

**IWF INDEPENDENT MEMBER FEDERATIONS SANCTIONING
PANEL**

in the matter

Turkish Weightlifting Federation (“TWF”)

Final Decision

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 Turkish Weightlifting Federation (the “TWF”) 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. IWF has its registered seat in Lausanne, Switzerland.

B. THE TURKISH WEIGHTLIFTING FEDERATION

3. The TWF (Turkish: *Türkiye Halter Federasyonu*, THF) is the national governing body for the Olympic sport of weightlifting in Turkey. The TWF is a Member Federation of the IWF. It has its seat in Ankara, Turkey.

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 TWF’S ATHLETES IN 2023

5. Between 1 April 2023 and 21 April 2023 (i.e. over the course of the qualification period of the 2024 Paris Olympic Games from 23 July 2021 until 25 July 2024), three athletes affiliated to the TWF committed Anti-Doping Rule Violations (“ADRVs”) under Article 2.1, 2.2 and/or 2.4 of the IWF ADR related to the presence and/or use of a prohibited substance as well as whereabouts failures. Two athletes provided In-Competition samples that were analysed by WADA-accredited laboratories (Cologne, Germany), which reported Adverse Analytical Findings (“AAFs”). Two missed tests and one filing

failure (“Whereabouts Failures”) have been recorded against another athlete within a 12-month period.

6. In summary, the ADRVs were as follows:

- **Mr. Dogan Donen** committed Whereabouts Failures on 25 May 2022 (missed test), 11 December 2022 (missed test) and 1 April 2023 (filing failure). On 29 February 2024, the International Testing Agency (ITA), on behalf of the IWF, notified Mr. Donen of a potential ADRV pursuant to Article 2.4 of the IWF ADR, noting three Whereabouts Failures within a 12-month period. Despite being given a deadline of 15 March 2024 to respond, no response was received. Consequently, on 19 March 2024, the ITA issued a Notice of Charge, including an Agreement on Consequences. Mr. Donen did not respond to this notification, and on 27 March 2024, Mr. Donen accepted the consequences proposed in the Notice of Charge, being a two-year period of ineligibility from 8 April 2024 to 8 April 2026 and the disqualification of any medals, points, and prizes earned from 1 April 2023 until the date of the sanction.
- **Mr. Hakan Sukru Kurnaz's** In-Competition sample from 21 April 2023 revealed the presence of methasterone metabolites (18-nor-17 β -hydroxymethyl-17 α -methyl-2 α -methyl-5 α -androst-13-en-3-one). Based on the evidence provided, the ITA accepted that the source was a contaminated supplement and that Mr. Kurnaz bore no significant fault or negligence. On 14 November 2023, Mr. Kurnaz and the ITA agreed to resolve the case via an Agreement on Consequences, resulting in a 22-month period of ineligibility from 26 May 2023 to 25 March 2025, with the disqualification of all competitive results of Mr Kurnaz at the 2023 European Weightlifting Championships and of all competitive results from 21 April 2023 until the date of the provisional suspension on 26 May 2023.
- **Ms. Pelinsu Bayav's** In-Competition sample on 15 April 2023 revealed the presence of five prohibited substances (S1.1 and S1.2 of the Prohibited Substance class). During the results management process, Ms. Bayav stated that she had not intentionally ingested the prohibited substances and blamed a contaminated supplement for the presence of the prohibited substances. However, Ms. Bayav did not provide any substantive evidence for this, so the ITA issued a notice of charge. On 8 January 2024, Ms. Bayav and the ITA agreed to resolve the case via an Agreement on Consequences, resulting in a period of 3 years of ineligibility from 26 May 2023 to 25 May 2026, with the disqualification of all results at the 2023 European Championships in Yerevan, Armenia, and all results obtained from the date of the sample collection on 15 April 2023 to 26 May 2023.

B. THE IWF'S ANTI-DOPING PROCEDURE

7. On 6 May 2024, the IWF notified the TWF of the alleged breaches of Article 12.3.2 of the 2024 IWF ADR and the IWF OQS and granted TWF a deadline until 21 May 2024 to file written observations with respect to the alleged breach.
8. On 17 May 2024, the TWF provided an official statement noting the retirement status of Mr. Dogan Donen (also referred to as Mr. Donen), along with documentation, but did not respond to the Article 12.3.2 of the IWF ADR violation as outlined in the letter of 6 May 2024 or provide comments on any mitigating circumstances or applicable sanctions.

C. THE PROCEEDINGS BEFORE THE IWF PANEL

9. On 24 May 2024, the IWF referred the matter of the TWF to the Chairman of the IWF Panel for adjudication with the enclosure of three exhibits (the “Referral”).
10. On 31 May 2024, the Parties were informed of the composition of the IWF Panel and requested the Parties to inform the Panel without delay in the event they had any issue with its composition. The members of the Panel are as follows:
 - Mr. Antonio Rigozzi (Chairman);
 - Mr. Mario Vigna; and
 - Mr. David Lech.
11. On 4 June 2024, the IWF Panel provided the Parties with the Acceptance and Statement of Independence forms duly signed by the members of the Panel.
12. On 6 June 2024, the Panel issued procedural directions.¹The TWF was given 14 days from the notification of the procedural order by email to file a response to the Referral (“Response”).
13. On 12 June 2024, the TWF submitted its Response, including additional evidence. On the same day, the IWF submitted an unofficially translated version of the documents contained in Exhibit 2 to the IWF’s Referral.

¹ Inter alia, the directions specified that English shall be the language of the proceedings, and documents filed in a language other than English must be accompanied by an unofficial translation into English. The IWF was thus invited to complete its Exhibit 2 to the Referral accordingly.

IV. THE RELEVANT PROVISIONS

A. SUBSTANTIVE RULES

1. The 2024 IWF ADR

14. The IWF ADR² 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.

15. 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.

2. The IWF OQS

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

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

² 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").

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

17. 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

18. The IWF Panel has taken into consideration all of the Parties' written submissions and has weighed the arguments made by the Parties in the light of all the evidence presented. In the following, the Panel summarises the positions of the parties relevant to this decision, not intending to present all the arguments and evidence put forward by the parties exhaustively, but only the most important ones. When necessary, other factual and legal arguments will be described in the section related to the legal discussion.

A. THE IWF'S POSITION

19. In its Referral, the IWF submitted that it was satisfied that the TWF 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.
20. 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, three athletes affiliated with the TWF committed ADRVs according to Articles 2.1 and/or 2.2 and 2.4 of the IWF ADR;
 - All three 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, three ADRVs have been committed by athletes affiliated with the TWF;*
 - ii. *“Sanctioned by IWF or Anti-Doping Organizations other than the Member Federation or its National Anti-Doping Organization” - all three 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 three ADRVs occurred between 1 April 2023 and 21 April 2023.*
 - For the same reasons, the conditions of the IWF OQS were met.
21. With respect to the consequences to be imposed, the IWF contended that in light of the above, the following potential sanctions would be available to the Panel:
- The Imposition of Member Consequences for a period of up to four (4) years.
 - A fine of up to \$500,000; and/or
 - The withdrawal of some or all quota places for the Olympic Games Paris 2024.
22. 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 the degrees of fault or negligence, should be considered.

23. With respect to the case at hand, the IWF submitted that the following factors will be relevant to the IWF Independent Panel's assessment:

- Two Athletes did not establish a lack of intent for their respective ADRVs.
- One of the ADRVs arises in the context of a third whereabouts failure, as opposed to an AAF following analysis.
- The whereabouts failure is a prolonged offence which demonstrates a lack of oversight of the athletes under the sphere of influence of the TWF; and/or a failure to take all measures within the scope of their powers to ensure that the Athletes and other personnel comply with the IWF ADR, as required per Article 12.
- One of the Athletes tested positive for five Prohibited Substances in a single in-competition test, and no evidence was provided to demonstrate that the ADRV was unintentional.
- Each of the Athletes agreed to consequences following the issue of the Notice of Charges.
- One of the Athletes tested positive owing to contamination, and a finding was made that the fault or negligence was not "significant".
- The TWF has one quota place for the Olympic Games Paris 2024.

24. The IWF did not propose any particular consequences to be applied as a consequence of the TWF's alleged breach.

B. THE TWF'S POSITION

25. The TWF provided an initial response to the IWF's notice of 6 May 2024, primarily noting the retirement status of Mr. Dogan Donen and attaching competition lists for the years 2021-2024.

26. On 12 June 2024, the TWF submitted a more detailed "Statement of Defence" via email, including additional evidence. The key points from this Response are as follows:

- Mr. Donen has not taken part in any IWF-EWF or any international competition organized by the TWF since 2020. He has not been included in any competition list since that time.

- Mr. Donen made a request to return to sport to the ITA on 28 March 2022 and submitted his retirement letter on 23 May 2022. However, the TWF did not receive any information regarding the acceptance of his retirement from the sport.
 - The athlete failed to fulfill his responsibilities and could not be contacted for a long period. His coach was also unable to contact him due to the athlete's military service which started on 11 January 2024.
 - The TWF also pointed out that the whereabouts information is a procedure for which the athlete is solely responsible, and that the Federation does not have "the opportunity to follow the athlete's personal procedures one-to-one and that [they] have notified him of the controls he missed".
 - Finally, the TWF requested that the Panel take into consideration the goodwill of the TWF and its efforts in the fight against doping, and not penalize the Federation for the athlete's irresponsible behavior.
27. The TWF did not make any submission regarding the other two ADRVs in these proceedings nor to any mitigating circumstances.
28. The TWF did also not submit formal prayers for relief in the present proceedings, but rather reiterated its request that the Panel consider the TWF's efforts and its lack of control over the athlete's actions.

VI. JURISDICTION AND APPLICABLE LAW

29. At the outset, the Panel notes that the TWF does not dispute that the IWF Panel has jurisdiction over the present matter.
30. Articles 12.7.1 and 12.7.2 of the IWF ADR³ provide that, once the IWF has notified a Member Federation of an alleged breach and given the Member Federation a reasonable deadline to respond, the "IWF will then transfer the file to the Independent Panel for adjudication".
31. In view of the above, the IWF Panel has jurisdiction to decide on the present dispute.
32. With respect to the rules of law, the IWF has alleged that the IWF OQS and the IWF ADR apply to the case at hand. The TWF has not disputed this position and has also argued

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within the framework of these provisions The Panel therefore holds that the presented proceedings will be adjudicated in application of the IWF OQS and the IWF ADR.

VII. MERITS

33. The questions that the IWF Panel needs to rule on in the present proceedings are the following:

- Has the TWF 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 TWF?

A. HAS THE TWF BREACHED ARTICLE 12.3.2 OF THE IWF ADR AND THE IWF OQS?

34. 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.

35. The Panel notes in this respect that IWF OQS contained in Section C (“Athlete Eligibility”) under “Consequences due to Anti-Doping Rule Violations” provides in lit. b slightly differently 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, quota place(s) may be withdrawn.

36. The TWF does not challenge the two ADRVs of Mr. Hakan Sukru Kurnaz and Ms. Pelinsu Bayav. With respect to Mr. Donen’s ADRV the TWF claims that the first whereabouts failure should not have been considered.

37. Mr. Donen was part of the RTP at the time of the second (11 December 2022) and third (1 April 2023) whereabouts failures. Therefore, the only question is whether he was included in the IWF’s Registered Testing Pool (“RTP”) at the time of the first missed test on 25 May 2022.

38. The TWF alleges that Mr. Donen petitioned to retire from the sport on 23 May 2022. However, there is no official documentation confirming that this was accepted by the ITA, nor that the athlete was removed from the RTP from 23 May 2022 onwards. The retirement form, signed on 23 May 2022, was sent via email on 1 June 2022, which is after the first missed test on 25 May 2022. Additionally, there is no explanation from Mr. Donen regarding this first whereabouts failure at the relevant time, such as mentioning his retirement status.

39. While, in retrospect, it seems that Mr. Donen could have questioned why ITA seemed to ignore the intervening retirement form that was circulated on 1 June 2022, instead

relying on the ITA Notification sent on 31 March 2022 and the Acknowledgment signed by Mr. Donen on 6 April 2022 after he asked to return to the sports on 31 October 2022, the fact remains that Mr. Donen's ADRV is confirmed, and the athlete accepted the consequences. The acceptance of the result management agreements not only suggests that the charges were substantiated but also does not fall within the remit of this Panel, which does not act as an appeal body.

40. On the basis of the evidence on file, the IWF Panel is satisfied (i) that three athletes affiliated to the TWF 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.

B. WHAT SANCTION SHOULD BE IMPOSED ON THE TWF?

1. Sanction under the IWF ADR

41. 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.
42. 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, the IWF Panel will accept the IWF's position, unless it is grossly inconsistent with the facts of the case as they result from the record.
43. 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."
44. 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: In this case, while three ADRVs fall within the scope of the provisions, it is the minimum required to establish a breach and thus at the threshold level with respect to sanctions.
 - Nature of the ADRVs: The whereabouts failures are a prolonged offence. Although the Panel accepts it is foremost the responsibility of the athlete to provide accurate whereabouts information, there were no specific steps on file after the first or second whereabouts failure to put the athlete on high alert, but only after the third whereabouts failure. Furthermore, even though Mr. Donen

was not included in the competition lists 2021-2024, he was relevantly so at the time of the three whereabouts failures in the RTP and could still commit whereabouts failures and was responsible for his Anti-Doping obligations. However, the circumstances surrounding Mr. Donen's violation show a series of peculiar circumstances related to the repeated notifications of retirement and reentries into the RTP by the athlete, whose recent career furthermore indicates a lack of participation in international and national events. Nevertheless, whereabouts failures are quite significant since National Weightlifting Federations should ensure that its RTP Athletes be educated to submit accurate, complete and timely whereabouts filings.

- The level of fault of the athletes: While three ADRVs occurred, one resulted from the ingestion of a contaminated supplement without significant fault or negligence and another one, Mr. Donen's, is not entirely convincing in retrospect.
- The involved Substance: One ADRV involved the presence of five prohibited substances, which is a significant violation indicating a serious breach of the Anti-Doping rules.
- Athletes Support Personal: It was not established that TWF's Athletes Support Personal was involved.

45. In light of the above 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. The Panel balances the severity of at least one ADRV which involved five different prohibited substances and led to a period of ineligibility of three years with the indications that the TWF educates its athletes and coaches every year in cooperation with TDMK (NADO). However, it is not only crucial but also necessary that NFs place particular emphasis on educating their athletes about the importance of submitting accurate, complete, and timely whereabouts information and be available for testing during the on-hour-time slot to prevent such failures. Taking into account that this is the first instance where Article 12.3.2 of the IWF ADR is applicable to the TWF, the Panel deems it fair and proportionate to impose a fine of USD 100,000, which is on the medium-low range of the scale provided for by Article 12.3.2 lit. b of the IWF ADR.

2. Sanction under the IWF OQS

46. 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). The IWF does not claim (and rightly so) that this is the case here.

47. Hence, the Panel is left with the discretion to withdraw the quota place. 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.
48. In its discretion, the Panel considers, not without hesitation, that under the present circumstances and for the reasons set out above, in particular the fact that the number of three ADRVs being not only the minimum for the application but one ADRV were related to contamination and not cheating, it would be disproportionate to order the withdrawal of the single Olympic quota place earned by Turkish weightlifters.
49. Given the evidence and arguments presented, the Panel determines that no quota places for the Olympic Games Paris 2024 or subsequent Olympic Games shall be withdrawn from the TWF at this time.

* * * *

VIII. DECISION

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

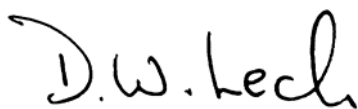
- 1. The Turkish Weightlifting Federation has committed a breach of Article 12.3.2 of the IWF ADR and of the provisions of the IWF OQS, Paris 2024.**
- 2. The Turkish Weightlifting Federation shall pay a fine in the amount of USD 100,000.00 (one hundred thousand US Dollars) to be paid within 6 months from receipt of the present decision.**
- 3. Each party bears its own costs.**

Date: 5 July 2024

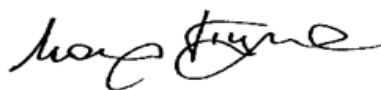
The IWF Panel:



Antonio Rigozzi
Chair



David Lech



Mario Vigna