CAS 2024/A/10989 World Anti-Doping Agency (WADA) v. Georgian Anti-Doping Agency (GADA) & Nika Kentchadze

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

World Anti-Doping Agency ("WADA"), Montreal, Canada

represented by Nicolas Zbinden and Robert Kerslake, Kellerhals Carrard, Attorneys-at-law, Lausanne, Switzerland

Appellant

and

Georgian Anti-Doping Agency ("GADA"), Tbilisi, Georgia

First Respondent

and

Nika Kentchadze, Tbilisi, Georgia

represented by Magda Kldiashvili, Tbilisi, Georgia

Second Respondent

I. PARTIES

1. The World Anti-Doping Agency ("WADA" or the "Appellant") is an international independent agency, whose key activities are to conduct scientific research, to develop anti-doping capacities, and to monitor the application of the World Anti-Doping Code ("WADA Code"). WADA has its registered seat in Lausanne, Switzerland, and its headquarters in Montreal, Canada.

2. The Georgian Anti-Doping Agency ("GADA" or the "First Respondent") is a Georgian anti-doping agency approved by the World Anti-Doping Agency ("WADA") as a national anti-doping organisation ("NADO") within the meaning of the WADA Code. GADA has its registered seat in Tbilisi, Georgia.

3. Nika Kentchadze (or the "Second Respondent" or the "Athlete", together with GADA the "Respondents") is a 28-year old beach and freestyle wrestler. The Respondent is a member of Georgia's National Wrestling Federation Team.

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 2 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 ("Prohibited Substance") in the urine sample (sample No. A1190725), which is listed under S.1.2 of the WADA Prohibited List under "Other Anabolic Agent".

8. On 31 July 2023, GADA informed the Athlete of the finding of the Prohibited Substance in his urine Sample. He was officially charged with the violation of Article 2.1 and 2.2 of the Anti-Doping Rules of the Georgian Anti-Doping Agency ("ADR") and temporarily disqualified.

9. On 22 August 2023, the Athlete denied the alleged violation of Article 2.1 of the ADR. He alleged that the Prohibited Substance may have been inadvertently consumed through a contaminated product and that the temporary disqualification should be revoked under Article 7.4.1 of the ADR.

10. At a public hearing held on 23 December 2023, a GADA representative confirmed that an analysis of the Athlete's nutritional supplements did not confirm the presence of the

Prohibited Substance, reaffirming the Athlete's violation of Article 2.1 of the ADR. The Athlete denied any liability for the presence of the Prohibited Substance during the hearing.

11. On 26 December 2023, GADA issued a decision (Decision N 2023-07) finding that the Athlete violated Article 2.1 of the ADR, according to which Athletes are under a personal duty to ensure that Prohibited Substances do not enter their body. GADA found that this was the Athlete's first anti-doping rule violation and imposed a four-year ineligibility period on the Athlete.

12. 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 Nika Kentchadze (and other athletes) by adding the Prohibited Substance to their drinking water while he was staying at a sports base in Bakuriani, Georgia. The Court also found that on 1 July 2023, Gogava added the Prohibited Substance 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 Gogava to one year imprisonment on probation.

13. On 12 July 2024, the Athlete requested GADA to review the decision of GADA's Disciplinary Committee Decision N 2023-07 because the Tbilisi City Court Judgment held that the Athlete was victim of a spiking offence.

14. On 3 September 2024, GADA's Disciplinary Commission held an online meeting to discuss the Athlete's request.

15. On 7 September 2024, a public hearing was held by GADA's Disciplinary Commission, with the Athlete's participation.

16. On 13 September 2024, GADA's Disciplinary Committee found on the basis of the Tbilisi City Court Judgment that the Athlete had established that he bore no fault or negligence in connection to the presence of the Prohibited Substance in the Sample. It issued a decision annulling Decision N 2023-07 and terminating the Athlete's temporary disqualification (the "Appealed Decision").

III. PROCEEDINGS BEFORE THE COURT OF ARBITRATION FOR SPORT

17. On 8 November 2024, the Appellant submitted a Statement of Appeal within the meaning of Article R48 of the Code of Sports-related Arbitration (2023 edition) ("CAS Code") before the Court of Arbitration for Sport ("CAS") against the Appealed Decision.

18. On 13 November 2024, the CAS granted a 10-day extension for the submission of the Appeal Brief to the Appellant pursuant to Article R32 of the CAS Code, followed by an additional 20-day extension on 19 November 2024.

19. On 10 January 2025, the Appellant filed its Appeal Brief (within the deadline as further extended by the CAS).

20. On 13 January 2025, the CAS Court Office invited the Respondents to file their Answer within 20 days.

21. On 13 January 2025, the First Respondent and the Second Respondent requested a 40-day extension to file their Answers, which failing an objection from the Appellant was granted by the CAS on 15 January 2025.

22. On 4 February 2025, the Second Respondent sent an email to the Appellant explaining that there were "*strong and well-founded concerns that [the Second Respondent's] urine sample may have been tampered with, substituted, or otherwise manipulated*", without specifying the concerns further. The Second Respondent requested the Appellant to (i) launch an independent investigation into the integrity of the Sample, (ii) authorize a DNA test to examine the integrity of the sample, (iii) request the laboratory in Cologne which had analyzed the Sample to conduct the analysis, and (iv) review the chain of custody of the Sample.

23. On 20 February 2025, the Respondents requested a further extension to file their respective Answer until 10 March 2025, which failing any objection from the Appellant was granted by the CAS on 25 February 2025.

24. On 7 March 2025, the First Respondent submitted its Answer.

25. On 10 March 2025, the Second Respondent submitted its Answer. In the Answer, the Second Respondent reiterated its request for an independent investigation regarding the integrity of the Sample.

26. 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.

27. The CAS Court Office also requested the Parties to provide their position as to (i) whether a hearing should be held in the present matter, and (ii) whether they request a case management conference.

28. On 20 March 2025, the Second Respondent requested the Sole Arbitrator to ensure that an investigation into the integrity of the Sample and the chain of custody be conducted. The Appellant was requested by the CAS to comment on the request within 5 days.

29. On 27 March 2025, the Appellant stated that the Second Respondent's request that the CAS facilitate an independent investigation of the Sample's integrity (including a DNA test) had no basis in law or fact. In essence, the Appellant noted that the CAS Code does not provide for the facilitation of independent investigations by the CAS, and the Second Respondent had not put forward a basis to question the chain of custody of the Sample

(although the Appellant nevertheless proactively provided the chain of custody documentation that was obtained from the Cologne laboratory).

30. On 28 March 2025, the CAS Court Office informed the Parties that the Sole Arbitrator had decided to dismiss the Second Respondent's request for an examination of the integrity of the Sample in full, noting that the reasons will be provided in the Award.

31. On 28 March 2025, the Second Respondent insisted that it had the right to request the investigation of the Sample's integrity and reiterated the request for a DNA test to investigate the integrity of the Sample and the provision of the complete Sample custody records. The CAS Court invited the Appellant to comment by 8 April 2025.

32. On 31 March 2025, the First Respondent confirmed that it had no objection to the admissibility of the chain of custody document that was submitted by the Appellant on 27 March 2025.

33. On 3 April 2025, the Appellant reiterated its position on the DNA testing and noted that the Second Respondent's correspondence of 28 March 2025 is inadmissible because it was submitted after the Sole Arbitrator had rejected the request, thereby amounting to an abuse of process. The Appellant also recalled that the Sample custody records were already provided.

34. On 4 April 2025, the Second Respondent again requested a ruling that a DNA test to investigate the integrity of the Sample is required as the Second Respondent could have allegedly only taken the Prohibited Substance on 1 July 2023, which would be incompatible with his test results.

35. On 11 April 2025, the CAS Court Office informed the Parties that the Second Respondent's request for an investigation into the integrity of the Sample and a corresponding DNA test was already rejected and that the reasoning will be provided in the final Award. The Parties were also requested to indicate their availability for a hearing.

36. On 21 May 2025, the CAS Court Office informed the Parties that an oral hearing (the "Hearing") will be held by video-conference at 9:30am Swiss time on 10 June 2025 for two matters jointly, namely CAS 2024/A/10989 and CAS 2024/A/10988 (with the agreement of the Parties in both matters).

37. On 2 June 2025, the Second Respondent called Mr. Pavle Kasradze, the Director of the Georgian Anti-Doping Agency, as a witness.

38. On 3 June 2025, the CAS Court Office sent the Order of Procedure to the Parties.

39. On 4 June 2025, the Second Respondents in cases CAS 2024/A/10989 and CAS 2024/A/10988 submitted a joint application to the First Respondent, requesting a DNA test to inquire concerning the integrity of the samples that the First Respondent collected from these athletes and which resulted in ADRV findings. The Second Respondent (i)

requested that the First Respondent perform the said analysis, (ii) accused the First Respondent of falsifying the positive test results and accepting bribes in connection with the allegedly tampered samples, and (iii) for the first time questioned the sabotage scenario stipulated in his own Answer.

40. On 4 June 2025, the CAS Court Office invited the Appellant and the First Respondent to state whether they had any objections to calling Mr. Pavel Kasradze as a witness.

41. On 5 June 2025, the First Respondent requested a representative of the Ministry for Sport of Georgia to attend the Hearing.

42. On 5 June 2025, the Appellant objected to the attendance of Mr. Pavle Kasradze as a witness. It also pointed out a change in the Second Respondent's defense strategy from relying on the sabotage scenario to relying on an allegation of sample tampering.

43. On 6 June 2025, the Appellant returned the signed Order of Procedure. The Appellant also objected to the attendance of representatives of the Ministry of Sport of Georgia at the Hearing because there was no basis for it, and a NADO's operational decisions and activities could not be influenced by government departments with the responsibility for sport under the WADA Code.

44. On the same day, the Second Respondent e-mailed the Appellant reiterating the claim that the First Respondent intentionally falsified the samples, and that the First Respondent is obliged to carry out a DNA test without the Appellant's permission. The Second Respondent also reiterated the request for the admission of Mr. Pavle Kasradze, as a witness to testify with respect to the alleged falsification of the Sample during the Hearing, citing "exceptional circumstances" under Article R44.2 of the CAS Code.

45. On 7 June 2025, the Second Respondent emailed the Appellant confirming that it had changed its defense strategy and no longer relied on the argument that he was subject to sabotage. The Second Respondent reiterated the demand for a DNA test to inquire into the integrity of the Sample of the Second Respondent.

46. On 9 June 2025, the First Respondent returned a signed Order of Procedure. The First Respondent also acknowledged that the Appellant disagreed with the admission of a representative of the Georgian Sports Ministry, as well as of Mr. Pavle Kasradze, Director of GADA, at the Hearing.

47. On 10 June 2025, the Hearing took place remotely. Together with the Sole Arbitrator, CAS Counsel Andrea Sherpa-Zimmermann and the second respondent in CAS 2024/A/10988 Dato Piruzashvili, the following persons attended the Hearing:

- The Appellant
    - Mrs. Lea Réguer-Petit (Appellant's representative)
    - Mr. Robert Kerslake (counsel)

- Mr. Nicolas Zbinden (counsel)

- The First Respondent
  - Mr. Luka Khatiashvili (First Respondent's representative)
  - Mr. Teimuraz Ukleba (First Respondent's representative)
- The Second Respondent
  - Mr. Nika Kentchadze
  - Mrs. Magda Kldiashvili (counsel)
  - Mrs. Magda Lortkipanidze (counsel)
  - Mrs. Nini Dangadze (translator)

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

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

50. 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

The Appellant.

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

- *"The appeal of WADA is admissible.*
- *The decision dated 13 September 2024 rendered by the Anti-Doping Disciplinary Committee of GADA in the matter of GADA v. Nika Kentchadze is set aside.*
- *Nika Kentchadze is found to have committed an anti-doping rule violation under Articles 2.1 and/or 2.2 of the Georgian Anti-Doping Rules.*
- *Nika Kentchadze is sanctioned with a period of ineligibility of four (4) years, starting on the date on which the CAS award enters into force with credit for any period of provisional suspension and period of ineligibility effectively served.*

- *All competitive results obtained by Nika Kentchadze from and including 2 July 2023 (i.e. the date of the anti-doping rule violation) 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 the Respondents jointly and severally.*

- *WADA is granted a significant contribution to its legal and other costs."*

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

- The Appellant challenges the probative value of the admission of guilt of Nikoloz Gogava in the scope of the proceedings before the Tbilisi City Court, on which basis the Court had concluded that the Second Respondent was the victim of a spiking offence in its judgment.

- The Appellant argues that the First Respondent was misplaced in considering the admission as "irrefutable evidence" absolving the Second Respondent of any responsibility on the basis of Article 3.2.4 of the ADR because that provision only applies to decisions made in other competent courts against accused athletes, and not to decisions relating to third parties. Since Gogava is a third party to the anti-doping proceedings, the Article could not be relied upon to reach a conclusion of no fault or negligence with respect to the Second Respondent under Article 10.5 of the ADR.

- Consistent with relevant case law (CAS 2016/A/4627, 4628 & 5623 WADA v. Indian NADA, Geeta Rani; UKAD v. Awad, NADP decision 11 May 2015; and CAS 2012/A/2759 Oleksandr Rybka v. UEFA; UKAD v. Anderson, NADP decision 15 May 2013), spiking scenarios have to be assessed on their evidence and require a high degree of scrutiny, even where an alleged confession is presented. Such scrutiny should have been applied by the First Respondent to the confession presented by Nikoloz Gogava, which in itself should not have been admitted as a fact without scrutiny, in particular because Nikoloz Gogava's admission is entirely unsupported and serious doubt exists surrounding the circumstances of the alleged spiking event.

- The Appellant also underlines that no investigative results have been presented to demonstrate how Nikoloz Gogava was able to perform the sabotage and also several pieces of evidence were missing. For instance, no evidence was presented showing that the Second Respondent was drinking water from a shared container susceptible to sabotage, that access to the wrestlers' room was unlocked, that the security measures at the training facilities were insufficient, how much and at what times did the Second Respondent drink the water, or whether other people were drinking from the water jug. The amount of ostarine allegedly poured into the communal water supply, how the ostarine was acquired by Nikoloz Gogava, in which form he acquired it, and whether the amount added to the water supply is consistent with his intake were not determined.

- The Appellant further noted in this context that ostarine is an anabolic agent which is of significant benefit to athletes competing in the sport of wrestling.

- Furthermore, the Second Respondent did not seek to access the Tbilisi Court file to examine whether other evidence existed to support his claim or confirm his line of argument.

- Overall, the Second Respondent failed to meet the burden of proof to establish on the balance of probabilities that a spiking scenario occurred. On this basis, there would be no grounds for a finding of "No Fault or Negligence" under Article 10.5 of the ADR.

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

- Using various interpretation methods, the Appellant further substantiated that Article 3.2.4 of the ADR does not permit using evidence from national court judgments in favor of athletes accused of anti-doping violations; moreover, as a policy matter, doing so would create perverse incentives for strangers to act as "fall guys".

- In response to the Second Respondent's claim that the First Respondent's sample collection was flawed, the Appellant provided technical clarifications regarding sample collection procedures to argue that they were correctly carried out, specifically distinguishing between sample codes and mission codes.

- The Appellant challenged the Second Respondent's sample tampering claim, arguing that it was not supported by evidence and that admitting it would create perverse incentives for athletes to make wasteful and groundless claims.

The First Respondent.

54. The First 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.*

- *The arbitration procedure is related to costs. In no case should the costs be imposed on the Anti-Doping Agency of Georgia since and because we and our disciplinary committee acted within the law, under our jurisdiction, and the WADA asks us to go beyond our jurisdiction and revise the court decision.*"

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

- Article 3.2.4 of the WADA Code provides as follows:

  "*The 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."

- The First Respondent argues that the requirements for a "No Fault or Negligence" finding under Article 10.5 of the WADA Code are fulfilled because the Tbilisi City Court Judgment should be regarded as "irrebuttable evidence" under Article 3.2.4 of the WADA Code.

- In the First Respondent's view, the cited provision applies because the Tbilisi City Court was competent to issue its judgment, which would not be subject to an appeal, and that the judgment against Nikoloz Gogava is covered by the reference to "*other Person*" in Article 3.2.4 of the WADA Code, and it was not established that the Tbilisi City Court Judgment violated the principles of natural justice. The First Respondent would not have the competence to revise the conclusion of a national court judgment.

- On the facts, the First Respondent notes that the investigation into the alleged sabotage was correctly conducted by the Police Department of Georgia and that the ruling of the Tbilisi City Court establishes that "*Nikoloz Gogava had the intention to inflict bodily harm on Georgian athletes*" and "*Nikoloz Gogava has intentionally procured a prohibited substance called Ostarine in the dietary supplements and drinking water designated for the athletes*".

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

- A legal representative of the Appellant allegedly confirmed that the First Respondent's interpretation of Article 3.2.4 of the WADA Code is correct during a meeting that took place between the said legal representative and the First Respondent.

- The required procedures of sample identification were correctly followed as the Second Respondent's Sample was identified with unique sample codes.

- The First Respondent objected to all new allegations brought forward by the Second Respondent with respect to alleged bribery and fraud.

The Second Respondent.

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

- "*Recognition of the admissibility of Nika Kentchadze's defense claims*

- *Complete dismissal of the claim submitted by WADA*

- *Comparative DNA analysis of Nika Kentchadze's sample (A and B samples) and a new sample at the Cologne laboratory*

- *Investigation of the full chain of custody of Nika Kentchadze's sample, as requested through CAS intervention*
- *Obligation of WADA to conduct an independent investigation*
- *Obligation of WADA to cover the costs of the independent laboratory testing conducted by the athlete*
- *Definitive ruling by CAS that the athlete should not be subjected to a 4-year disqualification*
- *The decisions made by the Georgian Anti-Doping Agency's Disciplinary Committee must remain in force*
- *Arbitration costs should not be imposed on the athlete*".

58. In support of his relief, the Second Respondent relied on the following principal arguments.

- The Tbilisi City Court Judgment establishes that the Second Respondent was the victim of a crime – sabotage. The CAS precedents establish that sabotage is a "No Fault" category, meaning that the athlete should not be sanctioned.
- The concentration of the Prohibited Substance of 3 nanograms/mL was too low to indicate intentional use. The First Respondent should have considered mitigating circumstances that are provided in the WADA Code to impose a lower sanction than four years, but the First Respondent failed to assess the concentration of Prohibited Substance in the Second Respondent's urine. The First Respondent would have also omitted the fact that the Second Respondent was due to compete at the Beach Wrestling World Series in France on 29-30 June 2023, which in the Second Respondent's account would make it "*illogical*" that he would have used the Prohibited Substance in advance.
- Regarding the requests for an independent investigation into the integrity of the Sample, the Second Respondent argued that the chain of custody of the Sample should be examined to determine whether the Sample had been tampered with; an independent expert review of the testing process should be conducted by the Cologne laboratory that had examined the Sample.
- The Appellant is under an obligation to permit an independent investigation due to the "*Principle of Fair Process*" and Article 5.3.6 of the International Standard for Testing and Investigations. Given that the Appellant ignored the investigation request, despite this being an obligation under the WADA Code, that Code places the Appellant under an additional obligation to investigate the integrity of the Sample.
- To justify that an independent investigation into the integrity of the Sample was required, the Second Respondent asserts that his participation at the Beach

Wrestling World Series in France on 29-30 June 2023, made it implausible that he would have used a prohibited substance because of the risk to undergo a doping test. On this basis, the Second Respondent alleges that if he had taken the Prohibited Substance on 1 July 2023, the concentration of the Prohibited Substance in the Sample on 2 July 2023, would have been implausibly low because common products containing the Prohibited Substance contain concentrations that could not degrade that quickly.

- The Second Respondent noted that he contacted the Cologne laboratory that conducted an examination of the Sample independently to request an evaluation but that he received no response.

- Finally, the Second Respondent alleged procedural irregularities as the Second Respondent's request for an independent investigation into the integrity of the Sample that was submitted to the CAS was shared with all Parties to the proceedings.

59. Following the submission of its Answer, the Second Respondent advanced additional substantive arguments and requests in the period leading up to the Hearing, notably in relation to an investigation of the integrity of the Sample and a related DNA test. In connection with these requests, the Second Respondent materially altered his defence strategy – abandoning his claim of sabotage and arguing that the First Respondent tampered with and falsified the Sample, without further evidentiary substantiation.

60. At the Hearing, the Second Respondent explicitly confirmed that he no longer relied on the sabotage scenario arguments and reiterated his allegations that the First Respondent tampered with, and falsified, the Sample and that the First Respondent was bribed in this context. In support of its position, the Second Respondent alleged that his doping Sample and the doping sample of another athlete – Dato Piruzashvili – were assigned identical testing codes, in breach of the international testing standards requiring each sample to have a unique identifier. The identical coding would make it impossible to determine whose urine was actually tested by the laboratory, constituting sample substitution and related tampering and falsification.

61. Moreover, during the closing submission, the Second Respondent accused the First Respondent of fabricating the sabotage scenario, and admitted that he was not in Bakuriani at the time of the alleged sabotage, which is why the sabotage could not have occurred with respect to him.

V. JURISDICTION

62. 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 […]*".* (emphasis added)

63. The Appellant submitted that the CAS has jurisdiction pursuant to Article 13.2.3.1, 13.2.3.2 and 13.1.3 of the ADR.

64. 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: […] WADA."

65. According to Article 13.2.1 of the ADR, "*[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*".

66. 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: […] WADA. 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."

67. According to Article 13.2.2 of the ADR, "*In cases where Article 13.2.1 is not applicable, the decision may be appealed to an appellate body in accordance with rules established by the National Anti-Doping Organization. The rules for such appeal shall respect the following principles: a timely hearing; a fair, impartial, and Operationally Independent and Institutionally Independent hearing panel; the right to be represented by counsel at the Person's own expense; and a timely, written, reasoned decision. If no such body as described above is in place and available at the time of the appeal, the Athlete or other Person shall have a right to appeal to CAS.*"

68. Article 13.1.3 of the ADR provides as follows:

"*WADA Not Required to Exhaust Internal Remedies*

Where WADA has a right to appeal under Article 13 and no other party has appealed a final decision within the Anti-Doping Organization's process, WADA may appeal such decision directly to CAS without having to exhaust other remedies in the Anti-Doping Organization's process."

69. The Respondents did not challenge the jurisdiction of the CAS.

70. The Sole Arbitrator notes that the Second Respondent is an International-Level Athlete within the meaning of the ADR and the WADA Code. Article 13.2.3.1, 13.2.3.2 and 13.1.3 of the ADR (and the WADA Code) 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

71. 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.*"

72. 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.*"

73. Article 13.2.3.5 of the ADR and the WADA Code provides as follows:

"*Appeal Deadline for WADA*

The filing deadline for an appeal filed by WADA shall be the later of:

(a) Twenty-one (21) days after the last day on which any other party having a right to appeal could have appealed, or

(b) Twenty-one (21) days after WADA's receipt of the complete file relating to the decision."

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

75. The Sole Arbitrator notes that the Appellant received the Appealed Decision on 16 September 2024. On 20 October 2024, the Appellant received elements of the case file. The Appellant filed the Statement of Appeal on 8 November 2024, and therefore within the 21-day time limit prescribed by Article 13.2.3.5(b) of the ADR and WADA Code. Further, as explained in Section II.C above, following the suspension of the deadline to file the Appeal Brief and subsequent extensions until 10 January 2025, the Appellant filed the Appeal Brief on 10 January 2025 and thus timely.

76. Accordingly, the present Appeal is admissible.

VII. APPLICABLE LAW

77. 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.*"

78. The Appealed Decision was issued under the Anti-Doping Rules of the Georgian Anti-Doping Agency, which is not disputed. Accordingly, consistent with Article R58 of the CAS Code and CAS jurisprudence, the Sole Arbitrator concludes that the ADR, as well as 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.

79. 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

80. At the outset, the Sole Arbitrator highlights that there was an unusual shift in the Second Respondent's defence strategy. The Second Respondent initially relied on the Tbilisi City Court Judgment and on that basis claimed he was a victim of sabotage. The Second Respondent then entirely abandoned that position and even admitted at the Hearing he was not at the sports site where the sabotage allegedly occurred. Instead, he argued that he was a victim of sample tampering and falsification by the First Respondent. On the other hand, the First Respondent insisted on the sabotage scenario (despite the Second Respondent's testimony) and denied any claims of sample tampering and falsification. The Appellant argued at the Hearing that both claimed scenarios are unfounded.

81. Accordingly, in the Merits section, the Sole Arbitrator assesses both (1) the sabotage scenario; and the (2) sample tampering and falsification scenario.

A. The sabotage scenario

82. At the heart of the First Respondent's submissions lies a position that the Tbilisi City Court Judgment ought to be respected on its face pursuant to Article 3.2.4 of the WADA Code, which precludes the CAS from making any ruling contradicting that judgment.

83. The Sole Arbitrator recalls that Article 3.2.4 of the WADA Code and the ADR 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*."

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

- The heading of Article 3 of the WADA Code 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 of the WADA Code and the ADR 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 of 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 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 WADA Code 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 of the WADA Code and the ADR 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 WADA Code and ADR is clear, the Sole Arbitrator notes that the interpretation put forward by the First Respondent 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. Moreover, the case at hand is a textbook example why such an interpretation is not (and cannot be) supported by Article 3.2.4 – the Second Respondent himself confessed at the Hearing that he was not at the sports camp where the alleged sabotage occurred and therefore was not a victim of sabotage.

- The position of the First Respondent is also untenable as a policy matter as it would encourage athletes to find a "fall guy" to confess to a fabricated sabotage claim to escape anti-doping liability, which would undermine the fight against doping globally. The First Respondent argues that such confession comes with consequences, though the Sole Arbitrator is mindful that the person at hand who confessed to the alleged sabotage obtained only a short probationary sentence.

85. Applying the above considerations to the facts of the present case, the Tbilisi City Court Judgment concerns 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 Second Respondent under Article 10.5 of the WADA Code and the ADR.

86. Furthermore, 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 Nikoloz Gogava's specific intentions for targeting these particular athletes including the Second Respondent, how he procured ostarine, how he gained access to the training facilities, and crucially, how he ensured that the Second Respondent consumed the substance. The judgment also does not explain why Nikoloz Gogava would use ostarine, a performance-enhancing drug, for sabotage purposes, or what effect he was hoping to achieve.

87. 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.

88. Moreover, the Second Respondent's own admissions during the Hearing directly contradict the sabotage scenario, as he confirmed that he was not present at Bakuriani during the alleged sabotage timeframe.

89. In this regard, the Single Judge in a parallel CAS proceedings (CAS 2025/ADD/117) concerning an athlete who was subject to the same alleged sabotage by Nikoloz 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 even argues 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 Second Respondent was indeed a victim to sabotage in the scope of this sabotage scenario.

90. 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 Second 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 Second Respondent to meet his burden of proof.

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

92. The fact that the Second Respondent's own testimony directly contradicts the court's findings illustrates precisely this risk - demonstrating how national court judgments concerning third parties can be unreliable when used to exonerate athletes in anti-doping proceedings. This risk is particularly acute in cases involving performance-enhancing substances like ostarine, where significant sanctions provide strong incentives for fabricating exonerating scenarios.

93. In conclusion, the Sole Arbitrator notes that (i) the Tbilisi City Court Judgment cannot constitute irrebuttable evidence under Article 3.2.4 of the WADA Code and the ADR, as it is not a national court decision against an athlete or other Person subject to anti-doping proceedings (*e.g.*, the Second Respondent); (ii) the judgment lacks the detailed factual investigation necessary to support the sabotage theory and is contradicted by scientific evidence regarding ostarine's properties and the Second Respondent's own testimony; and (iii) accepting such evidence without rigorous verification would undermine the integrity of anti-doping enforcement by enabling manufactured defences.

94. Accordingly, the First Respondent erred when it relied on the Tbilisi City Court Judgment to issue the Appealed Decision. The sabotage scenario is thus dismissed.

B. The sample tampering and falsification scenario

95. The ADR and the WADA Code set out conditions for the challenge of the integrity of samples taken in the scope of anti-doping proceedings. Their Article 3.2.2 provides as follows:

"WADA-accredited laboratories, and other laboratories approved by WADA, are presumed to have conducted Sample analysis and custodial procedures in accordance with the International Standard for Laboratories. The Athlete or other Person may rebut this presumption by establishing that a departure from the International Standard for Laboratories occurred which could reasonably have caused the Adverse Analytical Finding.

If the Athlete or other Person rebuts the preceding presumption by showing that a departure from the International Standard for Laboratories occurred which could reasonably have caused the Adverse Analytical Finding, then the Anti-Doping Organization shall have the burden to establish that such departure did not cause the Adverse Analytical Finding."

96. Hence, the Second Respondent must show evidence rebutting the presumption that international standards of sample testing and custody were not complied with, which has in turn led to an adverse finding against him, for the burden of proof to switch to the Anti-Doping Agency to prove the integrity of the sample.

97. The International Standards for Laboratories contain several provisions that apply to the handling of samples. The following articles are of particular interest for the current proceedings:

- Article 5.3 of the ISL sets out the process requirements for laboratories, establishing that "*The Laboratory shall maintain paper or electronic Laboratory Internal Chain of Custody in compliance with the WADA Technical Document on Laboratory Internal Chain of Custody (TD LCOC)*."

- ISL Article 5.3.1.4 requires that "*The Laboratory shall have a system to uniquely identify the Samples and associate each Sample with the collection document or other external chain of custody information*." This provision directly addresses concerns about sample mix-ups or substitution by requiring unique identification systems that link each sample to its original collection documentation.

- ISL Article 5.3.6.2.3 grants athletes the right to participate in sample "B" confirmation procedures. This is the most obvious point when athletes and their representatives could raise doubts about sample integrity. In case an athlete chose not to participate in the procedure, or if he participated but raised no doubts, this would further indicate that subsequent claims of sample tampering may lack merit.

- In addition to the WADA Code and the ISL, the International Standards for Testing and Investigations (ISTI) set out the rules for maintaining the integrity, identity and security of the Samples collected from the Second Respondent. These standards establish comprehensive protocols to ensure that samples remain intact and properly identified throughout the entire collection and transport process.

98. The Second Respondent raised several claims in his written submissions and during the Hearing to support the alleged sample tampering and falsification claim.

99. First, at the Hearing, the Second Respondent claimed that he and another athlete – Dato Piruzashvili – were assigned identical sample codes, which directly proves sample tampering.

100. However, this assertion is based on a fundamental misunderstanding of the difference between mission codes and sample codes, as made apparent by the doping control form template. WADA's Doping Control Form template requires a 10-digit testing order code (*i.e.*, the mission code) in the top right corner of the section "Information for Analysis", which could be the same for several athletes tested as part of that "mission". Critically though, each sample sent to a laboratory requires a unique "sample code number".

101. Accordingly, while both the Second Respondent and Mr. Dato Piruzashvili were tested under the same mission code of 2419255533, their individual samples were assigned different, unique sample codes – 1190725 for the Second Respondent and 1190144 for Mr. Dato Piruzashvili. Accordingly, the Second Respondent's claim related to the sample codes must be dismissed.

102. Second, at the Hearing, the Second Respondent presented detailed chronological and pharmacological calculations to argue that it would have been impossible or illogical for him to have taken ostarine. The Second Respondent outlined three scenarios: taking the substance during the Beach Wrestling World Series in France (29-30 June 2023), during travel back to Georgia after the competition, or on the morning of the arrival back in Georgia on 2 July 2023 (before the Sample was taken), arguing that each was either impossible or highly unlikely based on the substance's half-life and his movements.

103. These arguments are purely speculative and do not constitute evidence of sample tampering. The Second Respondent could have taken ostarine at any point between his participation at the Beach Wrestling World Series final in Buenos Aires on 7 and 8 May 2023, and the doping test on 2 July 2023 in Tbilisi. The argument that it would be "illogical" for the Second Respondent to take ostarine because it would be too risky would apply to every single athlete who takes prohibited substances. This claim does not allow to establish that it would be implausible for the Second Respondent to take ostarine before the doping test performed in Tbilisi.

104. Third, the Second Respondent made allegations of bribery and conspiracy. The Second Respondent asserted that the First Respondent allegedly accepted bribes in exchange for

the falsification of the Second Respondent's results. The Second Respondent added that the wife of athlete Beka Gviniashvili received a call to inform her about the First Respondent's intention to conduct a doping test in advance. The Second Respondent more generally claimed that the Appellant was protecting the First Respondent and that there had been deliberate concealment of evidence.

105. The Sole Arbitrator notes that when allegations of potential sample tampering are made, this needs to be accompanied by adequate evidence. The allegations made by the Second Respondent are entirely unsubstantiated; the Second Respondent is resorting to assertions and insinuations with no evidentiary support at all.

106. Moreover, the Sole Arbitrator notes that the Second Respondent's own actions call into question the subsequent claims of sample tampering:

- Pursuant to ISL Article 5.3.6.2.3, athletes have the right to request a confirmation procedure of their "B" sample in case of an adverse finding on the basis of the "A" sample. The Second Respondent has not requested such an analysis.

- The Appellant volunteered the full chain of Sample custody, which does not indicate that the Sample was subject to any irregularities. The Second Respondent ignored this.

- The Second Respondent confessed that he was not at the sports camp during the period when the alleged sabotage occurred and nonetheless relied on the sabotage scenario in his Answer, which raises serious questions about the Second Respondent's overall credibility.

107. In light of the foregoing, the Sole Arbitrator finds no evidence at all to support any claims of Sample tampering and falsification, which must be dismissed.

108. It follows that, in these circumstances, the Sole Arbitrator does not consider it necessary or appropriate to order the requested DNA testing:

109. First, neither the WADA Code (or the ADR) nor the other rules and guidelines referenced by the Second Respondent (including ISL and ISTI) provide for DNA testing as an automatic "right":

- Article 6.5 of the ADR and the WADA Code states as follows: "*There shall be no limitation on the authority of a laboratory to conduct repeat or additional analysis on a Sample prior to the time an Anti-Doping Organization notifies an Athlete that the Sample is the basis for an Article 2.1 anti-doping rule violation charge. If after such notification the Anti-Doping Organization wishes to conduct additional analysis on that Sample, it may do so with the consent of the Athlete or approval from a hearing body*." This provision does not grant the Athlete a right to demand a DNA analysis. Instead, it outlines the laboratory's authority to conduct additional analyses and the conditions under which an Anti-

Doping Organization may conduct further tests after notifying an athlete of a violation.

- ISL Annex B 5.2.5, referenced by the Second Respondent, does not exist in the relevant WADA Code. ISL Article 4.1.4 relates to the provision of a Business Plan, which is unrelated to sample integrity or DNA testing. Article 10.8 of the ADR and the WADA Code deals with Result Management Agreements and is not relevant to the issue of sample integrity or DNA testing. Article 10.10 of the ADR and the WADA Code concerns the Disqualification of Results in Competitions Subsequent to Sample Collection or Commission of an Anti-Doping Rule Violation and is also not relevant to the question of sample integrity or DNA testing.

- ISTI 5.3.3 does not establish the right to supplementary analysis as claimed by the Second Respondent. That provision states as follows: "*Sample Collection Personnel shall have official documentation, provided by the Sample Collection Authority, evidencing their authority to collect a Sample from the Athlete, such as an authorization letter from the Testing Authority. DCOs shall also carry complementary identification which includes their name and photograph (i.e., identification card from the Sample Collection Authority, driver's license, health card, passport or similar valid identification) and the expiry date of the identification*." This provision relates to the identification of Sample Collection Personnel and does not address evidence preservation or an athlete's right to supplementary analysis.

- Article 3.2 of the ADR and the WADA Code, referenced by the Second Respondent, does not establish a right to DNA testing either. Instead, it places the burden of proof on the Second Respondent to rebut the presumption of proper laboratory procedures – the Second Respondent has to meet this threshold for any additional testing to be considered necessary. However, as explained above, the Second Respondent failed to provide any evidence of probative value that would call into question the integrity of the Sample.

110. Second, as a policy matter, athletes are not, and cannot, be permitted to demand DNA testing without any plausible indication of Sample tampering (least when the Second Respondent did not even request the opening of the B sample). Indeed, allowing athletes to demand DNA testing or other integrity investigations based on mere speculation would fundamentally undermine the anti-doping system by creating perverse incentives for athletes who have committed violations to advance spurious arguments designed to create confusion and delay proceedings. Such an approach would transform every anti-doping case into a protracted investigation of laboratory procedures, regardless of whether there is any credible basis for questioning sample integrity. These "fishing expeditions" would impose an unreasonable burden on anti-doping organizations and laboratories, requiring them to defend against baseless allegations and conduct expensive additional testing without proper justification. This would not only waste valuable resources but could also create dangerous precedents where athletes routinely challenge sample integrity as a standard defence strategy, even where there is absolutely

no basis for questioning the sample integrity, as is the case here. The integrity of the entire anti-doping system depends on maintaining clear evidentiary standards that require athletes to present concrete evidence of procedural violations before additional investigations are warranted. Without such standards, the system would become paralyzed by endless challenges to established procedures, ultimately undermining the fight against doping in sport.

111. Third, the Sole Arbitrator cannot ignore two fundamental facts of this case: (1) the Second Respondent effectively confessed to relying on a defence he knew or ought to have known not be reflective of the facts; and (2) the Second Respondent provided no evidence or substantiation to his sample integrity claims, instead relying on misunderstanding of sample coding process and baseless assertions. Permitting a delay in the proceedings and a fishing expedition through ordering of DNA testing in these circumstances would be entirely inappropriate.

112. Fourth, the Sole Arbitrator's analysis and findings remain unaffected by the Second Respondent's "offer" at the Hearing that the Sole Arbitrator increase his period of ineligibility in case the DNA testing was to confirm the ADRV. Suffice it to say that the Appellant's request for relief – which determines the scope of this Appeal – calls for a standard sanction of four years, which cannot be increased at the Sole Arbitrator's discretion.

113. In summary, the Sole Arbitrator concludes that the Second Respondent has failed to meet the threshold requirement under Article 3.2.2 of the ADR and the WADA Code to rebut the presumption that the laboratory conducted sample analysis and custodial procedures in accordance with the International Standard for Laboratories. The Second Respondent's assertions regarding sample tampering are founded on fundamental misunderstandings of standard anti-doping procedures (particularly the distinction between mission codes and sample codes), speculative arguments about the timing of substance ingestion, and entirely unsubstantiated allegations of conspiracy and bribery. Crucially, the Second Respondent has not presented any concrete evidence of procedural violations in the chain of custody or laboratory analysis that could reasonably have caused the Adverse Analytical Finding. The full chain of sample custody provided by the Appellant shows no irregularities, the legal provisions cited by the Second Respondent's representative either do not exist or are irrelevant to sample integrity, and the Second Respondent's failure to request the B sample analysis under Article 5.3.6.2.3 of the ISL further undermines the credibility of subsequent tampering allegations. Accordingly, the Second Respondent's request for DNA testing or any other investigation into sample integrity is rejected, the Sample remains subject to the presumption of proper handling and analysis under Article 3.2.2 of the ADR and the WADA Code, and the Adverse Analytical Finding stands as reliable evidence of the presence of ostarine in the Second Respondent's Sample.

C. Alleged procedural irregularities

114. The Second Respondent alleges procedural irregularities because his request for an investigation of the integrity of the Sample that was sent to the Appellant was also disclosed to the First Respondent by the CAS.

115. The Sole Arbitrator notes that the Parties' submissions have been shared with the Appellant and the First Respondent throughout these proceedings, which is standard.

116. Besides noting that the disclosure would have resulted in the Second Respondent's defence strategy being known to the First Respondent, the Second Respondent does not explain the prejudice that would have resulted from this disclosure. A potential prejudice is in particular questionable because had the Appellant agreed to the investigation that was requested by the Second Respondent's representative on 5 February 2024, the First Respondent as the authority that has taken the Sample would have necessarily been informed of it.

117. Accordingly, the Sole Arbitrator does not identify grounds for a finding of procedural irregularities that prejudiced the Second Respondent in the present proceedings. In any event, the Sole Arbitrator has dismissed the Second Respondent's request for additional investigations as wholly unfounded, such that the issue of sharing the correspondence between the Parties is in any case moot.

D. Sanction

118. 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*."

119. 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*."

120. 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*."

121. 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*."

122. The Sole Arbitrator notes that the Second Respondent committed an anti-doping rule violation under Articles 2.1 and 2.2 of the ADR. The Prohibited Substance 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 Second Respondent pursuant to Article 10.2 of the ADR and the WADA Code is thus four years.

123. The period of ineligibility shall commence on the date when this Award becomes effective. Pursuant to Article 10.13.2.1 of the ADR and the WADA Code, the Second Respondent shall receive credit reflecting periods of provisional suspension and/or periods of ineligibility that the Second Respondent has already served with respect to this doping violation.

124. Moreover, pursuant to Article 10.10 of the ADR and the WADA Code, all competitive results obtained by the Second Respondent from and including the day that the Sample was collected (2 July 2023) through the commencement of the period of ineligibility shall be annulled, with resulting consequences including forfeiture of medals, points and prizes.

IX. COSTS

(…)

ON THESE GROUNDS

The Court of Arbitration for Sport rules that:

1. The appeal filed by the World Anti-Doping Agency on 8 November 2024 against the Georgian Anti-Doping Agency and Mr. Nika Kentchadze with respect to the decision rendered by the Disciplinary Committee of the Georgian Anti-Doping Agency on 13 September 2024 (Decision 2024-07) is upheld.

2. The decision of the Disciplinary Committee of the Georgian Anti-Doping Agency of 13 September 2024 (Decision 2024-07) is set aside.

3. Mr. Nika Kentchadze 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 and/or period of ineligibility already served by Mr. Nika Kentchadze.

4. All individual results earned by Mr. Nika Kentchadze from and including 2 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.

Seat of arbitration: Lausanne, Switzerland
30 September 2025

THE COURT OF ARBITRATION FOR SPORT

Dr. Vladimir Novak
Sole Arbitrator