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**The Recent CAS Decisions concerning the Olympics Rio 2016  
-Focusing on the doping cases-**



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# I . Introduction

The Five doping cases applied to the Anti-Doping Division of the Court of Arbitration for Sport ( “ CAS ADD ” ) and CAS ADD reached a verdict.

CAS ADD acknowledged that IOC revealed the presence of prohibited substances. Thus, IOC declared the Athlete 's ineligibility to further compete in the Games; the Athlete 's exclusion from the Games; the Athlete 's Accreditation be withdrawn; the Athlete 's all the resulting consequences including forfeiture of medals, prizes, and points be disqualified at the Olympic Games Rio 2016.

## II. Case Analysis



### Xinyi Chen

Personal information	
Full name	Chen Xinyi 陈欣怡
Nationality	China
Born	January 2, 1998 (age 18)
Height	1.77 m (5 ft 9 <sup>1</sup> / <sub>2</sub> in)
Weight	132 lb (60 kg)
Career	
At the 2014 Asian Games She won gold medals in the 50m freestyle 100m butterfly 4 X 100m freestyle relay	

## II. Case Analysis

### 1. CAS AD 16/05 International Olympic Committee v. Xinyi

Chen

#### (1) Summary of Fact

Xinyi Chen (the “Athlete”) is a swimming competitor and a representative of the Chinese National Olympic Committee (“NOC”). On 7 August 2016, the Athlete took part in the Women’s 100m butterfly final where she finished fourth and was due to compete in the Women’s 50m freestyle on 12 August 2016. After having finished the competition, the Athlete underwent an in-competition doping control for a urine sample accompanied by the chaperone, Zhang Xiao Yan (the “Chaperone”).

On 11 August 2016 at 13h 21, the IOC filed an application at the Anti-Doping Division of the Court of Arbitration for Sport (“CAS ADD”) seeking the enforcement of a provisional suspension with immediate effect in accordance with Article 7. 6. 2 of the IOC Anti-Doping Rules. In particular, the IOC underlined, that according to the WADA Guidelines on Results management, Hearings and Decisions it is usually recommended that the Results Management Authority(RMA) imposes a provisional suspension.

## II. Case Analysis

(2) Major issues and decisions made by the Panel

### A. Jurisdiction

Pursuant to Rule 59.2.4 of the Olympic Charter, the IOC Executive Board has delegated to the CAS ADD its power to decide upon any violation of the World Anti-Doping Code arising upon the occasion of the Olympic Games.

### B. Presence of a Prohibited substance, Departure from the International Standard for Laboratories, etc.

The Athlete undertook enormous efforts in order to find the source for the prohibited substance in her body. The Athlete preliminarily tested pharmaceutical and traditional Chinese medications she used during the weeks preceding Rio 2016 at the Federal University of the State of Rio de Janeiro.

## II. Case Analysis

### C. Comment

Even if there are reasons to give a credit to the Athlete and her Coach being good will and have other several reasons to consider on the presence of the prohibited substance in the Athlete's body, such facts neither eliminate nor diminish the Athlete's duty under the IOC ADR to ensure that no Prohibited Substance enters her body.

Therefore, the Athletes and the coaching staff members must fully understand and well-informed of the IOC Anti-Doping regulations and must be careful of the sources of the medication and supplements they take.

## II. Case Analysis

### 2. CAS OG AD 16/05 International Olympic Committee v. Klever Da Silva Ramos

#### (1) Summary of Fact

Kleber Da Silva Ramos is (the “Athlete”) is a representative of the Brazilian National Olympic committee for cycling. The Athlete took part in a Road Race on 6 August 2017 at the Olympic games Rio 2016(the “Rio Games”). On 31 July 2016, the Athlete underwent an out-of-competition doping control providing a urine sample. On 7 August 2016, IOC notified the Athlete that the sample A analysis revealed the presence in the Athlete’s body of methoxy polyethylene glycol–epoetin beta( “ CERA ” ) which is a prohibited substance. The detected substance is prohibited under S2.1 of the WADA Prohibited list.



## II. Case Analysis

### (2) Major issues and decisions made by the Panel

Regarding the issue of Jurisdiction in this case compared to the CAS OG AD 16/05 International Olympic Committee v. Xinyi Chen, has no significant difference.

In view of the above consideration, the Panel finds that the IOC has met the burden of proof required under Article 3.1 IOC ADR. The Panel finds it appropriate to impose on the Athlete the following consequences:

1. The Athlete has committed an anti-doping rule violation in accordance with Article 2.1 of the IOC Anti-Doping Rules applicable to the Olympic Games Rio 2016.
2. All results obtained by the Athlete in the Olympic Games Rio 2016 are disqualified with all consequences, including forfeiture of all medals, points, and prizes under Article 9 of the IOC ADR.
3. The Athlete is excluded from the Olympic Games Rio 2016.

## II. Case Analysis

4. The Athlete's Accreditation is withdrawn.
5. The responsibility for the Athlete's results management in terms of sanction beyond the Olympic Games Rio 2016 is referred to the UCI being the applicable International Federation.

For reference, there also exists another award other than this case made by the CAS on 20 August 2016 with the same Athlete. In the second decision, the Panel finds it appropriate to impose that the Athlete has committed an anti-doping rule violation in accordance with Article 2.1 of the IOC Anti-Doping rules applicable to the Olympic Games Rio 2016 and the responsibility for the Athlete's results management in terms of sanction beyond the Olympic Games Rio 2016 is referred to the UCI being the applicable International Federation.

## II. Case Analysis



### Izzat Artykov

Personal information	
Full name	Izzat Artykov
Nationality	Kyrgyzstan
Born	8 September 1993 (age 23)
Height	1.6 m (5 ft 3 in)
Weight	68 kg (150 lb)
Career	
At the 2016 Weightlifting Championship He won a gold medal	
At the 2016 Summer Olympics He won the bronze medal in the 69kg category	

## II. Case Analysis

### 3. CAS AD 16/07 International Olympic Committee v. Izzat

Artykov

#### (1) Summary of Fact

Mr. Izzat Artykove (the “Athlete”) is a representative of the Kyrgyzstan NOC. His sport is weightlifting. At the Olympic Games Rio 2016 (“Rios 2016”), the Athlete took part in the Men’s 69kg Weightlifting event on 9 August 2016. After his competition, the Athlete underwent an in-competition doping control for a urine sample. On 12 August 2016, the International Olympic Committee (the “IOC”) notified the Athlete through his NOC that the results of the analysis of his A sample revealed the presence of strychnine. This substance is a specified stimulant, prohibited under S2.1 of the WADA Prohibited List.

## II. Case Analysis

### (2) Major issues and decisions made by the Panel

The Panel finds it appropriate to impose on the Athlete the following consequences:

1. The Athlete has committed an anti-doping rule violation in accordance with Article 2.1 of the IOC Anti-Doping Rules applicable to the Olympic Games Rio 2016.
2. All results obtained by the Athlete in the Olympic Games Rio 2016 are disqualified with all consequences, including forfeiture of all medals, points and prizes.
3. The Athlete is excluded from the Olympic Games Rio 2016.
4. The Athlete's Accreditation is withdrawn.
5. The responsibility for the Athlete's results management in terms of sanction beyond the Olympic Games Rio 2016 is referred to the International Weightlifting Federation being the applicable International Federation.

## II. Case Analysis



### Chagnaadorj Usukhbayar

Personal information	
Full name	Chagnaadorj Usukhbayar
Nationality	Mongolia
Born	6 May 1997 (age 19)
Weight	55.36 kg (122 lb)
Career	
He participated at the 2016 Summer Olympics in the men's 56kg event. After his performance he had an IOC out-of-competition test and tested positive on exogenous testosterone.	

## II. Case Analysis

### 4. CAS AD 16/08 International Olympic Committee v. Chagnaadorj Usukhbayar

#### (1) Summary of Fact

Mr. Chagnaadorj Usukhbayar (the “Athlete”) is a representative of the Mongolian National Olympic Committee for Weightlifting. On 7 August 2016, the Athlete competed at Men’s 56kg weightlifting event at the 2016 Rio Olympic Games. On the same day, 7 August 2016, the Athlete underwent an out-of-competition doping control. On 16 August 2016, the International Olympic Committee (the “IOC”) informed the Athlete through his NOC that the results of the analysis of his A sample revealed the presence of exogenous Testosterone. This substance is prohibited under S2.1 of the WADA Prohibited List.

## II. Case Analysis

### (2) Major issues and decisions made by the Panel

. The documents adduced by the IOC establish sufficient proof, to the comfortable satisfaction of the Sole Arbitrator. The Sole Arbitrator finds it appropriate to impose on the Athlete the following consequences:

1. The Athlete committed an anti-doping rule violation in accordance with Article 2.1 of the IOC Anti-Doping Rules applicable to the Rio Games.
2. All results obtained by the Athlete in the Rio Games are disqualified with all consequences, including forfeiture of all medals, points and prizes.
3. The Athlete is excluded from the Rio Games.
4. The Athlete's Accreditation is withdrawn.
5. The responsibility for the Athlete's results management in terms of sanction beyond the Rio Games is referred to the International Weightlifting Federation being the applicable International Federation.



### III. Conclusion

The Court of Arbitration for Sport acknowledged that IOC revealed the presence of the prohibited substance. IOC sought the Athlete's ineligibility to further compete in the Games; the Athlete's exclusion from the Games; the Athlete's Accreditation be withdrawn; the Athlete's all the resulting consequences including forfeiture of medals, prizes, and points be disqualified at the Olympic Games Rio 2016.

Moreover, the responsibility for the Athlete's results management in terms of sanction beyond the Olympic Games Rio 2016 is referred to each International Sports Federation for each case.

This judgement ensured that the athletes must be well-acquainted with both directly and indirectly related rules concerning the games as well as the fact that their responsibility to follow the rules. The disputes over doping cases are resumed especially frequent that profound understanding over related rules and judgement is essential.

Thank you.

