

**IWF INDEPENDENT MEMBER FEDERATIONS SANCTIONING  
PANEL**

in the matter

**Weightlifting Federation of the Republic of Kazakhstan (“WFRK”)**

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**Final Decision**

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## **I. INTRODUCTION**

1. The present Decision is issued by the International Weightlifting Federation (the “IWF”)’s Independent Member Federation Sanctioning Panel (the “IWF Panel” or the “Panel”) in order to decide upon whether the Weightlifting Federation of the Republic of Kazakhstan (the “WFRK”) has committed a breach of Article 12.3.2 of the 2024 IWF Anti-Doping Rules (the “IWF ADR”) and the provisions of the IWF Qualification System for the Games of the XXXIII Olympiad, Paris 2024 (the “IWF OQS”), and if so, the consequences of such breach.

## **II. PARTIES**

### **A. THE INTERNATIONAL WEIGHTLIFTING FEDERATION**

2. The IWF is the international governing body for the Olympic sport of weightlifting. It has its registered seat in Lausanne, Switzerland.

### **B. THE WEIGHTLIFTING FEDERATION OF THE REPUBLIC OF KAZAKHSTAN**

3. The WFRK is the national governing body for the Olympic sport of weightlifting in Kazakhstan. The WFRK is a Member Federation of the IWF.

## **III. FACTS AND PROCEDURAL BACKGROUND**

4. Below is a summary of the relevant facts and allegations based on the Parties’ written submissions, pleadings and evidence adduced during the proceedings. Additional facts and allegations found in the Parties’ written submissions and evidence may be set out, where relevant, in connection with the legal discussion that follows. While the Panel has considered all the facts, allegations, legal arguments and evidence submitted by the Parties in the present proceedings, it refers in its Decision only to the submissions and evidence it considers necessary to explain its reasoning.

### **A. THE ANTI-DOPING RULE VIOLATIONS OF THE WFRK’S ATHLETES IN 2023**

5. Between 29 March 2023 and 13 May 2023 (i.e. over the course of the qualification period of the 2024 Paris Olympic Games from 23 July 2021 until 25 July 2024), four athletes affiliated to the WFRK committed Anti-Doping Rule Violations (“ADRVs”) under Article 2.1 and/or 2.2 of the IWF ADR related to the presence and/or use of a prohibited substance. The athletes provided Out-of-Competition and In-Competition

samples that were analysed by WADA-accredited laboratory (Cologne, Germany), which reported Adverse Analytical Findings (“AAFs”).

6. In summary, the ADRVs were as follows:

- **Ms. Taissiya Alexeyeva’s** In-Competition sample from 29 March 2023 revealed the presence of four prohibited substances (Methylhexan-2-amine ; SARMS LDG-4033 Ibutamoren; and Furosemide). A second In-Competition sample collected on 7 April 2023 also revealed the presence of Furosemide. Ms. Alexeyeva, a protected person at the time of sample collection, did not request to open the B sample and provided no explanation for how the substances entered her body. On 26 October 2023, a Notice of Charge was issued, and with no response from Ms. Alexeyeva, it was deemed she accepted the consequences. A four-year period of ineligibility was imposed starting from 16 May 2023 until 15 May 2027, and her results at the 2023 IWF Youth World Championships and the 2023 Kazakhstan National Youth Championships were disqualified.
- **Mr. Arli Chontey’s** Out-of-Competition sample collected on 17 April 2023 and an In-Competition sample collected on 5 May 2023 both revealed the presence of SARMS S-23. Mr. Chontey argued that the AAFs resulted from a contaminated supplement. The supplements were tested, and the Cologne Laboratory confirmed the presence of S-23 in the bottle of Rhinofarm – Testosterone Booster Ecdysone 90% Ecdusterone (“Rhinofarm”). The ITA accepted his explanation and determined his level of fault or negligence was not significant. An Agreement on Consequences was reached, resulting in an 18-month period of ineligibility from 18 May 2023 until 17 November 2024, with disqualification of all results from 17 April 2023 until 18 May 2023.
- **Mr. Andas Samarkanov’s** In-Competition sample collected on 12 May 2023 revealed the presence of SARMS S-23. Mr. Samarkanov also argued that the AAF was due to a contaminated supplement. After testing the supplements (Rhinofarm), the Cologne Laboratory confirmed the contamination in its certificate of analysis. An Agreement on Consequences was reached between ITA and Mr. Samarkanov, resulting in a 16-month period of ineligibility from 3 July 2023 until 2 November 2024, with disqualification of all results from 12 May 2023 until 3 July 2023.
- **Ms. Lyubov Kovalchuk’s** In-Competition sample collected on 13 May 2023 revealed the presence of SARMS S-23. Similar to the other athletes, Ms. Kovalchuk claimed contamination of supplements. After testing the

supplements (Rhinoform), the Cologne Laboratory confirmed the contamination in its certificate of analysis. An Agreement on Consequences was reached between ITA and Ms. Kovalchuk, resulting in a 16-month period of ineligibility from 3 July 2023 until 2 November 2024, with disqualification of all results from 13 May 2023 until 3 July 2023.

## **B. THE IWF'S ANTI-DOPING PROCEDURE**

7. On 6 May 2024, the IWF notified the WFRK of the alleged breaches of Article 12.3.2 of the 2024 IWF ADR and the IWF OQS and granted WFRK an (extended) deadline until 31 May 2024 to file written observations with respect to the alleged breaches.
8. On 31 May 2024, the WFRK provided its observations, making the following key points:
  - The WFRK does not deny that the four athletes cited in the IWF's letter committed anti-doping rule violations and acknowledges that a Member Federation may be deemed to have breached the IWF Anti-Doping Rules and/or the IWF Olympic Qualification Rules when three or more athletes from that Member Federation commit anti-doping rule violations within a twelve-month period and/or within the Olympic qualification cycle.
  - The WFRK has made significant efforts to comply with its obligations under Article 12 of the IWF Anti-Doping Rules by developing a domestic anti-doping program, which includes creating a regulatory framework for investigating and punishing anti-doping rule violations, providing significant training and educational opportunities for athletes and coaches, and coordinating with the Kazakhstan National Anti-Doping Center to increase and improve testing of weightlifters in the country.
  - The ITA agreed that three of the four athletes used contaminated products for which they bore no significant fault or negligence. Consequently, the periods of ineligibility for these athletes were significantly reduced from the standard four years to sixteen months for Ms. Lyubov Kovalchuk and Mr. Andas Samarkanov and eighteen months for Mr. Arli Chontey.
  - The WFRK has already been effectively suspended from the upcoming Paris Olympic Games due to the suspensions imposed on members of the Kazakhstani national team that used contaminated products. As a result, the WFRK will not have any athletes competing in the weightlifting events at the Paris Olympic Games.

- The WFRK urged the Independent Panel already with this submission to consider the principles of proportionality and equal treatment, noting that other Member Federations in similar situations had received fines without additional member consequences. The WFRK highlighted that imposing further sanctions could lead to the loss of government funding, which would be disproportionate given the circumstances of their case.

### **C. THE PROCEEDINGS BEFORE THE IWF PANEL**

9. On 19 June 2024, the IWF submitted its Referral to the Chairman of the IWF Panel for adjudication (the “Referral”), reiterating that the WFRK had breached Article 12.3.2 of the IWF ADR and the IWF OQS and requested the Panel to confirm the breach and decide upon the applicable consequences.
10. On 21 June 2024, the WFRK was invited to submit an answer to the IWF’s Referral by Friday, 28 June 2024. The Chairman of the Independent Panel, Prof. Antonio Rigozzi, further informed the Parties that he will take the necessary steps to constitute the Panel in the meantime.
11. On 24 June 2024, the Parties were informed of the composition of the IWF Panel as follows:
  - Mr. Antonio Rigozzi (Chairman);
  - Mr. David Lech; and
  - Mr. Stephen Bock.
12. On 26 June 2024, the IWF Panel provided the Parties with the Acceptance and Statement of Independence forms duly signed by the members of the Panel and requested the Parties to inform the Panel without delay in the event they had any issue with its composition.
13. On 28 June 2024, the WFRK submitted its reply (the “Response”).
14. After having ascertained that the WFRK would not be in a position to propose athletes for the Paris Olympic Games, the Panel decided that the resolution of the present matter was not urgent.

## IV. THE RELEVANT PROVISIONS

### A. SUBSTANTIVE RULES

#### 1. The 2024 IWF ADR

15. The IWF ADR<sup>1</sup> provide in Article 12.2 some general principles applicable to Member Federations Sanctioning:

Member Federations shall take all measures within the scope of their powers to implement these Anti-Doping Rules and ensure that their affiliated Athletes and other Persons comply with them. As a matter of principle, the Member Federations are liable for the conduct of their affiliated Athletes or other Persons. However, the Independent Panel should take into account the degree of fault or negligence of the Member Federation when determining the Member Consequences to be imposed in each case of a violation of this Article 12.

16. Article 12.3.2 of IWF ADR provides relevantly as follows:

Should three (3) or more violations of these Anti-Doping Rules sanctioned by IWF or Anti-Doping Organizations other than the Member Federation or its National Anti-Doping Organization have been committed by Athletes or other Persons affiliated to the Member Federation within a 12-month period [footnote omitted], the Independent Panel may, after taking into account both the seriousness of the underlying anti-doping rule violations and the gravity of the circumstances surrounding the case:

- a) impose Member Consequences on the Member Federation of a period of up to (4) years [footnote omitted]; and/or
- b) fine the Member Federation up to \$500,000 USD to be paid within 6 month from the receipt of the Independent Panel's decision. If the Member Federation fails to pay the fine within such deadline, further Member Consequences for an additional period of up to two years, or, if earlier, until the fine is settled in full, may be imposed by the Independent Panel on the Member Federation concerned. For the avoidance of doubt, the fine remains due to IWF after the further Member Consequences have been fully served.

17. Article 12.4 of the IWF ADR further provides that:

12.4.1 The fact that a Member Federation has previously been sanctioned for a violation of Articles 12.3.1 and/or 12.3.2 may be considered as an aggravating factor in the assessment of the relevant sanction for a subsequent violation of any of these Articles.

12.4.2 If Member Consequences are imposed on a Member Federation while the Member Federation is already serving prior Member Consequences, the

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<sup>1</sup> Reference is in the following made to the IWF ADR approved by the IWF Executive Board on 15.12.2020, in effect from 01.01.2021, with its amendments by the IWF Executive Board on 18.11.2023, in effect from 01.01.2024 ("2024 version") insofar as it contains the same provisions as the amendments by the IWF Executive Board on 03.12.2022, in effect from 01.01.2023 ("the 2023 version").

application and effects of the ensuing Member Consequences imposed shall only start to run at the end of the ongoing Member Consequences. For the avoidance of doubt, the new period of Member Consequences shall only start running once all of the periods of the sanctions related to the prior Member Consequences (where different periods have been imposed by the Independent Panel) have been duly served by the Member Federation.

18. The 2024 IWF ADR also provides for: (i) the possibility for the Panel to consider recidivism as an aggravating factor in the assessment of the relevant sanction (Article 12.4.1); and (ii) the conditional lifting (up to 50 %) of any consequences imposed on a member provided that such member undertakes to assist the IWF in the fight against doping (Article 12.6.1). This latter article now specifically provides for the establishment of an Independent Monitoring Group in connection with any conditional lifting of a sanction (as well as an appeal of such groups' decisions) and reads in full as follows:

12.6.1 At the discretion of the Independent Panel, an appropriate portion up to a maximum of fifty percent of the Member Consequences (including any fine) imposed upon the Member Federation may be conditionally lifted provided that the Member Federation undertakes to satisfy certain criteria aimed at assisting IWF in the fight against doping in sport defined at its discretion by the Independent Panel and meets them throughout the period of application of the Member Consequences imposed, or an appropriate period should a fine only have been imposed. For the avoidance of doubt, any lifted period of Member Consequences or ban on team officials shall be applied to the end of the relevant period of Member Consequences or ban on team officials.

12.6.2 The IWF shall appoint an Independent Monitoring Group, composed of no less than 4 members from outside of the organization of the IWF, to monitor and rule on the compliance of a sanctioned Member Federation with the terms stipulated by the Independent Panel, where any decision thereof sets out conditions for suspending, lifting or eliminating a period of Member Consequences or other sanction based on the fulfilment of specific conditions by the sanctioned Member Federation.

12.6.3 The decisions of the Independent Monitoring Group as to the fulfilment of the eventual specific conditions determined by the Independent Panel may be appealed exclusively to CAS within twenty-one days from the date of receipt of the decision by the appealing party.

## **2. The IWF OQS**

19. Under the subheading "Consequences due to Anti-Doping Rule Violations" Section C.3 of the IWF OQS reads as following:

Without prejudice to the power of the Independent Panel per article 12.1 IWF ADR (the "Independent Panel") to impose any other consequences, such as Member Consequences, under article 12 IWF ADR, the following provisions shall apply:

- a) In the event that during the period from 23 July 2021 until 25 July 2024 a Member Federation (MF) is found to have breached an obligation under the IWF ADR, including, without limitation, under Article 18 (but excluding the violations under Article 12), or failed to comply with any directive or request on anti-doping matters issued by the IWF, the Independent Panel may withdraw some or all of the quota place(s) from that MF/NOC with regard to the Olympic Games Paris 2024 or the next ensuing Olympic Games.
- b) Should three (3) or more Anti-Doping Rule Violations sanctioned by IWF or Anti-Doping Organisations other than a Member Federation or its National Anti-Doping Organisation have been committed by Athletes and/or other Persons affiliated to such MF/NOC from 23 July 2021 until 25 July 2024, the Independent Panel may withdraw some or all of the quota place(s) from that MF/NOC with regard to the Olympic Games Paris 2024 or the next ensuing Olympic Games.[footnote omitted] In cases where three or more of the underlying violations involve periods of Ineligibility of four years or more, all quota places shall be withdrawn.
- c) When considering the application of point a) and b) above, the Independent Panel may refer to the principles set forth in Article 12.3.2 and 12.4 IWF ADR applicable to the imposition of Member Consequences. Similarly, the procedural rules of Article 12.7 of the IWF ADR apply by analogy to the process pertaining to the provisions above.
- d) Any quota places withdrawn pursuant to point a) and/or b) above shall be reallocated in accordance with the reallocation process as detailed in section F. Reallocation of Unused Places. [...]

## **B. PROCEDURAL RULES**

20. Article 12.7 of the IWF ADR governs the procedure in this case and provides relevantly as follows:

- 12.7.1 If IWF is satisfied that a breach of Article 12 has occurred, it shall promptly notify the Member Federation.
- 12.7.2 The notice shall include details of the alleged breach and shall give the Member Federation a reasonable deadline to respond. IWF will then transfer the file to the Independent Panel for adjudication. The Independent Panel will render a decision on the basis of the written file, unless it considers in its entire discretion that exceptional circumstances require the holding of a hearing.

## **V. THE PARTIES' POSITIONS**

21. The IWF Panel has taken into consideration all of the Parties' written submissions with enclosures and has weighed the arguments made by the Parties in light of all the evidence presented. In the following, the Panel summarises the positions of the parties relevant to this decision.



#### A. SUMMARY OF THE IWF'S POSITION

22. In its Referral, the IWF submitted that it was satisfied that the WFRK had breached Article 12.3.2 of the IWF ADR and that the preconditions for the impositions of Consequences due to Anti-Doping Rule Violations under the IWF OQS were met.
23. More specifically, the IWF argued that the requirements of Article 12.3.2 of the IWF ADR and the IWF OQS were met insofar as:
- Over the course of the Qualification Period, four athletes affiliated with the WFRK committed ADRVs according to Article 2.1 and/or 2.2 of the IWF ADR.
  - Three out of four ADRVs were sanctioned by the IWF through Agreements on Consequences. The decisions are final and binding.
  - The conditions of Article 12.3.2 of the IWF ADR have been met:
    - i. *“Three (3) or more violations of these Anti-Doping Rules [...] committed by Athletes or other Persons affiliated to the Member Federation”* - in fact, four ADRVs have been committed by athletes affiliated with the WFRK;
    - ii. *“Sanctioned by IWF or Anti-Doping Organizations other than the Member Federation or its National Anti-Doping Organization”* - all four ADRVs stem from tests conducted under the Testing Authority and Results Management Authority of the IWF and all four (4) athletes were indeed sanctioned by the IWF;
    - iii. *“Within a 12-month period”* - the four ADRVs occurred between 29 March 2023 until 13 May 2023.
24. Similarly, and for the same reasons, the conditions of the IWF OQS were met.
25. The IWF noted specific factors relevant to the Panel's assessment:
- One athlete did not engage with the ITA or IWF following the issuing of the Notice of Charge.
  - A four-year sanction was imposed on the same athlete because four different, unexplained prohibited substances were detected in her sample.
  - The same athlete was a protected person at the time of the AAF.
  - The other three athletes all agreed to consequences following the issued Notices of Charge.
  - The other three athletes all tested positive for the same substances as each other, and due to contamination of supplements.

- The Agreements on Consequences all acknowledged No Significant Fault or Negligence on the part of three of the four sanctioned athletes.
  - The WFRK has been sanctioned pursuant to Article 12 of the IWF ADR prior to the within proceedings, namely in 2012 following three (3) ADRVs; in 2013 following nine (9) ADRVs; and in 2015 following three (3) ADRVs, each respectively within a 12-month period in accordance with the relevant IWF ADR.
26. With respect to the consequences for the WFRK's breach, the IWF highlighted the following potential sanctions as set out in the relevant rules:
- Imposing Member Consequences for a period of up to four years.
  - A fine of up to \$500,000 and/or
  - Withdrawal of some or all quota places for the Olympic Games Paris 2024.<sup>2</sup>
27. The IWF emphasized that the level of consequences should take into account the seriousness of the underlying ADRVs and the gravity of the circumstances. The IWF cited Article 12.2 of the IWF ADR, which holds Member Federations liable for the conduct of their affiliated athletes or other persons. However, the Independent Panel should consider the degree of fault or negligence of the Member Federation when determining Member Consequences. The principle of strict liability applies, but mitigating factors, such as attenuated degrees of fault or negligence, should be considered.
28. With specific reference to the IWF OQS sanction, the IWF submitted that the fact that the WFRK would not appear at the Paris Olympic Games because of periods of ineligibility imposed on their athletes is not a relevant factor for the consideration of the Panel in imposing any sanction on the WFRK.
29. The IWF did not propose any particular consequences to be applied as a result of the WFRK's alleged breach but emphasized the need for measures that promote behavioural change and maintain public confidence in the integrity of the sport.

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<sup>2</sup> As already mentioned, the possibility to impose this sanction with respect to the Paris Games became moot.

## **B. SUMMARY OF THE WFRK'S POSITION**

30. The WFRK does not contest that four of its Athletes were found to have committed ADRVs within a twelve (12) month period. Nevertheless, the WFRK submits that the Independent Panel should impose only a fine on the WFRK for this violation.
31. The WFRK first acknowledged that it has been sanctioned in the past, namely in the years 2012, 2013 and 2015, pursuant to Article 12 of the IWF ADR for multiple ADRVs committed by its athletes (in 2012 three ADRVs; 2013 nine ADRVs, in 2015 three ADRVs within a 12-month period in accordance with the relevant IWF ADR).
32. However, the WFRK emphasised that such cases dated back nine years or more and the reference to these prior proceedings would be inappropriate. Not only has the WFRK taken significant action with respect to anti-doping since then, but the IWF would be bound by the Consent Award in CAS 2018/A/5722 in which the parties agreed that “with respect to the Paris 2024 Olympic Games and Los Angeles 2028 Olympic Games and future editions of the Olympic Games, doping offences committed and notified to the relevant athlete or other person affiliated to a member federation by 31 December 2016 will not be taken into consideration in order to determine the number of quotas available to such member federation, including the Weightlifting Federation of the Republic of Kazakhstan”. Therefore, the WFRK argued that prior ADRVs dating back to 2012, 2013, and 2015 should not be considered.
33. With respect to the ADRVs at issue in these proceedings, the WFRK's main arguments are as follows:
- The attenuated degree of fault for the athletes, as three of the four athletes used contaminated products for which they bore no significant fault or negligence. Consequently, the periods of ineligibility for these athletes were significantly reduced.
  - The efforts of the WFRK to provide substantial assistance to the ITA in connection with the underlying anti-doping rule violations.
  - The principle of proportionality and equal treatment, noting that other Member Federations in similar situations had received fines without additional member consequences. The WFRK highlighted that imposing further sanctions could lead to the loss of government funding, which would be disproportionate given the circumstances of their case.

- The WFRK argued that the athletes' violations were not sufficiently serious to warrant member consequences other than a fine. The ITA agreed that three of the four athletes bore no significant fault or negligence due to the use of contaminated products.
  - The fourth athlete, Ms. Taissiya Alexeyeva, was a protected person at the time of the AAF. Despite (alleged) efforts by the WFRK to assist Ms. Alexeyeva in responding to the ITA, the athlete declined to participate in the process.<sup>3</sup>
  - The WFRK's cooperation with the ITA's proceedings and its efforts to investigate the cause of the anti-doping rule violations and the steps to prevent future violations.
34. The WFRK provided information with respect to its fight against doping over recent years, including reports on the completion of the anti-doping online courses by athletes and their staff from 2019 to 2024, reports on seminars for athlete and coaches in weightlifting from 2017 to 2024,<sup>4</sup> and the assistance of the Kazakhstani Ministry of Tourism and Sports and the Committee for Sports and Physical Culture, to monitor the quality of nutritional supplements being sold in the Republic of Kazakhstan and, particularly those used by Kazakhstani weightlifters.
35. Additionally, the WFRK submitted witness statements from three of the athletes involved, namely Ms. Lyubov Kovalchuk, Mr. Andas Samarkanov, and Mr. Arli Chontey.<sup>5</sup> In their statements, the athletes explained that, while they took the supplements and even listed, at least, ecdysterone on their doping control forms, they had no intention to enhance their performance through prohibited substances. They described how the supplements were suggested and provided to them, and they also detailed the anti-doping education and support they received from the WFRK, which was mainly linked to an "Antidoping athletes' and environment Online Course".
36. The WFRK requests that the Independent Panel should impose no Member Consequences and only a fine against the WFRK in the range of USD 5,000 per ADRV in referring to Article 12.5.1 of the IWF Anti-Doping Rules. In its answer to IWF dated

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<sup>3</sup> It was only reported by the WFRK national team manager Mr. Roman Temirzhanov that "the athlete and her coach reported that they did not know how the substances ended up in her sample ended up in her body."

<sup>4</sup> However, the exact topics of the seminars are not detailed, and it appears there was no specific emphasis on the risks associated with supplement use.

<sup>5</sup> All witness statements were signed, but only one had a date (18 March 2024). These witness statements were already on file as they were submitted in the initial anti-doping proceedings and provided in these proceedings by IWF with its Referral.

31 May 2024,<sup>6</sup> WFRK also requested that the Independent Panel agree to conditionally suspend or lift the member consequences (including any fine) in accordance with Article 12.6.1 of the IWF ADR.

## **VI. JURISDICTION AND APPLICABLE LAW**

37. At the outset, the Panel notes that the WFRK does not dispute that the IWF Panel has jurisdiction over the present matter.
38. In view of the above, the IWF Panel has jurisdiction to decide on the present dispute.
39. With respect to the applicable rule of law, the IWF has alleged that the IWF OQS and the IWF ADR apply to the case at hand. The WFRK has not disputed this position and has also argued within the framework of these provisions. The Panel holds that the presented proceedings will be adjudicated in application of the IWF OQS and the IWF ADR.

## **VII. MERITS**

40. The questions that the IWF Panel needs to rule on in the present proceedings are the following:
- Has the WFRK breached Article 12.3.2 of the IWF ADR and the provisions of the IWF OQS?
  - If so, what sanctions should be imposed on the WFRK?

### **A. HAS THE WFRK BREACHED ARTICLE 12.3.2 OF THE IWF ADR AND THE IWF OQS?**

41. As a reminder, Article 12.3.2 of the IWF ADR provides that a Member Federation may be sanctioned in the event that three or more ADRVs, which are sanctioned by the IWF, are committed by athletes affiliated to the Member Federation within a 12-month period.
42. The Panel notes that IWF OQS provides slightly different timing in Section C.3, lit. b (“Athlete Eligibility”) under “Consequences due to Anti-Doping Rule Violations”, that the three or more ADRVs have to be committed both within a 12-month period and from 23 July 2021 until 25 July 2024 and, as a consequence, Olympic quota place(s) may be withdrawn.

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<sup>6</sup> IWF as well as WFRK submitted this letter as an exhibit.

43. On the basis of the evidence on file, the IWF Panel is satisfied (i) that four athletes affiliated to the WFRK committed and were sanctioned by the IWF for ADRVs; and (ii) that such offences were committed between 23 July 2021 and 25 July 2024, and within a 12-month period. Hence, consequences can be applied under both Article 12.3.2 of the IWF ADR and the IWF OQS.
44. The Panel acknowledges the WFRK's argument that three of the four cases involved unintentional ADRVs from a contaminated supplement. However, the purpose of promoting behavioural change and maintaining integrity, while relevant for determining sanctions, does not affect whether the factual requirements of Article 12.3.2 of the IWF ADR and of the IWF OQS are met. The straightforward wording of "three (3) or more violations" leaves no discretion in finding a breach once that threshold is exceeded. In this respect, the Panel highlights that Article 12.3.2 of the IWF OQS does not stipulate that three or more violations should be committed with intent.
45. The IWF Panel, thus, needs to determine the relevant sanction for this breach.

## **B. WHAT SANCTION SHOULD BE IMPOSED ON THE WFRK?**

### **1. Sanction under the IWF ADR**

46. According to Article 12.2 of the IWF ADR, the Panel "should take into account the degree of fault or negligence of the Member Federation" when determining consequences.
47. Moreover, Comment to Article 12.2 of the IWF ADR provides that the Member Federations "bear the burden of any attenuating circumstance" and "submit evidences" to establish its position.
48. In deciding on any sanction:
- The comment to Article 12.3.2 of the IWF ADR indicates that the Panel should take into account "the number of violations, the substances involved, the level of fault of the perpetrators, the fact that the violations were committed by Athlete Support Personnel, etc."
  - Article 12.4.1 of the IWF ADR specifies that the fact that a Member Federation has previously been sanctioned for a violation of Articles 12.3.1 and/or 12.3.2 may be considered as an aggravating factor in the assessment of the relevant sanction for a subsequent violation of any of these Articles.

49. As noted, the IWF did not make any specific request on the consequences.
50. On the other hand, the WFRK requested that: (i) no member consequences are imposed on the WFRK, and (ii) a sanction should be limited to a minimal fine.
51. The Panel notes that, as the IWF rightly stated, while it is obliged to treat similar cases similarly in accordance with CAS jurisprudence, it is not limited to the imposition of a fine as a sanction in these proceedings. The factors distinguishing this case from others relating exclusively to contamination must be taken into account. Therefore, the Panel is entitled to consider all relevant factors when determining the appropriate sanction(s) to be imposed.
52. Applying these criteria to the case at hand, the Panel notes the following with respect to the seriousness of the underlying Anti-Doping rule violations and the gravity of the circumstances surrounding the case:
- Number of ADRVs: The number of ADRVs (four) exceeds the minimum threshold set by Article 12.3.2 of the IWF ADR, even though it is at the lower end of the scale set out in the IWF ADR (which starts from “three or more”).
  - Nature of ADRVs: Three out of the four ADRVs in this case are related to the same issue of using contaminated products. Specifically, in one case (Ms. Kovalchuk), the supplements were suggested directly by the national team coach, who assured the athlete that they were safe to take. In the other cases, the athletes received the supplements from their private coach, who showed them (alleged) pictures of licenses and certificates they had received from the national coach, indicating that the supplements were safe. Additionally, the athletes sought confirmation from Ms. Maira, the director of the Kazakhstan National Anti-Doping Centre, about the safety of the supplements. The Panel acknowledges the general principle that athletes and support personnel must exercise caution when using supplements due to the well-known risk of contamination. However, the efforts made by the athletes and their coaches to verify the safety of the supplements, albeit unsuccessful, demonstrate a level of due diligence that must be taken into account.
  - The level of fault of the athletes: While four violations occurred, three resulted from the ingestion of contaminated supplements without significant fault or negligence by the athletes as accepted by the ITA, which runs the IWF’s anti-doping program. Consequently, the periods of ineligibility for these athletes were significantly reduced from the standard four years to sixteen months for

Ms. Lyubov Kovalchuk and Mr. Andas Samarkanov and eighteen months for Mr. Arli Chontey.

- The involved Substance: One ADRV involved the presence of four prohibited substances, which is a significant violation indicating a serious breach of the Anti-Doping rules. Additionally, Ms. Alexeyeva also did not provide a response and/or explanation, and a four-year period of ineligibility was imposed.
- Athlete's Support Personnel: According to the witness statement, the contaminated supplements were administered to one athlete by the team national coach. It is self-evident that he is under the control and authority of WFRK. This factor weighs against treating the cases as entirely separate from the WFRK's sphere of influence.
- Protected Person. One athlete, Ms. Taissiya Alexeyeva, was a protected person at the time of the AAF. Despite (alleged) efforts by the WFRK to assist Ms. Alexeyeva in responding to the ITA, the athlete declined to participate in the process. However, the fact that one athlete was a protected person required a greater duty of care from the WFRK under the relevant rules at the time of the AAFs.
- The WFRK's anti-doping education efforts: Finally, the IWF Panel has taken into account the WFRK's submission (and supporting evidence) that indicates it had made significant strides in anti-doping education in recent years.

53. In line with the discretion afforded to it under Article 12.4.1 of the IWF ADR, the IWF Panel, therefore, finds that the circumstances of this case do amount to aggravating factors for the purpose of Articles 12.4.1 and Article 12.3.1 of the IWF ADR. While the WFRK asserts that it is now a markedly different organization from the one involved in the Article 12 proceedings in 2012, 2013, and 2015. Despite its efforts and progress, the current ADRVs indicate that these attempts were not entirely successful. Consequently, the fact that these proceedings concern the WFRK's fourth violation of Article 12 of the IWF ADR has been considered in determining the appropriate sanction for this case.
54. The Panel agrees with the IWF that the consequences of an athlete's conduct resulting in a period of ineligibility are separate from and thus irrelevant for assessing any sanction that may apply to the Member Federation. In particular, the fact that periods of ineligibility imposed to individual athletes have already deprived the WFRK of an opportunity to appear at the Olympic Games in Paris is an unfortunate but inevitable coincidence.



55. Applying all of the above to the present proceedings and considering both the wide discretion it enjoys under Article 12.3.2 of the IWF ADR as well as the fact that the IWF did not request any specific sanction to be applied, the Panel considers that in the present case a fine is an appropriate sanction.<sup>7</sup> The Panel is mindful of the severity of one intentional ADRV, which also concerned a protected person, and at least one ADRV with the involvement of an Athletes' Support Personnel (the national team's coach). However, the three non-intentional ADRVs were committed without significant fault or negligence as a result of the use of the same supplement that turned out to be contaminated despite the checks conducted by the athletes. The Panel also notes the fact that the athletes had previously used the same supplement and tested negative while doing so. This unfortunate reality highlights how past negative test results can foster a dangerous sense of complacency and false security, potentially leading athletes to underestimate the risk of contamination.
56. Taking into account that all of the ADRVs concerned a non-specified substance and that this is the fourth instance where Article 12.3.2 of the IWF ADR is applicable to the WFRK, the Panel decides to impose a fine of USD 100.000 which is on the lower-mid-range of scale provided for by Article 12.3.2 lit. b of the IWF ADR and proportionate in light of all the circumstances of the case.
57. The Panel notes that significant changes have been implemented within WFRK, but that the WFRK must remain vigilant in the fight against doping given the new ADRVs asserted against the athletes affiliated with the WFRK. Consequently, it considers it appropriate to conditionally lift 40 percent of the fine, provided that the WFRK organizes one anti-doping education seminar (with a particular emphasis on the risks of supplement use) every six months over the next two years.
58. Compliance with these criteria is to be monitored by an independent group defined by the IWF. In this respect, Article 12.6.2 of the IWF ADR provides that "the IWF shall appoint an Independent Monitoring Group, composed of no less than 4 members from outside of the organization of the IWF, to monitor and rule on the compliance of a sanctioned Member Federation with the terms stipulated by the Independent Panel, where any decision thereof sets out conditions for suspending, lifting or eliminating a period of Member Consequences or other sanction based on the fulfilment of specific conditions by the sanctioned Member Federation". The IWF Panel therefore holds that this group, composed of no less than four members from outside of the

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<sup>7</sup> Contrary to WFRK, Article 12.5.1 of the IWF ADR specifies an automatic fine of \$5,000 USD for each ADRV found against an Athlete or other Person affiliated with a Member Federation. This provision, however, does not constrain the Panel's discretion in setting fines within the range provided by Article 12.3.2 of the IWF ADR.

organization of the IWF, will monitor and rule on the WFRK's compliance with the conditions set forth for the partial suspension of this decision.

## **2. Sanction under the IWF OQS**

59. The IWF OQS provides for an automatic withdrawal of all quota places in case where three or more of the underlying violations involve periods of ineligibility of four years or more (lit. b last sentence of the IWF OQS). This potential sanction would potentially apply to the quota for the 2028 Los Angeles Olympic Games.
60. The IWF does not claim (and rightly so) that this is the case here. As not at least three out of the four ADRVs committed by WFRK athletes met this threshold, the automatic consequences do not apply in this case.
61. Hence, the Panel is left with discretion to withdraw quota place(s). The IWF OQS provides that the Panel can find guidance in the criteria set out in Article 12.3.2 of the IWF ADR (lit. c of the IWF OQS) as discussed above.
62. In its discretion, the Panel further considers that for the reasons set out above, in particular the fact that three of the four ADRVs were related to the use of the same contaminated product without fault or negligence, it would be disproportionate to order the withdrawal of future Olympic quota places earned by Kazakhstan weightlifters. In the Panel's view such drastic consequence, which would potentially deprive innocent athletes from competing in the Olympic Games, should not be applied when there are not multiple instances of confirmed cheating in the relevant period as set in the OQS.
63. The Panel therefore does not need to decide whether it is bound by the CAS consent award (CAS 2018/A/5722) referenced by the WFRK. Even if the Panel were bound by it, this would not affect the decision in this case.<sup>8</sup> While the parties, IWF and WFRK, agreed in this consent award that "with respect to the Paris 2024 Olympic Games and Los Angeles 2028 Olympic Games and future editions of the Olympic Games, doping offences committed and notified to the relevant athlete or other person affiliated to a member federation by 31 December 2016 will not be taken into consideration in order to determine the number of quotas available to such member federation, including the Weightlifting Federation of the Republic of Kazakhstan," this consent award pertains to a different OQS with different requirements. The recording of ADRVs

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<sup>8</sup> It is also without relevance for member consequences and a possible fine, as the consent award and agreement focus solely on the determination of the number of quotas and not on member consequences. Consequently, it plays no role in determining the sanction under the IWF ADR.

between the start of the 2008 Summer Olympic Games period and the end of the Tokyo 2020 qualification period is distinct from the current period, which spans from 23 July 2021 to 25 July 2024 for the Paris 2024 Olympic Games.

64. Therefore, no quota places for the subsequent Olympic Games shall be withdrawn from the WFRK at this point.

## **VIII. DECISION**

65. In light of the above the Panel rules as follows:

- 1. The Weightlifting Federation of the Republic of Kazakhstan has committed a breach of Article 12.3.2 of the IWF ADR and of the provisions of the IWF OQS, Paris 2024.**
- 2. The Weightlifting Federation of the Republic of Kazakhstan shall pay a fine in the amount of USD 100,000 (in words: one-hundred thousand US Dollars), payable as follows:**
  - a) USD 60,000 is to be paid within 6 months from receipt of the present decision.**
  - b) The payment of the remaining USD 40,000 will become immediately due if:**
    - i. The Weightlifting Federation of the Republic of Kazakhstan does not duly pay the part of the fine due under point 2(a) of this decision.**
    - ii. The Independent Monitoring Group rules that the Weightlifting Federation of the Republic of Kazakhstan failed to organise at least one anti-doping education seminar (with a particular emphasis on the risks of supplement use) under IWF's supervision on a national level every six months over the next two years.**
- 3. Each party bears its own costs.**

Date: 12 December 2024

**The IWF Panel:**



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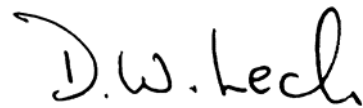
**Antonio Rigozzi**

Chair



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**Stephen Bock**



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**David Lech**