

INTERNATIONAL OLYMPIC COMMITTEE

IOC DISCIPLINARY COMMISSION

DECISION

**REGARDING TIGRAN MARTIROSYAN
BORN ON 9 JUNE 1988, ARMENIA, 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. Tigran MARTIROSYAN (hereinafter the “**Athlete**”), participated in the Games of the XXIX Olympiad in Beijing in 2008 (the “**2008 Olympic Games**”).
2. On 12 August 2008, the Athlete competed in the Men’s 69kg weightlifting event (Final) in which he ranked 3rd and for which he was awarded the bronze medal.
3. On 6 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 1844876.
4. The A-Sample 1844876 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 (the “**Lausanne Laboratory**”).
6. The A-Sample 1844876 was further transferred to the WADA-accredited Institute of Biochemistry – German Sport University Cologne, Am Sportpark Muengendorf, 50933 Köln, Germany (the “**Cologne Laboratory**”) in February 2009 for further analysis.
7. Such analysis, which was for specific substances, did not result in an adverse analytical finding at the time. The A-Sample 1844876 was then kept in the Cologne Laboratory for long-term storage.
8. The corresponding B-Sample was kept in the Lausanne Laboratory for long-term storage.
9. 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 using more sensitive equipment and/or searching for new metabolites in order to possibly detect Prohibited Substances which were not identified by the analysis performed at the time of the 2008 Olympic Games.
10. 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 a A- and B-Sample).
11. The decision to proceed based on split B-samples was made in principle for all the re-analysis.
 12. 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.
 13. At that time, resealing of A-Samples (or transport in sealed containers) was not a requirement pursuant to the then applicable ISL (2008).
 14. 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.
 15. A similar cautious 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).
 16. Pursuant to the ISL, the presence of the Athlete is not a requirement for such first phase of the B-Sample analysis.
 17. The IOC nevertheless decided, 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.
 18. The remains of the A-Sample of the Athlete were subject to initial analysis by the Cologne Laboratory. Such analysis resulted in a Presumptive Adverse Analytical Finding (“**PAAF**”) as it indicated the potential presence of the metabolites of two Prohibited Substances: stanozolol and dehydrochloromethyltestosterone (turinabol).
 19. On 19 May 2016, the Athlete through his 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, the sealing of the B2-Sample and the analysis of the B1-Sample. Such process was scheduled to take place on 1 June 2016.
 20. It was decided by the IOC that the analysis of the B-Sample would also be performed by the Cologne Laboratory. The transfer of the B-Sample from the Lausanne Laboratory to the Cologne Laboratory occurred on 27 May 2016.
 21. On 19 May 2016, the NOC informed the IOC that two weightlifting athletes named Tigran Martirosyan were part of the Armenian delegation at the 2008 Olympic Games. The NOC asked the IOC to communicate the date of birth of the concerned Athlete for identification purposes.
 22. On 20 May 2016, the IOC informed the NOC that the concerned athlete was born on 9 June 1988.
 23. On 27 May 2016, the IOC informed the Athlete, through his NOC, that the opening and splitting of the B-Sample as well as the sealing of the B2-Sample and the analysis of the

B1-Sample were postponed due to the absence of reply. The Athlete was also informed that the process was rescheduled to take place on 6 June 2016 and that the process would be conducted even if no reply was received.

24. On the same day, the IOC required the NOC to confirm that the Athlete was effectively informed of the present proceedings.
25. The Athlete did not reply.
26. On 30 May 2016, the NOC confirmed to the IOC that the Athlete had been contacted and informed of the reanalysis process conducted on his sample collected during the 2008 Olympic Games.
27. On 2 June 2016, the IOC contacted the NOC by telephone. The NOC informed the IOC that the Athlete would not request the opening of his sample. The IOC requested a written confirmation signed by the Athlete.
28. In the meantime, the opening, splitting of the B-Sample, the sealing of the B2-Sample and the analysis of the B1-Sample had been postponed.
29. On 3 June 2016, the IOC received the completed PAAF Notification Appendix sent by the Athlete through his NOC in which he indicated that he 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.
30. On 15 June 2016, the IOC acknowledged receipt of the completed PAAF Notification Appendix and informed the Athlete, through his NOC, that the process was rescheduled to take place on 28 June 2016 at the Cologne Laboratory.
31. The opening and splitting of the B-Sample, as well as the B2-Sample sealing occurred on 28 June 2016 followed by the analysis of the B1-Sample.
32. As provided in the ISL, the opening and splitting was attended by an independent witness.
33. The Cologne Laboratory reported the results of the B1-Sample analysis on 29 June 2016. They confirmed the presence of the metabolites of two Prohibited Substances, namely stanozolol and dehydrochloromethyltestosterone (turinabol).
34. Such results constitute an Adverse Analytical Finding (“**AAF**”). They were reported to the IOC in accordance with Art. 7.2.1 of the Rules.
35. Further to the verifications set forth in Art. 7.2.2 of the Rules and in application of Art. 7.2.3 of Rules, the IOC President, Mr Thomas Bach, was informed of the existence of the AAF and the essential details available concerning the case.
36. 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;
 - Mrs Gunilla Lindberg (Sweden)
 - Mr Ugur Erdener (Turkey)
37. On 4 July 2016, the IOC notified the Athlete, through his NOC, 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 his right to request and attend the

opening and analysis of the B2-Sample, either in person and/or through a representative, which was scheduled to take place on 14 July 2016. He was finally informed of his right to request a copy of the laboratory documentation package.

38. On 9 July 2016, the IOC received the completed AAF Notification Appendix sent by the Athlete through his NOC in which he indicated that he accepted the Adverse Analytical Finding. He did not request the opening and analysis of the B2-Sample and informed the IOC that he would not attend the process, neither personally nor through a representative, if it was conducted. He finally did not request a copy of the laboratory documentation package.
39. On 13 July 2016, the IOC wrote to the Athlete through his NOC and acknowledged receipt of his completed AAF Notification Appendix. The Athlete was informed of his possibility to attend the hearing of the Disciplinary Commission and/or to present a defence in writing.
40. On 14 July 2016, the IOC received the completed Disciplinary Commission Form sent by the Athlete through his NOC in which he indicated that he would not attend the hearing of the Disciplinary Commission, neither personally nor through a representative, and that he would not present his defence in writing.
41. On the same day, the Athlete through his NOC was informed that the Disciplinary Commission would issue a decision on the basis of the file.
42. On the same day, the NOC and the IF were invited to submit written observations by 18 July 2016.
43. Neither the NOC nor the IF replied.

II. APPLICABLE RULES

44. 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.”*

45. 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.”*

46. 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 the 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.”

47. 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 the General Secretary of the NOC of the Athlete or other Person shall be deemed to be a delivery of notice to the NOC.”

48. 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.”

49. 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.”

50. 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.”

51. 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

52. The presence of the metabolites of two Prohibited Substances have been established in 2016 in the sample 1844876 that the Athlete provided on 6 August 2008, upon the occasion of the 2008 Olympic Games.
53. The substances detected in the Athlete's sample are both exogenous anabolic steroids. They are listed in the WADA 2008 Prohibited List and in all subsequent lists.
54. The Disciplinary Commission is satisfied that the sample which has been re-analysed by the Cologne Laboratory is unequivocally linked to the Athlete and that no relevant departure from the WADA International Standards occurred.
55. It is also noted that the Athlete accepts the Adverse Analytical Finding as indicated in his completed AAF Notification Appendix signed and dated 8 July 2016.
56. 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 two Prohibited Substances in his body.
57. 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.
58. The Disciplinary Commission observes that the nature of the substances which were 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 metabolites of doping substances, which are "classical" doping substances were found, supports this consideration.
59. 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.
60. 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.
61. In application of Art. 8.1, (results of the 69kg 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.
62. 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").

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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, Tigran MARTIROSYAN:
 - (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 the Men's 69kg weightlifting event in which he participated upon the occasion of the Olympic Games Beijing 2008,
 - (iii) has the bronze medal, the diploma and the medallist pin obtained in the Men's 69kg weightlifting event withdrawn and is ordered to return same.
- II. The IWF is requested to modify the results of the above-mentioned event accordingly and to consider any further action within its own competence.
- III. The National Olympic Committee of Armenia shall ensure full implementation of this decision.
- IV. The National Olympic Committee of Armenia shall notably secure the return to the IOC, as soon as possible, of the medal, the medallist pin and the diploma awarded in connection with the Men's 69kg weightlifting event to the Athlete.
- V. This decision enters into force immediately.

Lausanne, 29 August 2016

In the name of the IOC Disciplinary Commission



Ugur Erdener



Denis Oswald, Chairman



Gunilla Lindberg