CAS 2024/A/10960 International Weightlifting Federation v. Gurami Giorbelidze & Georgian Anti-Doping Agency (GADA)

ARBITRAL AWARD

delivered by the

COURT OF ARBITRATION FOR SPORT

sitting in the following composition:

Sole Arbitrator: Dr. Vladimir Novak, Attorney-at-law in Brussels, Belgium

in the arbitration between

International Weightlifting Federation, Lausanne, Switzerland

Represented by Dominique Leroux-Lacroix, Ms Ayesha Talpade and Mr. Anton Sotir, International Testing Agency, Lausanne, Switzerland

Appellant

and

Gurami Giorbelidze, represented by Łukasz Klimczyk, Wrocław, Poland

First Respondent

and

Georgian Anti-Doping Agency

Second Respondent

I. PARTIES

1. The International Weightlifting Federation ("IWF" or the "Appellant") is the international governing body for the sport of weightlifting. It is headquartered in Lausanne, Switzerland. As a Signatory to the World Anti-Doping Code ("WADA Code"), the IWF has enacted its anti-doping rules. In furtherance of its commitment to clean sport, the IWF has delegated the implementation of its anti-doping programme to the International Testing Agency ("ITA"). Such delegation includes, amongst others, results management and subsequent prosecution of potential anti-doping rule violations under the jurisdiction of the IWF.

2. Mr. Gurami Giorbelidze (the "First Respondent" or the "Athlete") is a 23-year-old weightlifter from Georgia. He is a member of the Weightlifting Federation of Georgia.

3. The Georgian Anti-Doping Agency ("GADA" or the "Second Respondent", together with Mr. Gurami Giorbelidze the "Respondents") is approved by the World Anti-Doping Agency ("WADA") as a national anti-doping organisation ("NADO") in Georgia within the meaning of the WADA Code. GADA has its registered seat in Tbilisi, Georgia.

4. The Appellant and the Respondents are collectively referred to as the "Parties".

II. FACTUAL BACKGROUND

5. Below is a summary of the relevant facts and allegations based on the Parties' written submissions and evidence adduced. Additional facts and allegations found in the Parties' submissions and evidence may be set out, where relevant, in connection with the legal discussion that follows. While the Sole Arbitrator has considered all facts, allegations, legal arguments, and evidence submitted by the Parties in the present proceedings, his Award refers only to the submissions and evidence, which he considers necessary to explain his reasoning.

6. On 7 July 2023, the Athlete was subject to an out-of-competition doping control, whereby a urine sample (the "Sample") was collected from him by GADA.

7. On 24 July 2023, a laboratory finding confirmed the presence of ostarine in the A-Sample (No. A-1190649). Ostarine is listed under S.1.2 of the WADA Prohibited List under "Other Anabolic Agents".

8. On 31 July 2023, GADA notified the Athlete of an adverse analytical finding in violation of Article 2.1 of the Anti-Doping Rules of the Georgian Anti-Doping Agency ("ADR") and imposed a Provisional Suspension with immediate effect pursuant to Article 7.4.1 of the ADR.

9. On 20 June, 2024, the Tbilisi City Court delivered its judgment in Case 1/3853-24 ("Tbilisi City Court Judgment"), finding that at some point on 24 June or 25 June 2023, a defendant named Nikoloz Gogava inflicted bodily harm on the Athlete (and additional athletes) by adding ostarine to their drinking water while they were staying at a sports base in Bakuriani, Georgia. The Court also found that on 1 July 2023, Gogava added ostarine to the drinking water of additional athletes who are also members of the Georgian National Weightlifting Team, while they were staying at a sports base in Dusheti, Georgia. The Court sentenced Mr. Gogava to one year imprisonment on probation.

10. On 25 June 2024, the Athlete requested GADA to schedule a meeting regarding the removal of the provisional suspension because the Tbilisi City Court Judgment held that the Athlete was a victim of a sabotage.

11. On 26 August 2024, GADA's Disciplinary Committee issued Decision N 2024-05 (the "Appealed Decision") on the basis of the Tbilisi City Court Judgment, stating that fault and negligence are excluded under Article 10.5 of WADA Code and the provisional suspension imposed by GADA is terminated.

III. PROCEEDINGS BEFORE THE COURT OF ARBITRATION FOR SPORT

12. On 25 October 2024, the Appellant submitted a Statement of Appeal within the meaning of Article R47 of the Code of Sports-related Arbitration ("CAS Code") and Article 13.2 of the IWF Anti-doping Rules ("IWF ADR") before the Court of Arbitration for Sport ("CAS") against the Appealed Decision. The Appellant requested a 30-day extension to submit its Appeal Brief.

13. On 28 October 2024, the CAS granted the Appellant a 10-day extension for the submission of the Appeal Brief pursuant to Article R32 of the CAS Code, followed by an additional 20-day extension granted on 5 November 2024 and last extension granted on 4 December 2024 with an ultimate deadline of 9 December 2024.

14. On 2 November 2024, the First Respondent agreed that the present case be submitted to a sole arbitrator together with case CAS 2024/A/10960.

15. On 4 November 2024, the Appellant and the Second Respondent concurred that cases CAS 2024/A/10960 and CAS 2024/A/10961 be submitted to the same sole arbitrator.

16. On 20 November 2024, the Second Respondent submitted an unsolicited statement in response to the Appeal arguing that it was wrong because Georgian courts had already established sabotage as a fact, which under Article 3.2.4 of the WADA Code constitutes undeniable evidence that cannot be reviewed through arbitration.

17. On 21 November 2024, the CAS Court Office requested the Second Respondent to qualify whether its unsolicited statement constitutes its Answer in the sense of Article R55 of the CAS Code.

18. On 22 November 2024, the Second Respondent indicated that "*our last submission could be the respondent's answer following article R55 of the Code*", but also that the Second Respondent would present new evidence when the Appellant submits its Appeal Brief. On the same day, the CAS Court Office requested again the Second Respondent to clarify whether its unsolicited statement constitutes its Answer in the sense of Article R55 of the CAS Code. The Second Respondent confirmed on the same day that "*the letter is the answer to the respondent's answer following article R55 of the Code*" but that the Second Respondent reserves the right to provide another answer. In the same letter, the Second Respondent also confirmed its acceptance to submit the present proceedings to the same "*panel*" as in CAS 2024/A/10960.

19. On 6 December 2024, the Appellant filed its joint Appeal Brief for cases CAS 2024/A/10960 and CAS 2024/A/10961. On the same date, the CAS Court Office invited the Respondents to file their Answers within 20 days.

20. On 23 December 2024, the First Respondent requested the deadline to file its Answer to be suspended due to the failure to provide all relevant documents. The CAS rejected the request on the same day as all relevant submissions and exhibit had been made available.

21. On 24 December 2024, the First Respondent requested a 14-day extension to file its Answer.

22. On 26 December 2024, the Second Respondent submitted its Answer to CAS via email only.

23. On 3 January 2025, the CAS granted the First Respondent an extension of 10 days to submit its Answer, given the Appellant did not object to said extension.

24. On 9 January 2025, the CAS Court Office noted that neither the Answers of 20 November 2024 nor of 26 December 2024 were received by the CAS Court Office via courier, as required by Article R31 paragraph 3 of the CAS Code. The Second Respondent was further invited to advise the CAS Court Office, within a three-day deadline, whether it had filed a physical copy of the Answer within the given time limit. Further information would be given depending on the Second Respondent's response to the above.

25. On 9 January 2025, the Second Respondent requested an extension of the time limit to file a physical copy of its Answer. On the same day, the CAS Court Office noted that the time period for the Second Respondent to file a physical copy of its Answer expired

on 27 December 2024, and that time limit extensions requested after the expiration cannot be accepted. The CAS Court Office further informed the Parties that the Sole Arbitrator my nevertheless proceed with the arbitration and deliver an award in accordance with Article R55 paragraph 2 of the CAS Code.

26. On 16 January 2025, the First Respondent submitted its Answer to CAS via email.

27. On 20 January 2025, the CAS Court Office requested the First Respondent to submit a physical copy of its Answer by 23 January 2025. On the same day, the First Respondent confirmed that a physical copy had been sent via courier on 16 January 2025.

28. On 22 January 2025, the CAS Court Office invited the Parties to state whether they wished a hearing to be held or for the Sole Arbitrator to issue an award solely on the basis of written submissions.

29. On 29 January 2025, the Appellant submitted that it wishes a hearing to be held, but that no case management conference was required.

30. On 31 January 2025, the Second Respondent requested a hearing to be held.

31. On 17 March 2025, the CAS Court Office informed the Parties that the Panel appointed to decide the present case was constituted as follows:

    Sole Arbitrator: Dr. Vladimir Novak, Attorney-at-law in Brussels, Belgium

32. On 21 March 2025, the Appellant was requested to comment on the admissibility of the Second Respondent's Answer, which was filed by e-mail only, within 5 days.

33. On 26 March 2025, the Appellant deferred to the Sole Arbitrator's discretion on the admissibility of the Second Respondent's Answer, and requested a leave to produce a new document containing correspondence with WADA in a related case, in which WADA explains its interpretation of Article 3.2.4 of the WADA Code, noting that the article cannot be relied on as irrebuttable evidence absolving athletes that allegedly fell victim to the sabotage by Mr. Nikoloz Gogava of their responsibility for their adverse analytical findings.

34. On 27 March 2025, the CAS Court Office invited the Respondents to comment on the admissibility of the Appellant's new document.

35. On 28 March 2025, the CAS Court Office informed the Parties that the Sole Arbitrator had decided to admit the Second Respondent's Answer, and that the reasons for such decision would be given in the final Award.

36. On 31 March 2025, the Second Respondent confirmed that it had no objection to the admissibility of the Appellant's new document and requested that it be granted 10 days after the document's admission to present its position on it.

37. On 1 April 2025, the First Respondent objected to the admissibility of the Appellant's new document, arguing that the Appellant should have submitted it within the permitted time frame, and requested that it be granted 10 days to present its position on the new document in case it is admitted.

38. On 9 April 2025, the Appellant responded to the First Respondent's claim that the new document could have been produced earlier, arguing that the new document did not exist at the time when the Appeal Brief was filed, and that it thus could not have been produced at that time.

39. On 11 April 2025, the CAS Court Office informed the Parties that the Sole Arbitrator had decided to admit the Appellant's additional document and to hold an oral hearing (the "Hearing") by video-conference.

40. On 15 April 2025, the Second Respondent presented its observation on the additional document produced by the Appellant, essentially disagreeing with the argument that Article 3.2.4 of the WADA Code cannot be relied on to refute the alleged doping offenses. Instead, the Second Respondent argued, the matter falls within the scope of Article 3.2.4 of the WADA Code and a finding of no fault or negligence under Article 10.5 of the WADA Code would be warranted.

41. On 21 May 2025, the CAS Court Office informed the Parties that the Sole Arbitrator had decided to hold a joint Hearing for cases CAS 2024/A/10960 and CAS 2024/A/10961 (with the agreement of the Parties) on 26 and 27 of August 2025, and transmitted the Order of Procedure.

42. On 11 June 2025, the Appellant and the First Respondent returned their signed Order of Procedure.

43. On 18 June 2025, the Second Respondent returned their signed Order of Procedure.

44. On 26 and 27 August 2025, the hearing took place remotely. Together with the Sole Arbitrator, CAS Counsel Andrea Sherpa-Zimmermann and the First Respondent in case CAS/A/10960, the following persons attended the hearing:

- For the Appellant
    - Mr. Anton Sotir (counsel)
    - Mrs. Ayesha Talpade (counsel)

- Prof. Martial Saugy (expert witness)
- Mr. Nikita Sharapov (witness)
- Mr. Irakli Todria (translator)

- For the First Respondent
  - Mr. Revaz Davitadze (First Respondent)
  - Mr. Lukasz Klymczyk (counsel)
  - Mr. Lasha Alkadze (witness)
  - Mr. Giorgi Asanidze (witness)
  - Mr. Kakhi Asanidze (witness)
  - Mr. Gurami Giorbelidze (witness)
  - Mr. Nikoloz Gogava (witness)
  - Mr. Zurab Kakhabrishvili (witness)
  - Professor Pascal Kintz (expert witness)

- For the Second Respondent
  - Mr. Luka Khatiashvili (Second Respondent's representative)
  - Mr. Teimuraz Ukleba (Second Respondent's representative)

45. At the outset of the hearing, the Parties confirmed that neither had any objections as to the constitution of the Sole Arbitrator.

46. During the hearing, the Parties had ample opportunity to present their case, submit their arguments and answer the Sole Arbitrator's questions.

47. At the end of the hearing, the Parties stated that they had no objections as to the procedure adopted by the Sole Arbitrator and confirmed that their right to be heard had been respected.

IV. SUBMISSIONS OF THE PARTIES

A. The Appellant

48. The Appellant's Appeal Brief contains the following requests for relief:

- *"The IWF's appeal is admissible.*

- *The decision dated 26 August 2024 rendered by the Disciplinary Committee of GADA in the matter of Gurami Giorbelidze (decision N 2024-05) is set aside.*

- *Gurami Giorbelidze is found to have committed an anti-doping rule violation pursuant to Article 2.1 and/or 2.2 of the IWF/GADA ADR.*

- *Gurami Giorbelidze is sanctioned with a period of ineligibility of four years starting on the date on which the CAS award enters into force. Any period of provisional suspension effectively served by Gurami Giorbelidze before the entry into force of the CAS award shall be credited against the total period of ineligibility to be served.*

- *All competitive results obtained by Gurami Giorbelidze from 7 July 2023 until the date on which the CAS award enters into force are disqualified, with all resulting consequences (including forfeiture of medals, points and prizes).*

- *The arbitration costs shall be borne by GADA or, in the alternative, by Gurami Giorbelidze and GADA jointly and severally.*

- *The International Weightlifting Federation is granted a contribution to its legal and other costs.*

- *Any other prayers for relief that the Sole Arbitrator deems fit in the facts and circumstances of the present case."*

49. In support of its relief, the Appellant relies on the following principal arguments:

- The First Respondent committed anti-doping violations under Articles 2.1 and 2.2 of the IWF ADR. The Appellant notes that while the First Respondent requested the opening of the B-Sample, it was not completed because the First Respondent did not report to the laboratory at the required time. The First Respondent overall did not challenge the analytical results' reliability, while WADA-accredited laboratories are presumed to have conducted proper analysis under Article 3.2.2 of the IWF ADR.

- The Appellant requests upholding a four-year period of ineligibility under Article 10.2.1.1 of the IWF ADR, as ostarine is a non-specified substance. The Appellant contends that this period can only be reduced if an athlete establishes that his violation was not intentional under Article 10.2.3 of the IWF ADR, and further mitigation requires proving "No Fault or Negligence" (Article 10.5 of the ADR) or "No Significant Fault or Negligence" (Article 10.6 of the IWF ADR). The First Respondent bears the sole burden of establishing how the prohibited substance entered his body, citing extensive CAS jurisprudence

requiring proof on balance of probability that their explanation is "more probable than non-occurrence".

- The First Respondent failed to meet the high evidentiary standard required to establish "No Fault or Negligence" under Article 10.5 of the IWF ADR, which forms the legal basis of the Appealed Decision, for the following reasons.

    - First, as a matter of law, the Appellant argues that CAS is not bound by the Tbilisi City Court Judgment. Pursuant to Article 13.1.2 of the IWF ADR, CAS proceedings should not give deference to prior proceedings. The Tbilisi City Court Judgment could only be considered on the basis of the probative value of the facts it establishes.

    - Second, the Appellant challenges that the evidence established by the Tbilisi City Court Judgment would suffice for a finding of No Fault or Negligence, arguing that the judgment relies solely on Mr. Gogava's uncorroborated confession without independent verification. The Appellant highlights numerous unanswered questions regarding (i) the sabotage scenario, and (ii) how the prohibited substance entered the First Respondent's body. Regarding (i), the Appellant underlines the lack of evidence as to how Mr. Gogava obtained ostarine, his travel to training camps, specific spiking methods, timing, quantities used, and how he avoided detection. Regarding (ii), the Appellant argues that there is no evidential basis for how the First Respondent consumed ostarine. Overall, the Appellant argues that the Tbilisi City Court Judgment provides insufficient evidence for a finding under Article 10.5 of the IWF ADR.

    - Third, the Appellant presents whereabouts evidence showing that the First Respondent was not present during the alleged sabotage incident: he was in Antalya, Turkey (3-25 June 2023), then Kutaisi, Georgia (26 June-1 July 2023), but not in Bakuriani at all in June or July 2023, when the alleged sabotage occurred.

    - Fourth, the Appellant argues that the circumstances indicate intentional use of the prohibited substance. For instance, ostarine's potent performance-enhancing effects in strength sports like weightlifting raise questions why this substance in particular was used for the purpose of sabotage. The detected concentration would be consistent with intentional intake, and the timing would coincide with the preparation for major competitions including 2024 Paris Olympics qualification and the 2023 European Championships.

50. At the Hearing, the Appellant raised the following additional arguments:

- The Appellant described Mr. Gogava's testimony as lacking credibility and containing several inconsistencies. The Appellant pointed out elements such as Mr. Gogava's memory gaps that allegedly prevent him (i) from remembering when he arrived in Georgia after procuring ostarine in Moscow, Russia, (ii) his appearance months after the alleged sabotage occurred and (iii) his questionable intention of inflicting harm on Mr. Giorgi Asanidze and Mr. Zurab Kakhabrishvili by sabotaging athletes with ostarine would render his testimony "*suspicious at best*".

- The Appellant concluded that the First Respondent has not met his burden to establish, on the balance of probabilities, how ostarine entered his system.

B. The First Respondent

51. The First Respondent's Answer contains the following requests for relief:

- *"The IWF's appeal is dismissed;*

- *The Disciplinary Committee of GADA decision dated 26 August 2024 in the matter of Mr. Gurami Giorbelidze is confirmed;*

- *Mr. Giorbelidze has established that he did not know or suspect and could not reasonably have known or suspected, even with the exercise of utmost caution, that he had used or been administered the prohibited substance or otherwise violated an anti-doping rule;*

- *Mr. Giorbelidze acted without "intent" pursuant to Article 10.2.3 of the GADA ADR and/or IWF ADR and "fault or negligence" pursuant to Article 10.5 of the GADA ADR and/or IWF ADR;*

- *there were grounds to eliminate the period of ineligibility imposed on Mr. Giorbelidze on the basis that the Athlete acted without "fault or negligence";*

- *that the IWF shall bear the additional costs of the proceedings which occur due to the proceedings before the GADA;*

- *any other prayers for relief that the Sole Arbitrator deems fit in the facts, and circumstances of the present case."*

52. In the alternative, to the extent the Sole Arbitrator does not find a basis for a finding of "No Fault or Negligence" under Article 10. 5 of the ADR, the First Respondent requests the following relief:

- *"Mr. Giorbelidze established that he did not know or suspect and could not reasonably have known or suspected, even with the exercise of utmost caution,*

that he had used or been administered the prohibited substance or otherwise violated an antidoping rule;

- *Mr. Giorbelidze acted without "intent" pursuant to Article 10.2.3 of the IWF ADR and "significant fault or negligence" pursuant to the Article 10.6 of IWF ADR;*

- *there are grounds for reducing the period of ineligibility imposed on Mr. Giorbelidze on the basis that the Athlete acted without "intent" and "significant fault or negligence" and imposing a sanction between 12 and 24 months (based on degree of fault);*

- *period of Provisional Suspension shall be credited against the total period of Ineligibility to be served;*

- *that the IWF shall bear all the costs of the arbitral proceedings (if any) and contribute an amount to the legal costs and other expenses of the Athletes incurred in connection with the present proceedings;*

- *that the IWF shall bear the additional costs of the proceedings which occur due to the proceedings before the GADA;*

- *any other prayers for relief that the Sole Arbitrator deems fit in the facts, and circumstances of the present case."*

53. In support of the relief, the First Respondent relies on the following principal arguments:

- The Tbilisi City Court Judgment constitutes irrebuttable evidence under Article 3.2.4 of the ADR, with the burden on the Appellant to prove any violation of natural justice principles. The Appellant misinterprets Article 13.1.2 of the ADR according to which "*CAS shall not give deference to the discretion exercised by the body whose decision is being appealed*". This provision could not be taken to imply that CAS is not bound by the decision of common courts of law. The contrary would be the case as Article 3.2.4 of the ADR treats court findings as binding unless challenged. The Appellant would have to show that the Tbilisi City Court Judgment violates the rules of natural justice to rebut it.

- Even on the basis of the facts established by the Tbilisi City Court Judgment alone, the First Respondent could discharge his burden of proof (on the balance of probabilities) to justify a finding of "No Fault or Negligence" under Article 10.5 of the ADR.

- The Tbilisi City Court applied a higher legal standard than required (beyond reasonable doubt) in finding Mr. Gogava guilty, which is why the First Respondent would have met his burden of proof (on the balance of probabilities)

on the basis of the facts established in that judgment. The First Respondent argues that this case provides "*the most concrete and credible evidence*" through a criminal conviction following comprehensive investigation of numerous witnesses.

- Key facts such as the source of ostarine or the perpetrator's motive, were conclusively established by the confirmation of the sabotage scenario in the Tbilisi City Court Judgment. Furthermore, the expert report of Prof. Kintz concerning a different athlete (Mr. Kakhi Asanidze) who was victim of the same spiking offense would buttress the plausibility of the sabotage scenario.

- Beyond the Tbilisi City Court Judgment, the First Respondent argues that the intentional consumption of ostarine, and thereby the finding of an anti-doping violation, would be implausible. For instance, the scientific evidence contradicts intentional use: the minimal concentration detected indicates contamination rather than deliberate use. Furthermore, it would be "*illogical*" for athletes in testing pools to take ostarine intentionally where they are "*potentially undergoing daily anti-doping controls*".

- The First Respondent also points to the principle of proportionality, which requires sanctions to maintain a reasonable balance between misconduct and punishment. The Athlete would have already suffered significant punishment through reputational damage and competition exclusion. The First Respondent argues with reference to CAS case law that "*in the light of recent jurisprudence in very similar cases, eliminating any period of Ineligibility in this case is not only just but also proportional.*"

54. At the Hearing, the First Respondent raised the following additional arguments:

- The First Respondent is a high-level clean athlete with extensive testing histories and clean anti-doping records.

- The First Respondent argued that adopting the Appellant's interpretation of Article 3.2.4 of the WADA Code would lead to an absurd conclusion where court decisions would be evaluated not from the perspective of the court's findings but from how they affect particular parties, creating a situation where rulings confirming facts against athletes could constitute irrebuttable evidence but the same ruling confirming facts in favour of athletes could not, which would violate fundamental procedural safeguards including equality of parties and *res judicata*.

C. The Second Respondent

55. The Second Respondent's Answer contains the following requests for relief:

- *"The decisions issued by the Georgian Anti-doping Agency's disciplinary committee should stay in force.*

- *In no case should the costs be imposed on the Anti-Doping Agency of Georgia […]."*

56. In support of the relief, the Second Respondent relies on the following principal arguments:

- The Tbilisi City Court Judgment of 20 June 2024 finding Mr. Gogava guilty of sabotage constitutes an irrebuttable evidence under Article 3.2.4 of the ADR to discharge the Athlete under Article 10.5 of the ADR, as it was issued by a competent jurisdiction and is not subject to appeal. Furthermore, on the facts, the Tbilisi City Court's Judgment conclusively shows that (i) Mr. Gogava had the intention to inflict bodily harm on the concerned athletes (including the First Respondent), and (ii) Mr. Gogava intentionally spiked the concerned athletes' drinking water (including the First Respondent).

- The Appellant has presented no proof that the Tbilisi City Court Judgment violates principles of natural justice, which is the only exception that would allow challenging the court's findings. Similarly, the Appellant did not present other evidence that the anti-doping violation was intentional.

- Consequently, the Second Respondent was obligated under the ADR to accept the sabotage finding when issuing the Appealed Decision, as the facts established by the court decision constitute irrefutable evidence.

57. At the Hearing, the Second Respondent raised the following additional arguments:

- The Second Respondent clarified that the case involved the criminal police of Georgia, with the Tbilisi criminal court finding Mr. Gogava guilty of sabotage and the athletes as victims. The Second Respondent repeated that in accordance with Article 3.2.4 of the ADR, the Second Respondent is bound by the decisions of Georgian courts, making the Tbilisi City Court Judgment irrebuttable evidence sufficient to prove that sabotage occurred and exonerate the athletes.

V. JURISDICTION

58. Pursuant to Article R47 of the CAS Code:

"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 […]".

59. The Appellant submitted that the CAS has jurisdiction pursuant to Article 13.2.1 and 13.2.3.1 of the ADR.

60. Article 13.2.1 of the ADR provides as follows:

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

61. Article 13.2.3.1 of the ADR provides as follows:

"*Appeals Involving International-Level Athletes or International Events*

In cases under Article 13.2.1, the following parties shall have the right to appeal to CAS: […] the relevant International Federation".

62. Article 13.2.3.2 of the ADR provides as follows:

"*Appeals Involving Other Athletes or Other Persons*

In cases under Article 13.2.2, the parties having the right to appeal to the appellate body shall be as provided in the National Anti-Doping Organization's rules but, at a minimum, shall include the following parties: […] the relevant International Federation. For cases under Article 13.2.2, WADA, the International Olympic Committee, the International Paralympic Committee, and the relevant International Federation shall also have the right to appeal to CAS with respect to the decision of the appellate body. Any party filing an appeal shall be entitled to assistance from CAS to obtain all relevant information from the Anti-Doping Organization whose decision is being appealed and the information shall be provided if CAS so directs."

63. The Sole Arbitrator notes that the Appellant is an International Federation and the First Respondent is an International-Level Athlete within the meaning of the ADR, the IWF ADR, and the WADA Code. Article 13.2.3.1 and 13.2.3.2 of the ADR applicable to the Appealed Decision read together explicitly provide for the Appellant's direct right of appeal to the CAS. The Sole Arbitrator therefore concludes that the CAS has jurisdiction to entertain the present Appeal.

VI. ADMISSIBILITY

A. Appeal

64. Article R49 of the CAS 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 if the statement of appeal is late. The Division President or the President of the Panel renders her/his decision after any submission made by the other parties."

65. Article R51 of the CAS Code provides as follows:

"*Within ten days following the expiry of the time limit for the appeal, the Appellant shall file with the CAS Court Office a brief stating the facts and legal arguments giving rise to the appeal, together with all exhibits and specification of other evidence upon which it intends to rely. Alternatively, the Appellant shall inform the CAS Court Office in writing within the same time limit that the statement of appeal shall be considered as the appeal brief. The appeal shall be deemed to have been withdrawn if the appellant fails to meet such time limit.*"

66. Article 13.2.3.4 of the ADR provides as follows:

"*Appeal Deadline for Parties other than WADA*

The deadline to file an appeal for parties other than WADA shall be as provided in the rules of the Anti-Doping Organization conducting Results Management."

67. The admissibility of the Appeal was not contested by the Respondents.

68. The Sole Arbitrator notes that the Appellant received the Appealed Decision and case file on 4 October 2024. The Appellant filed the Statement of Appeal on 25 October 2024, and therefore within the 21-day time limit prescribed by Article 13.6.1(b) of the ADR. The Appeal Brief was filed on 6 December 2024 and thus within the extended deadline of 9 December 2024.

69. Accordingly, the present Appeal is admissible.

B. Answer

70. The Sole Arbitrator explains below the reasons for the exceptional admission of the Second Respondent's Answer, despite that it was only submitted by e-mail and not by courier.

71. Article R31 of the CAS Code provides as follows:

"*The request for arbitration, the statement of appeal and any other written submissions, printed or saved on digital medium, must be filed by courier delivery to the CAS Court Office by the parties in as many copies as there are other parties and arbitrators,*

together with one additional copy for the CAS itself, failing which the CAS shall not proceed."

72. Article R56 of the CAS Code provides as follows:

"*Unless the parties agree otherwise or the President of the Panel orders otherwise on the basis of exceptional circumstances, the parties shall not be authorized to supplement or amend their requests or their argument, to produce new exhibits, or to specify further evidence on which they intend to rely after the submission of the appeal brief and of the answer.*"

73. The Sole Arbitrator notes that the requirement for a delivery by courier is well-established in the CAS Code, given that procedural formalities are necessary to implement access to justice in order to ensure that the running of the procedure complies with the principle of equal treatment of the parties.

74. Nonethless, the Sole Arbitrator decided to exceptionally admit the Second Respondent's Answer under Article R56 of the CAS Code as neither the Appellant nor the First Respondent expressly objected to the admission when requested so by the Sole Arbitrator nor did they raise any procedural objections at the Hearing.

C. Additional Document Produced by the Appellant

75. For completeness, the Sole Arbitrator also explains the reasons for the exceptional admission of the correspondence with WADA in a related case arising of the same alleged sabotage scenario, which was produced by the Appellant after it had already filed its Appeal Brief.

76. Article R56 of the CAS Code provides as follows:

"*Unless the parties agree otherwise or the President of the Panel orders otherwise on the basis of exceptional circumstances, the parties shall not be authorized to supplement or amend their requests or their argument, to produce new exhibits, or to specify further evidence on which they intend to rely after the submission of the appeal brief and of the answer.*"

77. The Sole Arbitrator notes that the additional document produced by the Appellant was not available at the time the Appeal Brief was filed and therefore satisfied the requirement of exceptional circumstances within the meaning of Article R56 of the CAS Code. For completeness, the document at issue essentially discussed the interpretation of Article 3.2.4 of the WADA Code, which was anyway already addressed in previous CAS case jurisprudence (2025/ADD/117).

VII. APPLICABLE LAW

78. Article R58 of the CAS 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 that the Panel deems appropriate. In the latter case, the Panel shall give reasons for its decision.*"

79. The Appealed Decision was issued under the ADR, which is not disputed. The ADR mirrors the provisions of the WADA Code and the IWF ADR. Accordingly, consistent with Article R58 of the CAS Code and CAS jurisprudence, the Sole Arbitrator concludes that the ADR, as well as the IWF ADR and the WADA Code (2021), to which the ADR must conform as per Article 20.5.2 of the WADA Code, are applicable to the present case.

80. In accordance with Article R58 of the CAS Code and given that the First Respondent has its seat in Georgia, Georgian law will apply on a subsidiary basis.

VIII. MERITS

81. There is no dispute between the Parties that a prohibited substance – ostarine – was detected in the First Respondent's body. However, the Respondents argue that this is entirely unintentional and without fault or negligence as it results from sabotage, both as a matter of law (based on the Tbilisi City Court Judgment) and fact (based on further evidence and testimonies allegedly corroborating the Tbilisi City Court Judgment). The First Respondent subsidiarily claims that he in any even bears no significant fault or negligence. The Sole Arbitrator will proceed as follows.

82. First, the Sole Arbitrator will analyse the legal status of the Tbilisi City Court Judgment under Article 3.2.4 of the WADA Code to assess whether it can constitute an irrebuttable evidence in favour of the First Respondent.

83. Second, the Sole Arbitrator will examine the entirety of the evidence to assess whether it supports the sabotage scenario on the balance of probabilities and subsidiarily whether the First Respondent demonstrated no significant fault or negligence.

A. Legal Status of the Tbilisi City Court Judgment under the Applicable ADR

84. The Respondents argue that the Tbilisi City Court Judgment ought to be respected on its face pursuant to Article 3.2.4 of the WADA Code, the ADR, and the IWF ADR, which would preclude the CAS from making any ruling contradicting that judgment.

85. The Sole Arbitrator recalls that Article 3.2.4 of the ADR/WADA Code provides as follows:

"*[t]he facts established by a decision of a court or professional disciplinary tribunal of competent jurisdiction which is not the subject of a pending appeal shall be irrebuttable evidence against the Athlete or other Person to whom the decision pertained of those facts unless the Athlete or other Person establishes that the decision violated principles of natural justice*."

86. The Sole Arbitrator notes the following in relation to Article 3.2.4 of the ADR/WADA Code:

- The heading of Article 3 indicates that the provision as a whole is concerned with establishing "*Proof of Doping*", which indicates that the rationale has to do with establishing anti-doping rule violations rather than exonerating athletes.

- Similarly, the wording of Article 3.2.4 unambiguously refers to evidence "*against*" the person to whom the decision pertained, indicating that its purpose is to facilitate the establishment of anti-doping rule violations rather than to provide for a defence against such violations. Moreover, the Sole Arbitrator notes a clear rationale in this regard – if there is a national ruling against an athlete or Other Person, those individuals are able to appeal, failing which it is only fair to take that decision on its face against its addressees. The same is not the case for non-addressees because they are not parties to those proceedings. Moreover, to find otherwise would also mean that other interested parties such as WADA or international federations would be left without any recourse – both nationally and internationally. That is not the rationale of the WADA Code as a whole (which expressly grants WADA jurisdiction to appeal certain cases) or Article 3.2.4 of the ADR specifically.

- The Introduction to the WADA Code and the ADR clarifies that "*Anti-doping rules, like competition rules, are sport rules governing the conditions under which sport is played. Athletes, Athlete Support Personnel or other Persons (including board members, directors, officers, and specified employees and Delegated Third Parties and their employees) accept these rules as a condition of participation or involvement in sport and shall be bound by these rules*." This indicates that the mention of "*other Person*" in Article 3.2.4 refers specifically to persons related to sport who are subject to the WADA Code, not any person generally. The provision therefore applies to athletes or other persons within the sporting framework who can be held accountable under anti-doping rules, and whose alleged doping offence is being investigated in parallel by WADA (or NADOs) on the one hand, and a national court or professional disciplinary tribunal. Accordingly, national court judgments can only establish irrebuttable evidence against athletes or other persons to whom the WADA Code applies,

such as those involved in facilitating alleged doping offences within the sporting context.

- Moreover, even though the wording of Article 3.2.4 of the ADR is clear, the Sole Arbitrator notes that the interpretation put forward by the Respondents is untenable as it would effectively mean that the CAS would be bound by any national ruling against any person, which would automatically preclude the CAS from exercising its *de novo* jurisdiction. This cannot be accepted as a conceptual matter.

- The position of the Respondents is also untenable as a policy matter as it would enable "fall guy" scenarios where complicit third parties could confess to sabotage, allowing athletes to escape sanctions through manufactured defences. The Sole Arbitrator is mindful that the person at hand who confessed to the alleged sabotage obtained only a short probationary sentence.

87. Applying the above considerations to the facts of the present case, the Tbilisi City Court Judgment concerns Mr. Nikoloz Gogava, an individual who is not subject to the WADA Code and anti-doping proceedings by WADA or a NADO. Therefore, the Tbilisi City Court Judgment cannot constitute irrebuttable evidence to justify a finding of No Fault or Negligence with respect to the First Respondent under Article 10.5 of the WADA Code and the ADR.

88. The Tbilisi City Court Judgment will, however, be assessed holistically as part of a broader evidence base in this case.

B. Assessment of the Evidentiary Basis

a. Factual circumstances of the alleged sabotage

i. Mr. Nikoloz Gogava

89. In his direct examination by First Respondent's counsel, Mr. Gogava delivered the following testimony:

- Mr. Gogava explained he had ostarine in capsules. The substance came from Russia and he had brought it back to Georgia and was consuming it himself. At some point, he decided to take revenge on Mr. Giorgi Asanidze and Mr. Zurab Kharabrishvili. To this effect, he took the powder out of the capsules and put it on paper and went to Bakuriani and later to Dusheti. In Bakuriani and Dusheti, he entered hotel rooms which had doors open, putting the powder in a liquid and added it to some vitamin powder he found.

90. On cross-examination by the Appellant, Mr. Gogava delivered the following testimony:

- Regarding his approach to use ostarine for spiking, the Appellant questioned Mr. Gogava about whether he knew ostarine was prohibited when taking it, and Mr. Gogava testified he did not know at the time but "*learned that a bit later*" as "*some guys […] told me that it's probably prohibited*." When asked why he kept the ostarine pills he had acquired for his personal usage upon his return to Tbilisi from Moscow, Mr. Gogava responded "*I had them; why should I throw them away? It was good for restoring energy.*"

- Regarding his travels to Bakuriani, Mr. Gogava confirmed he lived in Kutaisi in June 2023 and travelled to Bakuriani by bus. When asked when he decided to go, Mr. Gogava stated "*I can't remember because I was out of my mind and upset. Because when you mix methadone, sleeping pills and vodka one is not in right mind.*" Mr. Gogava testified he did not buy the ticket in advance but "*just stopped the microbus*".

- Regarding his ability to access the hotel where the First Respondent was staying in Bakuriani, Mr. Gogava described that he walked for "*maybe 30-40 minutes*" from the bus to the hotel. He had no problems accessing the hotel, noting that security was "*not even there*". He had "*no problem*" passing reception at the lobby.

- When asked how he found the room, Mr. Gogava said "*almost all rooms were open*" and there were personal belongings in the rooms. Mr. Gogava testified he was "*looking for Kharabrishvili's room*" who he "*had asked for help*." Mr. Gogava testified he was not sure in the end if it was Kharabrishvili's room "*but when I entered there were vitamins and proteins, I adduced it*" and confirmed he never actually saw Kharabrishvili at the hotel.

- Mr. Gogava then described his actions in the room: "*I spread the powder*" and clarified "*there were cans with powder inside and I poured the powder into that one. I put it in the liquid too*." When asked if he used all the ostarine, Mr. Gogava said "*I had a lot so I was afraid if I put too much they will get sick*", and "*I put about half*", while he had "*10-15*" capsules overall and that he opened them "*beforehand*", not in the room.

- Mr. Gogava then decided to go to Dusheti "*4-5 days after going back to Kutaisi*" and knew about it because "*these camps usually take place in Dusheti or Bakuriani*." He learned about the specific camp from "*some wrestlers*" including "*Ramaz*".

- At the Dusheti hotel, Mr. Gogava wanted to go to the room of Mr. Giorgi Asanidze to sabotage him: "*I wanted to go to Giorgi's room but I was not sure if it was his room.*" He however testified that he saw Mr. Giorgi Asanidze leaving the hotel. He then wanted to enter any weightlifters room and "*put [ostarine] in two rooms*." He put the substance in "*some liquid. I put it in*

whatever I could put it in", including "*several bottles*". When asked about dosage, Mr. Gogava said "*I don't know, I did not measure the amounts*."

91. When questioned by the Sole Arbitrator, Mr. Gogava delivered the following testimony:

- When questioned on his duration of ostarine use, Mr. Gogava testified that he used it for "*10 days or 2 weeks*" and that "*some time had passed between using and returning" to Georgia.*" Mr. Gogava confirmed he used ostarine in "*capsules*" form, and he bought them "*in the club where I was training*." Mr. Gogava purchased "*two bottles*" with "*c. 100 per bottle*" though later said "*I did not count the capsules, maybe it was 50 or 100.*" The total price was "*100 dollars*." Mr. Gogava was employed "*supplying a Georgian restaurant with products*" earning "*around 1000 dollars*" monthly by "*going to market and bringing it to them*." Despite the cost for ostarine, Mr. Gogava could afford it because "*I didn't spend money for food as I was eating in the restaurant.*"

ii. The First Respondent

92. On direct examination by his counsel, the First Respondent testified the following:

- When asked by his counsel whether he was present at the sports camp in Bakuriani in June 2023, the First Respondent stated that he could not remember precisely because "*2 years have passed*", but as far as he recalled "*in June 2023 we were in Antalya*". The First Respondent claimed that the Tbilisi City Court Judgment wrongly states that he was in Bakuriani in June 2023, explaining that "*in my oral testimony it was indicated in June 2023*" but that he "*addressed the judge and we clarified that it was a mistake in my oral statement*".

- Regarding the hotel in Bakuriani, he testified that training camps were usually held at the "*Crystal Hotel*", and when asked whether his room was always locked when he was staying in Bakuriani, he stated "*no, not always. […] for the cleaning session, we left door open and said to cleaning lady that we would leave the room*", making it "*possible*" for someone from outside to enter the rooms.

- He confirmed he had "*supplements and water*" in his room, explaining that "*we keep it all over the room, next to bed, and we might need to drink it*" and that "*the supplements are all over the room, and the bottles can be different sizes*". When asked if products were easily accessible in his room, he stated "*possibly yes*".

93. During cross-examination by the Appellant, the First Respondent testified the following:

- The First Respondent repeated that the claim in the Tbilisi City Court Decision was incorrect in stating that he was in Bakuriani on 24-25 June, saying "*I would*

never be able to be at the time in Bakuriani, I addressed it with the judge and addressed this; I was contaminated in Dusheti in July".

- When asked when he discussed the error with the judge, he stated "*when I learned about it*", but when pressed for timing, stated he could not tell exactly because "*it's a long time ago, and I have problems of memory*", and he was not sure if it was in 2025, although he then specified that it was after the process of Kakhi Asanidze.

- He confirmed staying in Dusheti in July 2023 to attend a training camp, occupying "*Room 22*" in a hotel on the "*second*" floor "*alone*". When asked how he remembered the exact room number despite having memory problems, he explained "*that's because of stress*".

94. During examination by the Sole Arbitrator, the First Respondent testified the following:

- When questioned by the Sole Arbitrator about the frequency of his Bakuriani visits, he stated that it differed by year, and when asked specifically about 2023, he stated that he was not sure.

- When the Sole Arbitrator questioned the First Respondent how he contacted the judge to correct the error in the Tbilisi City Court Judgment that identified that he was staying in Bakuriani at the time of the alleged sabotage, he stated that he contacted the City Court "*both personally and through counsel*". Regarding the timing, he specified that it was "*after Kakhi Asanidze's process*", but he could not remember if it was in 2025.

- When asked if he had ever spoken to a judge prior to this case, the First Respondent answered that "*this was the only case*" where he had spoken with judges in the past 10 years and that it was "*exceptional*", but he could not remember when it was exactly because "*it was a heavy process.*"

iii. Other witnesses

95. Other witnesses testified on the factual circumstances surrounding the alleged sabotage, including Mr. Kakhi Asanidze and Mr. Giorgi Asanidze:

- Mr. Kakhi Asanidze provided detailed testimony about the security vulnerabilities at the Olympic House in Dusheti, confirming that while rooms were "*locked by key*," they were "*left open when cleaning ladies came*" and that "*someone from outside could enter your hotel and your rooms*." He described the storage arrangements that allegedly facilitated contamination, testifying that "*vitamins were kept on tables whilst water bottles were placed at various places in rooms*," making these items easily accessible to potential saboteurs.

- Coach Giorgi Asanidze described the Olympic House as "*not a high class luxury hotel*" with basic key-based security rather than modern card access systems. He confirmed that despite instructing athletes not to leave doors open, "*doors were left open for cleaning, with cleaning ladies saying they would lock the doors*," creating opportunities for unauthorised access. He stated that "*[The First Defendant] was in room 16 on the 2nd floor, GA's room was 15, Kakhi and [The First Defendant] shared one room, and GG was alone in room 22 on the second floor*." Upon learning of the positive tests, he testified having immediate "*suspicions of sabotage*" which were later "*confirmed*" by official investigation, and described how he immediately contacted ministry officials to involve investigative authorities.

b. The perpetrator's motive

i. Mr. Nikoloz Gogava

96. In his direct examination by the First Respondent's counsel, Mr. Gogava delivered the following testimony:

- Mr. Gogava explained he had learnt about a tournament among veterans in the U.S. and was eager to get there. He had family tragedies and wanted to get to the U.S. to recommence his training. He approached Mr. Zurab Kakhabrishbili and Mr. Giorgi Asanidze and asked for help and "*initially they promised to help*". Later they started avoiding him and depicted him as a drug addict.

- When Mr. Kakhabrishbili and Mr. Asanidze did not answer his phone calls, he decided to go to Bakuriani "*to see them there and discuss the issues"*, but then changed his mind and "*decided to take revenge*" because they did not help him go to the U.S.

- Mr. Gogava described that he was in an "*inadequate state*" at the time and that he was consuming methadone, vodka, and sleeping pills. He expressed his remorse.

97. On cross-examination by the Appellant, Mr. Gogava delivered the following testimony:

- Mr. Gogava explained that he had reached out to Mr. Asanidze to help him for "*training with weights*" and "*physical training*." While Mr. Gogava had "*access to gym*" in Kutaisi where he could exercise, he nevertheless "*was angry because I had asked initially and they refused*" and he wanted to "*train along with the athletes, because the trainer would be there; provide vitamins and supplements. I really wanted to go to veteran tournament in United States and I wanted to stay there.*"

- Mr. Gogava's expectation upon his sabotage was that he "*thought Kakhabrishvili would be punished*" by "*the control*" from the "*Ministry or*

whoever" and "*I thought when athletes take this and it would be discovered, they would be punished for this*."

- Mr. Gogava testified about his remorse: "*when I learned that the athletes were punished I was back in adequate situation but at the time of doing this I was in odd position*" and "*when I came back to my mind, I had understood what I had done and I regretted it. I was a dumb idiot doing this*."

98. When questioned by the Sole Arbitrator, Mr. Gogava delivered the following testimony:

- Mr. Gogava's desired support was "*no financial support. Just with training and vitamins*" and he "*expected help with my training, vitamins, general support; I was trying to get rid of methadone*." The support was related to a "*veterans tournament that he wanted to qualify for and he needed to be top 3 in Georgia*."

ii. The First Respondent and Mr. Revaz Davitadze

99. When asked about Mr. Gogava's motive, the First Respondent answered "*Not sure*."

100. Mr. Revaz Davitadze testified that he learned that Mr. Gogava's motive was vengeance.

iii. Other witnesses

101. Mr. Giorgi Asanidze and Mr. Zurab Kakhabrishvili, the alleged targets of Mr. Gogava's sabotage, testified the following:

- Mr. Giorgi Asanidze testified that he had seen Mr. Gogava several times but had no good relationship with him. When asked about the motive, Mr. Asanidze explained that Mr. Gogava had approached him asking for help, and they had met at the funeral of a common friend. However, Mr. Asanidze stated he did not know Mr. Gogava well, and noted that Mr. Gogava was drunk at the time and it was unclear why he was angry with them.

- Mr. Zurab Kakhabrishvili testified about his interaction with Mr. Gogava, explaining that Mr. Gogava had approached both him and Mr. Asanidze at a funeral where they were sitting at the same table. Mr. Kakhabrishvili stated that Mr. Gogava was drunk and wanted help with vitamins and physical preparation.

- Mr. Kakhabrishvili learned that Mr. Gogava was the perpetrator from Mr. Irakli Sirekhidze in October 2023, but decided not to go public with this information because he "*didn't want this information to spread. We didn't want to disclose*."

102. Other witnesses including Mr. Teimuraz Ukleba, Mr. Lasha Alkadze, and Mr. Kakhi Asanidze testified that they heard that Mr. Gogava's motive was revenge.

c. Investigation of the Alleged Sabotage

i. Mr. Nikoloz Gogava

103. In his examination by First Respondent's counsel, Mr. Gogava delivered the following testimony:

- Mr. Gogava told a man named Irakli Tsirekidze about his actions and decided to contact the Georgian authorities to confess when he learned his actions had damaged the athletes. His confession occurred in January 2024.

- After confessing, Mr. Gogava was interrogated and there were court proceedings resulting in a two-year suspended sentence or one year of imprisonment.

- Mr. Gogava testified that he did not appeal the court decision because he had admitted to the crime. When asked if the decision is final and binding in Georgia, Mr. Gogava said he does not know whether it is binding or not.

104. On cross-examination by the Appellant, Mr. Gogava delivered the following testimony:

- Mr. Gogava testified that he met a man called Irakli Tsirekidze to confess "*end of October or early November"*, although he did not remember exactly. Further, Mr. Gogava claimed that "*Irakli told me he'd report me*". Mr. Gogava testified that "*I thought I'd be arrested and decided to confess*" because "*I understood what I had done*."

- When asked why he did not go to the police in October 2023, Mr. Gogava said "*not sure*" and that he asked Mr. Tsirekidze to wait until the new year 2024.

- Mr. Gogava was "*pardoned based on amnesty act*" because "*before the elections they had an amnesty; it was my first offense and they relieved me*" and he confirmed he no longer needs "*to go to the authorities*." The amnesty act was issued around "*July 2024.*"

ii. The First Respondent and Mr. Revaz Davitadze

105. The First Respondent had a limited recollection of the investigation. During his examination by his counsel, he confirmed that he was "*questioned during criminal proceedings*." When asked by the Sole Arbitrator whether he was interrogated by the police, he said "*Yes*", but when asked where that was, and whether it was in Bakuriani, he could not remember and said "*No. I am not sure. I can't tell you for sure.*

106. Mr. Revaz Davitadze noted in his testimony that both the public prosecutor and the police conducted an investigation into the criminal liability in connection to the alleged sabotage.

iii. Other witnesses

107. Several other witnesses testified about the investigation following the alleged sabotage, generally confirming that a police and criminal investigation took place. Mr. Kakhi Asanidze confirmed that he was interrogated. Mr. Giorgi Asanidze testified that the

prosecutor's office initiated an investigation and interviewed "*25 people including athletes*."

108. Mr. Teimuraz Ukleba testified that as soon as the criminal investigation started, the representatives of the Second Respondent were invited to the criminal department and were interviewed as witnesses. When asked about the result of the proceedings, Mr. Ukleba confirmed there was a court trial and the court ruled that there was sabotage.

109. Mr. Lasha Alkadze testified that "*the police were involved, and an investigation was started. Eventually, the person responsible was identified and confessed to the sabotage*."

d. Scientific Evidence

110. The two expert witnesses that were called to the proceedings by the Parties (Prof. Martial Saugy for the Appellant, and Prof. Pascal Kintz for the First Respondent), gave detailed assessments of the scientific possibility of contamination in the training camps in Bakuriani and Dusheti.

111. Prof. Saugy testified the following:

- Prof. Saugy primarily testified on the possibility of an environmental contamination, finding that the available scientific evidence does not conclusively privilege it. Professor Saugy also opined that the plausibility of the alleged sabotage cannot be inferred on the basis of the available scientific evidence alone, noting that "*sabotage is something for the forensic and for the legal to decide.*"

- With respect to the concentration of ostarine found specifically in the First Respondent's Sample, Professor Saugy said that "*I cannot say if it is due to sabotage or to the intake of a normal dose of ostarine*."

112. Prof. Kintz testified the following:

- With respect to the plausibility of environmental contamination, Prof. Kintz explained that ostarine can persist on surfaces for days or weeks, and that athletes could be contaminated by touching these surfaces long after the initial sabotage, noting that even microgram quantities could result in detectable levels in urine.

- With respect to the First Respondent's test result, Professor Kintz added that "*we only have one positive result. By chance, he was just tested one time, so we cannot make the balance. This is an unlucky athlete*." Professor Kintz thereby refers to the circumstance that the First Respondent was not tested immediately when the alleged sabotage occurred in Dusheti on 1 July 2023, but only in Tbilisi on 7 July 2023, which encumbers the assessment of a potential environmental contamination. But Professor Kintz does not exclude this possibility, noting that

"*we know that he was at the camp, training in the same conditions, and we know that sabotage occurred*."

- With respect to the concentration of ostarine found in the First Respondent's sample, Professor Kintz opined that "*we have 777 [picograms per milligram]. I agree with Professor Saugy, this can either be due to contamination or due to the end of excretion*", the latter referring to an intentional intake. Regarding the other two athletes that were tested, "*the concentration is very low*" and "*does not correspond to a regimen of doping, intentional doping.*"

e. Analysis

113. The principal issue at hand is whether the Tbilisi City Court Judgment and/or other evidence in the file set out in the preceding section, demonstrate on the balance of probabilities that Mr. Gogava engaged in the alleged sabotage and the Athlete was a victim thereof.

i. Evidence established in the Tbilisi City Court Judgment

114. A detailed examination of the Tbilisi City Court Judgment reveals fundamental deficiencies that prevent it from supporting the alleged sabotage scenario. The judgment lacks essential details about Mr. Gogava's specific intentions for targeting these particular athletes including the First Respondent, how he procured ostarine, how he gained access to the training facilities, and crucially, how he ensured that the First Respondent consumed the substance. The judgment also does not explain why Mr. Gogava would use ostarine, a performance-enhancing drug, for sabotage purposes, or what effect he was hoping to achieve.

115. These deficiencies are compounded by significant scientific and factual inconsistencies. Ostarine is not soluble in water, which fundamentally undermines the alleged method of administration through contaminated drinking water.

116. In this regard, the Single Judge in a parallel CAS proceedings (2025/ADD/117) concerning an athlete who was subject to the same alleged sabotage by Mr. Gogava has found that the sabotage was impossible with respect to the concerned athlete, who was not at the training site in Bakuriani when the alleged sabotage occurred. The Single Judge noted that the entire sabotage scenario might have been construed. This finding sheds further doubt on the reliability of the Tbilisi City Court Judgment as evidence to prove that the First Respondent was indeed a victim to sabotage in the scope of this sabotage scenario.

117. Overall, the Tbilisi City Court Judgment contains only high-level factual explanations and conclusions that leave open essential facts required for establishing on the balance of probabilities that a spiking offence occurred which led to ostarine entering the First

Respondent's system without his knowledge or suspicion. The evidence referenced in paragraph 2 of the Tbilisi City Court Judgment has not been made available for examination. This lack of detailed investigation, combined with the scientific implausibility and contradictory testimony, renders the facts established by the judgment insufficient to allow the First Respondent to meet his burden of proof.

118. From a policy perspective, accepting such superficial findings without thorough independent verification would create a dangerous precedent for anti-doping enforcement. It would enable "fall guy" scenarios where complicit third parties could confess to sabotage, allowing athletes to escape sanctions through manufactured defences.

119. In conclusion, the judgment lacks the detailed factual investigation necessary to support the sabotage theory and accepting such evidence without rigorous verification would undermine the integrity of anti-doping enforcement by enabling manufactured defences.

ii. Other evidence

120. The evidence file includes other documentary evidence, witness testimonies, and expert evidence. The core element, however, is the evidence and testimony provided by Mr. Gogava, the alleged perpetrator of the claimed sabotage. Demonstrating that the sabotage actually occurred is a prerequisite for subsequent showing that a specific athlete was a victim thereof, be it due to direct exposure or indirect environmental contamination.

121. Based on a detailed review of Mr. Gogava's statements in this case (as well as the transcript of Mr. Gogava's statements in case CAS 2023/ADD/65 that the Parties agreed to be included in the case file in the present proceedings), the Sole Arbitrator concludes that Mr. Gogava's testimony fundamentally lacks credibility:

- **Implausible financial and logistical circumstances**. The Sole Arbitrator considers it highly implausible that Mr. Gogava, reportedly earning "*around 1000 dollars*" monthly at the time, would spend "*100 dollars*" on ostarine capsules (of which he had two packages), only to use them briefly for "*10 days or 2 weeks*", then suddenly decided to return to Georgia to seek revenge against coaches who had refused to help him. This sequence of events lacks logical coherence and raises serious questions about the veracity of his account. Moreover, in another case (CAS 2023/ADD/65), Mr. Gogava testified that he paid for ostarine in roubles, not dollars, which casts further doubts on the circumstances of the alleged purchase of ostarine.

- **Contradictory mental state claims**. Mr. Gogava described himself as being "*in inadequate situation*" due to methadone intake combined with "*sleeping pills and vodka*," yet simultaneously provided detailed recollections of specific

actions and locations. For instance, regarding his decision to go to Bakuriani, Mr. Gogava stated "*I can't remember because I was out of my mind and upset. Because when you mix methadone, sleeping pills and vodka one is not in right mind*". At the same time, Mr. Gogava was able to recall details of the alleged sabotage, including whether the hotel security was present in Bakuriani, how he passed by the reception, and how he identified the rooms where he would commit the alleged sabotage. This contradiction between claimed mental incapacity and detailed memory is inherently implausible.

- **Inconsistent and vague details concerning the usage of ostarine**. Mr. Gogava's explanations for the quantities of ostarine used were contradictory - initially claiming he had 10-15 capsules in total, but later testifying he bought "*two bottles*" with "*c. 100 per bottle*," then stating "*I did not count the capsules, maybe it was 50 or 100*." When asked about dosage he said "*I don't know, I did not measure the amounts*", while at the same time testifying that he did not want to use too much ostarine to avoid inflicting too much harm. Mr. Gogava testified he was "*looking for Kharabrishvili's room*" but "*wasn't sure in the end if it was Kharabrishvili's room*" and confirmed he never actually saw Kharabrishvili at the hotel, instead identifying his room by seeing "*vitamins and proteins*."

- **Implausible motive**. According to Mr. Gogava, his motive was revenge for Giorgi Asanidze's and Zhurab Khakrabishvili's failure to help him compete in a tournament in the United States. Yet he fails to explain why and how exactly these two people disappointed him and why did it call for a major act of elaborate vengeance. The testimonies of Mr. Giorgi Asanidze and Mr. Zurab Khakrabishvili do not shed further light on this point, as neither seems able to give a plausible reason for Mr. Gogava's disappointment. Furthermore, the hearing transcript from the case concerning Mr. Kakhi Asanidze (CAS 2023/ADD/65) reveals inconsistencies in Mr. Gogava's testimony regarding his encounters with Mr. Giorgi Asanidze and Mr. Zhurab Khakrabishvili. In particular, he contradicts himself by first explicitly stating that he did not meet them at the funeral of a mutual friend, only to later withdraw this statement and claim that it was during a funeral.

- **Implausible sabotage method**. While Mr. Gogava testified taking ostarine himself for its performance enhancing effect while living in Moscow, he wanted to use it to harm Giorgi Asanidze and Zhurab Khakrabishvili. When asked to explain what harm he was trying to inflict with ostarine, he simply stated "*I did not think properly*", and at the same time claimed that he did not want to use too much ostarine to not inflict excessive harm.

- **Implausible execution**. As noted above, Mr. Gogava testified extensively that he was in a difficult mental state (subject to substance abuse) at the time of the

alleged sabotage, yet effectively claimed he was able to implement a highly elaborate sabotage scheme at two different locations in the span of weeks, with complex logistics, and without any detection.

- **Implausible voluntary confession**. Mr. Gogava testified that he was aggrieved and wanted to get revenge, which he allegedly undertook not once but twice and not against his direct targets but against athletes. It is inherent in an elaborate contamination sabotage that the "damage" would only arise if athletes are subsequently tested and detected. Mr. Gogava ought to have known this when he allegedly planned and implemented the sabotage. Yet Mr. Gogava concurrently claims that while no one detected him in the commission of a crime, he suddenly voluntarily disclosed his alleged involvement and confessed to the police, because he felt sorry about the athletes. This further adds to the implausibility of the entire sabotage scenario.

122. In conclusion, the evidence of Mr. Gogava's alleged sabotage is far-fetched, contradictory, entirely unconvincing, and inherently implausible. Absent a proof of Mr. Gogava's sabotage, the remaining evidence and testimonies from the First Respondent, other athletes, the coach and other sports personnel, as well as the First Respondent's expert, effectively fall away because that evidence is dependent on proving that sabotage occurred in the first place. In addition, Prof. Kintz opined that it was possible for the First Respondent to be a victim of an environmental contamination from an ostarine residue left during Mr. Gogava's alleged sabotage, that possibility only arises if the alleged ostarine sabotage occurred on the balance of probabilities. But this was not demonstrated.

iii. No Significant Fault or Negligence Defence

123. As explained above, the First Respondent's request for relief also includes an alternative no significant fault or negligence defence under Article 10.5 of the ADR which appears to go beyond the sabotage scenario. The First Respondent argues that independently from the sabotage scenario, he could not have known or suspected, even with the exercise of utmost caution, that he had used or been administered the prohibited substance.

124. To benefit from a no significant fault or negligence, the Athlete must provide concrete evidence of how the prohibited substance entered their system through no fault of their own. The First Respondent has manifestly failed to discharge this burden for the following reasons: (i) other than relying on the alleged sabotage which was not demonstrated, the Athlete did not establish any credible alternative scenario explaining how ostarine entered his system; (ii) his vague references to potential contamination lack any substantive explanation of how such contamination could have occurred; (iii) his general assertions that doping would not make sense for him are speculative and do not constitute evidence of how the substance was ingested; and (iv) his reliance on the

small detected concentration as indicative of innocence fails to address the fundamental question of source and ingestion pathway. Such wholly inadequate assertions ought to be dismissed.

f. Overall conclusion

125. Accordingly, on the basis of all evidence considered, the Sole Arbitrator finds that: (i) the First Respondent did not establish the sabotage scenario on the balance of probabilities; and (ii) the First Respondent did not demonstrate he bore no significant fault or negligence. The Sole Arbitrator therefore finds that the First Respondent committed an anti-doping rule violation in breach of Articles 2.1 and 2.2 of the ADR.

C. Sanction

126. Article 10.2 of the ADR and the WADA Code provides as follows:

"*The period of Ineligibility, subject to Article 10.2.4, shall be four (4) years where:*

- *10.2.1.1 The anti-doping rule violation does not involve a Specified Substance or a Specified Method, unless the Athlete or other Person can establish that the anti-doping rule violation was not intentional.*

- *10.2.1.2 The anti-doping rule violation involves a Specified Substance or a Specified Method and the Anti-Doping Organization can establish that the anti-doping rule violation was intentional*."

127. Article 10.10 of the ADR and the WADA Code provides as follows:

"*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 anti-doping 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*."

128. Article 10.13 of the ADR and the WADA Code provides as follows:

"*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*."

129. Further, Article 10.13.2.1 of the ADR and the WADA Code provides that "*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*." Conversely, Article 10.14.3 of the ADR stipulates that "*An Athlete or other Person who violates the prohibition against participation during a Provisional Suspension described in Article 10.14.1 shall receive no credit for any period of Provisional Suspension served and the results of such participation shall be Disqualified*".

130. The Sole Arbitrator notes that the First Respondent committed an anti-doping rule violation under Articles 2.1 and 2.2 of the ADR. Ostarine is not a Specified Substance and it has not been established that the anti-doping violation was not intentional. The appropriate period of ineligibility to be imposed on the First Respondent pursuant to Article 10.2 of the ADR and the WADA Code is thus four years.

131. The period of ineligibility shall commence on the date when this Award becomes effective.

132. Moreover, pursuant to Article 10.10 of the ADR and the WADA Code, all competitive results obtained by the First Respondent from and including the day that the Sample was collected (15 August 2023) through the commencement of the period of ineligibility shall be annulled, with resulting consequences including forfeiture of medals, points and prizes.

133. The First Respondent shall receive credit for the period of provisional suspension served.

IX. COSTS

(…)

ON THESE GROUNDS

The Court of Arbitration for Sport rules that:

1. The appeal filed by the International Weightlifting Federation on 25 October 2024 against Mr. Gurami Giorbelidze and the Georgian Anti-Doping Agency with respect to the decision rendered by the Disciplinary Committee of the Georgian Anti-Doping Agency on 26 August 2024 (Decision N 2024-05) is upheld.

2. The decision of the Disciplinary Committee of the Georgian Anti-Doping Agency of 26 August 2024 (Decision N 2024-05) is set aside.

3. Mr. Gurami Giorbelidze is sanctioned with a period of ineligibility of four (4) years, which shall commence on the date this CAS Award becomes effective, with credit given for any period of provisional suspension already served by Mr. Gurami Giorbelidze.

4. All individual results earned by Mr. Gurami Giorbelidze from and including 7 July 2023 through to the commencement of the period of ineligibility shall be invalidated, with all resulting consequences, including forfeiture of all medals, points and prizes.

5. (…).

6. (…).

7. (…).

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

Operative part notified on 30 September 2025

Seat of arbitration: Lausanne, Switzerland
Date: 24 November 2025

THE COURT OF ARBITRATION FOR SPORT

Dr. Vladimir **Novak**
Sole Arbitrator