CAS 2025/A/11766 Batu Han Yuksel v. International Weightlifting Federation

ARBITRAL AWARD

delivered by the

COURT OF ARBITRATION FOR SPORT

sitting in the following composition:

President: Mr Ulrich Haas, Professor in Zurich, Switzerland and Attorney-at-Law in Hamburg, Germany

Arbitrators: Mr Halil Kasapoğlu, Attorney-at-law in Istanbul, Türkiye
Mr Emil Neszmélyi, Attorney-at-law in Budapest, Hungary

in the arbitration between

Batu Han Yuksel, Türkiye

- Appellant -

and

International Weightlifting Federation, Switzerland

Represented by Ms Ayesha Talpade and Mr Adam Klevinas, Attorneys-at-law at International Testing Agency, Lausanne, Switzerland

- Respondent -

I. THE PARTIES

1. Mr Batu Han Yuksel (the "Appellant" or "Athlete") is a Turkish weightlifter who has been participating in international level competitions by the International Weightlifting Federation ("IWF") since 2016.

2. The IWF (or the "Respondent") is the world governing body for the sporting of weightlifting recognised as such by the International Olympic Committee ("IOC"). It is a signatory to the World Anti-Doping Agency Code ("WADA Code") and has enacted the IWF Anti-Doping Rules ("IWF ADR"). The IWF has delegated the implementation of the IWF Anti-Doping Program to the International Testing Agency ("ITA"). This delegation includes the results management regime and the prosecution of adverse analytical findings arising out of samples collected from weightlifting athletes under the jurisdiction of the IWF.

3. The Athlete and the IWF are hereinafter jointly referred to as the "Parties".

II. THE DECISION AND ISSUE ON APPEAL

4. The present appeal arises out of a decision by Anti-Doping Division of the Court of Arbitration for Sport ("CAS ADD") dated 29 August 2025, i.e. CAS 2025/ADD/123. The CAS ADD was presided over by a single judge, Mr Lachlan V. Gyles SC (the "Single Judge"). The present appeal centres on an anti-doping rule violation (ADRV) of the IWF Anti-Doping Rules ("IWF ADR"), specifically under Article 2.1 of the said Rules. The testing and result management authority for this ADRV was the IWF.

5. The present appeal also pertains to the sanctioning of multiple ADRVs under Article 10.9.3.2 of the IWF ADR, as the Athlete was involved in another ADRV conduct under the testing authority of the Turkish Anti-Doping Committee ("TADC"); this ADRV on Articles 2.3 and 2.5 of the TADC Anti-Doping Rules ("TADC ADR") will be introduced with the focus of the present appeal on Articles 2.1 and 10.9.3.2 of the IWF ADR.

III. FACTUAL BACKGROUND

6. Below is a summary of the main relevant facts and allegations based on the Parties' written submissions, pleadings, evidence adduced in the course of the present proceedings. Additional facts, allegations and evidence may be set out, where relevant, in other parts of this award. While the Panel has considered all the facts, allegations, legal arguments and evidence submitted by the Parties in the present proceedings, it refers in the award only to the submissions and evidence he considers necessary to explain their reasoning.

A. The Athlete's First ADRV

7. On 11 July 2023, the Athlete was selected for an out of competition doping control under the testing authority of the TADC. The Athlete failed to provide a sample upon notification and the TADC reported that he "*ran away from the hotel without providing a*

sample following the verbal notification".

8. On 27 July 2023, the TADC notified the Athlete that his conduct on 11 July 2023 amounted to a potential ADRV under Article 2.3 and/or Article 2.5 of the TADC ADR ("First ADRV"). On the same day, the Athlete replied that he "*received the letter prepared by you via e-email*" and he "*hereby inform and declare that* [he has*] received the relevant content*".

9. On 19 October 2023, the TADC provided the ITA with notice of a first instance decision of 7 September 2023 of the Disciplinary Commission of the TWF in the context of the TADC proceedings. The Athlete was sanctioned with an eight-year period of ineligibility for ADRVs under Articles 2.3 and 2.5 of the TADC ADR, and also informed the ITA that the Athlete had filed an appeal before the Turkish Arbitration Board ("TAB") against this decision.

10. On 8 September 2024, the Athlete informed the ITA that, on appeal, the TAB had confirmed that the Athlete had committed an ADRV under Article 2.3 of the TADC ADR but that it did not commit an Article 2.5 violation and that the sanction was accordingly reduced from eight years to four years ("TAB-Decision"). The Athlete requested that the three-year sanction be imposed against him in the IWF proceedings and that such sanction be served simultaneously with the TADC sanction.

11. On 9 March 2025, the TADC provided the decision of the TAB to the ITA which confirmed the imposition of a four-year period of ineligibility.

B. The Alleged ADRV in these Proceedings

12. On 13 July 2023, the ITA issued a mission order (No. ITAOC268332) for the testing of the Athlete during the period between 25 July 2023 and 6 August 2023 (the "ITA Mission Order"). The sample collection authority in the ITA Mission Order is stipulated to be the company Clearidium.

13. On 28 July 2023, after being notified of the First ADRV on 27 July 2023, the Athlete provided an out of competition ("OoC") urine sample as required under the testing authority and results management authority of the IWF, pursuant to the ITA Mission Order. In this sample collection process, the Athlete declared on his Doping Control Form ("DCF") several medications or supplements that he had taken in the seven days prior to his doping control on 28 July 2023, as follows: "*Zinc, magnesium, creatine, BCAA, Tilcotil tb (tenoxicam)*". The Athlete further declared that he had not received a blood transfusion during the last three months. The Athlete also confirmed on his DCF that the sample collection was undertaken in accordance with the relevant WADA International Standards and made no mention of the 27 July 2023 notification of the TADC ADRV.

14. According to the Athlete's testing history in ADAMs, he has been tested on 20 occasions prior to 28 July 2023 by both the TADC and the IWF.

15. The Athlete's sample was analysed at the WADA-accredited laboratory in Ankara, Turkey ("Laboratory"), having been transferred directly from the responsible doping control officer to the Laboratory on the morning that it was provided by the Athlete.

16. On 17 August 2023, the Laboratory reported that the Athlete's A Sample had returned an adverse analytic finding ("AAF") for *oxymetholone metabolite 18-nor-17b-hydroxymethyl-17amethl-2a-methyl-5a-androst-13-en-3-one*. Upon inquiry, the Laboratory informed the ITA that the estimated concentration of oxymetholone metabolite *18-nor-17b-hydroxymethyl-17amethl-2a-methyl-5a-androst-13-en-3-one* was 1.93 ng/ml.

17. The Athlete did not possess any therapeutic use exemption (TUE) allowing him to take the prohibited substance for medical purposes.

18. On 29 August 2023, the ITA notified the Athlete of the AAF and imposed a mandatory provisional suspension pursuant to Article 7.4.1 of the IWF ADR with immediate effect. The Athlete was also made aware of the potential consequences of the AAF, his procedural rights including the right to request the opening and analysis of the B sample, a provisional hearing or an expedited final hearing, and information regarding providing substantial assistance. The Athlete was also invited to submit explanations regarding the circumstances that led to the presence of the prohibited substance in his sample. Specifically, in this letter, the ITA indicated that the Athlete was already serving a Provisional Suspension as imposed by the TADC for another ADRV, with a quote from Article 10.9.1.1 of the IWF ADR included.

19. On 2 September 2023, the Athlete responded to the AAF notification, stating that the Laboratory had reported "*false positives in the past, and that he suspected that 'human (staff) error or machine error' had occurred in this case*."

20. On 6 September 2023, the ITA informed the Athlete that as per Article 3.3.2 of the IWF ADR, WADA-accredited laboratories were presumed to have conducted sample analysis and custodial procedures in accordance with the ISL and further that after careful review of the Chain of Custody documentation the ITA remains satisfied that the AAF was valid, and that the matter should be pursued further. The ITA granted the Athlete until 13 September 2023 to confirm whether or not he wished to have the B sample opened and analysed.

21. On the same day, the Athlete enquired whether he could waive his right to the B sample opening and analysis and enter into an agreement with ITA for a reduced sanction.

22. On 7 September 2023, the ITA provided the Athlete with a summary of his options at that stage concerning the B sample opening, assertion of ADRV and admission. In that email, the ITA said that the period of ineligibility for the Athlete's ADRV would be "four years", which was conceded by the ITA to be a clerical mistake, as the period of ineligibility for a second ADRV is eight years under Article 10.9 of the IWF ADR, for which the ITA relies on its letter dated 29 August 2023.

23. On the same day, the Athlete enquired with the ITA as to whether the B sample could

be analysed in another laboratory as "*the mistakes of the laboratory in Ankara in the past do not give* [him] *confidence*".

24. On 11 September 2023, the ITA informed the Athlete of the costs of the B sample opening, and that pursuant to Article 5.3.6.2.3 of the International Standards for Laboratories ("ISL"), the "B" confirmation procedure must be performed at the same laboratory as the "A" confirmation procedure, unless exceptional circumstances can be found, which were not present in this case.

25. On 15 September 2023, the Athlete confirmed his request to have his B sample opened and analysed by a laboratory other than the Laboratory. He followed this up by a subsequent email requesting information in relation to his request on 20 September 2023.

26. On 25 September 2023, the ITA confirmed receipt of the Athlete's request. This request was passed on to WADA who refused the request on 2 October 2023 and confirmed that the B sample will be analysed at the Laboratory.

27. On 3 October 2023, the ITA informed the Athlete of WADA's decision and invited him to confirm by 10 October 2023 whether he wished to proceed with the B sample opening and analysis.

28. On 9 October 2023, the Athlete responded to the ITA stating that he "*respected the final decision of WADA and expressly waived his right to the B sample opening and analysis*". He also asserted that he did not knowingly, willingly or intentionally commit any ADRV and that it was possible that the AAF was caused through contamination from food or nutritional supplements that he uses. The Athlete also stated that he wanted to use his "right of early admission" that the ITA had offered him to accept a reduced 3-year period of ineligibility.

29. On 19 October 2023, the TADC provided the ITA with notice of a first instance decision of 7 September 2023 of the Disciplinary Commission of the TWF in the context of the TADC proceedings. Therein the Athlete was sanctioned with an eight-year period of ineligibility for violating Articles 2.3 and 2.5 of the TADC ADR. The Athlete filed an appeal before the TAB against this decision.

30. On 21 December 2023, the ITA informed the Athlete that because he had expressly waived his right to the B sample opening and analysis, and in accordance with Article 2.1.2 of the IWF ADR, it was undisputed that he had committed an ADRV under Article 2.1 of the IWF ADR. In the same notification the Athlete was also informed of the applicable consequences for this ADRV (which at that stage was a period of ineligibility of eight years for a potential second violation), with the possibility of a one-year reduction pursuant to Article 10.8.1 of the IWF ADR.

31. On 22 December 2023, the Athlete responded to the above, stating that he had filed an appeal against the TADC first instance decision, that the ADRV prosecuted by the TADC and the ITA respectively should be considered as one single violation because all of these events occurred together and that two supplements (namely the products

"*turkesterone and beta-ecdysterone*") which he had consumed at the relevant time but which were not mentioned on the DCF could be the source of the AAF.

32. On 9 January 2024, the ITA formally responded to the Athlete's email of 22 December 2023 and advised him that he could admit the ADRV, accept the consequences and receive a one-year reduction in the period of ineligibility as provided for in Article 10.8.1 of the IWF ADR on or before the expiry of the 20-day deadline (i.e. 10 January 2024). He was also invited to inform the ITA if he wished to have the supplements analysed by a WADA accredited laboratory.

33. On 18 January 2024, the ITA noted that the Athlete had failed to respond to the ITA's communication of 9 January 2024 within the given deadline.

34. On 20 January 2024, the Athlete responded reiterating that there were possible errors in the analysis process and that he had not knowingly used the banned substance.

35. On 30 January 2024, the Athlete and the ITA had a "without prejudice" call during which the potential consequence of the ADRV was explained to the Athlete. The Athlete was informed that the outcome of the appeal before the TAB will impact the consequence of the sanction of the ADRV under the IWF ADR, especially a determination on whether the AAF on 28 July 2023 would be considered the first or second ADRV.

36. On 6 February 2024, the ITA requested that the Athlete confirm his choice between acceptance of the 8-year period of ineligibility proposed by the ITA or referral of the matter to the CAS ADD for adjudication. On that day the Athlete responded stating that he did not accept the suspension period that was proposed and that the case should be transferred to the CAS ADD.

37. On 6 March 2024, the ITA proposed an agreement on consequences which was subject to the outcome of the appeal before the TAB. In short, it proposed an agreement of consequences comprising of a four-year period of ineligibility with a one-year reduction for early admission by the Athlete (the "First Agreement of Consequences"), but that it would need to review the matter once the TAB proceedings were terminated so as to conclusively know whether the ADRV in question was the first or second ADRV.

38. On 8 March 2024, the Athlete responded to the above that the events leading to each of the alleged ADRVs should be considered as a single operation or situation and proposed that the period of suspension should not be more than three years along with the right of early admission and that all periods of ineligibility should start and end simultaneously.

39. On 30 May 2024, the ITA requested that the TADC confirm whether the TAB had issued its final decision concerning the Athlete's First ADRV.

40. On 31 May 2024, the ITA was informed that the file remained pending, as the chairman of the TAB had resigned, and a new board was yet to be appointed.

41. On 8 September 2024, the Athlete informed the ITA that, on appeal, the TAB had confirmed that the Athlete had committed an ADRV under Article 2.3 of the TADC ADR. Furthermore, the TAB decided that he did not commit an Article 2.5 TADC ADR violation and that the sanction was accordingly reduced from eight years to four years. The Athlete requested that in light of this information the three-year sanction be imposed against him in the IWF proceedings and that such sanction be served simultaneously with the TAB sanction.

42. On 9 March 2025, the TADC provided the reasoned decision of the TAB in the TADC Appeal to the ITA which confirmed the imposition of a four-year period of ineligibility starting from 27 July 2023.

43. Between 10 and 15 March 2025, the Athlete wrote to the ITA requesting approval for his request that a three-year period of ineligibility be imposed that will be served between 2023 and 2026.

44. On 21 March 2025 the ITA proposed a revised agreement on consequences proposing an eight-year period of ineligibility with a one-year reduction for early admission, but on the basis that the seven-year period of ineligibility would be served consecutively rather than concurrently with the TADC four-year period (the "Final Agreement of Consequences"). That is, the seven-year period of ineligibility proposed by the ITA would not conclude until 26 July 2034.

45. On 21 March 2025, the Athlete sent multiple emails to the ITA, *inter alia*, saying that he would not accept the Final Agreement of Consequences and maintained his position concerning them being regarded as one single operation or situation. On the same day, the ITA confirmed that the case will be referred to the CAS ADD for adjudication.

46. On 23 March 2025, the Athlete requested the ITA to revise the Final Agreement of Consequences and suggested that he would be willing to "*share information to help protect clean sport*", and requested a further online meeting which the ITA agreed to.

47. On 27 March 2025, the Athlete and the ITA had a "without prejudice" meeting, after which the ITA sought clarification from the TADC as to the manner in which the Athlete was notified of the First ADRV under the TADC ADR.

48. On 28 March 2025, the TADC clarified that the Athlete was notified by the TADC of the First ADRV by email on 27 July 2023, and that the Athlete responded to said email on the same day confirming that he received the notification.

49. On 4 April 2025, after further correspondence, which is not relevant for current consideration were submitted, the ITA informed the Athlete that the matter will be submitted to the CAS ADD for adjudication.

50. On 9 April 2025, the Athlete continued to contact the ITA on revising the Final Agreement of Consequences, purporting the correct application of Article 10.9.3.2 of the IWF ADR.

C. Proceedings before the Anti-Doping Division of the Court of Arbitration for Sport

51. On 7 May 2025, the IWF filed a request for disciplinary proceedings with the CAS ADD. The procedure was assigned to the CAS ADD with the effect that it was to be dealt with according to the Procedural Rules of the CAS ADD. The request comprised a 36-page document ultimately requesting that a ruling be made that the Athlete has committed an ADRV pursuant to Article 2.1 and/or 2.2 of the IWF ADR, and to impose the ensuing consequences.

52. On 20 May 2025, the Parties were notified that, in accordance with Articles A16 and A17 of the Rules for CAS ADD, that on behalf of the Division President, Mr Lachlan Gyles SC (Australia) had been appointed as Single Judge for this procedure.

53. On 8 July 2025, the hearing of the matter before the CAS ADD took place by videoconference commencing at 11.00 am CET. During the hearing, the ITA was requested to provide the English translations of the preliminary notices of the TADC ADRV from the TADC to the Athlete and the Turkish Weightlifting Federation, which appeared in Turkish in the case file. These translations were provided on 8 July 2025 and on 25 July 2025 (further to a subsequent request from the Single Judge) (the "**Translated Documents**").

54. On 29 August 2025, the Single Judge of the CAS ADD ruled as follows:

> *"1. The Request filed on 7 May 2025 by the International Testing Agency, on behalf of the International Weightlifting Federation, is upheld.*
>
> *2. Mr Batu Han Yuksel is found to have committed an ADRV of Article 2.1 and 2.2 of the IWF Anti- Doping Rules.*
>
> *3. Mr Batu Han Yuksel is sanctioned with a period of ineligibility of eight (8) years.*
>
> *4. The period of ineligibility imposed shall commence on 27 July 2027.*
>
> *5. All competitive results of Mr Batu Han Yuksel from the date of Sample collection (i.e. from 28 July 2023) until the date the Athlete was provisionally suspended (i.e. 29 August 2023) are Disqualified, with all resulting Consequences, including forfeiture of any medals, points and prizes.*
>
> *6. The costs of this procedure, to be served to the Parties separately, shall be determined in accordance with Article A24 of the ADD Rules, if required.*

7. Each party shall bear their own legal costs and other expenses incurred in connection with this procedure.

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

(the "Challenged Decision")

IV. PROCEEDINGS BEFORE THE APPEALS DIVISION OF THE COURT OF ARBITRATION FOR SPORT

55. On 9 September 2025, the Appellant filed a Statement of Appeal against the Challenged Decision with the Court of Arbitration for Sport ("CAS") in accordance with Article R47 et seq. of the Code of Sports-related Arbitration (the "CAS Code"), 2025 edition.

56. On 10 September 2025, the CAS Court Office acknowledged receipt of the Appellant's Statement of Appeal and invited the Appellant to submit further documents to complete his appeal under Article R48, para. 1 of the CAS Code.

57. On 13 September 2025, the Appellant informed the CAS Court Office that he uploaded all the necessary documents and nominated Mr. Halil Kasapoğlu as arbitrator for the present case.

58. On 17 September 2025, the CAS Court Office acknowledged receipt of the complete submissions of the Appellant for the appeal pursuant to Article R48 para. 1 of the CAS Code, as well as the Appellant's decision to designate the Statement of Appeal as his Appeal Brief. In the same letter, the CAS Court Office invited the Respondent to submit its Answer pursuant to Article R55 of the CAS Code, and to nominate an arbitrator in accordance with Article R53 of the CAS Code.

59. On 25 September 2025, the Respondent requested an extension of time until 31 October 2025 to file its Answer.

60. On the same day, the Appellant submitted his objections to the Respondent's request for an extension of time, with additional submissions on the same request from both the Respondent and Appellant thereafter.

61. On 29 September 2025, the CAS Court Office acknowledged receipt of the Parties' emails of 25 September 2025 and informed the Parties that the Respondent's time limit to file its Answer was already extended by ten days, pursuant to Article R32 of the CAS Code. In view of the Appellant's objection, the President of the CAS Appeals Arbitration Division, or her Deputy, shall decide on the Respondent's request and further information will be provided in due course.

62. On 1 October 2025, the CAS Court Office informed the Parties that the President of the CAS Appeals Arbitration Division has decided to grant a partial extension until 25 October 2025 for the Respondent to file its Answer, in accordance with Article R32 para. 2 of the CAS Code.

63. On 25 October 2025, the Respondent filed its Answer pursuant to Article R55 of the CAS Code.

64. On 27 October 2025, the CAS Court Office acknowledged receipt of the Respondent's Answer and invited the Parties to advise on whether they prefer a hearing to be held and whether they require a case management conference in order to discuss procedural issues. In the same letter, the Respondent is invited, again, to nominate an arbitrator.

65. On the same day, the Appellant requested that a hearing be held for the present matter.

66. Also on the same day, the Respondent informed the CAS Court Office that it did not believe a hearing to be necessary and requested for the case to be decided based on the Parties' written submissions.

67. On 31 December 2025, the CAS Court Office informed the Parties that the President of the CAS Appeals Arbitration Division has decided to submit the present case to a Panel and that in accordance with Article R54 of the CAS Code, the Panel appointed to decide the present matter was constituted as follows:

President:	Mr. Ulrich Haas, Professor in Zurich and Attorney-at-law in Hamburg, Germany
Arbitrators:	Mr. Halil Kasapoğlu, Attorney-at-law in Istanbul, Turkey
	Dr Emil Neszmélyi, Attorney-at-law in Budapest, Hungary

68. On 7 January 2026, the CAS Court Office informed the Parties that the Panel will be available for a hearing on 4 February 2026 and confirmed that no Party had requested a case management conference.

69. On 8 and 9 January 2026, the Respondent and the Appellant respectively confirmed that they are available for the hearing on 4 February 2026.

70. On 21 January 2026, the CAS Court Office issued an Order of Procedure ("OoP") and invited the Parties to return a signed copy hereof on or before 28 January 2026. The letter further reminded the Parties to communicate on or before 23 January 2026 the names, email addresses and back-up phone numbers of all persons that will be attending the hearing on their respective behalf.

71. On the same day, the Appellant returned a signed copy of the OoP. Furthermore, the Appellant provided the requested information for his interpreter and himself.

72. On 27 January 2026, the Respondent returned a duly signed copy of the OoP and provided the names and information in relation to the persons attending the hearing on its behalf.

73. On 28 January 2026, the CAS Court Office requested, on behalf of the Panel President, for the Parties' agreement for that Ms Chui Ling Goh be allowed to attend the hearing as the assistant of the Panel President.

74. On the same day and on 30 January 2026, the Appellant and the Respondent, respectively, agreed to the attendance of Ms Goh at the hearing.

75. On 4 February 2026, hearing was held via videoconference. The Panel was assisted by Ms Andrea Sherpa-Zimmermann (Counsel to the CAS) and Ms Chui Ling Goh (Assistant of the President). In addition, the following persons attended the remote hearing:

For the Appellant:

- Mr Batu Han Yuksel, Appellant
- Mr Zafer Demirkaya, interpreter

For the Respondent:

- Mr Adam Klevinas, Counsel
- Ms Tamara Carrasco, ITA Intern

76. At the outset of the hearing, the Parties confirmed that they had no objection as to the constitution of the Panel.

77. The Parties were given full opportunity to present their case, submit their arguments and answer the questions from the Panel. At the closing of the hearing, the Parties confirmed that the Panel had observed their right to be heard and their right to a fair trial and that they had no objections as to the manner in which the proceedings had been conducted.

V. SUBMISSION OF THE PARTIES

78. This section of the Award does not contain an exhaustive list of the Parties' contentions, its aim being to provide a summary of the substance of the Parties' main arguments. In considering and deciding upon the Parties' claims in this Award, the Sole Arbitrator has accounted for and carefully considered all of the submissions made and evidence adduced by the Parties, including allegations and arguments not mentioned in this section of the Award or in the discussion of the claims below.

A. The Athlete's Position

79. The Athlete seeks the following relief before this Court:

> *"Annul the eight-year consecutive sanction imposed by CAS ADD.*
>
> *Declare that the two alleged ADRVs should be treated as a single violation under Article*
> *10.9.3.2 of the IWF ADR.*
>
> *Alternatively, order that any sanctions be served concurrently, not consecutively.*

Reduce the total sanction to a maximum of four years (or such other reduced sanction as
the Panel deems fair and proportionate).

Correct the material error in the documents, specifically regarding the incorrect dates
in the English translation provided by Mr. Adam Klevinas (see Exhibits).

Grant any further relief deemed appropriate."

80. The Athlete contends that Article 10.9.3.2 of the IWF ADR mandates that violations occurring prior to notification of the first violation must be treated as a single violation. He argues that the 28 July 2023 test was conducted as part of a process initiated before the formal notification of the first violation; thus, the two incidents should be treated as a single violation rather than separate, consecutive violations.

81. The Athlete submits that TADC notified him of a potential violation in relation to the First ADRV on 27 July 2023, i.e. only one day before a doping control was scheduled on 28 July 2023. He argues that this demonstrates prior knowledge and a clear intent to prejudice him, undermining the fairness of the anti-doping process.

- At the hearing, the Athlete made extensive oral submissions on the conduct of Mr Mehmet Yoğurtçuoğlu, the Deputy General Director and Chief Operating Officer of TADC, whom he contends to have worked against him during the results management process of the First ADRV. Specifically, the Athlete argued that Mr Yoğurtçuoğlu had acted in bad faith and had presented the Athlete as "guilty" and made things "very hard" for the Athlete.

- Specifically, the Athlete informed the Panel that Mr. Yoğurtçuoğlu is no longer the Deputy General Director and Chief Operating Officer of TADC due to "conflict of interest" issues, which the Athlete had highlighted at the TAB proceedings.

82. The Athlete asserts that his voluntary submission to doping control on 28 July 2023 and his request for an additional sample collection demonstrate a commitment to transparency rather than intentional doping. He argues that he would not have cooperated so fully had he knowingly used a prohibited substance.

83. The Athlete alleges that during the CAS ADD hearing on 8 July 2025, the Single Judge expressed that consecutive sanctions were inappropriate and counsel for the Respondent appeared to concede they were disproportionate. He argues the Challenged Decision contradicts these statements.

84. The Athlete contends that the ITA's shifting positions – initially proposing a four-year sanction, then an eight-year sanction, and finally seeking consecutive sanctions – caused significant uncertainty. He argues that the ITA's behaviour deprived him of a clear legal

position and violated the principle of legal certainty and his right to a fair defence.

B. The Respondent's Position

85. In its Answer, the Respondent sought the following prayers for relief:

> *"1. The ITA's Answer is admissible.*
>
> *2. The Challenged decision is upheld.*
>
> *3. Mr Batu Han Yuksel is found to have committed an ADRV of Article 2.1 and/or 2.2 of the IWF Anti-Doping Rules.*
>
> *4. Mr Batu Han Yuksel is sanctioned with a period of Ineligibility of eight years.*
>
> *5. The period of Ineligibility shall start on the date on which the CAS award enters into force, taking into consideration the time served under the period of Ineligibility imposed by the Challenged Decision*
>
> *6. All competitive results of Mr Batu Han Yuksel from the date of Sample collection (i.e., from 28 July 2023) until the date the Athlete was provisionally suspended (i.e. 29 August 2023) are Disqualified, with all resulting Consequences, including forfeiture of any medals, points and prizes.*
>
> *7. The costs of the proceedings, if any, shall be borne by Mr Batu Han Yuksel.*
>
> *8. Mr Batu Han Yuksel is asked to reimburse all costs associated with the ADRV.*
>
> *9. The ITA is granted an award for its legal and other costs pursuant to Art. 10.12.1 of the IWF Anti-Doping Rules and that no cost shall be borne on the IWF for Mr Batu Han Yuksel's legal costs (if any) or otherwise.*
>
> *10. Any other prayer for relief that the Panel deems fit in the facts and circumstances of the present case."*

i. Jurisdiction, Admissibility, and Applicable Law

86. The Respondent submits that this Panel has jurisdiction to hear the present dispute under Article R47 of the CAS Code, read together with Article 13.2.1 of the IWF ADR and Article A2 of the Procedural Rules of the CAS ADD.

87. The Respondent further submits that the Answer was filed in accordance with Article R55 of the CAS Code and within the time limit set by the CAS.

88. The Respondent highlights that ADRVs which occur in 2023 are governed by the IWF ADR in force then i.e., the 2023 IWF ADR. The 2023 IWF ADR was subsequently replaced by later versions of the regulations. As such, the asserted ADRV for the present case shall be governed substantively by the 2023 IWF ADR, while the 2025 IWF ADR shall regulate the procedural aspects of this matter.

ii. Merits of the Dispute

On the Burden of Establishing the ADRV:

89. The Respondent submits that, under Article 3.1 of the IWF ADR, it has successfully established to the comfortable satisfaction of the Panel that an ADRV has occurred.

- Sufficient proof is established by the presence of a Prohibited Substance in the Athlete's A Sample (Article 2.1.2 IWF ADR) and the Athlete's waiver of the B Sample analysis.

- The Respondent emphasises the principle of strict liability under Article 2.1.1 of the IWF ADR, noting that it is not necessary to demonstrate intent, fault, or negligence to establish a presence violation.

- The Athlete's A Sample confirmed the presence of oxymetholone metabolite, a potent anabolic steroid, and the Athlete has not provided evidence to rebut the presumption of laboratory compliance with the ISL.

- The Athlete also does not benefit from a TUE for the Use of oxymetholone or any other Prohibited Substance.

90. Regarding the Athlete's allegations of bad faith, the Respondent reiterates that the Athlete has not filed any evidence or argument that the provisions of the ISL was violated, or that the sample collection process did not comply with the International Standard for Testing and Investigations ("ISTI"). The Athlete's claims of prejudice or intent to undermine the process are unsubstantiated.

- The Athlete did not record any objections on his DCF in relation to the sample collection process.

- The Athlete also did not raise any concern on his DCF regarding the fact that he was notified of the potential Article 2.3 ADRV on 27 July 2023 when he was tested on 28 July 2023.

- The Athlete's argument that the timing of the notification undermines the fairness of the anti-doping process and raises concerns about bad faith on TADC's part is nothing more than an evident *ex post facto* attempt to avoid the Consequences of his acts, being his clear refusal to submit to Doping Control on 11

July 2023, and his AAF for a potent anabolic steroid on 28 July 2023.

- The Respondent maintains that that the timing of the TADC notification (27 July 2023) and the subsequent test (28 July 2023) was purely coincidental. The Respondent notes that the 28 July 2023 mission was conducted by Clearidium, a private agency, and that the TADC had no prior knowledge of the planned mission.

- The TADC has confirmed from its email records that it was not informed that the Athlete would be tested on 28 July 2023. In fact, Clearidium was given a Testing window between 25 July 2023 and 6 August 2023 to conduct the OoC test on the Athlete depending on its DCO availability.

- The Respondent asserts that the TADC followed standard procedures in notifying the Athlete of the First ADRV. Even if the TADC had been aware of the upcoming second test (which is denied), the timing of the notice does not prove a specific intent to prejudice the Athlete.

- In any event, the timing of the AAF notification on 27 July 2023 has no bearing on the objective fact that a prohibited substance was present in the Athlete's system during the subsequent sample collection on 28 July 2023.

91. The Athlete's argument on the "six-month time period" under Article 4.2 of the International Standard on Results Management ("ISRM") has no merits.

- The six-month period for Results Management is a recommendation and not a mandatory requirement. Consequently, exceeding this timeline does not constitute a material procedural breach.

- In any event, the duration of the proceedings had no causal link to the presence of the prohibited substance in the Athlete's system.

- Because the procedural delay did not affect the analytical results, the validity of the ADRV under Article 2.1 of IWF ADR remains undisputed.

On the Athlete's Failure to Establish Lack of Intent:

92. The Respondent asserts that once the ADRV is established, the burden shifts to the Athlete to prove that the violation was not intentional to avoid a four-year period of ineligibility. However, the Athlete has focused his appeal on whether or not he has committed a second ADRV for the purpose of Article 10.9.1.1 of the IWD ADR, and whether Article 10.9.3.2 of the said Rules should apply; as such, any attempt to challenge the present ADRV under Article 2.1 of the IWF ADR should not be considered by the present Panel.

- The Athlete has not attempted to establish the origin of the oxymetholone in his system, or adduced any evidence to demonstrate the same. Pursuant to Article 10.2.1.1, it is "highly unlikely" that an athlete can prove a lack of intent without

first establishing the origin of the Prohibited Substance, unless truly exceptional circumstances can be found (CAS 2017/O/5218).

- The Athlete failed to provide any concrete explanation for his AAF, offering only "surprise" and speculative theories regarding "contamination" or "laboratory error" without supporting evidence.

- The Athlete's argument that his willingness to undergo the test proves he did not knowingly use a prohibited substance cannot be accepted without proper supporting evidence, noting as well that such an assertion does not meet the legal threshold for establishing a lack of intent.

93. In the present matter, the Athlete has failed to move beyond mere speculation. The Respondent notes that:

- The Athlete initially suspected "human error" but provided no evidence of ISL departures.

- The Athlete speculated about "contaminated supplements" but failed to identify or analyse specific products to satisfy the balance of probability standard.

- The Athlete's claim that he would not have "voluntarily" submitted to a test if he knew he used a prohibited substance carries no weight, as a refusal would have triggered immediate sanctions for a second ADRV (after the First ADRV) regardless.

94. The Respondent specifically highlights that oxymetholone is classified as an anabolic androgenic steroid (AAS) according to S1 of the WADA's Prohibited List as a non-Specified Substance, and is particularly effective as a doping agent in strength-based sports such as weightlifting.

95. As the origin of oxymetholone in the Athlete's system remains unknown, the Respondent maintains that it is impossible to assess whether the Athlete exercised the required duty of care. Since the violation in question here is a second ADRV, the Athlete should be sanctioned with an eight-year period of ineligibility.

- The circumstances of the Athlete's present ADRV under Article 2.1 of the IWF ADR remains unknown, which also prevents the Panel from making a finding on any fault-based reductions.

- While the Athlete alluded to being willing to "*share information to help protect clean sport*", the Athlete has not provided any further details of the same, specifically, any information on Substantial Assistance under Article 10.7.1 of the IWF ADR.

On the Application of Article 10.9 and Consecutive Sanctions:

96. The Respondent maintains that the present ADRV must be treated as a second and separate violation.

- Under Article 10.9.3.1 of the IWF ADR, a violation is considered a "second" if it occurs after the Athlete received notice of the first.

- The evidence confirms the Athlete took note of the TADC notice on 27 July 2023, one day prior to the IWF sample collection. However, just because the Athlete was formally notified of the First ADRV on 27 July 2023 – one day before the second sample collection – the two events cannot be legally considered a "single operation" or a single violation. The Athlete is not able to prove that the 28 July 2023 sample collection was conducted as part of a process initiated before the notification of the First ADRV.

- The Respondent distinguishes between the First ADRV (Article 2.3 TADC ADR on 11 July 2023 under TADC authority) and the second ADRV (Article 2.1 and/or Article 2.2 IWF ADR on 28 July 2023 under IWF authority). Despite the proximity in timing (which is a mere coincidence), both violations are separate events handled under different regulations.

- In the Athlete's case, the conditions of Article 10.9.3.1 of the IWF ADR are fully satisfied since he received notification of the TADC ADRV on 27 July 2023, and acknowledged receipt the same day, even if only one day before the doping control on 28 July 2023 occurred.

- Article 10.9.3.2 of the IWF ADR cannot apply in the present case as the Athlete did not commit his second ADRV prior to notification, *viz*, on 28 July 2023, one day after the TADC ADRV notification on 27 July 2023.

97. Consequently, the Respondent submits that the correct application of the regulations requires the following to be imposed:

- Under Article 10.9.1.1(b)(ii) of the IWF ADR, the period for the second violation is twice the period applicable to the second violation if treated as a first (i.e., 8 years).

- As the Athlete is currently serving a four-year term for the TADC ADRV, the new eight-year term must commence on 27 July 2027, which is the first day after the expiry of the term for the First ADRV.

98. Finally, the Respondent rejects the Athlete's proportionality arguments. Following established CAS jurisprudence (e.g., CAS 2018/A/5739), the principle of proportionality is already built into the WADC-compliant framework of the IWF ADR through the fault-based assessment, and there is no basis for a further "extra-regulatory" reduction.

99. In addition to the period of Ineligibility imposed, as per Article 10.10 of the IWF ADR, the Respondent submits that all of the Athlete's results obtained between the date of the

present ADRV (28 July 2023) until the imposition of the Provisional Suspension (29 August 2023), if any, must remain disqualified, including forfeiture of any medals, points and prizes.

VI. JURISDICTION

100. Article R47 of the CAS Code provides – in its pertinent parts – as follows:

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

101. In the absence of a specific arbitration agreement, in order for the CAS to have jurisdiction to hear an appeal, the statutes or regulations of the sports-related body from whose decision the appeal is being made must expressly recognise the CAS as an arbitral body of appeal.

102. The jurisdiction of the CAS derives from Article 13.2.1 of the IWF ADR which provides – in its pertinent parts – as follows:

> *"13.2.3 Persons Entitled to Appeal*
>
> *13.2.3.1 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: (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."*

103. It is uncontested between the Parties that the Appellant is an international-level athlete within the above meaning and that CAS has jurisdiction to hear the appeal.

104. Further, no issues arising out of Article A15 of the Procedural Rules of the CAS ADD arose since the Challenged Decision was decided by a single judge. Article A15 of the Procedural Rules of the CAS ADD provides – in its pertinent parts – as follows:

> *"A15 Constitution of a Three-member Panel*

> *When the parties agree to have a three-member Panel instead of a Single Judge, they also agree to forgo their right of appeal before the CAS Appeals Division. The agreement only binds the parties that have agreed to waive this right. […]*"

105. The Parties further confirmed the jurisdiction of the CAS by signing the OoP.

106. Consequently, the Panel is satisfied that the CAS has jurisdiction to decide the present dispute.

VII. ADMISSIBILITY

107. Article R49 of the CAS Code provides – in its pertinent parts – 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 of a previous agreement, the time limit for appeal shall be twenty-one days from the receipt of the decision appealed against. After having consulted the parties, the Division President may refuse to entertain an appeal if it is manifestly late."*

108. The Appellant filed the Statement of Appeal on 9 September 2025, after the issuance of the Challenged Decision on 29 August 2025. The Appellant eventually uploaded all the necessary documents to complete the Statement of Appeal by 13 September 2025, within the deadline granted by the CAS Court Office pursuant to Article R48 para. 3 of the CAS Code.

109. The Panel highlights that the Appellant has confirmed that the Statement of Appeal serves also as the Appeal Brief. As such, the Panel has admitted the Statement of Appeal as the Appeal Brief.

110. As such, the present appeal is admissible.

VIII. APPLICABLE LAW

111. 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."*

112. The applicable regulation on hand is the IWF ADR, specifically, the application of the 2023 IWF ADR on the present matter in dispute, i.e. the doping control conducted on 28 July 2023.

113. The Panel is aware that the IWF ADR is presently at its 2025 edition, and agrees with the Respondent that the procedure will be governed by the 2025 IWF ADR. The Athlete did not make submission on this issue. Accordingly, the Panel finds that the application of the 2023 IWF ADR shall be limited to the substantive issues on hand while the 2025 IWF ADR will govern the procedural aspects of the present proceedings.

114. Subsidiarily, the law of Switzerland shall apply should the need arise to fill a *lacuna* in the IWF ADR, being the law of the country in which the IWF is domiciled. Of course, such subsidiarily application of the law of Switzerland must be applied with caution, since Article 23.3 of the IWF ADR states as follows:

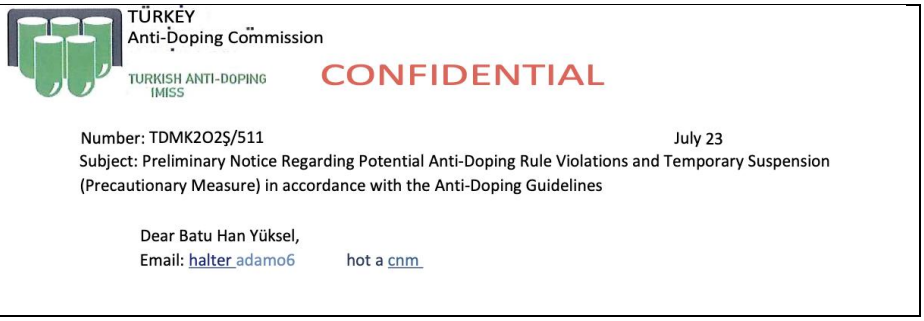
> *"The Code shall be interpreted as an independent and autonomous text and not by reference to the existing law or statutes of the Signatories or governments."*

IX. OTHER PROCEDURAL ISSUES

115. One of the requests for relief of the Athlete is for the Panel to "*[c]orrect the material error in the documents, specifically regarding the incorrect dates in the English translation provided by Mr. Adam Klevenas*". Supporting this request, the Athlete submits the Translated Documents tendered by the Respondent before the CAS ADD, which contain electronic translations of the notices related to the First ADRV from the TADC to the Athlete and the Turkish Weightlifting Federation.

116. At the outset, the Panel notes the imperfections in the electronic translation of the notices related to the First ADRV and the Translated Documents, specifically, the incorrectly translated date on the top of the notice from the TADC to the Athlete, as follows:

Description	**Screenshot of documents**
Original TADC ADRV Notice in Turkish	TÜRKİYE DOPİNGLE MÜCADELE KOMİSYONU TURKISH ANTI-DOPING COMMISSION GİZLİ **Sayı:** TDMK2023/511 27 Temmuz 2023 **Konu:** Dopingle Mücadele Talimatı gereğince olası Dopingle Mücadele Kural İhlallerine ilişkin ve Geçici Askıya Almaya (Tedbir) ilişkin Ön Bildirim Sayın Batu Han Yüksel, e-posta: halter_adam06@hotmail.com

Translated TADC ADRV Notice	

117. At the hearing, the Respondent submitted that with regards to the request to submit this Translated Document by the Single Judge at the proceedings before the CAS ADD, the Single Judge agreed to have the translation done electronically. Further, not bearing the errors arising from the imperfect translation, there is no misrepresentation or absence in understanding on the actual facts of the case, *viz*, that the Athlete was notified of the First ADRV on 27 July 2023, not 23 July 2023.

118. The Panel observes that this document serves only to show the date for which the TADC provided the preliminary notice to the Athlete, with the original Turkish document stating 27 July 2023, while the Translated Document states "July 23". The Panel agrees with the Respondent that the facts of the case remain uncontested and undisputed between the Parties, specifically that the Athlete was notified by the TADC of the First ADRV on 27 July 2023.

119. Accordingly, the Panel dismisses the Athlete's request to have the Translated Documents corrected, given that it is not disputed that the Athlete was notified by the TADC of the First ADRV on 27 July 2023.

X. SCOPE OF REVIEW

120. Article R57 para. 1 of the CAS Code provides – in its pertinent parts – as follows:

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

121. Pursuant to Article R57 para. 1 of the CAS Code, the Panel has full power to review the facts and the law of the case. Furthermore, the Panel may issue a new decision which replaces the decision challenged or may annul the decision and refer the case back to the previous instance.

XI. MERITS

122. It is uncontested between the Parties that the Athlete committed an ADRV on 11 July 2023 and a further ADRV on 28 July 2023. Furthermore, it is equally uncontested that the Athlete was notified of the First ADRV on 27 July 2023 and that the TAB finally and bindingly decided on the First ADRV by imposing on the Athlete a four-year period

of ineligibility.

123. The Panel finds that the remaining disputed questions in this case can be grouped into the following three (3) main issues:

- What is the appropriate period of Ineligibility to be applied to the present case? Specifically, does the present case satisfy the conditions for the present ADRV to be considered a "second violation", or should the First ADRV and the present ADRV be constituted as a "single first violation", pursuant to Article 10.9.3.1 of the IWF ADR?;

- Under what circumstances do sanctions in the form of periods of ineligibility run consecutive and/or concurrently? If concurrently, does such finding violate the legal principle of proportionality?; and

- Did the ITA commit any procedural errors in the results management process which impacted the Athlete's right to legal certainty and his right to fair defence? Specifically, what is the effect of the ITA email dated 7 September 2023 (the "7 September ITA Email") to the Athlete?

124. At the outset, the Athlete does not seem to contest the commission of an Article 2.1 and/or 2.2 ADRV. It remains that there is nothing in the Athlete's requests for relief about overturning the Challenged Decision that he was "*found to have committed an ADRV of Article 2.1 and 2.2 of the IWF Anti- Doping Rules*".

125. However, the Panel observes that the Athlete made one particular statement in his Statement of Appeal (which is doubled up as his Appeal Brief), in which the Athlete stated that "*if [he] had knowingly used a prohibited substance, [he] would not have voluntarily submitted to doping control on 28 July 2023*", in his submissions on his good faith and transparency. The Athlete's Statement of Appeal is a short document, consisting only of three (3) pages and the Panel is left to infer and extrapolate whether the Athlete contests the basic period of Ineligibility of four (4) years, pursuant to Article 10.2.1 of the IWF ADR. Further, no additional submissions or supporting documents on the issue of "intention" was provided by the Athlete. The Respondent submits that the Panel should not delve into any assessment on the Athlete's present ADRV, save for the assessment on the period of Ineligibility to be applied, and whether the said sanctions should be served consecutively.

126. At the hearing, the Appellant made no attempt to explain or add to his positions in his Statement of Appeal on the issue of intention, or supplement his requests for relief. At the hearing, the Appellant centred his arguments entirely on the conduct of Mr. Yoğurtçuoğlu and the application of Article 10.9.3.2 of the IWF ADR, highlighting his intentions only to contest the application of the sanctions, rather than the commission of the ADRV of Article 2.1 and 2.2 of the IWF ADR.

127. Accordingly, the Panel finds that the present matter is, in principle, the Appellant's second ADRV.

A. "Second Violation" under Article 10.9.3.1 IWF ADR

128. Given the positive determination on the Athlete's present ADRV, the next issue to consider is the period of ineligibility to be imposed on the Athlete.

1. The legal framework

129. The period of ineligibility applicable to the Athlete for the present case follows from Article 10.9.1.1 of the IWF ADR, which sets out the framework for the calculation of the period of Ineligibility for multiple violations. Article 10.9.1.1 of the IWF ADR sets out the following:

> *"10.9 Multiple Violations*
>
> *10.9.1 Second or Third Anti-Doping Rule Violation*
>
> *10.9.1.1 For an Athlete or other Person's second anti-doping rule violation, the Period of Ineligibility shall be the greater of:*
>
> *(a) A six (6) month period of Ineligibility; or*
> *(b) A period of Ineligibility in the range between:*
>
> *(i) the sum of the period of Ineligibility imposed for the first anti-doping rule violation plus the period of Ineligibility otherwise applicable to the second anti-doping rule violation treated as if it were a first violation, and*
> *(ii) twice the period of Ineligibility otherwise applicable to the second anti-doping rule violation treated as if it were a first violation.*
>
> *The period of Ineligibility within this range shall be determined based on the entirety of the circumstances and the Athlete or other Person's degree of Fault with respect to the second violation."*

2. The principle enshrined in Article 10.9.3.1

130. The above provision (which is substantively identical to 2025 IWF ADR) applies to "multiple violations" only. Multiple violations within the above meaning require that the Athlete has committed multiple ADRV. However, multiple ADRVs do not constitute automatically "multiple violations". Under what conditions multiple ADRVs qualify as multiple violations is dealt with in Article 10.9.3.1 of the IWF ADR, which sets out the following:

> *"10.9.3.1 For purposes of imposing sanctions under Article 10.9, except as provided in Articles 10.9.3.2 and 10.9.3.3, an anti-doping rule violation will only be considered a second violation if IWF can establish that the Athlete or other Person committed the additional anti-doping rule violation after the*

Athlete or other Person received notice pursuant to Article 7, or after IWF made reasonable efforts to give notice of the first anti-doping rule violation. If IWF cannot establish this, the violations shall be considered together as one single first violation, and the sanction imposed shall be based on the violation that carries the more severe sanction, including the application of Aggravating Circumstances. Results in all Competitions dating back to the earlier anti-doping rule violation will be Disqualified as provided in Article 10.10."

131. Under the above Article, an ADRV is only considered a "second violation" if:

- the Respondent is able to establish to the comfortable satisfaction of the Panel that the Athlete committed the ADRV after the Athlete received notice of the First ADRV; or

- the Respondent is able to establish to the comfortable satisfaction of the Panel that the Athlete committed the ADRV after the Respondent made reasonable efforts to give notice of the First ADRV to the Athlete.

132. On the contrary, if neither of the above can be established by the Respondent, the ADRVs will be treated together as a "single first violation", resulting in the application of one (1) suspension term with the sanction based on the ADRV that carries the most severe penalty.

133. The Panel notes that the Athlete was notified of the First ADRV on 27 July 2023, i.e. one day prior to the taking of the sample that constitutes the next ADRV. Consequently, the ADRV in question here constitutes a second violation within the meaning of Article 10.9.1 of the IWF ADR 2023.

3. No exception based on Article 10.9.3.2 IWF ADR

134. The Appellant submits that the general principle to differentiate between a first and a second violation is superseded in the case at hand by other principles. The Panel takes notice of the Athlete's submissions on the application of Article 10.9.3.2 of the IWF ADR. The provision reads as follows:

"If IWF establishes that an Athlete or other Person committed an additional anti-doping rule violation prior to notification, and that the additional violation occurred twelve (12) months or more before or after the first noticed violation, then the period of Ineligibility for the additional violation shall be calculated as if the additional violation were a stand-alone first violation and this period of Ineligibility is served consecutively, rather than concurrently, with the period of Ineligibility imposed for the earlier-noticed violation. Where this Article 10.9.3.2 applies, the violations taken together shall constitute a single violation for purposes of Article 10.9.1."

135. However, the Panel finds that Article 10.9.3.2 of the IWF ADR does not apply to the

present case, as it pertains to the commission of an additional ADR *prior* to notification, which is not the case in the instant case. It is undisputed between the Parties that the Athlete was notified of his TADC ADRV on 27 July 2023 (for which he acknowledged receipt that day), and the doping control for the present ADRV was on 28 July 2023, one day later.

4. No Exception based on a holistic approach

136. The Appellant further submits that the uniform facts of life underlying this case should not be assessed separately, but together. He argues that the 28 July 2023 test was conducted as part of a process initiated before the formal notification of the First ADRV. The notification – according to the Athlete – dissects what in reality forms a uniform act. He therefore encourages the Panel to look at the facts holistically and to find that both incidents should be treated as a single violation. The Respondent objects to this and points to the applicable rules, which provide that whenever a notification occurred one must sperate the events before and after such notification.

137. The Panel accepts that there might be incidents, in which the IWF ADR need corrections. The Panel is aware that the 2027 WADA Code provides for such an exception in the new Article 10.9.3.4. The latter reads as follows:

> *"Where an Athlete is charged with a second anti-doping rule violation under Article 2.1, and the Athlete can establish that the Adverse Analytical Finding for the second anti-doping rule violation resulted solely from the residual presence of the Prohibited Substance in their system from the same ingestion or Use that resulted in the first anti-doping rule violation, the Athlete shall be deemed to have established they bear No Fault or Negligence for the second violation, and the second violation shall not be considered a violation for purposes of Article 10.9"*

138. The above article provides that where both violation (separated by notification) are based on a single act (i.e. the intake of the same substance), a holistic approach is warranted. The Panel finds that the case at hand is very different from the above. The two violations are not based on a single act, but on very different acts (i.e. refusing sample collection and presence of a prohibited substance). The Athlete has not claimed that he refused sample collection on 11 July 2023, because he ingested a prohibited substance that was still present on 28 July 2023, when the doping test was performed. Both violations, thus, do not have a common basis.

139. The Athlete further submits that notifying him of the First ADRV on 27 July 2023 and then conducting a test on him the next day is *mala fide*. The Panel is not prepared to follow this. The notification of the First ADRV and the second doping test were within the authority of different results management authorities. The Appellant has failed to submit any evidence that either TADC knew that one day after the notification an OoC-test would be performed on the Athlete or vice versa that IWF knew – at the time the OoC-test was performed – that the Athlete had just been notified of the First ADRV. But even if both Anti-Doping Organisations (ADOs) knew about each other's actions,

this in itself would not constitute bad faith, especially given that there should have been no basis for either ADOs to suspect that the Athlete would test positive of a Prohibited Substance at the OoC-test.

140. Consequently, the Panel finds no legal basis to deviate from the principle enshrined in Article 10.9.3.1 of the IWF ADR that a notification of an ADRV separates the facts of case into two distinct parts.

5. Interim Conclusion

141. As set out above, it is undisputed in this case by the Athlete that he received notice of the TADC ADRV on 27 July 2023. In fact, the Athlete has not contested the authenticity of the acknowledgement email he sent on 27 July 2023 to the TADC before this Panel. At the hearing, the Athlete alluded to how Mr. Yoğurtçuoğlu had persuaded him to accept the situation of the TADC ADRV, but it does not detract from the central fact that the Athlete *had received* the notification of the TADC ADRV on 27 July 2023.

142. Given that the Respondent has established that the Athlete committed the present ADRV *after* the Athlete received notice of the TADC ADRV, the Panel finds that the condition in Article 10.9.3.1 of the IWF ADR is satisfied for the "second violation", and consequently finds that the present ADR is not part of "one single first violation" but a "second violation".

143. If one applies the legal framework applicable to a "second violation" (Article 10.9.1.1 of the IWF ADR) the period of ineligibility for the ADRV in question in these proceedings is 8 years, since the second ADRV (if treated as a stand-alone first violation) carries a sanction of 4 years.

B. Consecutive Sanctions and Proportionality

1. The general rule

144. Article 10.9.3.4 of the IWF ADR provides as follows:

> *"If IWF establishes that a Person has committed a second or third anti-doping rule violation during a period of Ineligibility, the periods of Ineligibility for the multiple violations shall run consecutively, rather than concurrently.*"

145. Article 10.9.3.4 of the IWF ADR addresses the situation that the IWF establishes a further anti-doping rule violation while an athlete is already serving a period of ineligibility. In such case, the provision clarifies that the period of ineligibility for the second violation will not start from the date of the final hearing decision (Article 10.13 of the IWF ADR). Instead, the new period of Ineligibility runs consecutively to the current term. This ensures that the sanctions are "stacked" rather than served at the same time, i.e. concurrently. This principle is also enshrined in Article 10.13 of the IWF ADR, where it is stated 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. …"*

146. A period of ineligibility imposed for a second ADRV in case the sentence for the first ADRV has not been fully served, will thus always extend the total duration of the athlete's exclusion from the sport. Any different solution would not be appropriate, since otherwise an athlete who has already served his or her term for the first violation at the time the second period of ineligibility is imposed would be worse off compared to an athlete who was notified the second period of ineligibility while serving the term of the first violation. There is, however, no valid reason to treat both cases differently.

147. To conclude, therefore, any term for a second ADRV only starts running once the period of ineligibility for the first violation has been fully served. Thus, there is no reason to make the periods of ineligibility for multiple violation run concurrently.

2. Exception based on proportionality

148. The Appellant submits that consecutive periods of ineligibility would violate the principle of proportionality. The Respondent, on the contrary, contends that concurrent sanctions follow from the regime under Article 10.9 of the IWF ADR. It argues that the specific mathematical formulas set out in Article 10.9 of the IWF ADR – which are compliant with the WADA Code – displace general principles of proportionality under Swiss law, except in truly extraordinary circumstances.

149. The Panel observes that CAS jurisprudence has consistently established that the proportionality of a sanction must be assessed primarily against the background of the applicable regulations. Where the regulations provide for a specific, mandatory sanctioning regime for recidivism (as is the case with Article 10.9), a Panel's discretion to depart from those rules, which form a worldwide consensus, is very limited.

150. The objective of the consecutive sanctioning rule in Article 10.9.3 of the IWF ADR is to ensure that each distinct violation carries a separate and meaningful deterrent effect (cf. supra no. 130 et seq). The Athlete has committed a first and second violation (cf. supra no. 142 seq.). The mere fact that the second violation happened in close proximity to the first one is no ground to mitigate the period of ineligibility for the second violation or to deviate from the clear wording in Article 10.13 of the IWF ADR.

151. Furthermore, the "totality principle" in sentencing – where a court ensures that a total sentence for multiple crimes is not unconscionable – has a limited application in the anti-doping context. As noted in CAS 2018/A/5546, the WADA Code (and by extension the IWF ADR) already incorporates proportionality into its design by allowing multiple fault-related and non-fault-related reductions.

152. In the present case, the Appellant has not established that he meets the criteria for reduction for either the TADC ADRV or the present ADRV. While the Panel acknowledges that a twelve-year ban (for both violations) is severe, it is the result of two separate

and distinct ADRVs committed by the Athlete, with the first being an ADRV based upon Article 2.3 of the IWF ADR and the second a violation according to Article 2.1 and 2.2 of the IWF ADR.

153. The Panel concludes that in view of all of the above the eight-year period of ineligibility for the ADRV forming the matter in dispute in these proceedings is proportionate to the nature of the offence and must run consecutively.

3. Alleged Procedural Errors and Contradiction

154. The Appellant submits that there were procedural errors and contradictions made by the ITA, which have violated the legal principle of legal certainty and his right to a fair defence. The Appellant highlighted that the ITA had "*initially proposed a four-year sanction, then changed its position to an eight-year sanction, and ultimately sought consecutive sanctions*".

155. The Panel notes that the Respondent initially provided an Agreement of Consequences on 6 March 2024, which contained a four-year period of ineligibility with one-year reduction for early admission for the present ADRV. However, in this Agreement of Consequences, the ITA expressly drew the Athlete's attention to the fact that the ITA would have to eventually review the matter and decide on the applicable period of ineligibility upon the conclusion of the TADC proceeding and appeal before the TAB, which will include the potential application of Article 10.9.1.1 of the IWF ADR for second violations. The ITA included certain clarifications in the First Agreement of Consequences as follows:

> *"38. However, at this stage, pending a final determination of the TADC Proceedings, the ITA is constrained to proceed on the basis that the applicable period of Ineligibility for the present violation is four years with a one-year reduction for admission under Article 10.8.1, which is the minimum period of Ineligibility which could be imposed on the Athlete for the present violation.*
>
> *39. For the sake of clarity, the ITA will review the matter and will decide on the applicable period of Ineligibility (including the potential application of Article 10.9.1.1) upon conclusion of TADC Proceedings, which the Athlete acknowledges and accepts.*
>
> *[…]*
>
> ***VI. <u>AGREEMENT BETWEEN THE PARTIES (Article 8.3.1 of the IWF ADR</u>***
>
> *[…]*
>
> *The findings of the "Full Reasoning for the Agreement" and terms proposed are without prejudice to the approach that the IWF and/or the ITA will adopt*

in the event that further disciplinary proceedings on the matter in dispute are necessary, in the event that the Athlete refuses to enter into the proposed agreement and/or depending on the outcome of the TADC Proceedings. More precisely, the IWF and/or the ITA reserve the right to bring forward or amend any pleadings and/or request any different applicable sanction in any potential future disciplinary proceedings on the matter in dispute.

[…]"

156. It is clear to the Panel from the above that the Appellant was advised that the imposition of the four-year period of ineligibility referred to in this initial Agreement of Consequences was made with a caveat based on the outcome of the TADC proceedings, and there was no legal uncertainty afforded to the Appellant. The Respondent's eventual decision to offer an eight-year period of ineligibility in the Final Agreement on Consequences after the TADC proceedings were completed was not a "contradiction", but rather a consequence of the caveat which the Appellant was made cognisant of, or one that he should have been cognisant, from the outset.

157. However, the Panel is aware of the 7 September ITA Email, which made no such caveat of the possible variance to the four-year period of Ineligibility due to a potential second ADRV. Specifically, the 7 September ITA Email contains – in relevant parts – the following:

Dear Mr. Batu Han YÜKSEL,

We acknowledge receipt of your email of 6 September 2023 in the above-captioned matter.

In response to same, we hereby inform you that your options in relation to the B-sample analysis and the opportunity to admit to the ADRV are the following:

1. *Request the opening and analysis of the B-sample by 13 September 2023 13 September 2023 13 September 2023 13 September 2023, as per our email of 6 September 2023. In the event the B-sample analysis confirms the results of your A-sample, the ADRV will be confirmed and the ITA will provide you with a deadline of 20 days to admit to the ADRV.* ***In such event, and as explained in the Notice of AAF, you will be granted a one-year reduction of the applicable period of Ineligibility (i.e. 3 years instead of 4 years of Ineligibility)****; OR*

2. *You can waive your right to the B-sample analysis and admit to the ADRV already at this stage. In such event, the ITA will send you an Agreement on the Consequences of your ADRV, to be accepted within 20 days in order to receive the one-year reduction of the applicable period of Ineligibility. If you accept the Consequences of the ADRV, the proceedings will b deemed as resolved from the IWF's standpoint.*

We hope to have provided the requested clarifications and remain available should you have any further queries.

Kind regards,
On behalf of the IWF,
Charlotte Frey"

[emphasis added]

158. As submitted by the Respondent in the present proceedings, the applicable period of ineligibility for the Athlete in the present case is eight (8) years after the confirmation of the First ADRV, in accordance with Article 10.9.1.1(b) of the IWF ADR. It is also conceded by the Respondent that the above letter contains a "clerical mistake". The Respondent relies on the fact that the 7 September ITA Email made reference to the Notice of AAF, which was sent on 29 August 2023, containing the representation that the period of ineligibility for multiple violations is assessed in accordance with Article 10.9.1.1 of the IWF ADR.

159. The issue before the Panel is whether the 7 September ITA Email, which specified a four-year sanction without the explicit caveats later found in the various Agreement on Consequences, created a legitimate expectation or a procedural irregularity that vitiates the subsequent imposition of an eight-year sanction.

160. The Panel is of the view that the 7 September ITA Email did not create a legitimate expectation on the part of the Appellant. The Athlete did not submit any evidence that he "relied" on the options that were explained in the email. Furthermore, the 7 September ITA Email clearly provided that further correspondence would follow. In addition, the Panel notes that the "clerical mistake" could have been detected by the Athlete. The email was indeed imprecise, however it did not exist in a vacuum. It specifically referenced the "Notice of AAF", a document which – as the Respondent correctly notes – explicitly cited Article 10.9.1.1 of the IWF ADR and the regime for multiple violations. In any event the WADA Code and the IWF ADR, the rules regarding multiple violations are mandatory and objective. An Anti-Doping Organisation generally also lacks the discretion to "waive" the application of Article 10.9 unless specific criteria (such as Substantial Assistance) are met.

161. For a claim of "contradiction" or breach of fair defence to succeed, the Appellant would typically need to show that he suffered an irreversible prejudice based on the initial representation. In this case, the "increase" to eight years was not a change in the *law*, but a change in the *factual status* of the Athlete (the confirmation of a prior ADRV). The Appellant remained at all times entitled to contest the underlying merits of both violations. The ITA's correction of its position to align with the mandatory requirements of Article 10.9.1.1 does not, in the Panel's view, constitute a procedural error, but rather a correction of an earlier administrative oversight to ensure compliance with the Rules.

162. The Panel finds that the 7 September ITA Email, while regrettable in its lack of detail,

was sufficiently tempered by the Notice of AAF and subsequently superseded by the various Agreement on Consequences. The Appellant cannot claim a violation of legal certainty when the very rules he is subject to (the IWF ADR) explicitly mandate the consecutive stacking of sanctions in case of recidivism. Therefore, the Respondent's shift from four to eight years for the present ADRV was a correct application of the rules once the TADC proceedings were finalised.

C. Allegations regarding Mr Mehmet Yoğurtçuoğlu

163. As mentioned earlier, the Athlete submitted at the hearing that acting on behalf of the TADC, engaged in a course of conduct that is to be qualified as "bad faith, procedural manipulation, and a conflict of interest", specifically:

- The Athlete alleges that Mr. Yoğurtçuoğlu intentionally delayed notifying him of pending doping controls. Despite promising an assessment in "good faith" and acknowledging the Athlete's cooperation, he allegedly manipulated the timeline of the 27-28 July 2023 notification-testing to make the Athlete appear guilty ADRV within the meaning of Article 10.9.3.1 of the IWF ADR, rather than a single continuous period.

- The Athlete claims that Mr Yoğurtçuoğlu actively prevented him from securing a reduced sanction (one year less). The Athlete alleges that he was pressured to sign admissions against his interests and that Mr. Yoğurtçuoğlu obstructed the Athlete's right to a fair defense by refusing to listen to his side during face-to-face encounters.

- Following a favorable decision from the TAB regarding an Article 2.5 ADRV, the Athlete alleges that Mr. Yoğurtçuoğlu intentionally withheld this decision from the ITA. The Athlete was compelled to notify the ITA personally. Furthermore, the Athlete accuses Mr. Yoğurtçuoğlu of attempting to influence the Turkish Weightlifting Federation and the courts to rule against him.

- The Athlete also asserts that his relationship with ITA officials was positive – with an anticipated three-year sanction – until Mr Yoğurtçuoğlu's direct involvement. He accuses the latter of sending emails to the ITA containing factual inaccuracies designed to secure a harsher penalty.

- The Athlete maintains that Mr Yoğurtçuoğlu has since been suspended from his position due to a recognised conflict of interest, which the Athlete argues validates the claims of bias and improper conduct during the proceedings

164. The Panel notes that the TAB Decision is final and binding. Thus, whether Mr Yoğurtçuoğlu's alleged behaviour has (or should have had) any bearing on the period of ineligibility issued in the TAB Decision is irrelevant for the present proceedings. It is the Panel's understanding that the primary purpose of the above allegations of the Athlete is to support of his position that the notification of the First ADRV on 27 July 2023 was "manipulated", as it was just one day before the OoC-test was conducted on

28 July 2023. That being said the Panel notes that the Athlete does not contest the good faith of the ITA, or challenge the veracity and integrity of the doping control performed on 28 July 2023. In any event no objection has been raised by the Athlete in the respective DCF.

165. The Respondent contested that it was part of any scheme to the detriment of the Athlete. The Panel notes that no evidence was presented by the Athlete on the allegations that the sequence of events – Notification of First ADRV on 27 July 2023 and doping control on 28 July 2023 – were manipulated by Mr Yoğurtçuoğlu. Notwithstanding the fact that both doping control tests were commissioned by two different ADOs, the Athlete is still unable to demonstrate how he was prejudiced by the timing of the notification on 27 July 2023 when he orally submitted that Mr Yoğurtçuoğlu was intending to notify him earlier, and the eventual notification on 27 July 2023 was "very late". This submission is legally immaterial to the matter at hand as even if the TADC had issued the notification earlier, the material fact remains that the notification preceded the 28 July 2023 doping control. Consequently, the procedural requirements for establishing a subsequent violation were met, regardless of the alleged delay.

166. The Panel also observes that an intention to "manipulate" the sequence of events is difficult to reconcile with the facts, as a third party could not have known with certainty that the doping control on 28 July 2023 would result in an AAF at the time the notification was sent.

167. Even if the Athlete were to challenge the integrity of the 28 July 2023 doping control, which he does not, it is clear from the undisputed Mission Order that there was no specific commission for doping control of the Athlete to be done on 28 July 2023; rather, the sample collection authority had discretion to test the Athlete anytime between 25 July 2023 and 6 August 2023. Thus, that the OoC occurred on 28 July 2023 was a decision within the discretion of the company Clearidium, in which Mr Yoğurtçuoğlu had no say whatsoever.

168. Accordingly, the Panel is not persuaded by the additional submissions by the Athlete at the hearing of any misconduct of Mr Yoğurtçuoğlu that might have affected the Athlete's rights in the present matter.

XII. COSTS

(…)

ON THESE GROUNDS

The Court of Arbitration for Sport rules that:

1. The appeal filed by Mr Batu Han Yuksel on 9 September 2025 against the decision of the Court of Arbitration for Sport Anti-Doping Division dated 29 August 2025 is dismissed.

2. The decision rendered by the Single Judge of the Court of Arbitration for Sport Anti-Doping Division on 29 August 2025 is confirmed.

3. (…).

4. (…).

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

Seat of arbitration: Lausanne, Switzerland
Date: 21 April 2026

THE COURT OF ARBITRATION FOR SPORT

Ulrich Haas
President of the Panel

Halil Kasapoğlu
Arbitrator

Emil Neszmélyi
Arbitrator