



2024/ADD/92 International Weightlifting Federation (IWF) v. Muhammad Waqas Akbar  
2024/ADD/93 International Weightlifting Federation (IWF) v. Mr Amjad (Amin) Butt

**ARBITRAL AWARD**

delivered by the

**ANTI-DOPING DIVISION  
OF THE COURT OF ARBITRATION FOR SPORT**

sitting in the following composition:

Sole Arbitrator: David M Benck, Attorney-at-Law in Birmingham (Alabama), USA

in the arbitration between

**International Weightlifting Federation (IWF)**

Represented by the International Testing Agency, Lausanne, Switzerland, appearing through Mr. Nicolas Zbinden, Attorney-at-Law Lausanne, Switzerland

**Claimant**

**and**

**1/ Mr Amjad (Amin) Butt, Pakistan**

**2/ Muhammad Waqas Akbar, Pakistan**

**Respondents**

## I. PARTIES

1. The International Weightlifting Federation (“IWF”) is the governing body for the sport of weightlifting. The IWF has delegated the implementation of its anti-doping programme to the International Testing Agency (“ITA”). Such delegation includes the Results Management and subsequent prosecution of potential Anti-Doping Rule Violations (“ADRV”) under the IWF’s jurisdiction.
2. Muhammad Waqas Akbar (“Respondent Waqas”) is a Pakistani coach. He is the coach of several Pakistani athletes, including *inter alia* Messrs Muhammad Sharjeel Butt, Ghulam Mustafa, Farhan Amjad and Abdur Rehman (the “Athletes”).
3. Mr Amjad (Amin) Butt (“Respondent Butt”) is the Vice President of the Pakistan Weightlifting Federation (PWFL), which is a member of the IWF.

## II. FACTUAL BACKGROUND

4. On 10 November 2021, Mr. Muhammad Awais Khan, a Pakistani Doping Control Officer (“DCO”) was tasked by the ITA, under the Testing authority of the IWF, with collecting Out-of-Competition urine Samples from the Athletes at the Railways Academy centre in Lahore, Pakistan.
5. Mr. Khan is a certified international DCO with Clearidium, a third-party sample collection company recognised by the IWF authorised to collect urine and blood Samples pursuant to the International Standard for Testing and Investigations (“ISTI”).
6. Mr. Khan had the following documents and authorisations for the Testing Mission in his possession:
  - ADAMS Mission Order M-1589126683;
  - ADAMS Whereabouts Details Report for all four athletes to be tested;
  - A Clearidium Letter of Authorisation; and
  - A personal National Identity Card issued by the Pakistani Government.
7. Mr. Khan was accompanied by four chaperones, one for each of the Athletes. The chaperones were Jamshed Akbar, Jared Akhtar, Usama Hunjara and Kaiser Abbas. Mr. Khan, along with the four chaperones, all spoke native Urdu, the same language spoken by the Athletes and Respondents. Mr. Khan is also fluent in English.
8. The Whereabouts information for 10 November 2021, which was filed in ADAMS, indicated that three of the four Athletes were training at the Railways Academy training centre in Lahore, Pakistan from 16:00 to 18:00 and present until 20:00. Sharjeel Butt’s schedule was the same, but the location given for his training venue was the Shad Bagh weightlifting club in Lahore.

9. Mr. Khan and the chaperones arrived at the training location at approximately 16:30 and remained there until 21:15. When these individuals first arrived, they did not observe any of the Athletes listed on the Mission Order inside the training location.
10. Between 17:00 and 17:15, two of the Athletes, Farhan Amjad and Ghulam Mustafa arrived at the training location along with their coach, Respondent Waqas. Mr. Khan immediately notified Mr. Amjad and Mr. Mustafa, in the presence of Respondent Waqas, that he was a DCO on a Testing Mission to collect samples for the purpose of Doping Control.
11. Respondent Waqas complained that he had not been informed of the Testing Mission in advance and stated that he wanted to speak to someone from the Pakistani Weightlifting Federation. Respondent Waqas instructed both Athletes not to provide samples at that time and to contact Respondent Butt, one of the Vice-Presidents of the PWF by telephone.
12. Shortly thereafter, Abdur Rehman and Sharjeel Butt arrived at the training location. Mr. Khan provided both of these two Athletes with the same notification that had been provided to Mr. Amjad and Mr. Mustafa.
13. All four Athletes, under the direction of the Pakistani Weightlifting Federation requested additional documentation from the DCO to verify the legitimacy of the demand to provide samples for the purpose of Doping Control. Mr. Khan in response explained to the Athletes that if samples were not given, the Athletes would be charged with an ADRV, to be decided by anti-doping authorities.
14. After completing his call with Respondent Butt, Respondent Waqas reaffirmed that the Athletes would not provide samples unless the Pakistani Weightlifting Federation approved.
15. At approximately 18:00, Respondent Butt, the PWF Vice-President, arrived at the training location and expressed his belief that Mr. Khan was “a fake DCO”. Mr. Khan showed Respondent Butt the Authorisation Documents that he had with him and explained them to Respondent Butt. Respondent Butt indicated that he wished to speak to Dr Waqar Ahmad (“Dr. Waqar”), Chairman of the Anti-Doping Organization of Pakistan, prior to allowing the Athletes to proceed with testing.
16. Respondent Butt called Dr. Waqar and requested that Mr. Khan speak with him. Dr. Waqar requested that Mr. Khan send him, via WhatsApp, copies of the Authorisation Documents. Mr. Khan indicated that the Authorisation Documents were confidential, and he could not send them. Mr. Khan then suggested to Dr. Waqar that he could review the Authorisation Documents at the training location; however, Dr. Waqar replied that he was in Islamabad and could not attend the training location. Dr. Waqar then instructed Mr. Khan to leave the training location and to return the next day when Dr. Waqar could be present. Mr. Khan explained to Dr. Waqar that he was required to either collect samples from the Athletes on

that day, or report back to the IWF that the Athletes had refused to provide samples.

17. Mr. Khan then contacted the Clearidium Coordinator, Maurits Huijskens who spoke with Respondent Butt. Following the completion of that conversation, Respondent Butt indicated that the Athletes would not provide samples.
18. After he finished speaking to Dr. Waqar, Respondent Butt told the Athletes that they did not have permission to be tested and were therefore not to provide samples.
19. Mr. Khan completed four Unsuccessful Attempt Report Forms, one for each Athlete, and requested that each of the Athletes complete and sign their own written statement regarding the conduct of the Testing Mission and their refusal to provide samples.
20. Sharjeel Butt wrote and signed his copy of the statement, confirming that, *inter alia*, “I am waiting for NADO’s Chairman call, whose name is Dr. Waqar if he allow [sic] then I can provide a sample” and “DCO also provided us the letter of authorization from the organization but I am not ready for this”. The three other athletes copied Sharjeel Butt’s statement and signed their respective copies.
21. Prior to leaving the training location, Mr. Khan asked for photographs with the four Athletes and with the four chaperones to confirm their attendance at the training location. Mr. Khan and the chaperones left the training location at approximately 21:15 having not collected any samples.
22. On 21 July 2023, the ITA, on behalf of the IWF, notified the Respondents that it considered asserting ADRVs in relation to the abovementioned facts and gave them a deadline until 11 August 2023 to provide explanations on the charges against them.
23. On 8 August 2023, the Respondents provided explanations by e-mail to the ITA, denying all charges against them.
24. On 14 November 2023, the ITA, on behalf of the IWF, notified the Respondents that it had decided to assert ADRVs in relation to the abovementioned facts (the “Notice of Charge”) and gave them a deadline until 4 December 2023 to provide explanations in respect of the charges against them. Failing any response within the prescribed deadline, the case would be referred to the CAS Anti-Doping Division for adjudication.
25. On 2 December 2023, the Respondents submitted their answer to the Notice of Charge, denying the charges against them. They also requested that their case be heard in front of a Pakistani court.

26. On 29 April 2024, the IWF initiated proceedings against both Respondents for alleged ADRV pursuant Article 2.5 and/or 2.9 of the 2021 IWF Anti-Doping Rules (“2021 IWF ADR”).
27. It is worth noting that on 1 March 2024, the CAS ADD found that the Athletes had committed an ADRV pursuant to art. 2.3 of the 2021 IWF ADR for their refusal to submit to the testing and sanctioned them with a period of Ineligibility of four (4) years starting the from the date of the CAS Award.

### **III. PROCEEDINGS BEFORE THE COURT OF ARBITRATION FOR SPORT**

28. On 29 April 2024, and in accordance with Article A13 of the Rules of the CAS Anti-Doping Division, the Claimant filed its Request for Arbitration, and the ADD President decided to consolidate both proceedings ADD 92 and ADD 93.
29. On 16 May 2024, in accordance with Articles A16 and A17 of the Rules of the CAS ADD, David M Benck of Birmingham, Alabama, USA, was appointed to act as Sole Arbitrator in this procedure.
30. In accordance with Article A14 of the Rules, the Respondent Waqas filed his Answer to the Request for Arbitration on 17 May 2024, and Respondent Butt filed his Answer to the Request for Arbitration on 4 July 2024.
31. Respondents requested that the CAS ADD establish a joint committee involving the Anti-Doping Organization of Pakistan, the Pakistan Sports Board and the Pakistan Olympic Association under the chairmanship of a High Court judge. This request was considered by the Sole Arbitrator and was denied twice.
32. On 10 October 2024, the IWF signed and returned the Order of Procedure.
33. On 6 November 2024, the Respondents signed and returned the Order of Procedure.
34. In the Order of Procedure, all Parties agreed to refer the present dispute to the Anti-Doping Division of the Court of Arbitration for Sport subject to the ADD Rules. Furthermore, the provisions of Chapter 12 of the Swiss Private International Law Statute (PILS) shall apply to the exclusion of any other procedural law.
35. On 7 November 2024, the Respondents supplemented their witness list with a notice of intent to call Mr Awais Akbar and Mr Ayan Khalid as witnesses, which information was to have been submitted by 4 October 2024 per the Order of Procedure. The IWF objected to the additional witnesses, but the Sole Arbitrator allowed the late additions.
36. On 8 November 2024, a video hearing was held. The Sole Arbitrator was assisted by Mr Fabien Cagneux, Managing Counsel of the ADD, and joined by the following:

For the Claimant:

- Awais Khan (Witness)

- Maurits Huijskens (Witness)
- Nicolas Zbinden (Counsel)

For the Respondents:

- Mr Amjad (Amin) Butt (Respondent)
- Muhammad Waqas Akbar (Respondent)
- Mr Awais Akbar (Witness)
- Mr. Ayan Khalid did not ultimately appear of testify.

37. At the outset of the hearing, the Parties confirmed that they had no objection to the appointment of the Sole Arbitrator. At the close of the hearing, the Parties confirmed that they had received a fair hearing and had been given the opportunity to fully present their cases.

**IV. SUBMISSIONS OF THE PARTIES**

**A. The Claimant**

38. The essence of the Claimant's submission is that on 10 November 2021, the Respondents (i) violated Article 2.5 of the 2021 IWF ADR by Tampering or Attempted Tampering with part of the Doping Control by an Athlete or Other Person, and (ii) violated Article 2.9 of the 2021 IWF ADR by Complicity or Attempted Complicity by an Athlete or Other Person.
39. The burden of proof is on the IWF to establish, to the comfortable satisfaction of the Sole Arbitrator, that an ADRV has occurred. Article 3.1 of the IWF ADR defines the comfortable satisfaction standard as "*greater than a mere balance of probability but less than proof beyond a reasonable doubt*". The IWF submits that it has met its evidentiary thresholds in proving that the Respondents have each committed an ADRV for Tampering or Attempted Tampering with any part of Doping Control and Complicity or Attempted Complicity.
40. The Respondents argued that the DCO failed or refused to provide any identification or documentation to validate the authenticity of the DCO's mission. Witness Kahn refuted this claim, and the Sole Arbitrator was required to reconcile diametrically contradictory sworn testimony.
41. The Claimant notes that there is abundant contemporaneous evidence of the Respondents' ADRV as reflected in:
- The DCO was accompanied by four chaperones, viz. Jamshed Akbar, Javed Akhtar, Usama Hunjara and Qaiser Abbas for each of the Athletes.
  - The Doping Control personnel was duly accredited and had the following Authorization Documents for the Testing Mission:
    - ADAMS Mission Order M-1589126683;
    - ADAMS Whereabout Details Report for the Athletes;

- A Letter of Authorisation from Clearidium, the Sample Collection Authority;
  - A personal National Identity Card of the DCO by the Pakistani Government;
  - The four Unsuccessful Attempts Reports filed by the DCO immediately after the event on 10 November 2021, which are all counter-signed by the respective chaperones;
  - The statements of the four Athletes filed upon conclusion of the unsuccessful mission, in their own handwriting and own words that “*The DCO also provide us the letter of authorization from the organization;*” and
  - The testimony of Mr. Khan and Maurits Huijskens, who had both the DCO and Respondent Butt on the phone to attempt to get the Athletes to understand that they needed to provide a sample.
42. The Claimant adds that the fact that the DCO did not return to collect samples the next day also refutes the Respondents’ attempt to change the chain of events of 10 November 2021.
43. The Claimant maintains that Mr. Khan was duly authorized to collect samples on behalf of the IWF as evidenced by the Authorization Documents and the Athletes have all acknowledged that Mr. Khan had duly notified them of their obligation to provide samples.
44. The Claimant further submits that based on the guidance provided in CAS 2019/A/6148, the process followed by Mr. Khan was entirely compliant with the ISTI.
45. It is worth reiterating that on 9 May 2023, the IWF initiated proceedings against the Athletes for an alleged ADRV pursuant to art. 2.3 of the 2021 IWF ADR for Evading, Refusing or Failing to Submit to Sample Collection, and on 1 March 2024, the CAS ADD found that the Athletes had committed an ADRV pursuant to art. 2.3 of the 2021 IWF ADR and sanctioned the Athletes with a period of Ineligibility of 4 years starting from the date of the CAS Award.
46. It is also submitted by the Claimant that evidence of the existence of the parallel National Anti-Doping Organization (“NADO”) has not been established.
47. In their Requests for Arbitration, the Claimant sought the following relief:
- 1) *The International Weightlifting Federation’s request for arbitration is admissible regarding Mr. Muhammad Waqas Akbar.*
  - 2) *Mr. Muhammad Waqas Akbar is found to have committed anti-doping rule violations under art. 2.5 and/or 2.9 of the 2021 IWF ADR.*
  - 3) *Mr. Muhammad Waqas Akbar is sanctioned with a period of ineligibility of four (4) years starting on the date on which the CAS Anti-Doping Division enters into force.*



- 4) *The arbitration costs of the proceedings (if any) shall be borne by Mr. Muhammad Waqas Akbar.*
- 5) *The ITA is granted an award for its legal and other costs pursuant to art. 10.12.1 of the 2021 IWF ADR.*

And

- 1) *The International Weightlifting Federation's request for arbitration is admissible regarding Mr. Amjad (Amin) Butt.*
- 2) *Mr. Amjad (Amin) Butt is found to have committed anti-doping rule violations under art. 2.5 and/or 2.9 of the 2021 IWF ADR.*
- 3) *Mr. Amjad (Amin) Butt is sanctioned with a period of ineligibility of four (4) years starting on the date on which the CAS Anti-Doping Division enters into force.*
- 4) *The arbitration costs of the proceedings (if any) shall be borne by Mr. Amjad (Amin) Butt.*
- 5) *The ITA is granted an award for its legal and other costs pursuant to art. 10.12.1 of the 2021 IWF ADR.*

## **B. The Respondents**

48. The Respondents submitted that they blocked and refused the testing of the Athletes because the DCO refused to provide any documentation whatsoever to corroborate identity of the DCO or the legitimacy of the testing. It is their position that because of information that they had received about a parallel body to the Anti-Doping Organization of Pakistan operating within Pakistan, their suspicions were aroused when Mr. Khan appeared and they were not in a position to verify his documentation without the assistance of the Chairman of the ADOP.
49. The Respondents maintain that they were willing to allow the Athletes to participate in the testing but were only willing to agree to provide samples with the authorization of the PWF.
50. The Respondents have asked to be exonerated from the allegations that they refused to allow the Athletes to provide samples.

## **V. JURISDICTION**

51. Rule A2 of the CAS ADD rules provides as follows:

*CAS ADD shall be the first-instance authority to conduct proceedings and issue decisions when an alleged anti-doping rule violation has been filed with it and for imposition of any sanctions resulting from a finding that an anti-doping rule violation has occurred. CAS ADD has jurisdiction to rule as a first-instance authority on behalf of any WADA signatory which has formally designated its powers to CAS ADD to conduct anti-doping proceedings and impose applicable sanctions.*



*These Rules apply whenever a case is filed with CAS ADD. Such filing may arise by reason of an arbitration clause in the Anti-Doping Rules of a WADC signatory, by contract or by specific agreement.*

52. The IWF appointed the CAS ADD to act as its first instance hearing panel as of 1 January 2021 pursuant Article 8.1.1 of the IWF ADR. This article states as follows:

*IWF has delegated its Article 8 responsibilities (first instance hearings, waiver of hearings and decisions) to the CAS ADD as an appropriate independent arbitration forum. The procedural rules of the arbitration shall be governed by the rules of the CAS ADD. CAS ADD will always ensure that the Athlete or other Person is provided with a fair hearing within a reasonable time by a fair, impartial and Operationally Independent hearing panel in compliance with the Code and the International Standard for Results Management.*

53. In light of the foregoing, the CAS ADD is vested with the jurisdiction to hear this proceeding.
54. The Respondents confirmed to the ITA that they were requesting a hearing before the CAS ADD. As such, the CAS ADD's jurisdiction is not in dispute.
55. Separately, the Parties confirmed the CAS ADD jurisdiction by signing the Order of Procedure.

#### **VI. APPLICABLE LAW**

56. In accordance with Article A20 of the Rules, the Sole Arbitrator shall decide the dispute in accordance with the World Anti-Doping Code and the applicable anti-doping rules or with the laws of a particular jurisdiction chosen by agreement of the parties, or in the absence of such a choice, according to Swiss law.
57. The asserted ADRVs occurred in 2021 and shall therefore be governed by the IWF Rules in force at the time, the 2021 IWF ADR.

#### **VII. MERITS**

58. The Sole Arbitrator observes that the main issues to be resolved are:
- a) Did the Respondents fail or refuse to allow the Athletes to provide samples after being advised of their requirement to do so by a duly authorized Doping Control Officer?
  - b) Did the Respondents have a compelling justification for their refusal to allow the Athletes to provide a sample?
59. These issues will be considered in turn.
- A. Did the Respondents refuse to allow the Athletes to provide samples to the Doping Control Officer?**
60. It is uncontested that the Athletes did not provide samples to the DCO, Mr. Awais Khan, on 10 November 2021. The Respondents have acknowledged that they did

not allow the Athletes to provide samples after Mr. Khan requested that they do so. They argue however that they requested documentation from the DCO to corroborate the legitimacy of the DCO and the testing, and that the DCO refused to provide any identification or documentation.

61. The Respondents maintain that without the DCO's identification and documentation, they could not satisfy themselves that they were receiving a legitimate request to provide samples from a DCO acting under the authority of the IWF.
62. On the day in question, DCO Khan presented himself at the Respondents' training location. He presented his authorization documents to the Respondents and notified them that the Athletes were required to provide a sample. Nevertheless, the Respondents informed the DCO that they would not allow the Athletes to provide a sample until "allowed" by the PWF or ADOP.
63. By continuing to maintain that they would not allow the Athletes to provide a sample until authorized to do so by the PWF or the ADOP, the Respondents refused to allow their Athletes to provide the required samples.
64. The DCO provided the following evidence of the Respondents' refusal to accede to his request for samples to be collected from the Athletes:
  - The four Unsuccessful Attempts Reports filed by the DCO immediately after the event which were counter-signed by the respective chaperones;
  - The statements of the four Athletes in their own handwriting and in their own words;
  - The involvement of Mauritius Huijsken, DCO Khan's superior who spoke with Respondent Butt, the PWF Vice-President, over the phone in an attempt to persuade the Athletes understand their obligation to provide a Sample;
  - The Picture of Mr. Khan with the Respondents and the chaperones taken at the end of the unsuccessful Testing mission.

**B. Did the Respondents have a compelling justification for their refusal to allow the Athletes to provide a Sample?**

65. Much of the Respondents' argument was focused on their belief that they were justified in not allowing the Athletes to provide a sample when requested to do so.
66. Pursuant to Article 2.5 of the 2021 IWF ADR, "Tampering or Attempted Tampering with any part of Doping Control by an Athlete or Other Person" constitutes an ADRV.
67. According to the definitions section of the 2021 IWF ADR, Tampering is defined as an *"Intentional conduct which subverts the Doping Control process but which would not otherwise be included in the definition of Prohibited Methods. Tampering shall include, without limitation, offering or accepting a bribe to perform or fail to perform an act, preventing the collection*

*of a Sample, affecting or making impossible the analysis of a Sample, falsifying documents submitted to an Anti-Doping Organization or TUE committee or hearing panel, procuring false testimony from witnesses, committing any other fraudulent act upon the Anti-Doping Organization or hearing body to affect Results Management or the imposition of Consequences, and any other similar intentional interference of Attempted interference with any aspect of Doping Control.” Furthermore, the Comment to Tampering indicates that such ADRV “(...) includes misconduct which occurs during the Results Management process”.*

68. Pursuant to CAS jurisprudence, Tampering “*always requires satisfactory proof that the offender intended to subvert the investigation, even if he/she was unaware that he/she was violating an anti-doping provision....]* The Panel is of the view that in the specific context of the rules, intent does not need to be direct in the sense that subverting the doping control process was the sole and only driving motive behind the athlete’s actions. Rather, it is sufficient for there to be intent that the athlete recognised the consequences of his or her actions and accepted that such consequences have the potential to subvert the process”. See CAS 2021/A/7983 & 8059, §222; see also CAS 2017/A/4937, §128.
69. In the present case, the Respondents instructed the Athletes not to provide samples to a duly accredited DCO. Their actions, which were intentional, had the consequence of subverting the process: without their actions, the doping controls would have taken place. It is clear that the Respondents’ aim was to prevent the Athletes from providing a sample. The Respondents’ conduct is an example of Tampering.
70. The Respondents allege that their conduct was driven by the fact that there was an alleged “parallel NADO” operating in Pakistan. With respect, this explanation was never raised by the Respondents on the day in question. Indeed, when informed by the DCO of the Doping Control, the Respondents only noted that they had not been informed in advance, and asked to speak to the PWLF. At no point did they question the DCO’s mission. The Mission Order, which was shown to the Respondents by the DCO, contained the logo of the IWF and the name of the ITA. It bears also recalling that one of the Athletes tested positive on 26 October 2021, i.e., two weeks before the failed Doping Control.
71. On the facts of this case, the Athletes declared at one point that they were willing to comply with their obligations but needed to have the authorization of the PWF and/or NADO represented by Dr. Waqar. Since prior authorization from a Member Federation or National Anti-Doping Organization is not a requisite of the IWF ADR or ISTI, the Respondents’ determination that they needed to wait for this approval prior to allowing the Athletes to test does not amount to compelling justification.
72. Therefore, it is evident that the Respondents adopted an intentional conduct which subverted the Doping Control process. Their influence was decisive in the Athletes’ not providing a sample.

73. As per Article 2.9 of the 2021 IWF ADR, “*Complicity or Attempted Complicity by an Athlete or Other Person*” is prohibited.
74. According to Article. 2.9 of the 2021 IWF ADR, Complicity includes “[a]ssisting, encouraging, aiding, abetting, conspiring, covering up or any other type of intentional complicity or Attempted complicity involving an anti-doping rule violation, Attempted anti-doping rule violation or violation of Article 10.14.1 by another Person”. Comment to Article 2.9 of the 2021 IWF ADR adds that “*Complicity or Attempted Complicity may include either physical or psychological assistance.*”
75. The IWF alleges that the Respondents’ conduct would alternatively constitute a clear case of Complicity in respect of the Athletes’ refusal to submit to Doping Control. On the face of the rule, it is indeed clear that the Respondents “encouraged” the Athletes to refuse to submit to Doping Control.
76. As far as intent is involved, the precedent of CAS 2018/A/5885, where a coach similarly instructed an athlete not to provide a sample is analogous:
- The Panel bears in mind that Mr. Salmond did everything he could to stop Mr. Barut from collecting a sample from Mr. Kozun, including repeatedly telling Mr. Kozun not to cooperate with Mr. Barut. Therefore, Mr. Salmond expressed clear intent from the moment he decided Mr. Kozun would not be tested by Mr. Barut.*
- Indeed, the act of encouragement itself constitutes sufficient intent for the purposes of Article 2.9 WADC as the reference to “or any other type of intentional complicity involving an anti-doping rule violation” means literally (and purposively) that encouragement must itself be one type of intentional complicity of which the italicized phrase cited contemplates other types.*
- Based on the foregoing, “encouragement” itself is intentional.
77. The above considerations apply directly to the situation of the Respondents. It is clear that the Respondents’ Complicity “involved” an ADRV, i.e., the Athletes’ Refusal to Submit to Sample Collection (Article 2.3 of the 2021 IWF ADR).
78. For these reasons, the Respondents committed a Complicity violation within the meaning of Article 2.9 of the 2021 IWF ADR.

### **C. Period of Ineligibility**

79. Pursuant to Article 10.3 of the 2021 IWF ADR, the standard period of Ineligibility for violations of Article 2.3 shall be four years unless the Respondents are able to establish that the ADRV was not intentional. Article 10.3.1 of the 2021 IWF ADR is as follows:

*For violations of Article 2.3 or Article 2.5, the period of Ineligibility shall be four (4) years except: (i) in the case of failing to submit to Sample collection, if the Athlete can establish that the commission of the antidoping rule violation was not intentional, the period of Ineligibility shall be two (2) years; (ii) in all other cases, if the Athlete or other Person can establish exceptional circumstances that justify a reduction of the period of Ineligibility, the period of Ineligibility shall be in a range from two (2) years to four (4) years depending on the Athlete or other Person’s degree of Fault; or (iii) in a case involving a Protected Person*

*or Recreational Athlete, the period of Ineligibility shall be in a range between a maximum of two (2) years and, at a minimum, a reprimand and no period of Ineligibility, depending on the Protected Person or Recreational Athlete's degree of Fault.*

80. The Sole Arbitrator has found that the Respondents were aware of the obligations for the Athletes to submit to sample collection but purposefully Tampered with the Doping Control when they refused to allow the Athletes to complete the testing.
81. The Sole Arbitrator has found that the Respondents were Complicit in encouraging an ADRV.
82. There are no exceptional circumstances in this case that would warrant a reduction of the period of ineligibility for the ADRV from four years to two years, especially when the Athletes themselves each received a four-year period of ineligibility.
83. Article 10.13 of the IWF ADR states that the period of Ineligibility shall start on the date of the final hearing decision providing for Ineligibility, unless the Respondents are entitled to a credit for serving a Provisional Suspension under Article 10.13.2, which is manifestly not the case in this matter.

#### VIII. COSTS

(...)

#### IX. APPEAL

89. Article 8.2 of the IWF Anti-Doping Rules provides that:

*8.21 At the end of the hearing, or promptly thereafter, CAS ADD shall issue a written decision that conforms with Article 9 of the International Standard for Results Management and which includes the full reasons for the decision, the period of Ineligibility imposed, the Disqualification of results under Article 10.10 and if applicable, a justification for why the greatest potential Consequences were not imposed.*

*8.22 IWF shall notify that decision to the Athlete or other Person and to other Anti-Doping Organizations with a right to appeal under Article 13.2.3, and shall promptly report it into ADAMS. The decision may be appealed as provided in Article 13.*

90. Article 13.1 of the IWF Anti-Doping Rules provides that:

*Decisions made under the Code or these Anti-Doping Rules may be appealed as set forth below in Articles 13.2 through 13.7 or otherwise provided in these Anti-Doping Rules, the Code or the International Standards. Such decisions shall remain in effect while under appeal unless the appellate body orders otherwise.*

91. Article 13.2.3.1 of the IWF Anti-Doping Rules which governs Appeals Involving International-Level Athletes or International Events, provides that:

*In cases under Article 13.2.1, the following parties shall have the right to appeal to CAS: (a) the Athlete or other Person who is the subject of the decision being appealed; (b) the other party to the case in which the decision was rendered; (c) IWF; (d) the National Anti-Doping Organization of the Person's country of residence or countries where the Person is a national or license holder; (e) the International Olympic Committee or International Paralympic Committee, as applicable, where the decision may have an effect in relation to the Olympic Games or Paralympic Games, including decisions affecting eligibility for the Olympic Games or Paralympic Games; and (f) WADA.*

92. Pursuant to Article A21 of the ADD Rules, this award may be appealed to the CAS Appeals Arbitration Division within 21 days from receipt of the notification of the final award with reasons in accordance with Articles R47 *et seq.* of the CAS Code of Sports-Related Arbitration, applicable to appeals procedures.

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### **ON THESE GROUNDS**

**The Court of Arbitration for Sport rules that:**

1. The Requests for Arbitration filed on 29 April 2024 by the International Testing Agency, on behalf of the International Weightlifting Federation, are upheld.
2. Mr. Muhammad Waqas Akbar and Mr. Amjad (Amin) Butt are each found to have committed an anti-doping rule violation pursuant to Articles 2.5 and 2.9 of the IWF Anti- Doping Rules.
3. Mr. Muhammad Waqas Akbar and Mr. Amjad (Amin) Butt are each sanctioned with a period of ineligibility of four (4) years starting from the date of this Award.
4. (...).
5. (...).
6. All other motions or prayers for relief are dismissed.

Seat of arbitration: Lausanne, Switzerland

Date: 24 February 2025

**THE ANTI-DOPING DIVISION  
OF THE COURT OF ARBITRATION FOR SPORT**

David M Benck  
Sole Arbitrator