



Tribunal Arbitral du Sport
Court of Arbitration for Sport

CAS 2007/A/1365 WADA v/FILA & Mohamed Ibrahim Abdelfattah

ARBITRAL AWARD

delivered by the

COURT OF ARBITRATION FOR SPORT

sitting in the following composition:

President: Professor Massimo Coccia, Attorney-at-law, Rome, Italy

Arbitrators: Mr Quentin Byrne-Sutton, Attorney-at-law, Geneva, Switzerland
Mr Jacques Baumgartner, Attorney-at-law, Lausanne, Switzerland

in the arbitration between:

World Anti-doping Agency (WADA),

Represented by, Mr Francois Kaiser, Attorney-at-law, Lausanne, Switzerland

– *Appellant* –

and

INTERNATIONAL FEDERATION OF ASSOCIATED WRESTLING STYLES (FIILA),

Represented by Mr Michel Dusson, FIILA Secretary General, Corsier-sur-Vevay, Suisse

– *Respondent 1* –

and

MOHAMED IBRAHIM ABDELFAITAH,

Represented by Mr Gordon Stipic, Attorney-at-law, Karlsruhe, Germany

– *Respondent 2* –

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I. THE PARTIES

1. The World Anti-Doping Agency (hereinafter “WADA” or the “Appellant”) is an independent international anti-doping agency, constituted as a foundation under Swiss Law and having its headquarters in Montreal, Canada, whose aim is to promote, coordinate and monitor, at the international level, the fight against doping in sports in all its forms.
2. The International Federation of Associated Wrestling Styles or Fédération Internationale des Luttes Associées (hereinafter “FILA” or the “Respondant”) is an association having its headquarters in Switzerland and recognized by the International Olympic Committee as the international sports federation governing all forms of wrestling worldwide.
3. Mr Mohamed Ibrahim Abdelfattah (hereinafter also the “Wrestler” or “Mr Abdelfattah”) is an international-level wrestler of Egyptian nationality affiliated to the Egyptian Wrestling Federation, which in turn is a member of FILA.

II. BACKGROUND

4. The circumstances stated below are a summary of the main relevant facts, as established on the basis of the written submissions of the parties and the evidence examined in the course of the proceedings.
5. In July 2007 the Wrestler was staying at the US Olympic Training Center in Colorado Springs, USA, for rehabilitation training subsequent to a knee surgery.
6. On 24 July 2007, the Wrestler received a visit from two doping control officers from the United States Anti-Doping Agency (“USADA”), who told him that they were acting on behalf of WADA and that he had to undergo an out-of-competition anti-doping test.
7. However, due to facts that are disputed between the parties and need not be discussed and determined in this award, the out-of-competition anti-doping test did not take place.
8. With a letter dated 31 July 2007 (which was faxed to WADA on 2 August 2007) the FILA President, Mr Raphaël Martinetti, informed the Egyptian Wrestling Federation as follows:

«On 24th July 2007 your wrestler Mohamed Ibrahim Abdelfattah, who was training in Colorado Springs (USA), refused to provide urine sample to USADA agents acting as representative of WADA.
This constitutes a breach of Anti-Doping rules and consequently we are sanctioning the wrestler Mohamed Ibrahim Abdelfattah with a warning».
9. On 17 August 2007, FILA informed by e-mail WADA that the decision to inflict a warning to the Wrestler had been adopted by the FILA Executive Committee.