CAS 2024/A/10931 Zurabi Datunashvili v. United World Wrestling (UWW)

ARBITRAL AWARD

delivered by the

COURT OF ARBITRATION FOR SPORT

sitting in the following composition:

President: Ms. Marianne Saroli, Attorney-at-Law in Montreal, Canada
Arbitrators: Mr. Jeffrey G. Benz, Attorney-at-Law and Barrister in London, United Kingdom
Mr. James Drake KC, Barrister, London, United Kingdom

in the arbitration between

Zurabi Datunashvili, Serbia

Represented by Ms. Ivana Bojović and Ms. Tanja Sumar, Attorneys-at-Law respectively in Novi Sad and Belgrade, Serbia

Appellant

and

United World Wrestling (UWW), Monaco

Represented by Ms. Dominique Leroux-Lacroix, Mr Damien Clivaz and Ms. Ayesha Talpade, counsels for the International Testing Agency (ITA) in Lausanne, Switzerland

Respondent

I. PARTIES

1. Mr. Zurabi Datunashvili (the "Appellant" or "Athlete") is a Georgian-born wrestler who has been competing in international events since 2006. He has been a member of, and has competed for, the Wrestling Federation of Serbia ("WFS") since 2019. He is an internationally acclaimed high-level athlete having won several European and World Championship titles as well as a bronze medal in the 2020 Tokyo Olympic Games ("Tokyo Olympics"). He is considered an international-level athlete within the meaning of the 2021 UWW Anti-Doping Rules ("UWW ADR").

2. United World Wrestling (the "Respondent" or "UWW") is the world governing body for the sport of wrestling, recognized as such by the International Olympic Committee. The WFS is the member federation of UWW for Serbia. UWW is a signatory to the World Anti-Doping Code (the "WADA Code"). In accordance with its obligations as a signatory to the WADA Code, UWW issued the UWW ADR, which are the rules applicable to the anti-doping rule violations ("ADRVs") which are alleged and are the subject of this appeal.

3. UWW has delegated the implementation of its anti-doping program to the International Testing Agency ("ITA"), which conducted the appeal on its behalf.

II. FACTUAL BACKGROUND

A. Introduction

4. Below is a summary of the relevant facts and allegations based on the Parties' written submissions, pleadings and evidence adduced at the hearing. Additional facts and allegations found in the Parties' written submissions, pleadings 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 Award only to the submissions and evidence it considers necessary to explain its reasoning.

5. This is an appeal from a decision of the Court of Arbitration for Sport ("CAS") Anti-Doping Division ("ADD"), which determined the charges at first instance and found that the Athlete had committed ADRVs under Articles 2.2 and 2.5 of the UWW ADR (the "Appealed Decision") as follows:

   - *Article 2.2 (Use of a Prohibited Method)*: that, on 27 May 2021, the Athlete committed an act or omission that facilitated the substitution of urine by a doppelgänger at the Belmeken High Mountain Sports Complex in Belmeken, Bulgaria, with actual or constructive knowledge of the likelihood that such substitution would occur;

   - *Article 2.5 (Tampering with any Part of Doping Control)*: that the Athlete tampered with or attempted to tamper with the doping control process by

fabricating, or procuring the fabrication of, a video recording from security cameras at a hotel (the "Video Recording"), which he submitted to UWW in response to an investigation into a potential whereabouts failure, purportedly as exculpatory evidence for his absence from his declared location during a targeted out-of-competition doping control conducted on 6 January 2022.

6. The Appealed Decision imposed on the Athlete a period of ineligibility of five years, commencing on 11 April 2023.

7. This appeal concerns only the alleged ADRV under Article 2.2 of the UWW ADR, relating to sample substitution. The Athlete has not contested the finding of an ADRV under Article 2.5 of the UWW ADR in connection with the Video Recording. However, the facts and circumstances relating to the ADRV under Article 2.5 of the UWW ADR remain relevant to the determination of this appeal and will therefore be outlined.

B. Facts

a. Doping controls and competition participation

8. On 27 May 2021, the Athlete was allegedly the subject of an out-of-competition doping control during a training camp at the Belmeken High Mountain Sports Complex in Belmeken, Bulgaria, also known as the Belmeken National Sports Base (the "Sports Base"). Urine samples A-4619045 and B-4619045 (the "27 May 2021 Sample") were allegedly collected from him and sent to the WADA-accredited laboratory in Seibersdorf, Austria (the "Seibersdorf Laboratory") for analysis. No prohibited substances were detected during the analysis by the Seibersdorf Laboratory.

9. On 4 August 2021, the Athlete participated in the Tokyo Olympics and won the bronze medal in the Men's Greco-Roman 87 kg category.

10. On 7 October 2021, the Athlete participated in the 2021 UWW Senior World Championships and won the gold medal in the Men's Greco-Roman 87 kg category.

11. On 16 February 2022, the Athlete was the subject of an out-of-competition doping control in Serbia. Urine samples A-3168092 and B-3168092 (the "16 February 2022 Sample") were collected and analysed at the WADA-accredited laboratory in Cologne in Germany (the "Cologne Laboratory"). No prohibited substances were detected.

12. In September 2022, the Athlete participated in the 2022 UWW World Championships, where he competed in the Men's Greco-Roman 87 kg category and won the gold medal. On 11 September 2022, during the in-competition period, he was subjected to doping control. Urine samples A-7014658 and B-7014658, as well as blood sample no. 955283 (together, the "11 September 2022 Sample"), were collected and analysed at the Seibersdorf Laboratory. No prohibited substances were detected.

13. In the course of routine monitoring of the Athlete Biological Passport ("ABP"), the Seibersdorf Laboratory, acting as the UWW Athlete Passport Management Unit ("APMU"), identified atypical steroidal values in the 27 May 2021 Sample. These values fell outside the Athlete's established steroidal profile and reference limits. The APMU subsequently reported this finding to the ITA, which initiated further investigative steps to assess the cause of the irregularity.

b. The investigation and analyses

14. Following the APMU's notification of atypical steroidal values in the 27 May 2021 Sample, the ITA initiated an investigation to verify the integrity and origin of the relevant samples. As part of this process, the *"Institut für Blutgruppenforschung"* at the Cologne Laboratory was instructed on 12 December 2022 to perform DNA analysis. Specifically, it was requested to extract DNA from the 27 May 2021, 16 February 2022, and 11 September 2022 Samples, and to compare the DNA profiles obtained from each.

15. On 10 January 2023, Dr. Christian Winkler, a forensic DNA and paternity expert at the *"Institut für Blutgruppenforschung"*, issued a DNA Analysis Report (the "DNA Report"). According to this report, the DNA profiles of the 16 February 2022 and 11 September 2022 Samples matched, indicating that both originated from the same individual. In contrast, the DNA profile of the 27 May 2021 Sample did not match those of the other two samples, suggesting that it was provided by a different individual. He further noted that:

"A full DNA profile was obtained from the urine sample 4619045 […] *The DNA profile does not match the DNA profiles obtained from the samples 7014658, 3168092 and 955283. Therefore, sample 4619045 is excluded as the same source of DNA from samples 7014658, 3168092 and 955283.*

A full identical DNA profile was obtained from the two urine samples 7014658, 3168092 and the serum sample 955283 […] *The results of the analyses are consistent with the assumption that the urine samples 7014658, 3168092 and the serum sample 955283 come from an identical originator. The identical profile from the samples 7014658, 3168092 and 955283 do not match the profile obtained from the sample 4619045. Therefore, samples 7014658, 3168092 and 955283 are excluded as the same source of DNA from sample 4619045."*

16. On 2 May 2023, the ITA conducted an interview with Mr. Plamen Nedkov ("DCO Nedkov"), the doping control officer from the Bulgarian National Anti-Doping Organisation ("BUL-NADO") allegedly responsible for the sample collection held on 27 May 2021. DCO Nedkov stated that he had not observed any irregularities during the sample collection process on that date.

17. On 21 July 2023, the ITA sought clarification from Dr. Winkler as to whether the DNA profile of the 27 May 2021 Sample could potentially belong to a first-degree relative of the Athlete. On the same day, Dr. Winkler responded that "*there is strong*

evidence for the assumption that either a brother or a father is the originator of one of the individual sample profile in this case."

18. In the context of its investigation, the ITA also consulted Professor Hans Geyer, former Director of the APMU at the Cologne Laboratory. He was requested to review both the Athlete's ABP steroidal profile (BPO3838C25) and the DNA analysis findings.

19. On 29 July 2023, Prof. Geyer issued a report addressing *inter alia* the evaluation of the DNA profiles corresponding to various urine samples purportedly collected from the Athlete over the course of several years (the "ABP Report").

20. As part of his analysis, Prof. Geyer compared the DNA profiles of the 27 May 2021, 16 February 2022 and 11 September 2022 Samples and came to the following conclusion:

> *"* ***Comparison of DNA profiles of samples with T/E > 1 and T/E < 1***
>
> *4. DNA-profile analyses were conducted of the samples 21 (4619045 from 27th May 2021; T/E 0.66), 25 (3168092 from 16th February 2022; T/E 3.9) and 31 (7014685 from 11th September 2022; T/E 1.8),*
>
> *5. The DNA Profile of sample 21 did not match the DNA profiles of samples 25 and 31. The DNA profiles of samples 25 and 31 were identical, i.e. originated from the same individual (see annex 1: DNA report from 10th January 2023).*
>
> ***Individualisation of the urine samples***
>
> *6. The individualisation of the urine samples was conducted by the comparison of the DNA profiles of the urine samples 21, 25 and 31 with the DNA profile of a serum sample of the athlete (955283 received from the Seibersdorf lab on 7th December 2022).*
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> *7. The DNA-profiles of the samples 25 and 31 matched the DNA profile of the serum sample of 955283 and therefore originate from the athlete of case BPO3838C25. The DNA-profiles of the sample 21 did not match the DNA profile of the serum sample 955283 and therefore did not originate from the athlete of case BPO3838C25 (see annex 1 and figure 2)*
>
> *8. Based on the statistical evaluation of the DNA profiles, the urine sample 21 (4619045 from 27th May 2021) originates with a probability of more than 99.9999 % from a first grade relative of the athlete."*

21. In addition, Prof. Geyer examined the Athlete's steroidal profile and focused on several samples collected during out-of-competition testing. Among the samples examined, Prof. Geyer identified five samples allegedly collected from the Athlete during out-of-competition controls on 16 June 2016, 26 October 2017, 10 January 2018, 9 August 2022, and 12 October 2022 (together, the "Additional Samples"). He

references these in his report as Samples 7, 15, 16, 29, and 32. One further sample, allegedly collected on 18 May 2016 (Sample 6), was examined but excluded from evaluation due to bacterial contamination.

22. Prof. Geyer found that the steroidal profiles of the Additional Samples bore similarities to that of the 27 May 2021 Sample. Conversely, they exhibited differences from the 16 February 2022 and 11 September 2022 Samples, as well as from the Athlete's usual longitudinal profile.

23. His review of the Athlete's steroidal profile drawn from these Additional Samples showed variations in the testosterone to epitestosterone ("T/E") ratio. In particular:

*"**Evaluation regarding samples 6, 7, 15, 16, 29 and 32***

10. The T/E ratios of the samples 6, 7, 15, 16, 29 and 32 show similar low T/E ratios as sample 21 (T/E 0.7).

Sample 6 (4010649 from 18th May 2016): T/E 0.2
Sample 7 (4010641 from 16th June 2016) T/E 0.8
Sample 15 (4129046 from 26th Oct 2017): T/E 0.4
Sample 16 (4199010 from 20th January 2018): T/E 0.5
Sample 29 (3166385 from 9th August 2022): T/E 0.5
Sample 32 (1110555 from 12th October 2022): T/E 0.7

The sample 6 was excluded from the further evaluation because it was invalidated due to indications of bacterial activities.

All the T/E ratios are below the lower individual reference limit of the athlete, calculated by the adaptive model (see fig.1) and are therefore atypical for this athlete"

24. After evaluating the observed variations in the Athlete's T/E ratio, Prof. Geyer concluded*, inter alia*, as follows:

"11. According to the scientific literature and my experience with the evaluation of steroidal passports since 1990, the most highly likely scenarios which can lead to such a strong variation of the T/E ratio in the time period between December 2014 and January 2023 in male athletes are listed in the following:

a) Intermittent application of testosterone and/or testosterone prohormones.
b) Intermittent consumption of ethanol.
c) Application of anabolic steroids.
d) Mix-up of samples or analytical errors in the laboratories.
e) Application of ketoconazole or similar substances.
f) Sample swapping, i.e. the samples 6, 7, 15, 16, 29 and 32 originate from other individuals.

12. *Scenario a) can be excluded, as the GC/C/IRMS analyses of 2 samples with increased T/E values did not show an exogenous origin of testosterone metabolites (see reports of the APMUs Paris and Seibersdorf and point 3 of my statement)*

13. *Scenario b) can be excluded, as among the samples with an increased T/E only sample 24 (3168090 from 15th February 2022) did show the presence of the ethanol (see reports of the APMU Seibersdorf from 25th February 2022 and 1st March 2022)*

14. *Scenario c) can be excluded as in none the samples of the passport, metabolites of anabolic steroids were detected.*

15. *Scenario d) can be excluded for samples 9, 10, 21, 22, 25, 31 and 32. For these samples confirmation procedures for the steroid profiles have been conducted, which confirmed the values of the initial testing procedure (see passport data of BPO3838C25)*

16. *Scenario e) can be excluded, as in none of the samples ketoconazole or similar substances were reported (see reports of the APMUs Paris and Seibersdorf).*

17. *According to my experience scenario f) is the only explanation for the atypically decreased T/E values of samples 6, 7, 15, 16, 21, 29, and 32. This has been proven for sample 21 via DNA profile analyses and comparison with the DNA profiles of samples 25 and 31 (see point 4 - 7 of my statement).*

Conclusion regarding samples 6, 7, 15, 16, 29, and 32

18. *It can be concluded, based on the atypically decreased T/E ratios of the OOC samples 6, 7, 15, 16, 21, 29 and 32 and the proven fact that sample 21 originates from another individual, that also samples 6, 7, 15, 16, 29 and 32 originate from other individuals. According to my experience other scenarios can be excluded."*

25. On 11 November 2023, the ITA interviewed Ms. Mariya Popova, a Doping Control Assistant ("DCA") also affiliated with the BUL-NADO, ("DCA Popova"). She stated that she and DCO Nedkov (together the "Doping Control Personnel or "DCPs") attended the Sports Base on the evening of 26 May 2021 with the purpose of conducting an out-of-competition urine sample collection from the Athlete the following morning. According to DCA Popova, the sample collection procedure appeared to proceed without incident. A urine sample was collected from an individual whom she believed, at the time, to be the Athlete.

c. Video Recording

26. As mentioned above, the ADRV under Article 2.5 of the UWW ADR, relating to the Video Recording and upheld in the Appealed Decision, is not challenged by the Athlete in this appeal.

27. Since this ADRV is not contested, it is helpful to reproduce below the description of the relevant incident as set out in paragraphs 15 to 21 of the Appealed Decision:

"15. On 6 January 2022, between 5:55 a.m. and 7:20 a.m., the Athlete was the target of an OOC doping control at Hotel Srbija in Belgrade, Serbia (the "Hotel"). The mission was planned based on the whereabouts information filed by the Athlete, according to which he would be available for testing from 6:00 a.m. to 7:00 a.m. on that date. However, DCO Mr Marko Pročikević was not able to find the Athlete at the Hotel.

16. DCO Pročikević waited in the reception of the Hotel until the end of the one-hour testing slot and then called to three phone numbers listed in the Athlete's ADAMS profile for the purpose of notifications related to anti-doping controls. After several calls, DCO Pročikević reached the Athlete and discussed with him. The Athlete did not appear at the Hotel before DCO Pročikević left. This missed test potentially was the Athlete's third whereabouts failure within a twelve-month period.

17. On 6 January 2022 at 10:45 a.m., an e-mail was sent in the name of the WFS President, Mr Zeljko Trajković to UWW. According to the e-mail, the Athlete had been unable "to respond because he was in Emergency Centre in Belgrade due to an allergic reaction to food".

18. On 14 January 2022, WFS sent a letter to UWW explaining that the Athlete stayed at the Hotel on 5 January 2022 and was taken to the Military Medical Academy (the "Hospital") by ambulance around 6 p.m. on the same day (the "14 January 2022 Letter"). The 14 January 2022 Letter was accompanied by three documents: (1) medical report from the Hospital, (2) a statement by a receptionist of the Hotel, and (3) a video recording from the security cameras of the Hotel allegedly recorded on 5 January 2022 and purportedly showing the Athlete being taken to the Hospital in an ambulance (the "Video Recording").

[…]

21. Upon further investigations, the ITA concluded that the Video Recording was in fact not recorded on 5 January 2022 but at a later point in time, after the unsuccessful test attempt, most likely on 8 or 10 January 2022, and subsequently backdated. The Sole Arbitrator notes in this context that during the CAS proceedings, the Athlete has admitted that the Video Recording was not recorded on 5 January 2022."

C. The Charge

28. On 11 April 2023, UWW notified the Athlete of apparent ADRVs under Articles 2.2 (Use or Attempted Use by an Athlete of a Prohibited Method) and 2.5 (Tampering or Attempted Tampering with any Part of Doping Control) of the UWW ADR.

29. On the same day, UWW provisionally suspended the Athlete, in accordance with Article 7.4.1 of the UWW ADR.

30. On 24 June 2023, the Athlete submitted his initial explanations (the "Initial Explanations").

31. On 2 August 2023, following its review of the Initial Explanations, UWW issued a Notice of Charge, alleging that the Athlete had committed ADRVs under Articles 2.2 (Use or Attempted Use by an Athlete of a Prohibited Method), 2.3 (Evading, Refusing or Failing to Submit to Sample Collection) and 2.5 (Tampering or Attempted Tampering with any Part of Doping Control) of the UWW ADR.

32. On 18 August 2023, the Athlete informed UWW that he "*expressly refuses to admit to the ADRVs and will not provide any further explanation at this point*" and requested that "*this matter be referred for adjudication to the CAS ADD*".

D. The Proceedings before the ADD

33. On 23 November 2023, UWW filed with the ADD a Request for Disciplinary Proceedings (the "Request for Arbitration") pursuant to Article 8 of the UWW ADR and Article A13 of the Arbitration Rules applicable to the CAS Anti-Doping Division (2021) (the "ADD Rules"). The Request for Arbitration included a request for document production.

34. On 24 November 2023, the ADD Court Office invited the Athlete to file an Answer.

35. On 20 March 2024, the Athlete filed his Answer, also including a document production request.

36. On 21 March 2024, the ADD Court Office invited UWW to comment on that request and to indicate whether a hearing was necessary.

37. On 28 March 2024, UWW opposed the Athlete's document request and confirmed its position that a hearing was required.

38. On 16 April 2024, the Sole Arbitrator denied the Athlete's document production request, holding that the documents sought were either already in his possession or not relevant to the adjudication of the alleged ADRVs. UWW was also requested to clarify whether it maintained its own document production request.

39. On 19 April 2024, UWW confirmed that it did so. By letter of 29 April 2024, the Sole Arbitrator partially and conditionally granted UWW's request, ordering the Athlete to produce certain documents by 10 May 2024. The Athlete produced only part of the documents ordered. Following further exchanges, the ADD, by letter of 28 May 2024, confirmed that certain requests were dismissed, while others remained outstanding, noting that the Athlete had not fully complied.

40. On 21 June 2024, the Parties signed the Order of Procedure.

41. A hearing was held in Lausanne, Switzerland, on 1 and 2 July 2024.

42. At the hearing, the Athlete requested the exclusion of the Doping Control Form ("DCF") dated 27 May 2021 (the "27 May 2021 DCF"), alleging that it had been obtained illegally. The Sole Arbitrator rejected the Athlete's request, finding no convincing evidence that it was illegally obtained. The DCF was deemed a material piece of evidence in relation to the alleged sample swapping, and the Athlete had already used it as evidence with the support of a handwriting expert, Mr. Larry Stewart.

43. During the hearing, issues arose regarding some of the witnesses testifying about the events of 5 January 2022, particularly in relation to the Video Recording. The Athlete noted that Dr. Vukosavljević would not testify, asserting that he was not his witness but had been contacted for UWW's benefit. The Sole Arbitrator found no grounds to draw adverse inferences from Dr. Vukosavljević's absence, as other witnesses had testified on the same matters, and the Athlete's counsel provided a legitimate explanation for his non-appearance. The issue of responsibility for Dr. Vukosavljević's availability was therefore deemed moot.

44. Additionally, after the examination of Mr. Vojislav Marković, UWW sought to introduce new documentary evidence regarding his relationship with Mr. Željko Trajković. The Athlete objected, arguing that the documents had been available earlier and questioning their relevance. The Sole Arbitrator dismissed the request, finding no exceptional circumstances for admitting new evidence, as Mr. Marković's credibility had already been tested during cross-examination.

45. At the conclusion of the hearing, both Parties confirmed that their right to be heard and to be treated equally had been respected.

46. On 19 September 2024, the Appealed Decision was issued.

47. The Sole Arbitrator found that the Athlete had committed an ADRV of Use of a Prohibited Method pursuant to Article 2.2 of the UWW ADR and an ADRV of Tampering with any Part of Doping Control pursuant to Article 2.5 of the UWW ADR.

48. Regarding the ADRV under Article 2.2 of the UWW ADR, the Appealed Decision found, *inter alia*, that:

> *"97. Based on careful weighing of the evidence presented in the case, the Sole Arbitrator is comfortably satisfied that the Athlete had been intentionally involved in the urine substitution on 27 May 2021 and has thus committed an ADRV in the form of use of a prohibited method.*
>
> *98. UWW has established to the Sole Arbitrator's comfortable satisfaction that (1) the sample originates from the Athlete's first grade relative and (2) the doping control took place in the Athlete's room during 1-hour time slot notified by the Athlete and as described by DCO Nedkov, including the absence of the Athlete and the presence of Mr Dobrev, the Athlete's close support person. The Sole Arbitrator concludes that*

these established facts signify that the Athlete has taken measures that facilitated the sample substitution through the use of a doppelgänger, and that the Athlete did so with actual and/or constructive knowledge. The Athlete knew or should have known that a sample substitution would be performed through the use of a doppelgänger at the doping control on 27 May 2021.

99. The Athlete has not succeeded in establishing that his version of the events is, on balance of probabilities, the correct one. Instead, in the light of the evidence in the Sole Arbitrator's use, the Athlete's version is not plausible. The Athlete has not put forth any credible scenario of a sabotage. Therefore, the Sole Arbitrator is comfortably satisfied that the urine substitution on 27 May 2021 was not an action of an unidentified third party, who had obtained urine from the Athlete's first grade male relative and fabricated the DCF without any knowledge by the Athlete. The arguments and evidence put forth by the Athlete are not capable of weakening the robust evidence presented by UWW."

49. With respect to the Additional Samples, the Appealed Decision held that UWW had not proved to its comfortable satisfaction that the Athlete committed an act or omission that facilitated the use of a doppelgänger in their collection, with actual or constructive knowledge of the likelihood of substitution. The Appealed Decision therefore did not deem it necessary to determine whether those samples originated from the Athlete or another person.

50. Concerning the ADRV under Article 2.5 of the UWW ADR, the Appealed Decision found:

"115. Based on the Athlete's admission and evidence on the record, the Sole Arbitrator is comfortably satisfied that the Athlete has committed tampering under Article 2.5 of the UWW ADR. The Sole Arbitrator finds that having intentionally falsified evidence submitted to an ADO during its investigations subverts doping control process and thus constitutes tampering. The Athlete's measures regarding the Video Recording have not remained a mere punishable attempt.

[…]

117. Second, the Sole Arbitrator observes that the Athlete has not only purposely engaged in conduct that constitutes a substantial step in a course of conduct planned to culminate in the commission of tampering, which would correspond with the definition of an attempt in the UWW ADR. Instead, he has completed all necessary actions and in fact was able to successfully deceive UWW from January 2022 until 2023 when UWW eventually found out that the Video Recording was false."

51. As a result, the Athlete was sanctioned with a period of ineligibility of five years, commencing on 11 April 2023, the date of his provisional suspension. All competitive results obtained from and including 27 May 2021 through 11 April 2023 were disqualified, with all resulting consequences including forfeiture of medals, points, and prizes.

52. The Athlete has appealed the Appealed Decision insofar as it found him to have committed an ADRV under Article 2.2 of the UWW ADR in relation to the alleged urine substitution concerning the 27 May 2021 Sample. He has not appealed the finding of an ADRV under Article 2.5 of UWW ADR in connection with the Video Recording.

III. PROCEEDINGS BEFORE THE COURT OF ARBITRATION FOR SPORT

53. On 23 October 2024, the CAS Court Office confirmed receipt of the Athlete's Statement of Appeal, which had been filed on 10 October 2024 in accordance with Article R47 of the Code of Sports-related Arbitration (the "Code"), challenging the Appealed Decision rendered on 19 September 2024 by the ADD. In his Statement of Appeal, the Athlete nominated Mr. Jeffrey Benz, Attorney-at-Law and Barrister in London, United Kingdom, as arbitrator. The CAS Court Office invited UWW to nominate an arbitrator from the CAS list within ten days pursuant to Article R53 of the Code, failing which the President of the CAS Appeals Arbitration Division, or her Deputy, would make the appointment *in lieu* of the UWW.

54. On 25 October 2024, the Athlete clarified that his Statement of Appeal should also serve as his Appeal Brief. The CAS Court Office acknowledged this clarification and confirmed that the Statement of Appeal would be treated as the Appeal Brief in accordance with Article R51 of the Code. Pursuant to Article R55 of the Code, UWW was invited to file an Answer within 20 days of receipt.

55. On 1 November 2024, UWW nominated Mr. James Drake KC, Barrister in London, United Kingdom as arbitrator.

56. On 11 November 2024, UWW requested a 30-day extension to file its Answer.

57. On 12 November 2024, the CAS Court Office informed the Parties that, on behalf of the CAS Director General, the UWW's deadline had already been extended by 10 days pursuant to Article R32 of the Code. The Athlete was invited to indicate by 14 November 2024 whether he agreed to a further 20-day extension, noting that silence would be deemed acceptance. In the event of disagreement, the decision would rest with the President of the Appeals Arbitration Division, or her Deputy, in accordance with Article R32 of the Code.

58. On the same day, the Athlete opposed the extension, citing the following reasons:

- UWW had already been granted a 10-day extension by the CAS Director General, giving it more time than the Athlete had to submit his Appeal Brief.

- A further 20-day extension would undermine the principle of party equality and prejudice the Athlete.

- UWW, with greater institutional resources, had ample time to prepare its Answer.

- The Appeal Brief introduced only limited new material, namely three short factual exhibits, such that UWW should not require additional time.

59. On 13 November 2024, the CAS Court Office acknowledged the Athlete's objection. Given the Athlete's objection, the Parties were informed that the matter would be decided by the President of the CAS Appeals Arbitration Division, or her Deputy, in accordance with Article R32 of the Code. Meanwhile, the UWW's deadline to file its Answer remained unchanged.

60. On 18 November 2024, the CAS Court Office informed the Parties that the President of the CAS Appeals Arbitration Division had granted UWW an additional 10-day extension to file its Answer, in accordance with Article R32 of the Code.

61. On 3 December 2024, UWW submitted its Answer, in accordance with Article R55 of the Code.

62. On 4 December 2024, the CAS Court Office acknowledged receipt of the Answer and reminded the Parties that, unless agreed otherwise or authorised in exceptional circumstances under Article R56 of the Code, no further submissions or new evidence could be introduced. The Parties were also invited to indicate by 11 December 2024 whether they wished a hearing to be held, it being for the Panel to decide under Article R57 of the Code.

63. On 10 December 2024, the Athlete objected to the inclusion of numerous new documents (exhibits R-21 to R-36) in the UWW's Answer, which he claimed had not been presented before the ADD. He therefore requested permission to file a limited Reply by 10 January 2025, together with a corresponding right of response for the UWW. He also requested an extension for the Parties' procedural positions on hearing and case management. In support, he referred to communication difficulties with his counsel following an assault in Tbilisi, Georgia, linked to his political activity, as well as holiday constraints in Georgia and Serbia.

64. On 12 December 2024, the CAS Court Office invited UWW to indicate by 16 December 2024 whether it consented to a second round of submissions.

65. On 16 December 2024, UWW opposed the request, maintaining that exhibits R-21 to R-36 merely corroborated facts already known and contested, namely the doping control of 27 May 2021. In the alternative, UWW argued that any Reply should be strictly confined to these exhibits, with a Rejoinder right reserved.

66. On 20 December 2024, the Athlete sent an email to the CAS Court Office, which reads as follows:

"Dear Ms Sherpa-Zimmermann,

We write on behalf of the Appellant concerning an urgent matter with far-reaching consequences for the Appellant, among others.

We kindly ask you to transmit this email to the CAS Court Office, as well as to the Panel, once constituted

By way of a short introduction, the ITA and UWW, without any knowledge or consent of the Appellant or, to our knowledge, of CAS, published articles setting out their summary of the contents of the Award issued in the underlying CAS ADD case that is now subject to Appeal (https://ita.sport/news/the-ita-acknowledges-cas-add-decision-sanctioning-wrestler-zurabi-datunashvili-for-anti-doping-rule-violations; https://www.org/article/cas-sanctions-datunashvili-anti-doping-violation).

The ITA and UWW made their publications fully aware of the Appellant's email of 24 September 2024 (attached for convenience), that such publications would be severely prejudicial. The ITA and UWW also made their publications despite having "take(n) note of CAS ADD's position that it will not publish the Award pending the appeal process" (also attached for convenience).

Furthermore, the ITA's and UWW's articles, if not read by persons who are intimately familiar with the underlying facts of the case and the full contents of the Award, can be easily misunderstood. In particular, the ITA's article states that:

"...CAS ADD found that the athlete had committed the anti-doping rule violations (ADRVs) of the use of a prohibited method (urine substitution) and of the tampering with any part of doping control (use of fabricated evidence) ... The athlete has since appealed the decision before the appeal division of CAS. Datunashvili is only disputing the ADRV for urine substitution and related disqualification of results; the tampering charge is not challenged."

And, while that may be clear to persons who participated in the CAS ADD proceedings, third parties remain unaware that the tampering charge and urine substitution charge were two distinct charges based on entirely different and unrelated events. Therefore, third parties reading the ITA's article are allowed to conclude, falsely, that the Appellant did not dispute allegations of tampering with his urine sample.

On the other hand, the UWW's article stated that CAS ADD "has sanctioned" Mr Datunashvili "and disqualified all results obtained by the athlete from May 27, 2021", that "[this comes after anti-doping rule violations committed by Mr Datunashvili", and that "all competitive results obtained by the wrestler between May 27, 2021, and April 11, 2023, are disqualified". Only at the very end of the article did the UWW, briefly, note that the appeal is pending and that these sanctions, disqualifications and violations (plural) are by no means so certain as the article previously set out. The same stands also for ITA's article as well.

As the Appellant already underscored, these statements are highly prejudicial to him, and such prejudice already has started to materialize.

Indeed, having become aware of the ITA's and UWW's publications, on 18 December 2024, the media in Serbia and in the wider region flooded the public with their sensationalist reports on the Award (see, by way of a limited example only, https:/tinyurl.com/53w3a74;https:/tinyul.com/mr34mchn and https://tinyurl.com/ytv3udub. The full online coverage can be accessed via the following link, evidencing the extensiveness and sensationalism of the media coverage in question: https://tinyurl.com/ye2asusd). The media, of course, did not consistently report that the present proceedings on Appeal are pending, and even reported, falsely, as if the Appellant's Tokyo 2021 Olympic bronze medal was already stripped from him.

Furthermore, the ITA's and UWW's publications obviously provoked a reaction from the Croatian President who, in the midst of his election campaign (https://tinyurl.com/uvtkaf3j), used these assertions to disparage the Appellant, and by association the Serbian national wrestling, referring to "cheaters and charlatans" (https://tinyurl.com/2bc8yjxz). In other words, the ITA's and UWW's unilateral publications have outgrown personal prejudice and harm. These statements are not only extremely prejudicial to the outcome of the present proceedings, they are also being used in a broader political context and election campaigning in the Republic of Croatia.

Meanwhile, the Appellant is continuing to suffer substantial pressures in his native Georgia on this account as well as on account of his participation in protests against the pro-Russian regime.

Therefore, we must vigorously protest the ITA's and UWW's unilateral actions, i.e. the publication of said articles. While we have already approached the ITA and UWW to request the immediate removal or retraction of said articles from the ITA's and UWW's websites (attached for convenience), we also must draw the attention of CAS and the Panel to the inappropriateness of ITA's and UWW's unilateral actions, as well as the ensuing events that may severely impact the present proceedings on Appeal."

67. On 20 December 2024, in response to the Athlete's allegations, UWW responded as follows:

"Dear Colleague,

We thank you for your email which was well received.

Please note that the statements issued by the ITA and UWW close to a month ago were made in accordance with Article 14.3.1 of the UWW Anti-Doping Rules ("UWW ADR") which provides that such disclosure can be made as soon as the athlete has been notified of an apparent Anti-Doping Rule Violation ("ADRV").

In other words, it was within the ITA/UWW's sole discretion to make such disclosure as early as 11 April 2023 when Mr Datunashvili was first notified of the apparent

ADRVs. Mr Datunashvili was expressly informed of this in the Notification of apparent ADRVs of the same date.

Moreover, we note that Mr Datunashvili is not disputing the Tampering ADRV, the finding of which is now final and may therefore not only be publicly disclosed but also commented on in accordance with Article 14.3.3 of the UWW ADR.

We fail to understand your reference to our exchanges concerning the redaction of certain excerpts of the CAS ADD Award (the "Award") and the publication of the Award pending the appeal process considering the fact that such Award has not been published.

In light of the foregoing, the aforementioned publications will not be withdrawn.

We finally note the athlete's threats of damages claims in relation to these publications. With all due respect, we fail to see the grounds for such claims in view of the fact that the publications Were made in compliance with the applicable rules, are purely factual and in no way defamatory."

68. On 23 December 2024, the CAS Court Office acknowledged the Parties' exchanges and confirmed that the Athlete's request for a second round of submissions would be decided by the Panel once constituted.

69. On 23 January 2025, the CAS Court Office informed the Parties, on behalf of the President of the CAS Appeals Arbitration Division and in accordance with Article R54 of the Code, that the Panel appointed to adjudicate the present case was constituted as follows:

President:	Ms. Marianne Saroli, Attorney-at-Law, Montréal, Canada
Arbitrators:	Mr. Jeffrey G. Benz, Attorney-at-Law and Barrister in London, United Kingdom
	Mr. James Drake KC, Barrister in London, United Kingdom

70. On 27 March 2025, the CAS Court Office notified the Panel's decision to authorise further submissions, granting the Athlete a limited right to submit a Reply to exhibits R-21 to R-36 within seven days, with UWW also entitled to file a Rejoinder within the same timeframe.

71. On 4 April 2025, the CAS Court Office acknowledged receipt of the Athlete's Reply submitted on 3 April 2025. UWW was then granted the opportunity to respond to the Athlete's Reply within seven days of the CAS Court Office letter.

72. On 16 April 2025, the CAS Court Office acknowledged receipt of UWW's Rejoinder submitted on 11 April 2025. The Parties were informed that, pursuant to Article R56 of the Code, no further submissions or new evidence would be permitted unless agreed by both Parties or authorised by the President of the Panel in exceptional

circumstances. The Parties were invited to inform the CAS Court Office by 23 April 2025 whether they preferred a hearing or wished the Panel to decide the matter based solely on the written submissions. In accordance with Article R57 of the Code, the Panel would determine the necessity of a hearing after consulting the Parties. Pursuant to Article R56, the Parties were also asked to indicate, by the same deadline, whether they requested a case management conference, it being understood that, in the event of disagreement, the Panel would decide on its necessity.

73. On 23 April 2025, both Parties expressed their preference for a hearing to be held in this matter.

74. On 13 May 2025, the CAS Court Office informed the Parties that the Panel had decided to hold a hearing by videoconference pursuant to Article R57 of the Code.

75. On 1 July 2025, UWW signed and returned the Order of Procedure in this appeal.

76. On 2 July 2025, the Athlete signed and returned the Order of Procedure in this appeal.

77. On 8 July 2025, the CAS Court Office informed the Parties that the Panel had carefully considered the Appellant's objection to the admissibility of exhibits R-21 to R-36, as well as the Respondent's response thereto. The Appellant objected to these exhibits (submitted with the Answer) on the ground that they had not been produced before the ADD and could have been, arguing they should therefore be excluded under Article R57 para. 3 of the Code. The Panel noted that under Article R55 of the Code, the Respondent was entitled to attach to its Answer any exhibits on which it intended to rely. The Appellant's objection was thus not based on late filing after the Answer (Article R56), but rather on the contention that the evidence was available before the challenged decision. Having considered the *lex specialis* of Article 13.1.1 of the WADA Code, which permits any party to submit evidence not presented in the first-instance proceedings provided it arises from the same cause of action or general facts, the Panel decided not to exclude exhibits R-21 to R-36. To ensure procedural fairness and equal treatment, the Panel had already authorised the Appellant to file a limited Reply addressing these exhibits, and the Respondent to submit a limited Rejoinder. Finally, the Panel noted that the Parties had raised arguments concerning the weight and probative value of the exhibits and confirmed that such matters would be assessed in the determination of the merits.

78. On 9 July 2025, a hearing was held via videoconference. The Panel was assisted by Mrs. Andrea Sherpa-Zimmermann, CAS Counsel, and joined by the following:

<u>For the Athlete:</u>

- Ms. Tanja Sumar, counsel
- Ms. Ivana Bojović, counsel
- Mr. Zurabi Datunashvili, Athlete
- Ms. Tea Kiliptari, Georgian/English interpreter

- Mr. Zamora Datunashvili, witness / Athlete's brother
- Mr. Georges Datunashvili, witness / Athlete's brother
- Mr. Stoian Dobrev, witness /coach
- Ms. Dragica Todorovic, English/Serbian interpreter
- Mr. Larry Stewart, Expert witness / forensic document examiner

For UWW:

- Mr. Damien Clivaz, ITA senior legal counsel
- Ms. Ayesha Talpade, ITA senior legal counsel
- Mr. Plamen Nedkov, witness
- Ms. Mariya Popova, witness
- Ms. Nevena Valcheva, Bulgarian/English interpreter

79. At the outset of the hearing, the Parties confirmed that they had no objection to the constitution of the Panel and the way the proceedings had been conducted thus far.

80. It should be noted that during the proceedings, UWW objected to the admission of the expert evidence of Mr. Larry Stewart, on the grounds that the Athlete had not identified Mr. Stewart as an expert witness pursuant to Article R44.1 of the Code and had not filed any corresponding expert report together with the Statement of Appeal. UWW therefore submitted that the Athlete's arguments relating to the authenticity of the DCO Nedkov's signature should be excluded. In the alternative, UWW reserved its right to cross-examine Mr. Stewart should the Panel decide to admit his testimony.

81. The Panel, exercising its discretion under Article R44.3 of the Code, decided to admit Mr. Stewart's oral evidence, taking into account that UWW was afforded a full opportunity to cross-examine him and to make submissions on the reliability and weight of his opinion. In making this decision, the Panel considered that admitting this evidence would not cause procedural unfairness.

82. At the conclusion of the hearing, the Parties confirmed that their right to be heard had been fully respected.

IV. SUBMISSIONS OF THE PARTIES

A. The Athlete

a. Summary of submissions

- As noted above, the Athlete's submissions focus on whether UWW has discharged its burden of establishing the elements of the alleged urine substitution ADRV. The Athlete argues that UWW's failure to establish its case means that "*there was no obligation on the Appellant yet to establish, on the balance of probabilities, his sabotage theory*." The Athlete also submits that UWW's evidence does not

demonstrate, to the requisite standard, that a valid doping control was conducted on 27 May 2021.

- The Athlete's submissions on the appeal can be grouped into four broad categories:

  i. First, he challenges the reliability of DCO Nedkov, whose evidence was accepted by the ADD.

  ii. Second, he submits that UWW's doppelgänger theory of urine substitution was factually and logically flawed.

  iii. Third, he contends that the ADD made an error of law by misapplying the onus and burdens of proof; and

  iv. Finally, he submits that the ADD erred in its assessment of aggravating and exceptional circumstances, which improperly increased the severity of his sanction.

i. (Mis)application of the burden and standard of proof

- The Athlete submits that the Appealed Decision misapplied the applicable rules on the burden and standard of proof, as well as the legal test for establishing a sample substitution ADRV.

- He contends that the Appealed Decision, in reviewing authorities on the standard of *"comfortable satisfaction"*, identified that "*the more serious the allegation and its consequences, the higher certainty (level of proof) the Panel would require to be 'comfortably satisfied*'".

- From the Athlete's perspective, given the seriousness of an allegation of intentional sample substitution, described as "*require[ing] careful planning, considerable effort, and the involvement of third persons*", the level of certainty necessary to satisfy the standard of "*comfortable satisfaction"* should have been particularly high, nearing (but not equating to) the criminal standard of proof beyond a reasonable doubt.

- As such, the Athlete argues that UWW failed to discharge its burden to prove that (i) the Athlete committed an act or omission that facilitated the alleged use of a doppelgänger; and (ii) he did so with actual or constructive knowledge of the likelihood that a substitution would occur. In particular, the Athlete submits that the Appealed Decision does not identify any specific act or omission by him, nor does it explain how UWW's evidence met the requisite standard with respect to his state of knowledge.

- The Athlete further argues that the findings in the Appealed Decision were based solely on circumstantial evidence and lacked the direct evidence required by CAS jurisprudence. He contends that the decision relied on disputed factual issues, such as

the occurrence of the doping control and the presence of his coach, which were not proven to the requisite standard of comfortable satisfaction.

- The Athlete also submits that the Appealed Decision improperly reversed the burden of proof by requiring him to disprove intent and to establish an alternative theory (sabotage) on the balance of probabilities. He argues that where UWW had not met its own evidentiary burden, he was under no obligation to put forward an alternative explanation. He maintains that the ADD wrongly treated the case as a binary choice between two competing scenarios, instead of first determining whether UWW had proven its case to the required standard.

- More broadly, the Athlete submits that UWW failed to establish his knowledge or intent in relation to the alleged substitution, and did not offer affirmative proof of the elements required to support such a finding. He contends that its case rested primarily on circumstantial assertions, which were insufficient to meet the high standard required for such a serious charge.

ii. (Un)reliability of DCO Nedkov

- The Athlete submits that the ADD erred in finding that DCO Nedkov was a reliable and truthful witness, and contends that this finding was critical to the Appealed Decision's ultimate conclusion. In particular, the Athlete argues that the Appealed Decision's acceptance of DCO Nedkov as a credible witness was a key factor underpinning its determination that the alleged urine substitution through doppelgänger had been established.

- On appeal, the Athlete maintains that DCO Nedkov was not a reliable witness. First, he submits that DCO Nedkov was not a disinterested party, asserting that he had a personal interest in giving the evidence he did, as "*otherwise, he would have incriminated himself*".

- The Athlete further argues that DCO Nedkov's oral testimony was evasive, that he demonstrated limited specific recollection of the events in question, and that he repeatedly referred to the *"usual"* doping control process rather than recalling specific details of the 27 May 2021 doping control. According to the Athlete, this undermines the reliability of DCO Nedkov's account.

- The Athlete also submits that there was no evidence on the record confirming that DCO Nedkov was even present in Belmeken on 26 and 27 May 2021, or that a doping control in fact took place on 27 May 2021.

- Additionally, the Athlete contends that DCO Nedkov's testimony that there was nothing unusual about the alleged doping control on 27 May 2021 suggests that it was, in his view, routine for DCO Nedkov to misidentify athletes. The Athlete further points to inconsistencies in DCO Nedkov's evidence regarding who completed the 27 May 2021 DCF.

- The Athlete also challenges the reliability of the 27 May 2021 DCF itself. He submits that it contains numerous errors relating to his personal details, which undermine its evidentiary value in supporting the UWW's doppelgänger theory. He also disputes the authenticity of DCO Nedkov's signature on the DCF. In this respect, the Athlete relies on an expert handwriting analysis prepared by Mr. Stewart, which compared DCO Nedkov's signature on the 27 May 2021 DCF with an uncontested DCF from 9 May 2021, concluding that the two signatures were by different persons.

- Finally, the Athlete points out that the 27 May 2021 DCF does not record Coach Dobrev's presence during the doping control, despite DCO Nedkov's testimony confirming that Coach Dobrev was present during the sample collection.

iii. UWW's urine substitution theory

- The Athlete challenges UWW's assertion that his brother, Mr. Giorgi Dataunashvili[1], was the alleged doppelgänger involved in the urine substitution. He notes that, before the ADD, UWW contended that Giorgi might have been the donor of the 27 May 2021 Sample.

- The Athlete argues that UWW's doppelgänger theory is both factually and logically flawed. He states that, as of 27 May 2021, Giorgi had retired from wrestling, and therefore, his urine values would not have sufficiently matched the Athlete's to allow for a successful substitution without detection.

- The Athlete further submits that UWW failed to establish that Giorgi was even present in Belmeken on 27 May 2021. He relies on Giorgi's passport records, which show no entries or exits from Bulgaria during May 2021. Giorgi also provided evidence that he was not at the Sports Base during the relevant period, and the Athlete submitted a hotel confirmation from the Sports Base stating that Giorgi was not a guest there.

- Based on this, the Athlete argues that it would have been highly implausible, if not impossible, for Giorgi to have been in the Athlete's room at 6h00 on 27 May 2021, given the logistical challenges of reaching the Sports Base due to its remote location.

- The Athlete also points out that the DCF was signed in Latin script rather than in Georgian script. He submits that, had Giorgi been the donor providing the 27 May 2021 Sample, he would have signed the Athlete's name using the Georgian script.

- The Athlete relies on Coach Dobrev's evidence, which confirms that he was not present during the doping control. Even if Coach Dobrev had been present and had intended to deceive the DCPs, as suggested by UWW, the Athlete argues that he would have ensured the 27 May 2021 DCF was free of the errors it contains. Additionally, the Athlete cites Coach Dobrev's evidence that he was neither informed nor contacted about the arrival of the DCPs, either on the evening of 26 May or during the alleged doping control on 27 May.

[1] In order to avoid confusion arising from the identical surname shared with the Athlete, Mr. Giorgi Dataunashvili is referred to in the present Award as "Giorgi". This designation is made solely for purposes of clarity and is not intended to convey any lack of respect.

- Finally, the Athlete references the testimony of DCO Nedkov, who stated that upon arriving at the Sports Base on 26 May 2021 (the evening before the alleged doping control), he inquired at the reception desk about the Athlete's room. The Athlete argues that this conduct violated professional standards by revealing his identity and announcing his arrival before the doping control had begun.

iv. Consequences

- The Athlete does not challenge the portions of the Appealed Decision concerning the finding of an ADRV under Article 2.5 of the UWW ADR (Tampering) or the resulting four-year period of ineligibility.

- Rather, the appeal is directed specifically at the finding of an ADRV under Article 2.2 of the UWW ADR, namely the alleged urine substitution on 27 May 2021, and the related consequences. These include, in particular, the finding of aggravating circumstances which led to the increment of the period of ineligibility from four to five years.

- The Athlete submits that the Appealed Decision's assessment of aggravating circumstances was flawed and resulted in a disproportionate increase to the period of ineligibility.

- The Athlete contends that, should his submissions in relation to the urine substitution ADRV under Article 2.2 be upheld, and only the tampering ADRV under Article 2.5 remain, then no aggravating circumstances are established. On that basis, he argues that any disqualification of results should only apply from the date of commission of the tampering ADRV, namely 6 January 2022.

b. The Athlete's prayers for relief

83. In his Statement of Appeal, which also served as his Appeal Brief, the Athlete sought the following relief:

"(A) issue a new decision which replaces the Award in the following:

(1) the charge of anti-doping rule violation of Use of a Prohibited Method pursuant to Article 2.2 of the United World Wrestling Anti-Doping Rules to be dismissed in entirety,

(2) Mr Zurabi Datunashvili to be sanctioned with a period of Ineligibility of 4 years starting on 11 April 2023, as the date when the provisional suspension imposed on him started to run,

(3) all competitive results of Mr Datunashvili from and including 6 January 2022 to be disqualified with all resulting consequences, including forfeiture of any medals, points and prizes;

(B) order the Claimant to bear the costs of the present proceedings and, in particular, pay to Respondent all costs and expenses incurred in connection therewith, including counsel fees and expenses and interest thereon."

B. UWW

a. Summary of submissions

i. Application of the burden and standard of proof

- UWW submits that it has discharged its burden of proof in establishing that the Athlete committed an ADRV under Article 2.2 of the UWW ADR through the use of a prohibited method, namely urine substitution.

- UWW recalls that, pursuant to Article 3.1 of the UWW ADR, it bears the burden of proving an ADRV to the comfortable satisfaction of the Panel, which requires a standard of proof higher than the balance of probabilities but lower than beyond reasonable doubt. It emphasises that CAS jurisprudence recognises that the standard must be applied in light of the limited investigatory powers of sports governing bodies compared with national authorities, and that facts may be established by *"any reliable means"* under Article 3.2 of the UWW ADR.

ii. The Doping control of 27 May 2021

- According to UWW, the Athlete was subject to an unannounced out-of-competition doping control on 27 May 2021 at the Sports Base in Belmeken, Bulgaria, conducted by BUL-NADO on behalf of UWW and at the request of the ITA. The mission, which was targeted in view of the Athlete's Olympic qualification and his training at the Sports Base, was carried out by DCO Nedkov and DCA Popova.

- UWW contends that the doping control took place at 6:00 a.m. in the Athlete's room and in the presence of Coach Dobrev after the Athlete had called him to the room to assist the control. The donor who provided the urine sample presented himself as the Athlete, provided photographic identification, entered contact details consistent with the Athlete's ADAMS profile, and signed the DCF. The DCPs stated that the process was carried out as usual and that no irregularities were noted.

- However, subsequent forensic DNA analysis confirmed that the urine collected on 27 May 2021 did not belong to the Athlete but to a first-degree male relative. UWW submits that this establishes the use of urine substitution. It further relies on the Athlete's steroidal ABP, in particular analysis by Prof. Geyer, who identified atypical sequences in the T/E ratios not only in the 27 May 2021 sample but also in five Additional Samples collected between 2016 and 2022. In UWW's submission, these atypical ratios are consistent with urine substitution and cannot be explained by alternative scenarios.

- On this basis, UWW argues that it has met the applicable standard of proof and

established that the Athlete engaged in urine substitution on 27 May 2021, and that the anomalies observed in his ABP further support the conclusion that substitution occurred on other occasions.

iii. Responses to the Athlete's criticisms

- UWW addressed in detail the Athlete's criticisms of the evidence and of the DCOs.

- According to UWW, the fact that DCO Nedkov did not recognise that the donor providing the 27 May 2021 Sample was not the Athlete, despite having tested him at the Olympic qualification on 9 May 2021, is not probative. At that event, DCO Nedkov tested more than 50 athletes, and cannot reasonably be expected to recall the exact appearance of each.

- UWW further counters the Athlete's submissions regarding the personal information recorded on the DCF, arguing that it closely matches the details in the Athlete's ADAMS profile, with only a single-digit discrepancy in the phone number. The donor presented valid photographic identification, and the DCOs had no access to additional ID numbers. The difference between the Serbian and Georgian postal addresses is explained by the Athlete's Georgian origin and recent change in sporting nationality to Serbia. UWW submits that this consistency reinforces its theory, showing that the donor had detailed knowledge of the Athlete's personal information.

- Concerning the absence of Coach Dobrev's signature on the 27 May 2021 DCF, UWW submits that the signature of an accompanying person is not mandatory and that it is not uncommon for coaches to decline to sign. UWW further suggests that his refusal may be consistent with his awareness that the 27 May 2021 Sample was being provided by a doppelgänger rather than the Athlete.

- UWW rejects any suggestion of bias or misconduct on the part of DCO Nedkov, noting that long-standing CAS jurisprudence confirms that DCOs have no incentive to fabricate facts or make false accusations against an athlete. The testimony of DCO Nedkov is corroborated by that of DCA Popova and by the documentary record.

- Finally, regarding the expert evidence of Mr. Stewart, UWW recalls CAS jurisprudence cautioning against the reliance on handwriting analysis for verifying signatures on DCFs.

iv. DNA evidence

- UWW emphasises that the Athlete has not provided a meaningful challenge to the DNA evidence.

- The DNA analysis indicated that the urine sample likely came from a close male relative of the Athlete, such as a brother or father. UWW highlights that Giorgi, being a former international wrestler, would have been a plausible doppelgänger. UWW further asserts that the Appealed Decision was justified in concluding that the absence

of exit/entry stamps in Giorgi's passport for the period surrounding the 27 May 2021 doping control does not definitively prove that Giorgi was not present at the Sports Base on that day.

- UWW maintains that the DNA evidence is both reliable and unrefuted, strongly supporting the conclusion of a sample substitution.

- UWW also argues that it is not obligated to conclusively identify the individual who provided the 27 May 2021 Sample.

v. Procedural issues and sabotage

- UWW rejects allegations of departures from any of WADA's International Standards. It submits that none have been substantiated and, in any event, under Article 3.2.3 of the UWW ADR, such departures would not invalidate otherwise reliable evidence unless they could reasonably have caused the ADRV, which is not the case here.

- With respect to sabotage, UWW submits that CAS jurisprudence sets a very high threshold for establishing such claims, comparable to corruption or match-fixing. To the extent the Athlete sought to positively put a sabotage theory, UWW submits that it is unsupported. In particular, it notes that the 27 May 2021 Sample did not test positive for any prohibited substances, which would be inconsistent with a sabotage attempt.

vi. Athlete's conduct and state of mind

- UWW submits that the Athlete's involvement in the substitution must be inferred from the surrounding circumstances. Here, the substitution occurred in his room, during his designated one-hour testing slot. Moreover, the urine was from a first-degree relative and his coach was present during the control. There were also the Additional Samples provided by the Athlete between 2016 and 2022 which suggested systemic implementation of urine substitution. Even more so, the Athlete himself never raised any concern that a doping control had taken place on 27 May 2021, despite this information being available to him in ADAMS.

vii. Consequences

- UWW submits that the facts establish the use of a prohibited method, namely urine substitution, contrary to Article 2.2 of the UWW ADR and Section M2 of the WADA Prohibited List.

- Referring to CAS jurisprudence, it argues that the Athlete must have facilitated the substitution and had actual or constructive knowledge of it, given the involvement of a first-degree relative and his coach. UWW stresses that this case is far removed from one involving unknown third parties.

- In the alternative, UWW submits that, even if the Panel were to find that Article 2.2 was not engaged, the conduct constitutes tampering with the doping control under

Article 2.5 of the UWW ADR.

- As to sanction, UWW maintains that the facts amount to aggravating circumstances of the highest order and could have warranted the maximum sanction. While it does not cross-appeal, it regards the five-year period of ineligibility imposed by the Appealed Decision as *"acceptable"*. It submits that the period of ineligibility should begin on the date of the Award, subject to credit for the provisional suspension served since 11 April 2023. It further argues that the disqualification of the Athlete's results from 27 May 2021 is warranted and that fairness does not require otherwise.

b. UWW's prayers for relief

84. In its Answer, UWW sought the following relief:

"1. The Answer is admissible.

2. The Decision is upheld.

3. Mr Zurabi Datunashvili is found to have committed anti-doping rule violations pursuant to Article 2.2 and/or Article 2.5 of the UWW Anti-Doping Rules.

4. Mr Zurabi Datunashvili is sanctioned with a period of Ineligibility of 5 years starting on the date on which the CAS award enters into force. Any period of Provisional Suspension or Ineligibility effectively served by Mr Zurabi Datunashvili before the entry into force of the CAS award shall be credited against the total period of Ineligibility to be served.

5. All competitive results of Mr Zurabi Datunashvili from and including 27 May 2021 are disqualified with all resulting Consequences, including forfeiture of any medals, points and prizes.

6. A fine of CHF 10'000.- is imposed on Mr Zurabi Datunashvili.

7. The costs of the proceedings, if any, shall be borne by Mr Zurabi Datunashvili.

8. The ITA is granted a contribution for its legal and other costs.

9. Any other prayer for relief that the Panel deems fit in the facts and circumstances of the present case."

V. JURISDICTION

85. The Appealed Decision was rendered by the ADD. In this respect, Article A21(5) of the Procedural Rules applicable to the CAS Anti-Doping Division (the "CAS ADD Rules") states as follows:

"[…] the final decision may be appealed to the CAS Appeals Arbitration Division within 21 days from receipt of the notification of the final decision with reasons by mail or courier in accordance with Articles R47 et seq. of the Code of Sports-Related Arbitration, applicable to appeals procedures. In the absence of appeal, the final decision of the CAS ADD is binding and enforceable. […]"

86. Article R47 of the Code provides as follows:

"An appeal against the decision of a federation, association or sports-related body may be filed with CAS if the statutes or regulations of the said body so provide or if the parties have concluded a specific arbitration agreement and if the Appellant has exhausted the legal remedies available to it prior to the appeal, in accordance with the statutes or regulations of that body.

An appeal may be filed with CAS against an award rendered by CAS acting as a first instance tribunal if such appeal has been expressly provided by the rules of the federation or sports-body concerned."

87. Additionally, Article 13.2 of the UWW ADR states that:

"A decision that an anti-doping rule violation was committed, a decision imposing Consequences […]"

88. Article 13.2.1 of the UWW ADR further specifies that:

"In cases arising from participation in an International Event or in cases involving International-Level Athletes, the decision may be appealed exclusively to CAS."

89. The Panel notes further that there is no objection to jurisdiction on the part of UWW.

90. Therefore, the Panel confirms that CAS has jurisdiction to decide this dispute.

VI. ADMISSIBILITY

91. Article R49 of the Code provides as follows:

"In the absence of a time limit set in the statutes or regulations of the federation, association or sports-related body concerned, or in a previous agreement, the time limit for appeal shall be twenty-one days from the receipt of the decision appealed against. The Division President shall not initiate a procedure if the statement of appeal is, on its face, late and shall so notify the person who filed the document. When a procedure is initiated, a party may request the Division President or the President of the Panel, if a Panel has been already constituted, to terminate it if the statement of appeal is late. The Division President or the President of the Panel renders her/his decision after considering any submission made by the other parties."

92. Article A21(5) of the CAS ADD Rules states as follows:

"[…] the final decision may be appealed to the CAS Appeals Arbitration Division within 21 days from receipt of the notification of the final decision with reasons by mail or courier in accordance with Articles R47 et seq. of the Code of Sports-Related Arbitration, applicable to appeals procedures. In the absence of appeal, the final decision of the CAS ADD is binding and enforceable. […]"

93. Furthermore, Article 13.6.1 of the UWW ADR specifies that:

"The time to file an appeal to CAS shall be twenty-one (21) days from the date of receipt of the decision by the appealing party. […]"

94. The present appeal was lodged by the Athlete against the Appealed Decision rendered by the ADD on 19 September 2024. In view of the foregoing, the Appealed Decision may be appealed before the CAS within 21 days. The Athlete filed his Statement of Appeal on 10 October 2024.

95. The Panel notes further that there is no objection to admissibility on the part of UWW.

96. The Panel, therefore, confirms that this appeal is admissible.

VII. APPLICABLE LAW

97. Article R58 of the Code provides as follows:

"The Panel shall decide the dispute according to the applicable regulations and, subsidiarily, to the rules of law chosen by the parties or, in the absence of such a choice, according to the law of the country in which the federation, association or sports-related body which has issued the challenged decision is domiciled or according to the rules of law the Panel deems appropriate. In the latter case, the Panel shall give reasons for its decision."

98. The Panel notes that the present appeal is directed against the Appealed Decision concerning ADRVs in application of the UWW ADR.

99. The UWW ADR applies to all athletes who are members of the UWW. It provides in Article 24 that:

"24.2 These Anti-Doping Rules shall be interpreted as an independent and autonomous text and not by reference to existing law or statutes.

24.3 These Anti-Doping Rules have been adopted pursuant to the applicable provisions of the Code and the International Standards and shall be interpreted in a manner that is consistent with applicable provisions of the Code and the International Standards. The Code and the International Standards shall be considered integral parts of these Anti-Doping Rules and shall prevail in case of conflict".

100. No Party to this appeal objected to the application of the UWW ADR while both Parties explicitly refer to these regulations, along with various CAS jurisprudence interpreting them.

101. Accordingly, the Panel concludes that the "*applicable regulations*" for the purposes of Article R58 of the Code are those of the UWW, in conjunction with the WADA Code and International Standards (as provided for in Article 24.3 of the UWW ADR).

102. Additionally, Swiss law is to be applied subsidiarily, it being the country in which UWW is domiciled.

VIII. SCOPE OF THE PANEL'S REVIEW

103. According to Article R57 of the Code:

> *"The Panel has full power to review the facts and the law. It may issue a new decision which replaces the decision challenged or annul the decision and refer the case back to the previous instance.* […] *"*

IX. MERITS

A. *De novo* appeal

104. As noted above, while the Appealed Decision found that the Athlete had committed two ADRVs, the present appeal is confined solely to the finding concerning the alleged urine substitution on 27 May 2021.

105. In support of his appeal, the Athlete raises numerous arguments challenging both the factual findings and legal reasoning set out in the Appealed Decision. He further submits that UWW should not be permitted to rely on certain documentary evidence, specifically, exhibits R-21 to R-36, which, he contends, was available to UWW during the ADD proceedings but was not submitted at that stage.

106. Pursuant to Article R57 of the Code and Article 13.1.1 of the UWW ADR, the Panel has full authority to hear the matter *de novo*, including the power to review the facts and the law. As previously addressed, the Athlete objected to the admissibility of exhibits R-21 to R-36. However, on 8 July 2024, the Panel determined not to exclude those exhibits from the record, noting that their probative value would be assessed in the context of the merits.

B. Legal framework governing the Athlete's alleged ADRV

107. It is undisputed that the applicable provision for an ADRV based on the use of a prohibited method, specifically, urine substitution through a doppelgänger, is Article 2.2 of the UWW ADR.

108. Article 2.2 defines the ADRV of "*Use or Attempted Use by an Athlete of a Prohibited Substance or a Prohibited Method"* and provides that:

> **"*2.2 Use or Attempted Use by an Athlete of a Prohibited Substance or a Prohibited Method***
>
> *2.2.1 It is the Athletes' personal duty to ensure that no Prohibited Substance enters their bodies and that no Prohibited Method is Used. 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 rule violation for Use of a Prohibited Substance or a Prohibited Method.*
>
> *2.2.2 The success or failure of the Use or Attempted 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.*"

109. Sample substitution, including urine substitution, is expressly identified as a prohibited method under the 2021 WADA Prohibited List, applicable as at 27 May 2021. Section M2 - *Chemical and Physical Manipulation* specifies:

> "*The following are prohibited:*
>
> *1. Tampering, or Attempting to Tamper, to alter the integrity and validity of Samples collected during Doping Control.*
>
> *Including, but not limited to:*
>
> *Sample substitution and/or adulteration, e.g. addition of proteases to Sample.*"

110. In CAS 2017/A/5379, the panel identified the governing principles to guide the assessment of allegations and evidence in cases where using a prohibited method is involved. Notably, it was established that:

- Article 2.2 was specifically drafted to cover the use of a prohibited method by the athletes themselves, notably since Article 2.2 regulates the use or the attempted use "*by an Athlete*".

- An ADRV under Article 2.2 requires that the athlete *"must have committed an act or an omission that was intrinsically linked to the substitution of [the sample] in order to be guilty of the ADRV of using a Prohibited Method. In other words, the Athlete must have done something, or not done something, that directly contributed to the substitution of* [the sample] *by another person".*

- Pursuant to Article 2.2.1, "*it is not necessary that intent, fault, negligence or knowing use on the Athlete's part be demonstrated"* to establish an ADRV under Article 2.2.

- However, the strict liability principle "*does not apply in an identical fashion where an athlete is alleged to have committed an act or omission that contributed to the substitution of the athlete's urine by another person. Were it otherwise, then any athlete who provided a urine sample as part of normal doping control procedures would automatically commit an ADRV if a third party who is entirely unconnected with the athlete, and in respect of whom the athlete has no knowledge or control, later substitutes the content of the athlete's sample"*.

111. Ultimately, the panel in CAS 2017/A/5379 held that an athlete who *"commits an act which contributes to the subsequent substitution of their sample by another person, and who knew or ought to have known that such substitution was likely to occur"*, is guilty of an ADRV under Article 2.2.

112. Although Article 2.2 of the UWW ADR indicates that proof of intent, fault or negligence is not a prerequisite, CAS jurisprudence, such as CAS 2017/A/5379 CAS 2022/A/8802, confirms that liability under Article 2.2 in cases of sample substitution requires proof that:

a) the athlete committed some act or omission that facilitated the Sample Substitution; and

b) the athlete did so with actual or constructive knowledge of the likelihood that substitution would occur.

C. Burden and standard of proof

113. Article 3.1 of the UWW ADR sets out the applicable burden and standard of proof:

"3.1 Burdens and Standards of Proof

UWW shall have the burden of establishing that an anti-doping rule violation has occurred. The standard of proof shall be whether UWW has established an anti-doping rule violation to the comfortable satisfaction of the hearing panel bearing in mind the seriousness of the allegation which is made. This standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt […]*"*

114. The Panel first notes that Article 3.1, in its first sentence, clearly places the burden of proof on UWW.

115. Accordingly, UWW bears the burden of establishing that the Athlete committed an ADRV. That is accepted by UWW.

116. As set out in the second sentence of Article 3.1 of the UWW ADR, the *"standard of proof shall be whether UWW has established an anti-doping rule violation to the comfortable satisfaction of the hearing panel"*.

117. Both Parties made submissions on the meaning of *"comfortable satisfaction"*.

118. The Athlete drew upon CAS authorities cited in the Appealed Decision, in particular the passage from CAS 2014/A/3265 at para. 132 (cited with approval in CAS 2017/A/5379 at para. 705) that describes the standard of comfortable satisfaction as:

"a kind of sliding scale, based on the allegations at stake: the more serious the allegation and its consequences, the higher certainty (level of proof) the Panel would require to be "comfortable satisfied"

119. In that context, the Athlete argued that, given the seriousness of the allegation in this case, the level of certainty required for the Panel to be comfortably satisfied that UWW had discharged its burden "*had to be approaching the standard of "beyond reasonable doubt" although not yet reaching it.*"

120. The Panel agrees that the seriousness of the allegation, the inherent improbability of the alleged conduct, and the gravity of the potential consequences of an adverse finding are all relevant factors in determining whether a matter has been proved to the Panel's comfortable satisfaction. However, as emphasised in CAS 2017/A/5379 (para. 705), *"the standard of proof itself is not a variable one. The standard remains constant, but inherent within that immutable standard is a requirement that the more serious the allegation, the more cogent the supporting evidence must be in order for the allegation to be found proven.*" Accordingly, while the standard of comfortable satisfaction remains fixed, the degree of cogency and quality of the evidence required to meet it may vary. The more serious or inherently improbable the allegation, the more cogent the evidence must be for the Panel to be comfortably satisfied that it has been established.

121. The Panel does not consider it appropriate to attempt to define the standard of comfortable satisfaction beyond its express terms. Comparisons suggesting that, in a particular case, the standard lies closer to the *"balance of probabilities"* or to *"beyond reasonable doubt"* are not helpful. The standard of comfortable satisfaction is self-standing and must be applied and assessed on its own terms.

122. UWW further emphasised that an ADRV may be established by any reliable means, and referred to CAS jurisprudence that:

- the test of comfortable satisfaction must take into account "*[t]he paramount importance of fighting corruption of any kind in sport and also considering the nature and restricted powers of the investigation authorities of the governing bodies of sport as compared to national formal interrogation authorities*": CAS 2009/A/1920, at para. 26; and

- the sports body may properly invite a CAS panel to draw inferences from the established facts that seek to fill in gaps in the direct evidence: CAS 2017/A/5422, point 2 of the summary and CAS 2005/A/884, final award of 10 February 2006 at para. 48.

123. The Athlete, by contrast, argued that the Appealed Decision wrongly relied on circumstantial evidence, and maintained that CAS precedents require direct evidence.

124. As a general matter, the Panel underlines that Article 3.2 of the UWW ADR provides that:

"Facts related to anti-doping rule violations may be established by any reliable means, including admissions."

125. According to the Comment to Article 3.2 of the UWW ADR, UWW:

"*may establish an anti-doping rule violation under Article 2.2 based on the Athlete's admissions, the credible testimony of third Persons, reliable documentary evidence, reliable analytical data from either an A or B Sample as provided in the Comments to Article 2.2, or conclusions drawn from the profile of a series of the Athlete's blood or urine Samples, such as data from the Athlete Biological Passport."*

126. Furthermore, the Comment to Article 2.2 of the UWW ADR specifically addresses the permissible means of proving an ADRV of use of a prohibited method:

"*It has always been the case that Use or Attempted Use of a Prohibited Substance or Prohibited Method may be established by any reliable means. As noted in the Comment to Article 3.2, unlike the proof required to establish an anti-doping rule violation under Article 2.1, Use or Attempted Use may also be established by other reliable means such as admissions by the Athlete, witness statements, documentary evidence, conclusions drawn from longitudinal profiling, including data collected as part of the Athlete Biological Passport, or other analytical information which does not otherwise satisfy all the requirements to establish "Presence" of a Prohibited Substance under Article 2.1.* […]*"*

127. Thus, Articles 2.2 and 3.2 of the UWW ADR, together with their respective Comments, confirm that all ADRVs, except those involving the actual presence of a prohibited substance, can be proven by *"any reliable means"* including, *inter alia*, witness testimony and documentary evidence.

128. While the Panel acknowledges the Athlete's concerns, it observes that there is no specific requirement for direct evidence to prove an ADRV involving the use of a prohibited method. Article 2.2 of the UWW ADR makes clear that the Panel can base its decision on any reliable evidence.

129. In view of the above, the Panel finds that, in this appeal, the applicable legal framework requires UWW to establish to the Panel's comfortable satisfaction, by any reliable means, that (i) the 27 May 2021 Sample was collected during a doping control for the Athlete; (ii) the Athlete committed an act or omission facilitating the substitution of his urine sample on 27 May 2021; and (iii) he did so with actual or constructive knowledge of the likelihood of substitution.

130. As consistent with CAS 2017/A/5379, UWW is not required to prove that the Athlete was caught in *flagrante delicto*. However, it must establish that the Athlete either directly or indirectly contributed to the substitution, and that he acted with actual or constructive knowledge of the likelihood of substitution.

131. The Panel must now assess the evidence and submissions of both Parties to determine whether UWW has met its burden.

D. Analysis

a. Whether a doping control occurred on 27 May 2021 for the Athlete

i. Whether a doping control occurred

132. According to UWW, the Athlete was the subject of an unannounced out-of-competition doping control at the Sports Base in Belmeken, Bulgaria, on 27 May 2021. UWW submits that this was a targeted control, ordered by the ITA on behalf of UWW, and aimed at collecting a sample from the Athlete who was training at the Sports Base in preparation for the Tokyo Olympics, having recently obtained his qualification quota.

133. The UWW submits that the route from Sofia to the Sports Base is a narrow mountain road requiring approximately two to three hours of travel. In this respect, DCO Nedkov and DCA Popova testified that they drove to the Sports Base on 26 May 2021, in order to conduct the test within the Athlete's designated one-hour time slot the next morning. Upon arrival, they inquired at the reception desk whether the Athlete was training and residing at the Sports Base. The receptionist confirmed the Athlete's presence and provided his room number. Both DCO Nedkov and DCA Popova stayed overnight at the Sports Base hotel.

134. The next day, 27 May 2021, at 6:00 a.m. (within the Athlete's specified time slot), the sample collection was allegedly carried out in the Athlete's room and in the presence of Coach Dobrev.

135. The Athlete, however, categorically denies the UWW's account of what transpired on 27 May 2021.

136. While acknowledging that he was indeed training at the Sports Base on that day, the Athlete claims that no DCOs visited his room and that he was alone during the relevant period. In response to the UWW's submissions, the Athlete suggests that an unknown individual may have impersonated him during the control, noting that he has *"many enemies"* and speculating that sabotage could have occurred.

137. In support of the Athlete's submission, Coach Dobrev testified that he was present at the Sports Base from 25 May to 10 June 2021 as the head coach of a national team training camp, in which the Athlete participated. He stated that, during this period, no doping controls were conducted and that he did not recall seeing any DCOs at the

venue. He denied the accuracy of DCO Nedkov's statement that a doping control had taken place and asserted that he would have remembered such an event, particularly as he had previously met DCO Nedkov.

138. In this respect, the UWW produced exhibits R-21 to R-36, the content of which the Athlete contests. These exhibits include:

- a copy of the mission order from the ITA to conduct an out-of-competition doping control for the Athlete for the period from 21 May 2021 to 30 May 2021;
- an order dated 26 May 2021 from the BUL-NADO for DCO Nedkov and DCA Popova to conduct out-of-competition testing of the Athlete at the Sports Base on 27 May 2021;
- business trip and order forms dated 27 May 2021 relating to DCO Nedkov and DCA Popova's expenses for the testing mission;
- a fuel invoice dated 26 May 2021 at 16h04 from ECO Bulgaria, a petrol station located in Bulgaria;
- invoices from the Sports Base hotel dated 26 May 2021 for the rooms booked by DCO Nedkov and DCA Popova;
- a print-out of the Athlete's Whereabouts Details Report, generated on 25 May 2021. This document showed that the Athlete's Whereabouts filing for 27 May 2021 was 6:00 a.m. at the Sports Base. It also showed his mobile numbers and address.
- declarations completed by DCO Nedkov and DCA Popova and dated 27 May 2021 confirming that they had no COVID-19 symptoms;
- the 27 May 2021 DCF;
- a Doping Control Officer Report Form in respect of the testing mission, dated 27 May 2021 and signed by DCO Nedkov;
- a Chain of Custody Form dated 27 May 2021 in respect of the 27 May 2021 Sample; and
- a waybill dated 27 May 2021 relating to mileage incurred during the testing mission.

139. These exhibits adduced by UWW indicate that the BUL-NADO acted as the Sample Collection Authority, and that the doping control was conducted by DCO Nedkov and DCA Popova.

140. The Athlete submits that these documents do not actually demonstrate that the alleged doping control took place. For example, he submits that the ECO Bulgaria fuel invoice

cannot be connected to any specific trip because it does not indicate the purchaser of the fuel, or the specific car. He also contends that, as the fuel invoice is timestamped at 16:04, a Google maps route plan indicates that the DCPs should have arrived at the Sports Base by 18:30-19:00, yet their hotel invoices had a timestamp of 20:00. He also submits that the existence of the hotel invoices do not actually show that the DCPs stayed at the Sports Base hotel. He also questions how the mileage set out in the waybill was 280 km, which was the exact same mileage as stated on the business trip order. He contends that it raises the question of whether the documents "*are perhaps somewhat too tidy for reality*."

141. The Panel considers the Athlete's submissions in this regard to be wholly unconvincing. In assessing the credibility and veracity of the witnesses, the Panel places the most weight on objective documents that exist, namely the documentary evidence that DCO Nedkov and DCA Popova travelled and stayed the night of 26 and 27 May 2021 at the Sports Base and conducted a doping control in respect of a person whom they at least believed was the Athlete on the morning of 27 May 2021. No plausible evidence or arguments were set out by the Athlete which, in any way, undermines the truth or veracity of this evidence.

142. For this reason, the Panel is comfortably satisfied that that DCO Nedkov and DCA Popova attempted to test the Athlete on 27 May 2021.

ii. Whether urine substitution occurred

143. The Panel next confirms what is not disputed, namely that the 27 May 2021 Sample was not provided by the Athlete.

144. In considering the urine substitution ADRV under Article 2.2. of the UWW ADR, the Panel confirms that the Athlete's evidence and submissions do not challenge or contradict the DNA evidence adduced by UWW about the presence of a first-grade relative at the Sports Base on 27 May 2021, or at least his urine.

145. As previously noted, UWW commissioned DNA extraction and comparative analysis of the urine contained in the 27 May 2021 Sample, as well as the 16 February 2022 and 11 September 2022 Samples, and compared these with earlier samples collected from the Athlete during previous doping controls, the provenance of which was undisputed.

146. The experts retained by UWW, Dr. Winkler and Prof. Geyer, each independently concluded that the DNA profile of the 27 May 2021 Sample originated from a different individual than the DNA profiles of the uncontested samples. Both experts further determined that the genetic characteristics of the 27 May 2021 Sample were consistent with those of a first-degree male relative of the Athlete. Specifically, Dr. Winkler concluded that the donor was *"either a brother or father"*, while Prof. Geyer described the donor as a *"first-grade relative of the Athlete"*. Each expert assigned a statistical probability exceeding 99.9999% to these conclusions (i.e., that the chance that the donor was **not** so related to the Athlete was less than 1 in 1,000,000).

147. In light of this unchallenged and concordant expert evidence, the Panel accepts that the urine contained in the 27 May 2021 Sample did not originate from the Athlete, but rather from one of his first-degree male relatives. Accordingly, the Panel finds that urine substitution occurred in connection with the 27 May 2021 doping control.

b. Whether the Athlete directly or indirectly contributed to the substitution, and whether he acted with actual or constructive knowledge of the likelihood of substitution

148. Having determined that a urine substitution occurred during the 27 May 2021 doping control, and that the urine analysed was that of a first-degree male relative of the Athlete, the Panel must now turn to the question of the Athlete's responsibility for that substitution. In particular, the Panel must determine:

(i) whether the Athlete directly or indirectly contributed to the substitution; and
(ii) whether the Athlete acted with actual or constructive knowledge of the likelihood of the substitution occurring.

149. The Panel recognises that these two issues are closely connected. Evidence demonstrating the Athlete's direct or indirect involvement in arranging or facilitating the substitution may also support a finding that he possessed actual or, at minimum, constructive knowledge of the likelihood that such substitution would occur. As such, while these elements are examined separately for clarity, the Panel's analysis addresses their overlapping evidentiary foundations in a holistic manner.

150. As noted above, the Athlete disputes the existence of any valid doping control on 27 May 2021 and any involvement in the sample collection.

151. In support, the Athlete raised a number of concerns regarding the identification process, the contents of the 27 May 2021 DCF and the conduct of DCO Nedkov during the testing mission, which he claims undermines UWW's doppelgänger's theory. Each of these concerns are addressed in turn below.

i. Identification process and completion of the 27 May 2021 DCF

152. With respect to the identification process during the collection of the 27 May 2021 Sample, the Panel recalls that DCOs are required to confirm the identity of the Athlete prior to sample collection and to record the method of identification on the DCF. The Panel, however, notes that the applicable rules do not expressly prescribe strict criteria for how this identification must be carried out or recorded. As set out below, much of this identification process is left to the discretion of the DCO and/or the collection agency.

153. Article 5.4.2 of the WADA International Standard for Testing and Investigations ("ISTI") outlines the responsibilities of the DCO once contact with the athlete has been made. In particular, part (c) provides that:

"c) Confirm the Athlete's identity as per the criteria established in Article 5.3.4. Confirmation of the Athlete's identity by any other method, or failure to confirm the identity of the Athlete, shall be documented and reported to the Testing Authority. In cases where the Athlete's identity cannot be confirmed as per the criteria established in Article 5.3.4, the Testing Authority shall decide whether it is appropriate to follow up in accordance with Annex A - Review of a Possible Failure to Comply of the International Standard for Results Management."

154. Article 5.3.4 of the ISTI sets out the framework for validating an athlete's identity:

"5.3.4 The Testing Authority or otherwise the Sample Collection Authority shall establish criteria to validate the identity of an Athlete selected to provide a Sample. This ensures the selected Athlete is the Athlete who is notified. If the Athlete is not readily identifiable, a third party may be asked to identify them and the details of such identification documented."

155. Upon initial contact with the DCO, it is the responsibility of the athlete to produce identification, in accordance with Article 5.4.1(e)(ii) of the ISTI:

"e) Of the Athlete's responsibilities, including the requirement to:

[…]

(ii) Produce identification in accordance with Article 5.3.4;"

156. In line with the Athlete's declared whereabouts, DCO Nedkov and DCA Popova carried with them printed extracts from the Athlete's ADAMS *"whereabouts details report"* generated on 25 May 2021, which included his ADAMS username, sport, gender, mailing address, phone number, email address, and whereabouts calendar. The Panel accepts that this printout served as the DCPs' primary reference document for confirming the Athlete's identity during the mission.

157. Both DCO Nedkov and DCA Popova testified that, upon initial contact, the individual who presented himself as the Athlete produced an identification document bearing the Athlete's name and photograph. The DCPs stated that they compared this document against the ADAMS printout and verified the details with the individual, who confirmed their accuracy and signed the 27 May 2021 DCF accordingly.

158. Given the information recorded on the 27 May 2021 DCF is disputed by the Athlete, including the identification number and personal details, the Panel considers it necessary to clarify who completed the form and how the responsibilities were divided between the DCO Nedkov and DCA Popova during the sample collection.

159. In this regard, the evidence regarding the completion of the 27 May 2021 DCF is not entirely consistent. DCO Nedkov testified that he completed some sections of the form, noting in particular that he recognised his own handwriting for the entries *"Zurabi"* and *"ID CARD"*. However, he stated that he did not write the identification

number on the form. He recalled that while he may have begun filling out the DCF, it was likely completed by DCA Popova while he accompanied the Athlete into the bathroom to observe the provision of the urine sample.

160. For her part, DCA Popova initially could not recall with certainty whether she had completed the 27 May 2021 DCF.

161. The Panel accepts that the division of tasks described by the DCPs is plausible and reasonable. As testified by DCA Popova, the DCPs operated as a team. The Panel is not troubled by the fact that DCO Nedkov may have undertaken certain duties, including witnessing the sample provision, and for DCA Popova to transcribe information or complete sections of the form while the DCO is occupied with the donor. Moreover, the Panel further accepts any minor deviations in their recollection of who completed which section of the DCF given the passage of time since completing the paperwork.

162. With that division of tasks in mind, the Panel now turns to the accuracy and reliability of the identification details recorded on the 27 May 2021 DCF.

163. The 27 May 2021 DCF ultimately recorded the type of identification presented as an *"ID Card"* with the number *"00010004425290"*.

164. The Athlete asserts that this number, however, does not match any of his identifications. As a reference point, he submitted copies of three identification documents for comparison:

- The Athlete's Georgian Passport:
  - Passport No.: 16BA34903
  - Personal No.: 01011066065 (11 digits)
- The Athlete's Serbian Passport:
  - Passport No.: 014990404 (9 digits)
  - Personal No.: 1806991852504 (13 digits)
- The Athlete's Serbian National Identification Card
  - Registration No.: 010679571 (9 digits)
  - Personal No.: 1806991852504 (13 digits)

165. The Panel notes that the *"ID Card"* number recorded on the 27 May 2021 DCF does not correspond to any of the identification documents submitted by the Athlete in these proceedings. This discrepancy was also acknowledged by both DCO Nedkov and DCA Popova during their testimonies.

166. At the outset, the Panel observes that *"ID Card"* with the number *"00010004425290"* are recorded in the field titled *"DOCUMENT TYPE"*. It is apparent that this field is intended to capture only the type of identification document presented, not necessarily its corresponding number. This is consistent with other DCFs completed for the Athlete and submitted into evidence, such as those dated 9 May 2021, 16 February 2022, and 11 September 2022, which record only the document type, without any

accompanying identification number. For instance, the 9 May 2021 DCF lists merely *"accreditation card"* under *"DOCUMENT TYPE"*, with no further details. The inclusion of a specific identification number on the 27 May 2021 DCF therefore reflects a higher level of detail than seen on other forms, and one that does not appear to be mandatory. That said, while the inclusion of such a number may not be required, the Panel considers it reasonable to expect that, when included, the number should be recorded correctly and accurately.

167. Reverting to the 27 May 2021 DCF, the Panel notes that the term *"ID card"* is broad and may refer to a variety of identification documents. While the number *"00010004425290"* recorded on the form does not match any of the three identifications documents submitted in this appeal (the Athlete's Serbian national ID and two passports), it remains possible that a different valid *"ID card"* was presented at the time of testing and simply not included in the appeal file. It is equally possible that the number reflects a transcription error.

168. The other DCFs produced, dated 9 May 2021, 16 February 2022, and 11 September 2022, do not assist in resolving this issue, as they contain only the type of document presented and no identification number, offering no basis for comparison. As a result, the Panel can only assess the identification number on the 27 May 2021 DCF in isolation.

169. In any event, the evidence adduced does not establish the origin or meaning of *"00010004425290"*. It also does not permit a firm conclusion as to which specific identification document was presented by (or for) the Athlete on 27 May 2021. Neither DCO Nedkov nor DCA Popova could recall whether the document was a passport, a national identification card, or another form of identification, and no copy of that document was retained. In these circumstances, it cannot be established with certainty what the Athlete actually produced for verification, nor whether that document was authentic or manipulated.

170. But in a scenario where it is alleged that a close family member may have impersonated the Athlete during the doping control process, it is plausible that the individual tested was in possession of the Athlete's actual identification document or a manipulated version thereof. As such, whether the identification number matches or not, does not show that the doping control on 27 May 2021 did not take place as described by the DCPs, especially when it is undisputed that the Athlete did not provide the 27 May 2021 Sample.

171. Next, the Panel notes the Athlete's contention that the 27 May 2021 DCF records an address in Serbia, while his ADAMS profile listed an address in Georgia. The Panel recognises this inconsistency but is not *per se* troubled by it. The Athlete, of Georgian origin, had, at the time of the sample collection on 21 May 2021, acquired Serbian nationality, as shown from his Serbian passport, valid from 3 February 2020 to 3 February 2030. Moreover, the Panel notes that DCFs on file for controls dated 16 February and 11 September 2022 also recorded Serbian addresses. While these postdate the 27 May 2021 DCF and cannot definitively establish the correct address

for May 2021, they suggest the Athlete may have maintained multiple residences or simply failed to update his ADAMS profile. The Panel, therefore, does not consider this discrepancy to be decisive.

172. This notwithstanding, the Panel notes that the email address and phone number recorded on the 27 May 2021 DCF were broadly consistent with the Athlete's ADAMS profile, except for a minor discrepancy in a single digit of the phone number. The Panel considers this variation too minor to carry any significant probative weight or to undermine the reliability of the information recorded. Rather, it suggests that the individual tested had access to, or knowledge of, the Athlete's personal details.

173. While the Panel does recognise that the identity verification process may not have been as robust as it might have been, as so envisaged by Article 5.3.4 of the ISTI, any shortcomings in that process did not affect the validity or occurrence or outcome of the doping control.

174. The Panel, therefore, finds that such a departure from the ISTI, if any, is not material and was not (under any circumstances) the cause of the violation.

ii. As to the alleged irregularities on the 27 May 2021 DCF raised by the Athlete

175. Against this background, the Panel now turns to the content of the 27 May 2021 DCF to assess whether the irregularities raised by the Athlete support the claim that the form, and the doping control it records, were in some way defective or staged.

(i) Presence of DCA Popova during the doping control

176. As highlighted by the Athlete, the Panel notes that the 27 May 2021 DCF does not include DCA Popova's name or signature in any capacity.

177. In particular, the 27 May 2021 DCF contains a field titled *"DCO/CHAPERONE NAME"* and *"DCO/CHAPERONE SIGNATURE"*. The ISTI defines *"Chaperone"* as follows:

"Chaperone: An official who is suitably trained and authorized by the Sample Collection Authority to carry out specific duties including one or more of the following (at the election of the Sample Collection Authority); notification of the Athlete selected for Sample collection; accompanying and observing the Athlete until arrival at the Doping Control Station; accompanying and/or observing Athletes who are present in the Doping Control Station; and/or witnessing and verifying the provision of the Sample where the training specifically qualifies them to do so."

178. Although the Parties did not specifically address whether DCA Popova fell within the definition of a *"Chaperone"* under the ISTI, the Panel finds that her role during the doping control aligns with the general scope of that definition. DCA Popova was

present throughout the control process, assisted in verifying the Athlete's identity, and completed the 27 May 2021 DCF in collaboration with the DCO Nedkov.

179. Indeed, the only step she did not perform was the direct witnessing of the sample provision, which the Panel accepts was due to gender considerations.

180. In this context, the Panel accepts DCA Popova's testimony that, as she did not enter the bathroom with the male donor and was, therefore, not present during the provision of the urine sample, she could not be regarded as a witness to the sample collection for the purposes of the 27 May 2021 DCF.

181. In addition, the absence of DCA Popova's name in the *DCO/CHAPERONE NAME* section of the 27 May 2021 DCF does not automatically indicate that she was not present during the control or that the control did not occur. To the contrary, the objective evidence submitted by UWW confirms her participation in the mission. DCA Popova is listed in the mission documentation, and her presence is corroborated by travel records, hotel invoices, and official orders for the business trip.

182. Taken together with her credible testimony, as well as that of DCO Nedkov, the Panel firmly believes that DCA Popova was physically present at the Sports Base and actively participated in the doping control on 27 May 2021.

183. In conclusion, the absence of DCA Popova's name on the face of the 27 May 2021 DCF reflects a procedural oversight, but not one that suggests fraud or fabrication. It does not, in the Panel's view, undermine the credibility of the doping control or the legitimacy of the testing mission.

(ii) Presence of Coach Dobrev during the doping control

184. Next, the Panel notes that the evidence as to whether Coach Dobrev was present during the control on 27 May 2021 is conflicting. Coach Dobrev claims he was not present. DCO Nedkov insists he was present. DCA Popova does not recall whether he was or was not present. And, unfortunately, the DCF does not record his name.

185. Moreover, the evidence from DCO Nedkov cannot be reconciled with that of the Athlete and Coach Dobrev. DCO Nedkov places Coach Dobrev in the Athlete's room at the time the doping control was taking place. Coach Dobrev asserts that this was not true, stating that none of his wrestlers had been subject to doping control between 25 May and 10 June 2021.

186. DCA Popova, for her part, did not recall whether any other person was present during the control. She explained that, as a general rule, any additional person present would normally be recorded on the DCF, though she could not specifically remember whether this occurred in the present case.

187. During cross-examination, counsel for the Athlete questioned DCO Nedkov whether, according to DCA Popova's testimony, individuals present during a doping control are

typically recorded on the DCF and that Coach Dobrev's absence from the form suggested he was not there. In response, DCO Nedkov maintained his position that Coach Dobrev was in the room during the control. He suggested that DCA Popova may simply not recall the details, given that the event occurred over four years ago. He further clarified that there is no requirement for coaches to sign the DCF, particularly when the athlete is not a minor.

188. The Panel observes that, during her testimony, DCA Popova appeared to rely primarily on the 27 May 2021 DCF shared on the computer screen of the Athlete's counsel, rather than on her own independent recollection. Her statement that *"if there were more people, they would have been identified"* thus read, in the Panel's view, as an inference from the 27 May 2021 DCF rather than a direct memory of the event.

189. As emphasised by DCO Nedkov, the Panel notes that both DCPs were testifying about events that took place more than four years earlier. This lapse of time may have affected the precision of their recollections, and the Panel approaches their testimony with this in mind.

190. In untangling this web of uncertainties and contradictory recollections, the Panel finds comfort in its assessment of the testimony provided by the witnesses against the additional evidence in this procedure.

191. Here, the Panel attaches particular weight to the clear and consistent assertion of DCO Nedkov, who was the lead officer for the mission, that Coach Dobrev was present in the room. His account on this point remained firm and unshaken under cross-examination, notwithstanding his acknowledgement of potential memory gaps.

192. By contrast, the absence of Coach Dobrev's name on the 27 May 2021 DCF is not, in the Panel's view, determinative evidence that he was not present. As DCO Nedkov confirmed, there was no obligation to record the presence of coaches, and a DCF is not intended to serve as a full attendance record. The fact that Coach Dobrev's name appears on the 9 May 2021 DCF but not on the 27 May 2021 DCF may simply reflect minor differences in how each control was conducted, rather than pointing to fabrication.

193. The Panel further bears in mind that DCA Popova's testimony does not directly contradict that of DCO Nedkov. Rather, it reflects a lack of specific recollection. Her evidence neither supports nor undermines his account in a material way. The Panel further recalls that, despite her own participation in the 27 May 2021 doping control, DCA Popova's name was not recorded on the 27 May 2021 DCF either, demonstrating that the absence of a name on the form does not necessarily indicate absence from the control process.

194. In contrast, Coach Dobrev's testimony is not only unsupported by any tangible evidence but also stands in direct contradiction to the mission documentation and the testimony of DCO Nedkov. The Panel considers that his version aligns with the Athlete's broader claim that no doping control took place and must be assessed in that

light. Moreover, while DCA Popova did not specifically recall Coach Dobrev's presence, her testimony still conflicts with Coach Dobrev's, who denied that any of his athletes were tested between 25 May and 10 June 2021.

195. On balance, the Panel is comfortably satisfied that Coach Dobrev was present during the 27 May 2021 doping control.

196. This nevertheless, even if Coach Dobrev were not present, it would not materially affect the Panel's conclusion as to whether a doping control occurred or whether a substitution took place. His presence or absence is at most circumstantial.

(iii) Handwriting evidence of Mr. Stewart

197. The Athlete called Mr. Stewart, a forensic document examiner, to give an expert opinion on the authenticity of the signatures attributed to DCO Nedkov on the 27 May 2021 DCF and chain of custody form.

198. In his report dated 16 June 2023, Mr. Stewart concluded that it was *"highly probable"* that the signatures on the 27 May 2021 DCF were written by a different individual than the person who signed the 9 May 2021 DCF. If accepted at face value, this conclusion would raise a significant question as to the provenance of DCO Nedkov's signatures on the 27 May 2021 DCF.

199. Mr. Stewart indicated that a further report was prepared in September 2023, described as a final version of his analysis. However, that report was not produced in these appeal proceedings. His June 2023 report contained a description of his methods and conclusions, but did not reproduce all the individual signature characteristics examined.

200. UWW challenged the reliability of Mr. Stewart's opinion. It submitted that the Athlete was continuing to rely on expert evidence that had already been found unpersuasive before the ADD, and that the omission of the September 2023 report, without explanation, further undermined the credibility of his conclusions.

201. UWW further recalled that, as noted in the Appealed Decision, Mr. Stewart himself acknowledged several limitations to his analysis. Namely, he did not have access to the original versions of the documents, he had no information about the precise circumstances of the signing, such as lighting, time of day, degree of fatigue, or writing surface, and he recognised that such external factors can influence the appearance of signatures. According to UWW, these shortcomings rendered the expert opinion unreliable and of limited evidentiary value.

202. In response to these concerns, Mr. Stewart was questioned by the Parties' respective counsels during the hearing. While Mr. Stewart conceded that factors such as surface imperfections or writing conditions could potentially account for some discrepancies in handwriting, he expressed a strong belief that this was not the case in this instance.

Although he could not state with absolute certainty, he found it highly probable that the signature on the 27 May 2021 DCF did not belong to DCO Nedkov.

203. Furthermore, at the hearing, Mr. Stewart clarified that he understood DCO Nedkov had been seated on a bed and writing on a pad of paper when signing the 27 May 2021 DCF. Despite these conditions, he still considered it unlikely that such circumstances would have led to the discrepancies he observed in the signature.

204. The Panel finds that Mr. Stewart's opinion was presented in a professional and credible manner and that his analysis was carried out in good faith. However, the Panel also observes that Mr. Stewart did not examine the original version of the compared documents, but only scanned copies, and that he had limited information regarding the conditions under which the signatures were executed. These factors may restrict the certainty of any handwriting comparison.

205. Moreover, while Mr. Stewart expressed a *"highly probable"* conclusion that the questioned signatures were not made by DCO Nedkov, the Panel considers that this assessment cannot be regarded as definitive in the absence of examination of the originals.

206. The Panel also observes that a further September 2023 report that Mr. Stewart described as a final version was not produced in this appeal, and no clear explanation was given for its absence by the Athlete's counsel.

207. Further, the Panel has already found that the 27 May 2021 DCF was completed in part by both DCO Nedkov and DCA Popova, which naturally results in variations in handwriting across sections of the form.

208. Weighing Mr. Stewart's conclusions against these contextual factors, and in the absence of the September 2023 report or the originals of the questioned documents, the Panel, while not dismissing his analysis, attaches limited weight to it in the overall evidentiary balance. The Panel accepts that Mr. Stewart's report raised a legitimate issue that warranted close scrutiny, and it has been treated as a material factor in the overall assessment. However, standing alone it does not rebut the combined documentary record and the consistent testimony of both DCPs that a test was carried out and that the form was completed during the mission.

(iv) Alleged irregularities or bias by DCO Nedkov

209. The Athlete further raised concerns regarding the conduct of DCO Nedkov during the testing mission. Specifically, he contended that DCO Nedkov may have breached applicable professional standards by announcing his arrival at the Sports Base reception on 26 May 2021, rather than proceeding directly to the room on 27 May 2021. This action, according to the Athlete, could have compromised the secrecy of the testing process.

210. When questioned at the hearing about whether it was standard practice to announce his presence to a receptionist the day before testing, DCO Nedkov confirmed that this procedure was not unusual in certain circumstances. He explained that, particularly in hotels or similar venues, it is not always possible to determine the exact room number or location of the Athlete in advance. DCO Nedkov further noted that doping controls often occur in the early morning hours when reception desks may be closed, and security staff may not have room information. Therefore, he announced himself as a DCO at the reception and requested the Athlete's room number to ensure proper notification the following morning.

211. That said, the Panel is mindful that such inquiries, particularly when made at a reception desk or through third parties, can reduce the element of surprise that is essential to effective out-of-competition testing. The risk that a receptionist, staff member, or other intermediary might alert an athlete or coaching staff, whether intentionally or inadvertently, cannot be discounted. Indeed, DCO Nedkov admitted during his testimony that such a risk existed when announcing himself at the Sports Base reception.

212. The Panel appreciates this admission and recognises the inherent tension in such circumstances between operational necessity and preserving the unpredictability of the doping control process.

213. Despite the above concerns, the Panel accepts that DCO Nedkov's actions in inquiring with the Sports Base reception as to the Athlete's presence and room number were not inconsistent with his obligations under the applicable standards. In particular, Article 5.3.5 of the ISTI provides that:

"5.3.5 The Sample Collection Authority, DCO or Chaperone, as applicable, shall establish the location of the selected Athlete and plan the approach and timing of notification, taking into consideration the specific circumstances of the sport/Competition/training session/etc. and the situation in question."

214. The Panel finds that DCO Nedkov's decision to inquire at reception, while not ideal from the perspective of preserving secrecy, was driven by logistical realities.

215. And with this in mind, the Panel recalls Coach Dobrev's testimony, in which he acknowledged the presence of a security checkpoint at the entrance of the Sports Base and confirmed that all individuals entering the premises were required to pass through security and announce themselves. Against this background, the Panel cannot exclude the possibility that Coach Dobrev and the Athlete were made aware of the upcoming doping control on the evening of 26 May 2021. If this prior notice occurred, it could have enabled the Athlete to prepare for the doping control by arranging for someone else to enter his room during the one-hour testing window, even if such an arrangement had not been explicitly planned in advance.

216. Furthermore, the Athlete argued that it would have been impossible for another person to provide the sample in his place, since DCO Nedkov knew who he was and what he

looked like. In support of this, the Athlete pointed out that DCO Nedkov had tested him only 18 days earlier, on 9 May 2021, and therefore would have been familiar with his appearance by 27 May 2021. However, during the hearing, DCO Nedkov testified that he did not recall testing the Athlete earlier in May and that, given the large number of athletes he routinely tests, he would not necessarily have recognized him again. The Panel considers this credible, as it would be unrealistic to expect a DCO to remember the facial features of every athlete he tests, particularly where such missions occur frequently and involve numerous individuals. DCO Nedkov did, however, distinctly recall that during the 27 May 2021 mission, the sample donor called out to Coach Dobrev, who entered the room and remained present throughout the doping control process. The Panel therefore does not accept the Athlete's argument that recognition by DCO Nedkov would have rendered a substitution impossible.

217. The Athlete also highlighted hearing DCO Nedkov's admission during the hearing that *"mistakes"* on the 27 May 2021, or any DCF, were possible. He expressed doubt as to whether these were genuine mistakes or instead intentional misstatements by DCO Nedkov. He went further to suggest that DCO Nedkov may have had a personal motive to fabricate or distort facts, or otherwise acted with bias.

218. The Panel takes these allegations seriously. However, it notes that the Athlete has presented no evidence capable of substantiating the claim that DCO Nedkov acted with intent to deceive, or that he had any personal or professional interest in manipulating the outcome of the test. The suggestion of fabrication or bias is not supported by any independent testimony, documentation, or investigative finding.

219. The Panel also considers that DCO Nedkov's acknowledgement of the possibility of *"mistakes"* on the DCF, while candid, does not alone support a finding of misconduct. Minor *"mistakes"* in doping control documentation, while regrettable, are not uncommon, especially in early morning testing conditions, and absent evidence of collusion or falsification, cannot be construed as evidence of intentional wrongdoing.

220. Even assuming that certain procedural irregularities may have occurred on DCO Nedkov's account, such as incomplete DCF or a failure to confirm the donor's identity with heightened diligence, such departures do not, in and of themselves, constitute a defense to an ADRV. As clearly stated in Article 3.2.3 of the UWW ADR:

"Departures from any other International Standard or other anti-doping rule or policy set forth in the Code or these Anti-Doping Rules shall not invalidate analytical results or other evidence of an anti-doping rule violation, and shall not constitute a defense to an anti-doping rule violation, unless the Athlete establishes that such departure caused the anti-doping rule violation."

221. In the present case, the Athlete has not established that any departure by DCO Nedkov (or DCA Popova) or otherwise, could reasonably have caused the urine substitution or its factual basis. The substitution was not the result of documentation errors, but rather of the presence of an individual during the declared whereabouts, with sufficient

information of the Athlete such as his email address and phone number to allow identification.

222. The Panel emphasises that even if DCO Nedkov had acted with less than ideal diligence, or made errors in recording information, this does not negate the evidence that someone other than the Athlete provided the 27 May 2021 Sample. Responsibility for that substitution ultimately lies with the Athlete. Speculation about the DCO Nedkov's motives or conduct, without concrete supporting evidence, cannot override this central fact.

223. For these reasons, the Panel finds that the Athlete has failed to demonstrate that the conduct of the DCO, whether in terms of bias, breach of protocol, or alleged fabrication, contributed in any meaningful way to the occurrence of the ADRV. The complaints raised do not alter the Panel's conclusion that a substitution occurred.

224. Further, the Panel could not identify any basis or motive for DCO Nedkov or DCA Popova to be untruthful in their evidence. Each of DCO Nedkov and DCA Popova had worked for the BUL-NADO for a number of years before the 27 May 2021 doping control. While the Athlete made a submission regarding a desire on DCO Nedkov's part not to incriminate himself, it was never clearly stated what exactly it was in respect of that he was seeking to avoid incrimination in

225. Hence, the Panel accepts that DCO Nedkov gave his evidence honestly and without any apparent personal motive to fabricate events. His testimony was broadly consistent with that of DCA Popova and with the documents produced by UWW as exhibits R-21 to R-36.

(v) Alleged substitution by a close relative

226. According to UWW, the evidence suggests that the substitution was facilitated by close relatives of the Athlete and could not have occurred without his knowledge or complicity.

227. In response, each brother gave evidence that he was not present at the Sports Base on 27 May 2021.

228. In support, the Athlete produced copies of the passports of his brothers, submitting that these documents demonstrate the absence of any entry or exit stamps to or from Bulgaria in May 2021, and therefore prove that neither brother was present at the Sports Base in Belmeken during that period. The Panel accepts that the passports indeed contain no Bulgarian immigration stamps for May 2021. However, this omission does not constitute conclusive proof that the brothers were not physically present in Bulgaria. The Panel is keenly aware that within the Schengen area and neighbouring regions, border crossings are often not stamped, and therefore the absence of an immigration stamp cannot be regarded as conclusive evidence that the Athlete's brothers were not present at the Sports Base on 27 May 2021.

229. Turning to the testimony of Giorgi, the Panel notes a material inconsistency between his written statement dated 8 October 2024 and his oral testimony during the hearing. In his written statement, Giorgi declared:

"This is to confirm that I have not been in the Republic of Bulgaria in May 2021. On 27 May 2021, I was in Tbilisi, Georgia."

230. However, at the hearing, Giorgi testified that he was in Paris with his spouse on 27 May 2021, and produced a photograph allegedly taken there as proof. The Panel regards this inconsistency as significant, as it affects Giorgi's overall credibility and reliability as a witness.

231. The Athlete explained that he had ensured the photograph contained metadata to confirm its authenticity. Upon review, the Panel acknowledges that the image appears to include metadata suggesting it was taken in Paris on 27 May 2021. Nevertheless, the Panel recognises that the metadata of a photograph taken on a phone can easily be altered or removed. The Panel does not suggest that the Athlete or his brother manipulated the data, but in the absence of an independent forensic EXIF analysis, the photograph cannot be given more than limited evidentiary weight, particularly when assessed against the contradictory accounts provided by Giorgi himself.

232. The Panel also reviewed Giorgi's passport, which includes a multi-entry visa for France valid from 15 November 2020 to 15 November 2021. While this visa would have allowed Giorgi to travel to France during the relevant period, it does not constitute proof that such travel actually occurred. The passport shows, *inter alia*:

- an entry stamp at Roissy CDG dated ".06.21" (page 10), with the day only partially legible but appearing to read "13", "16", or "18";
- an entry at Roissy CDG on 20 December 2020 (page 16);
- an exit from Roissy CDG on 15 August 2022 (page 21); and
- an exit from Nice Côte d'Azur on 15 November 2023 (page 15).

233. While the Panel has reviewed the passport with due care, it does not exclude the possibility that a stamp may have been overlooked due to partial legibility. Nonetheless, the review does not reveal any entry or exit stamps clearly placing Giorgi in France in May 2021, and more importantly on 27 May 2021. The only relevant stamp indicates an entry into France in mid-June 2021, which, if anything, suggests that Giorgi travelled to Paris after the date of the contested sample collection.

234. The Panel also observes that some entry stamps to Roissy CDG are not accompanied by corresponding exit stamps, which may reflect travel within the Schengen zone where exit stamps are not systematically applied. While this possibility cannot be ruled out, the passport evidence does not conclusively prove that Giorgi was in Paris on 27 May 2021 or that he was not at the Sports Base.

235. In light of the above, and consistent with the reasoning of the Sole Arbitrator in the Appealed Decision, the Panel finds that limited evidentiary weight can be attached to the passport stamps of the Athlete's brothers. As stated in the Appealed Decision:

"In the absence of other corroborating evidence on the locations of the Athlete's brothers on 27 May 2021, the Sole Arbitrator cannot attach significant evidentiary value to the stamps on the passports. It is common knowledge that passports are not always stamped at the borders."

236. Hence, the passport evidence does not prove objectively that neither brother was in fact present in Bulgaria during that period. Further, it does not detract from the fact that the urine in the 27 May 2021 Sample was not that of the Athlete.

237. And crucially, the Athlete's appeal completely ignores the strong DNA evidence, which severely undermines his case.

238. The Athlete attempts to exclude the possibility that one of his brothers impersonated him during the doping control by producing passport stamps that purportedly show his brothers were not in the country at the relevant time. However, the Panel notes that this argument is significantly weakened by the uncontested DNA evidence showing that the 27 May 2021 Sample contained the DNA of a first-degree male relative of the Athlete, most likely a brother or his father, with a probability of 99.9999%.

239. In this respect, the DNA was found in a urine sample collected on-site at the Sports Base, during an officially recorded doping control mission. This anchors the presence of the donor to a specific location and time, something a passport stamp cannot definitively do. Passport stamps only indicate border crossings, not a person's physical location within a country. By contrast, DNA found in a collected urine sample is an inherently more reliable and objective indicator of presence at the testing site.

240. The Panel, therefore, finds that the DNA evidence places a close relative of the Athlete at the Sports Base on 27 May 2021 in direct connection with the doping control. This evidence is compelling, unchallenged by the Athlete, and significantly undercuts his suggestion that the test was fabricated or carried out by a person unconnected to him.

241. Likewise, the Athlete's reliance on Coach Dobrev's testimony that, to his knowledge, no members of the Athlete's family were present at the Sports Base during the May 2021 training camp, and that the only individuals residing there were the Serbian wrestlers and staff, is not considered reliable. The Panel notes that Coach Dobrev's categorical denial that any doping control occurred during that period has already been found implausible and inconsistent with the objective documentation of a test conducted on 27 May 2021. Against this background, his further assertion regarding the absence of the Athlete's relatives carries limited evidentiary weight. It cannot displace the objective scientific evidence demonstrating that the urine analysed from that mission contained the DNA of a first-degree male relative of the Athlete.

242. The Athlete further relies on a notification letter from Mr. Yolo Nikolov, manager of the Sports Base, stating that neither bother took part in the training camp from 25 May 2021 to 10 June 2021. The Panel considers that this evidence does not assist its determination, as it does not indicate whether either brother was otherwise staying at the Sports Base.

243. For the sake of completeness, the Panel notes that it has not been provided with any evidence from, or concerning, the Athlete's father. Accordingly, no inference can be drawn as to his potential involvement or knowledge in relation to the events of 27 May 2021.

244. The Panel is not required to make any finding as to who provided the 27 May 2021 Sample. The evidence as accepted by the Panel is that a doping control was carried out by DCO Nedkov and DCA Popova, by which they obtained the 27 May 2021 Sample. That sample was not the urine of the Athlete, but with a degree of 99.999% certainty, either a brother or father of the Athlete. While it has not been established with precision exactly how that urine came to be in the 27 May 2021 Sample, it is undisputed that it could not have come from the Athlete. So either a brother or father of the Athlete was the donor, or their urine had been obtained at some earlier time to put into 27 May 2021 Sample. Either way, there was a urine substitution.

iii. Conclusion

245. In view of the foregoing, the unchallenged DNA analysis provides compelling and objective evidence that the urine contained in the 27 May 2021 Sample was not that of the Athlete but of a close male relative, most likely a brother or his father, with a probability of 99.9999%. This scientific finding, of the highest probative value, cannot be reconciled with the Athlete's suggestion that the test was fabricated or conducted on a stranger unrelated to him.

246. The doping control took place out-of-competition at approximately 6:00 a.m., at the time and location declared in the Athlete's whereabouts filing. By its nature, such testing is unannounced, yet the donor appeared fully prepared and in possession of a credible identification bearing the Athlete's name and personal details, including his email address and phone number. The level of preparation involved is incompatible with a mere coincidence and points to prior coordination. The Panel therefore finds it more probable than not that the identification document and personal data were provided, directly or indirectly, by the Athlete himself, supporting the conclusion of his implication in the substitution.

247. The Panel has considered the Athlete's alternative explanation that the substitution was the work of an *"enemy"* or unknown third party. While theoretically possible, this scenario is highly implausible. Any such person would have needed to track the Athlete's exact movements, gain access to his room at the Sports Base, possess a forged or original identification, and closely resemble him. Moreover, the forensic DNA evidence shows that the urine originated from a close male relative, not an

unrelated individual. Unless an *"enemy"* happened also to be a family member, the likelihood of this theory is remote.

248. The Athlete's own testimony, in which he stated that he distrusted even his brothers, does not assist him. Even if a relative acted independently, the logistical complexity of arranging a substitution during an official doping control, with no apparent motive or resulting advantage, renders that explanation implausible. A person seeking to harm the Athlete would more likely have attempted to cause a positive test result rather than a clean substitution.

249. Taken together, the evidence establishes that the Athlete was not the donor of the urine sample collected on 27 May 2021 and that the substitution could not have occurred without his involvement or facilitation. The donor was either a brother or the father of the Athlete who was present at or near the Sports Base, or the urine of such a relative had been previously collected and stored for that purpose. Either scenario required coordination, planning, and access to the Athlete's whereabouts, identification, and training environment, all matters within his control.

250. The donor's ability to enter the Athlete's room, present an identification in his name, and provide accurate personal details confirms that the substitution occurred under circumstances that could not reasonably have arisen without the Athlete's awareness. Even if he did not personally execute the substitution, he must have facilitated, permitted, or at least acquiesced in arrangements enabling it.

251. The Panel considers it implausible that such a carefully organised substitution could have been arranged without the Athlete's knowledge or participation. The preparation evidenced by the use of his personal data and the donor's access to his room points to deliberate planning rather than coincidence.

252. On the totality of the evidence, including the DNA results, the timing and location of the doping control, the donor's access to the Athlete's room, and the implausibility of independent interference, the Panel is comfortably satisfied that the Athlete directly or, at minimum, indirectly contributed to the urine substitution and acted with actual or constructive knowledge that the sample collected on 27 May 2021 would not be his own.

E. Determination

253. The Panel has carefully considered the evidence of all witnesses. It observes at the outset that the task is not to determine whether each witness gave testimony in good faith, but rather whether the testimony as a whole establishes, to the Panel's comfortable satisfaction, that urine substitution occurred on 27 May 2021 with the involvement of the Athlete.

254. In considering the witness evidence, the Panel has had regard to the fallibility of human memory, which increases with the passage of time. In this case, where there are inconsistencies between the evidence of the witnesses, credit is of significance. The

Panel notes that the credibility of the witnesses and their veracity can be tested by reference to objective facts proved independently of testimony, in particular by reference to documents, motives and the overall probabilities.

255. Having regard to the above, the Panel is comfortably satisfied that UWW has met its burden of proof that the Athlete used a prohibited method, namely urine substitution through a doppelgänger, in violation of Article 2.2 of the UWW ADR. The Panel shall therefore proceed to determine the appropriate consequences arising from this ADRV.

F. Period of ineligibility

256. The Panel is required to consider the period of ineligibility resulting from the confirmed ADRV, which must be determined having regard also to the finding of the tampering ADRV which was not the subject of appeal.

257. Article 10.9.3.1 of the UWW ADR provides that, where an Athlete is found to have committed two separate ADRVs but had not received notice of the first ADRV before committing the second, they are to be treated as a single ADRV for the purposes of determining sanctions, and the sanction imposed is determined based on the ADRV that carries the more severe sanction:

"For purposes of imposing sanctions under Article 10.9, except as provided in Articles 10.9.3.2 and 10.9.3.3, an anti-doping rule violation will only be considered a second violation if UWW can establish that the Athlete or other Person committed the additional anti-doping rule violation after the Athlete or other Person received notice pursuant to Article 7, or after UWW made reasonable efforts to give notice of the first anti-doping rule violation. If UWW cannot establish this, the violations shall be considered together as one single first violation, and the sanction imposed shall be based on the violation that carries the more severe sanction, including the application of Aggravating Circumstances. Results in all Competitions dating back to the earlier UWW 2021 Anti-Doping Rules anti-doping rule violation will be Disqualified as provided in Article 10.10."

258. The Panel has confirmed in this Award an ADRV in violation of Article 2.2 of the UWW ADR. The ADRV in violation of Article 2.5 of the UWW ADR, and a consequential period of ineligibility of at least four years, was not the subject of challenge by the Athlete in this appeal.

259. Article 10.2 of the UWW ADR provides that the period of ineligibility for an Article2.2 ADRV is four years, when the ADRV does not involve a specified method, unless the Athlete can establish that the ADRV was not intentional.

260. As addressed above, according to the WADA Prohibited List (2021 edition), Section M2 "Chemical and Physical Manipulation", a sample substitution is considered a non-specified prohibited method. Therefore, the *prima facie* period of ineligibility for this ADRV is four years.

261. As the Athlete does not challenge the four-year period of ineligibility arising from his Article 2.5 ADRV, it is not strictly necessary to consider on this issue whether the Athlete can establish his Article 2.2 ADRV was not intentional. This is because Article 10.9.3.1 of the UWW ADR (extracted above) provides that the Panel is to determine the period of ineligibility based on the ADRV that carries the more severe sanction. Nonetheless, the Panel observes that the elements of proof of a urine substitution ADRV through doppelgänger, which require findings of actual of constructive knowledge by the Athlete of the likelihood that substitution would occur, are inconsistent with a finding that the ADRV was not intentional.

262. Accordingly, it falls for the Panel to determine whether there is any reason why a period of ineligibility of more than four years should be imposed on the basis of aggravating circumstances.

263. Article 10.4 of the UWW ADR concerns increasing the period of ineligibility on the basis of aggravating circumstances. It provides:

> *"If UWW establishes in an individual case involving an anti-doping rule violation other than violations under Article 2.7 (Trafficking or Attempted Trafficking), 2.8 (Administration or Attempted Administration), 2.9 (Complicity or Attempted Complicity) or 2.11 (Acts by an Athlete or Other Person to Discourage or Retaliate Against Reporting) that Aggravating Circumstances are present which justify the imposition of a period of Ineligibility greater than the standard sanction, then the period of Ineligibility otherwise applicable shall be increased by an additional period of Ineligibility of up to two (2) years depending on the seriousness of the violation and the nature of the Aggravating Circumstances, unless the Athlete or other Person can establish that he or she did not knowingly commit the anti-doping rule violation."*

264. The term *"aggravating circumstances"* is defined in Appendix 1 of the UWW ADR, including a non-exhaustive list of circumstances which amount to aggravating circumstances, as follows (emphasis added):

> *"Circumstances involving, or actions by, an Athlete or other Person which may justify the imposition of a period of Ineligibility greater than the standard sanction. Such circumstances and actions shall include, but are not limited to: the Athlete or other Person Used or Possessed multiple Prohibited Substances or Prohibited Methods, Used or Possessed a Prohibited Substance or Prohibited Method on multiple occasions or* ***committed multiple other anti-doping rule violations****; a normal individual would be likely to enjoy the performance-enhancing effects of the anti-doping rule violation(s) beyond the otherwise applicable period of Ineligibility;* ***the Athlete or Person engaged in deceptive or obstructive conduct to avoid the detection or adjudication of an anti-doping rule violation; or the Athlete or other Person engaged in Tampering during Results Management****. For the avoidance of doubt, the examples of circumstances and conduct described herein are not exclusive and other similar circumstances or conduct may also justify the imposition of a longer period of Ineligibility."*

265. As was noted by the ADD in the Appealed Decision, it is somewhat incongruent that:

- Article 2.5 of the UWW ADR provides for a specific ADRV of tampering;

- Article 10.3.1 of the UWW ADR provides a *prima facie* period of ineligibility of four years for that ADRV; yet

- Yet Article 10.4 of the UWW ADR suggests that *"tampering during results management"* may constitute an aggravating circumstance justifying an increased sanction of up to two additional years. This raises the question whether a finding of tampering under Article 2.5, by itself, can ever amount to an aggravating circumstance warranting an increased period of ineligibility.

266. The Panel agrees with the observations of the Appealed Decision that a finding of an Article 2.5 ADRV does not, by itself, constitute an aggravating circumstance warranting an increase beyond the *prima facie* four-year period of ineligibility. Article 10.3.1 of the UWW ADR sets a baseline sanction of four years for a tampering ADRV. If every Article 2.5 ADRV were automatically regarded as an aggravated circumstance, then the baseline sanction prescribed by that provision would lose its meaning and practical effect. The Panel must therefore examine the particular facts of the case to determine whether there are specific elements that make the Athlete's conduct more serious than a typical ADRV under Article 2.5 and thus warrant a longer period of ineligibility. In this case, the Panel is satisfied that aggravating circumstances exist. In that regard:

- the Athlete has been found to have committed two separate ADRVs;

- each ADRV involved intentional, deceptive conduct designed to avoid the detection of an ADRV;

- each ADRV involved complexity which would have required multiple stages of planning, including the involvement of third parties.

267. While this matter is not directly determinative of the present case, the Panel cannot disregard the Athlete's own admission regarding the Video Recording, which has implications for his credibility. The Panel considers that the Athlete was capable of producing the Video Recording, and admitted so, raising a broader question as to the reliability of other assertions he has made. In the Panel's experience, false video recordings, put forward as accurate in first instance until challenged under cross examination, are not usual and are in fact unusual, and raise serious issues of credibility. No member of the Panel has ever seen or been involved in a case where an innocent athlete created a video recording that the athlete held out as authentic. Serious issues of the athlete's credibility and culpability are raised by this fact alone, even if inferentially. Innocent athletes simply do not create video reproductions of events and hold them out as true representations of contemporaneous events until challenged under cross-examination.

268. The Panel notes UWW's submission that the timing of the urine substitution ADRV, occurring in the lead-up to the Tokyo Olympics and the 2021 World Championships, could constitute an aggravating circumstance, given the significance of these events in the Athlete's sport. The Panel, however, is not persuaded that the mere importance of upcoming competitions, by itself, warrants an increase in the period of ineligibility. While it may be a relevant factor in assessing the broader context, it has not been taken into account as an aggravating circumstance in determining the sanction in this case.

269. Having regard to the above matters, and noting that UWW did not file any cross-appeal seeking any greater period of ineligibility, the Panel is satisfied that UWW has established that aggravating circumstances are present which justify the imposition of a period of ineligibility greater than the standard sanction. The Panel considers it appropriate, having regard to the aggravating circumstances identified above, that the period of ineligibility should be increased by an additional one year, such that the Athlete's total period of ineligibility is to be five years.

G. Commencement of period of ineligibility

270. Article 10.13 of the UWW ADR provides:

"10.13 Commencement of Ineligibility Period

Where an Athlete is already serving a period of Ineligibility for an anti-doping rule violation, any new period of Ineligibility shall commence on the first day after the current period of Ineligibility has been served. Otherwise, except as provided below, the period of Ineligibility shall start on the date of the final hearing decision providing for Ineligibility or, if the hearing is waived or there is no hearing, on the date Ineligibility is accepted or otherwise imposed."

271. Article 10.13.2 of the UWW ADR provides:

"10.13.2 Credit for Provisional Suspension or Period of Ineligibility Served

10.13.2.1 If a Provisional Suspension is respected by the Athlete or other Person, then the Athlete or other Person shall receive a credit for such period of Provisional Suspension against any period of Ineligibility which may ultimately be imposed. If the Athlete or other Person does not respect a Provisional Suspension, then the Athlete or other Person shall receive no credit for any period of Provisional Suspension served. If a period of Ineligibility is served pursuant to a decision that is subsequently appealed, then the Athlete or other Person shall receive a credit for such period of Ineligibility served against any period of Ineligibility which may ultimately be imposed on appeal.

10.13.2.2 If an Athlete or other Person voluntarily accepts a Provisional Suspension in writing from UWW and thereafter respects the Provisional Suspension, the Athlete or other Person shall receive a credit for such period of

voluntary Provisional Suspension against any period of Ineligibility which may ultimately be imposed. A copy of the Athlete or other Person's voluntary acceptance of a Provisional Suspension shall be provided promptly to each party entitled to receive notice of an asserted anti-doping rule violation under Article 14.1."

272. The Player commenced a provisional suspension on 11 April 2023 and commenced his period of ineligibility pursuant to the Appealed Decision on 19 September 2024 (which deemed that period to commence on 11 April 2023).

273. It was not in dispute between the Parties that the Athlete should receive a credit for his period of provisional suspension and ineligibility served since 11 April 2023.

274. In terms of the form of relief, the Athlete sought an order that his period of ineligibility commence on 11 April 2023. UWW sought an order that the period of ineligibility start on the date of this Award, with a credit being provided for time served since 11 April 2023. While different in form, the two are the same in substance.

275. Given the effect of Article 10.13.2 of the UWW ADR is to apply a credit to the period of ineligibility rather than permitting the Panel to start the period of ineligibility at an earlier date (c.f. Article 10.13.1 of the UWW ADR), the Panel considers the correct approach is that identified by UWW.

H. Disqualification of results

276. Article 10.10 of the UWW ADR provides that all results from a date of an ADRV through to the commencement of any provisional suspension are to be disqualified unless fairness requires otherwise:

"In addition to the automatic Disqualification of the results in the Competition which produced the positive Sample under Article 9, all other competitive results of the Athlete obtained from the date a positive Sample was collected (whether In-Competition or Out-of-Competition), or other antidoping rule violation occurred, through the commencement of any Provisional Suspension or Ineligibility period, shall, unless fairness requires otherwise, be Disqualified with all of the resulting Consequences including forfeiture of any medals, points and prizes."

277. UWW submits that all of the Athlete's competitive results from the date of his Article2.2 ADRV (27 May 2021) until the date of his provisional suspension (11 April 2023) should be disqualified, with all of the resulting consequences including forfeiture of any medals, points and prizes. That would involve disqualification of his bronze medal from the Tokyo Olympics as well as two World Championship gold medal results.

278. The Athlete noted that, since the 27 May 2021 ADRV, he had been tested 12 times, both in-competition and out-of-competition, with each test negative for any prohibited substances. Notably, his testing record indicates that he was tested on 4 August 2021

and 10 October 2021 for in-competition tests at the Tokyo Olympics and the 2021 UWW World Championships.

279. The Panel notes that the Athlete appears to have been tested several times since 27 May 2021. The Athlete's tests after the collection of the 27 May 2021 Sample (or before) are not relevant for this Panel in assessing the alleged violation under these circumstances. Had the Athlete desired the Panel to draw any conclusion from his negative tests, whatever conclusions there may be, he should have brought *some* evidence in support of his allegations. Otherwise, the Panel would be simply deciding this case based on speculation.

280. The Panel does not consider fairness requires that the Athlete maintain his results at these events. The effect of the Athlete's conduct is that he intentionally and deceptively avoided testing in the lead up to the Tokyo Olympics held in August 2021. Accordingly, the Panel considers it appropriate that all results from the date of his Article 2.2 ADRV, i.e., 27 May 2021, are to be disqualified, with all of the resulting consequences including forfeiture of any medals, points and prizes.

281. *"10.12.1 Where an Athlete (...) commits an anti-doping rule violation, UWW may, in its discretion and subject to the principle of proportionality, elect to (a) recover from the Athlete (...) costs associated with the anti-doping rule violation, regardless of the period of Ineligibility imposed and/or (b) fine the Athlete (...) in an amount up to 10.000 Swiss Francs only in cases where the maximum period of Ineligibility otherwise applicable has already been imposed. Only in relation to the application of subsection (a), UWW may opt to invoice the Athlete (...).*

282. *10.12.2 The imposition of a financial sanction or the UWW's recovery of costs shall not be considered a basis for reducing the Ineligibility or other sanction which would otherwise be applicable under these Anti-Doping Rules."*

I. Financial consequences

283. Article 10.12 of the UWW ADR reads as follows:

> ***"10.12 Financial Consequences***
>
> ***10.12.1*** *Where an Athlete or other Person commits an anti-doping rule violation, UWW may, in its discretion and subject to the principle of proportionality, elect to (a) recover from the Athlete or other Person costs associated with the anti-doping rule violation, regardless of the period of Ineligibility imposed and/or (b) fine the Athlete or other Person in an amount up to 10.000 Swiss Francs only in cases where the maximum period of Ineligibility otherwise applicable has already been imposed. Only in relation to the application of subsection (a), UWW may opt to invoice the Athlete or other Person's National Federation.*

> ***10.12.2*** *The imposition of a financial sanction or the UWW's recovery of costs shall not be considered a basis for reducing the Ineligibility or other sanction which would otherwise be applicable under these Anti-Doping Rules."*

284. UWW has requested that the Panel impose a fine of CHF 10,000 on the Athlete, though it has not provided any specific reasoning or justification in support of that request. The Athlete, for his part, has not addressed this issue in his submissions.

285. Under Article 10.12.1(b) of the UWW ADR, a fine may only be imposed where the maximum period of ineligibility has already been applied. The rationale for this provision appears to be to grant UWW a supplementary sanctioning power in exceptional cases where the maximum ineligibility sanction is deemed insufficient. In the present case, the maximum period of ineligibility has not been imposed. Accordingly, the precondition for imposing a fine under Article 10.12.1(b) is not satisfied, and there is therefore no basis for the Panel to order such a financial penalty.

X. COSTS

(…).

ON THESE GROUNDS

The Court of Arbitration for Sport rules that:

1. The appeal filed by Mr. Zurabi Datunashvili with the Court of Arbitration for Sport on 10 October 2024 against the United World Wrestling challenging the decision dated 19 September 2024 rendered by the CAS Anti-Doping Division is dismissed.

2. The decision dated 19 September 2024 rendered by the CAS Anti-Doping Division is confirmed.

3. (…).

4. (…).

5. All other motions or prayers for relief are dismissed.

Seat of arbitration: Lausanne, Switzerland
Date: 17 November 2025

THE COURT OF ARBITRATION FOR SPORT

Marianne Saroli
President of the Panel

Jeffrey G. Benz
Arbitrator

James Drake
Arbitrator