

Joint Workshop on Legal Responses to Doping

Doping at Mega Sporting Events

From Japanese Perspective

Shoichi Sugiyama
(sugi@field-r.com)

Analytical Doping at the Tokyo Games (Result)

	Nationality of Athlete	ADRV	Substance	Date	OOB/IC
1	Ukraine	2.1	recombinant erythropoietin	23rd July 2021	OOB
2	Kenya	2.1	Methasterone	28th July 2021	OOB
3	Georgia	2.1	dehydrochloromethyl-testosterone, metandienone, tamoxifen	31th July 2021	OOB
4	Bahrain	2.1	homologous blood transfusion	2nd August 2021	OOB
5	Great Britain	2.1	SARMS enobosarm (Ostarine) and SARMS S-23	6th August 2021	IC
6	Bahrain	2.1	homologous blood transfusion	8th August 2021	IC

Analytical Doping at the Tokyo Games (Result)

CAS Anti-Doping Division



Chambre Anti-dopage du TAS

MEDIA RELEASE

Decision rendered by the Anti-Doping Division
of the Court of Arbitration for Sport (CAS ADD)

Chijindu Ujah - Athletics

Lausanne, 18 February 2022 - The Anti-Doping Division of the Court of Arbitration for Sport (CAS ADD) has issued the following decision today in relation to the British sprinter Chijindu Ujah:

- Chijindu Ujah (the Athlete) is found to have committed an Anti-Doping Rule Violation (ADRV) pursuant to Article 2.1 of the IOC Anti-Doping Rules (IOC ADR) applicable to the Games of the XXXII Olympiad Tokyo 2020.
- Chijindu Ujah is sanctioned with the disqualification of his results in the 4 x 100m sprint relay Final on 6 August 2021, and his results in the 100m sprint – together with the forfeiture of any medals, diplomas, points and prizes in accordance with Article 10.1 of the IOC Anti-Doping Rules for the Tokyo Olympic Games 2020.
- The Great Britain men's sprint relay team results in the 4 x 100m sprint relay Final on 6 August 2021 are disqualified together with the forfeiture of any medals, diplomas, points and prizes in accordance with Article 11.3 of the IOC Anti-Doping Rules for the Tokyo Olympic Games 2020.
- World Athletics (WA) is requested to consider any further action within its own jurisdiction and pursuant to its own Rules including the determination of any period of ineligibility.

On 6 August 2021, following the Final of the 4x100m sprint relay, the Athlete underwent an in-competition doping control. Analysis of his sample returned an Adverse Analytical Finding (AAF) for the prohibited substances enobosarm (ostarine) and S-23, Selective Androgen Receptor Modulators (SARMs) which are prohibited by WADA at all times.

On 12 August 2021, the International Testing Agency (ITA), acting on behalf of the IOC, formally notified the Athlete of the AAF and he was provisionally suspended by the Athletics Integrity Unit (AIU). The B-sample analysis requested by the Athlete confirmed the A-sample analysis and the ITA referred the matter to the CAS ADD for determination on the ADRV and the imposition of consequences under the IOC ADR.

Following an exchange of written submissions in which the Athlete did not challenge the ADRV but argued that he had not knowingly or intentionally doped, suggesting that the source of the prohibited substances could have been the ingestion of a contaminated supplement, the CAS ADD Sole Arbitrator issued the present decision in which she determined, to her comfortable satisfaction, that an ADRV had been committed by the Athlete contrary to Article 2.1 of the IOC ADR.

Turning to the consequences, the Athlete was sanctioned in accordance with Article 10.1 of the IOC ADR with the disqualification of his results in the 4 x 100m sprint relay Final on 6 August 2021, and his results in the 100m sprint. In addition, and in accordance with Article 11.3 of the IOC ADR, the Great Britain men's sprint relay team results in the 4 x 100m sprint relay Final on 6 August 2021 were also disqualified, together with the forfeiture of any medals, diplomas, points and prizes. WA is requested to consider any further action within its own jurisdiction and pursuant to its own Rules including the determination of any period of ineligibility.

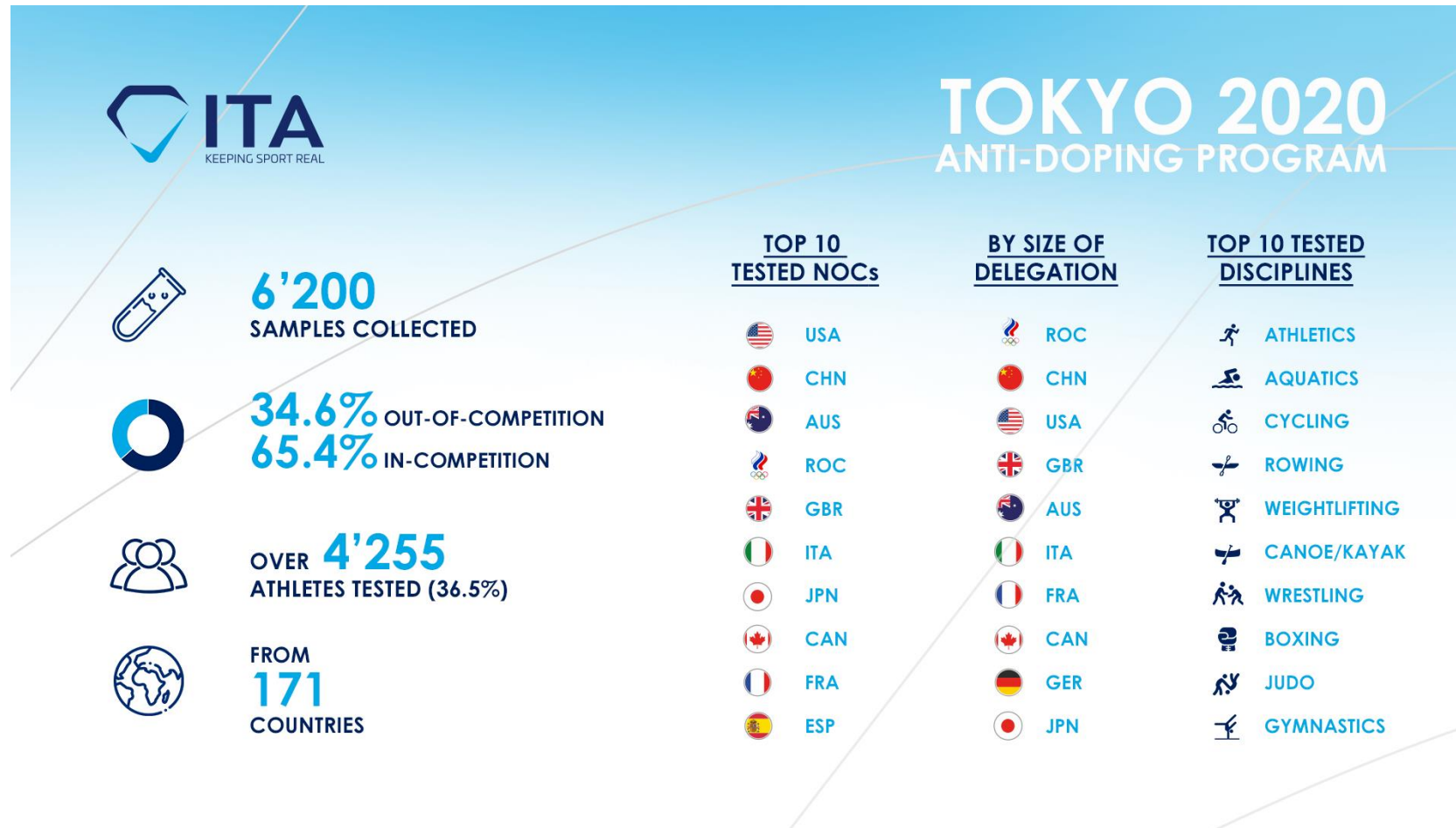
Château de Bédigny Av. de Beaumont 2 CH-1012 Lausanne Tel: +41 (21) 613 50 00 antidoping@cas-cas.org

IOC ADR

11.3 Consequences to Teams in sports which are not Team Sports

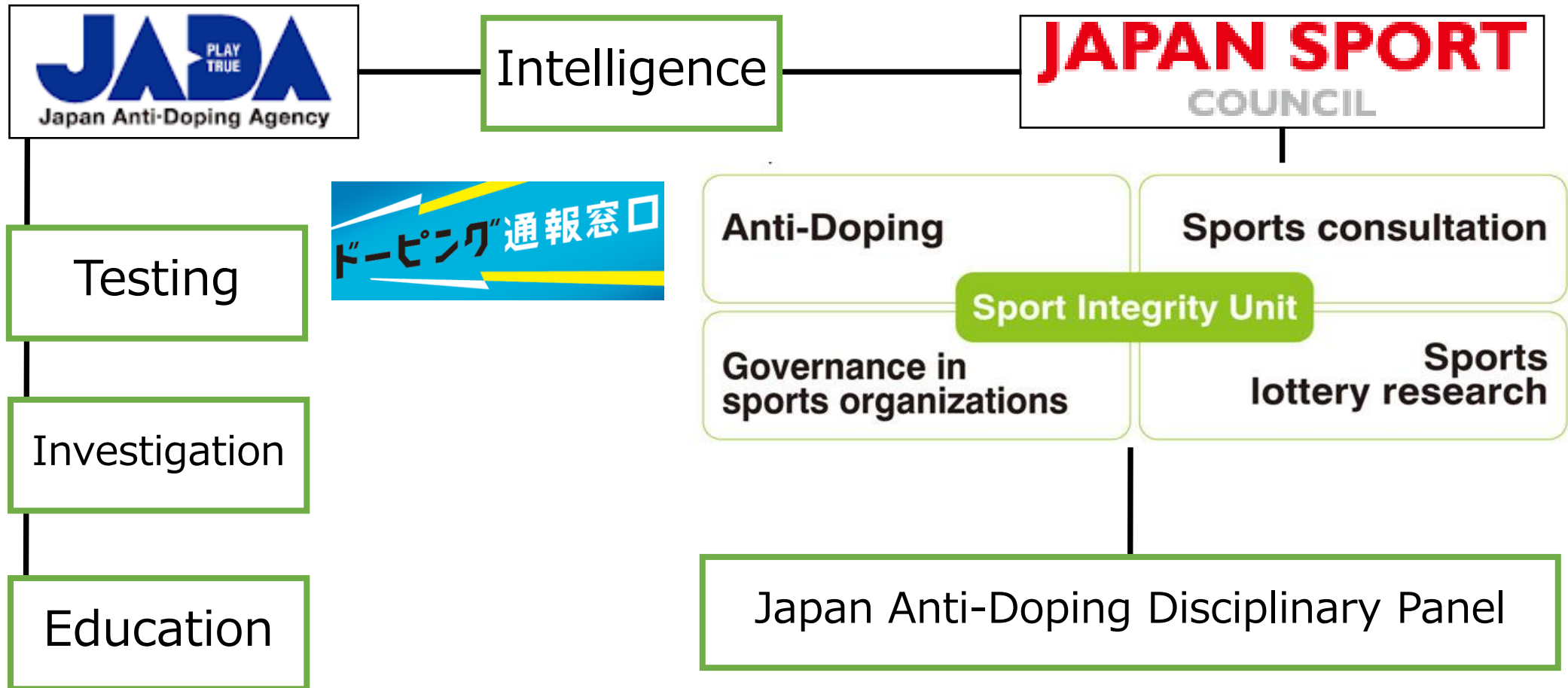
If **one or more members of a team in a sport which is not a Team Sport but where awards are given to teams, is found to have committed an anti-doping rule violation during the Period of the Olympic Games Tokyo 2020**, the CAS Anti-Doping Division shall apply the rules of the relevant International Federation to determine the Consequences on the team (e.g., ...), in addition to any Consequences imposed pursuant to these Rules on the individual Athlete(s) found to have committed the anti-doping rule violation.

Analytical Doping at the Tokyo Games (Result)



<https://ita.sport/event/olympic-games-tokyo-2020/>

For Non-Analytical Doping

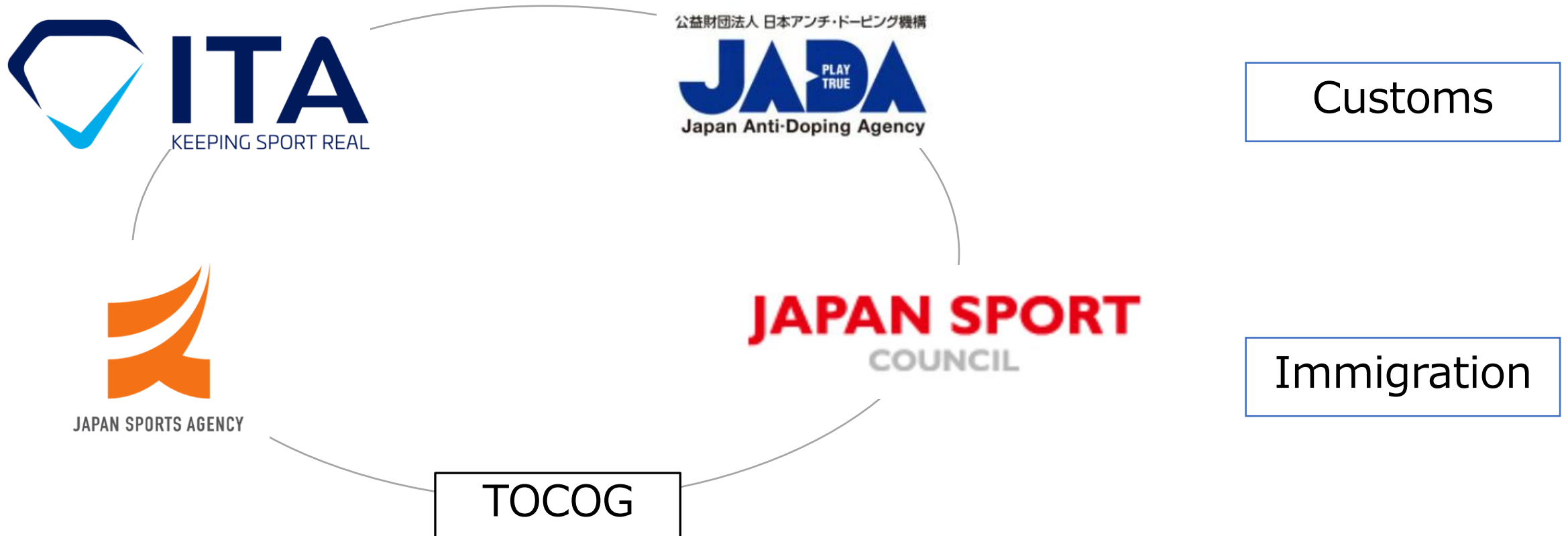


Act on the Promotion of Anti-Doping Activities in Sport (in 2018)

- i. Basic Ideals (Promotion of Anti-Doping Activities) / Art. 3
- ii. **Prohibition of Doping in sport / Art.4**
 - a. Athletes (Art 4.1)
 - b. A person instructing or training athletes (Art 4.2)
 - c. **No sanction (PADAS Act is not Criminal Law)**
- iii. The national government' s role / Art. 12, 13 and 15
 - a. Education and Training / Research
 - b. **Take measures required for the sharing of information**
- iv. Supplementary Provisions
 - a. The government shall **review the measures** for the prevention of Doping in Sport / **take necessary measures**

Cooperation during the Games

Memorandum of Cooperation



Cooperation during the Games

In order to facilitate the exchange of information related to possible anti-doping violations, the ITA and all entities that have signed the MoC recognise the importance of close cooperation in the area of intelligence and investigations. All parties involved are fully committed to ensuring that the Games are clean and that all available measures can be taken swiftly should the use or trafficking of banned substances or methods be discovered in the context of the Olympic Games Tokyo 2020.

Under this new MoC, the ITA will be able to count on **the full support of Japan Sport Agency (JSA) of the Ministry of Education, Culture, Sports, Science and Technology (MEXT), the Japan Sport Council (JSC), JADA, and the Tokyo 2020 Organising Committee, in relation to intelligence and anti-doping activities in connection with the Olympic Games Tokyo 2020.**

<https://ita.sport/news/the-ita-officialises-cooperation-on-information-exchange-linked-to-doping-with-japanese-authorities-for-tokyo-2020/>

Thank you for your kind attention

Reference

- 公益財団法人日本スポーツ仲裁機構「第14回スポーツ仲裁シンポジウム報告書」, <https://www.jsaa.jp/sympo/sympo14report.pdf> (2017)
- 公益財団法人日本スポーツ仲裁機構「スイス連邦におけるアンチ・ドーピング活動の状況」日本スポーツ仲裁機構 (2019.03)
- Shoichi Sugiyama, Sena Hangartner, *Ahead of the Tokyo 2020 Olympic Games – The Fight against Doping in Japan and in Switzerland at a Glance*, Causa Sport 3/2019 (Dike Verlag AG, 2019)
- 早川 吉尚編「アンチ・ドーピングのルールと手続」59-67頁 (商事法務、2021年)