23. Further to the verifications set forth in Art. 7.2.2 of the Rules and in application of Art. 7.2.3 of the Rules, the IOC President, Mr Thomas Bach, was informed of the existence of the AAF and the essential details available concerning the case.

24. Pursuant to Art. 7.2.4 of the Rules, the IOC President set up a Disciplinary Commission, consisting in this case of:
 - Mr Denis Oswald (Chairman, Switzerland), who is a member of the IOC Juridical Commission;
 - Mr Juan Antonio Samaranch (Spain)
 - Mrs Gunilla Lindberg (Sweden)
25. On 3 June 2016, the IOC notified the Athlete of the above-mentioned AAF and of the institution of disciplinary proceedings to be conducted by the Disciplinary Commission. The IOC also informed the Athlete of her right to request and attend the opening and analysis of the B2-Sample, either in person and/or through a representative. The IOC also informed the Athlete of her right to request a copy of the laboratory documentation package.
26. On 8 June 2016, the Athlete sent to the IOC her completed AAF Notification Appendix, in which she indicated that she did not accept the Adverse Analytical Finding. She requested the opening and analysis of the B2-Sample and a copy of the laboratory documentation package. She further indicated that she would not attend the opening and analysis of the B2-Sample neither personally nor through a representative.
27. On 10 June 2016, the IOC informed the Athlete that the opening and analysis of the B2-Sample was scheduled to occur on 14 June 2016 at the Laboratory.
28. The opening and analysis of the B2-Sample took place on 14 June 2016 at the Laboratory in the presence of an independent witness.
29. The Athlete did not attend the process, neither personally nor through a representative. The NOC and IF concerned did not send a representative on this occasion.
30. The Laboratory reported the results of the analysis on 15 June 2016. They confirmed the presence in the B2-Sample of a Prohibited Substance: stanozolol.
31. On 20 June 2016, the IOC communicated the B2-Sample results to the Athlete and invited her to indicate whether she accepted the AAF and whether she requested a copy of the B2-Sample laboratory documentation package. The Athlete was also further informed of the possibility to present her defence in writing and/or to attend the hearing of the Disciplinary Commission.
32. On 23 June 2016, the Athlete sent to the IOC her completed Disciplinary Commission Form. She indicated that she did not accept the B2-Sample Adverse Analytical Finding and that she did not request a copy of the B2-Sample laboratory package. She further indicated that she would not attend the hearing of the Disciplinary Commission and would not present a defence in writing.
33. On 1 July 2016, the IOC sent to the Athlete a copy of the B1-Sample laboratory documentation package.
34. On 5 July 2016, the IOC informed the Athlete that a decision would be issued on the basis of the file.
35. On the same day, the IOC informed the NOC and the IF that the Athlete would not attend the hearing of the Disciplinary Commission and would not present a defence in writing. The IOC further invited the NOC and the IF to submit written observations by 11 July 2016.
36. Neither the NOC nor the IF replied.

II. APPLICABLE RULES

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

“The presence of a Prohibited Substance or its Metabolites or Markers in an Athlete’s bodily Specimen.

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 bodily Specimens. 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 violation under Article 2.1.*

2.1.2 *Excepting those substances for which a quantitative reporting threshold is specifically identified in the Prohibited List, the detected presence of any quantity of a Prohibited Substance or its Metabolites or Markers in an Athlete’s Sample shall constitute an anti-doping rule violation.*

2.1.3 *As an exception to the general rule of Article 2.1, the Prohibited List may establish special criteria for the evaluation of Prohibited Substances that can also be produced endogenously.”*

38. Art. 2.2 of the Rules provides as follows:

“Use or Attempted Use of a Prohibited Substance or a Prohibited Method

2.2.1 *The success or failure of the Use of a Prohibited Substance or Prohibited Method is not material. It is sufficient that the Prohibited Substance or Prohibited Method was Used or Attempted to be Used for an anti-doping rule violation to be committed.”*

39. Art. 5.1 of the Rules provides as follows:

“The IOC is responsible for Doping Control during the Period of the Olympic Games. The IOC is entitled to delegate all or part of its responsibility for Doping Control to one or several other organisations.

The Period of the Olympic Games, or In-Competition Period, is defined as “the period commencing on the date of the opening of the Olympic village for the Olympic Games, namely, 27 July 2008 up until and including the day of the closing ceremony of the Olympic Games, namely, 24 August 2008.

All Athletes participating at the Olympic Games shall be subject, during the Period of the Olympic Games, to Doping Control initiated by the IOC at any time or place, with No Advance Notice. Such Doping Control may include Testing for all Prohibited Substances and all Prohibited Methods referred to in the Prohibited List.

The IOC shall have to right to conduct or cause to conduct Doping Control during the Period of the Olympic Games, and is responsible for the subsequent handling of such cases.”

40. Art. 7.3.3 of the Rules provides as follows:

“Notice to an Athlete or other Person who has been accredited pursuant to the request of the NOC, may be accomplished by delivery of the notice to the NOC. Notification to the Chef de Mission or the President or Secretary General of the NOC of the Athlete or other Person shall be deemed to be a delivery of notice to the NOC.”

41. Art. 8.1 of the Rules provides as follows:

“A violation of these Rules in connection with Doping Control automatically leads to Disqualification of the Athlete with all other consequences, including forfeiture of any medals, points and prizes.”

42. Art. 9.1 of the Rules provides as follows:

“An Anti-Doping Rule violation occurring during or in connection with the Olympic Games may lead to Disqualification of all of the Athlete’s results obtained in the Olympic Games with all consequences, including forfeiture of all medals, points and prizes, except as provided in Article 9.1.1.”

43. Art. 9.1.1 of the Rules provides as follows:

“If the Athlete establishes that he or she bears no Fault or Negligence for the violation, the Athlete’s results in the other Competition shall not be Disqualified unless the Athlete’s results in Competitions other than the Competition in which the anti-doping rule violation occurred were likely to have been affected by the Athlete’s anti-doping rule violation.”

44. Art. 9.3 of the Rules provides as follows:

“The management of anti-doping rule violations and the conduct of additional hearings as a consequence of hearings and decisions of the IOC, including with regard to the imposition of sanctions over and above those relating to the Olympic Games, shall be managed by the relevant International Federation”.

III. DISCUSSION

45. The analysis carried out by the Laboratory in 2016 established the presence of a Prohibited Substance in the sample 1845031 that the Athlete provided on 2 August 2008, upon the occasion of the 2008 Olympic Games.
46. The substance detected in the Athlete’s sample is an exogenous anabolic steroid. It is listed in the WADA 2008 Prohibited List and in all subsequent lists.
47. The Disciplinary Commission is satisfied that the sample which has been analysed by the Laboratory is unequivocally linked to the Athlete and that no relevant departure from the WADA International Standards occurred.
48. Based on the above, the Disciplinary Commission finds that the Athlete has committed an anti-doping rule violation pursuant to Art. 2.1 of the Rules consisting in the presence of a Prohibited Substance in her body.
49. In addition, the Disciplinary Commission finds that an anti-doping rule violation is also established if the circumstances are considered in the perspective of art. 2.2 of the Rules.
50. The Disciplinary Commission observes that the nature of the substance which was found in the Athlete’s sample is consistent with intentional use of a Prohibited Substance

specifically ingested to deliberately improve performance. The fact that the metabolite of a doping substance, which is a “classical” doping substance was found, supports this consideration.

51. In conclusion, the Disciplinary Commission finds that an anti-doping violation is established pursuant to both Art. 2.1 and Art. 2.2 of the Rules.
52. The consequences of an anti-doping rule violation under the Rules are limited to consequences in connection with the 2008 Olympic Games. They are set forth in Art. 8 and 9 of the Rules and are the following.
53. In application of Art. 8.1, (results of the 48 kg weightlifting event) and respectively 9.1 of the Rules (for all other results), all the results achieved by the Athlete during the 2008 Olympic Games shall be annulled. This includes the result that the Athlete did not finish.
54. In application of Art. 9.3 of the Rules the further management of the consequences of the anti-doping rule violations and in particular the imposition of sanctions over and above those related to the Olympic Games 2008 shall be conducted by the International Weightlifting Federation (“**IWF**”).

* * * * *

CONSIDERING the above, pursuant to the Olympic Charter and, in particular, Rule 59.2.1 thereof, and pursuant to the IOC Anti-Doping Rules applicable to the Games of the XXIX Olympiad in Beijing in 2008 and, in particular, Articles 2, 5.1, 7.3.3, 8 and 9 thereof.

THE DISCIPLINARY COMMISSION OF THE
INTERNATIONAL OLYMPIC COMMITTEE
DECIDES

- I. The Athlete, Nurcan TAYLAN:
 - (i) is found to have committed an anti-doping rule violation pursuant to the IOC Anti-Doping Rules applicable to the Games of the XXIX Olympiad in Beijing in 2008 (presence and/or use, of a Prohibited Substance or its Metabolites or Markers in an athlete's bodily specimen),
 - (ii) is disqualified from all the events in which she participated upon the occasion of the Olympic Games Beijing 2008, namely, the 48 kg weightlifting event.
- II. The IWF is requested to modify the results of the above-mentioned events accordingly and to consider any further action within its own competence.
- III. The Turkish Olympic Committee shall ensure full implementation of this decision.
- IV. This decision enters into force immediately.

Lausanne, 8 August 2016

In the name of the IOC Disciplinary Commission

Denis Oswald, Chairman

Juan Antonio Samaranch

Gunilla Lindberg