



## DECISION

rendered by the  
**FINA ETHICS PANEL**

having served, according to FINA Rule C 24.6 in the following composition

Chairman: Jean GAY (SUI)  
Members: Rashid ALANEZI (KUW)  
Abdon DEGUENON (BEN)

in the case of

**The allegations of manipulation of the results of the Uzbekistan Open Swimming Cup organized from 24 to 29 November 2020 (Event 1) and of the Uzbekistan Open Swimming Championships held from 13 to 17 April 2021 (Event 2).**

## **I. BACKGROUNDS FACTS**

1. According to the Qualification System put in place by FINA, one of the ways for athletes to qualify for the 2021 Tokyo Olympic Games was to reach or swim below a specific time, during one of the qualifying events. This Olympic Qualification Time (OQT) is set by FINA based on the times swam by the athlete ranked at position 14 at the previous Olympic Games or World Championships. This threshold is therefore extremely high.
2. From 24 to 29 November 2020, the Uzbekistan Swimming Federation (“USF”) organized the Uzbekistan Open Swimming Cup (Event 1), a qualifying event for the 2021 Tokyo Olympic Games.
3. On 1 December 2020, Mr. Javodilla Khasanov sent the results of Event 1 to FINA. According to these results three athletes of Uzbekistan had reached the OQT and had therefore qualified for the 2021 Tokyo Olympic Games.
4. After the results of Event 1 were reported in the media, an athlete who participated in the event posted on Social Media that the OQTs reported were fake and had not been achieved during the event.
5. From 13 to 17 April 2021 the USF organized the Uzbekistan Open Swimming Championship (Event 2), also a qualifying event for the 2021 Tokyo Olympic Games.
6. On 21 April 2021, Mr. Khasanov sent the results of Event 2 to FINA. According to these results, three other athletes of Uzbekistan had reached the OQT and had therefore qualified for the 2021 Tokyo Olympic Games.
7. After the event, a video was posted on YouTube alleging that the results of Event 2 were also manipulated. Moreover, two swimmers reported via the FINA reporting platform and the IOC reporting platform that the results of these two events were manipulated.
8. On 27 April 2021, following consideration of the reports that the results had been manipulated, the FINA Executive decided that the results from Event 1 and Event 2 would not be recognized by FINA and referred the matter to the FINA Ethics Panel to investigate and impose sanctions on the officials and other individuals who were involved in the manipulation of the results.
9. On 14 June 2021, the USF and five athletes appealed the decision of FINA not to recognize the results of Event 1 and Event 2 to the Court of Arbitration for Sport (“CAS”).
10. On 5 July 2021, this appeal was dismissed by CAS.

11. From July to December 2021, the Ethics Panel conducted an extensive investigation into the matter. This investigation included:
- The review of the case file submitted by the FINA Executive
  - The review of the case file of the appeal filed at the CAS
  - Written requests for clarifications
  - Video interviews with individuals involved in the matter

## II. MERITS

12. The Ethics Panel considers that the following questions must be addressed successively in order to come to a decision in this case:
- a. Does the Ethics Panel have jurisdiction to decide on this matter?
  - b. Is the manipulation of results from an event a violation of the FINA Rules?
  - c. Has it been established that the results of Event 1 and Event 2 were manipulated?
  - d. Who manipulated the results of these events?
  - e. What sanction should be imposed on those who manipulated the results?

### A. Does the Ethics Panel have Jurisdiction to decide on this matter?

13. Articles C24.5 and C24.7 of the FINA Constitution state that the Ethics Panel has jurisdiction to rule on any matter referred to it by the FINA Executive.
14. The matter was duly referred to the Ethics Panel by the FINA Executive on 27 April 2021.
15. The Ethics Panel, therefore, finds that it has jurisdiction to decide on this matter.

### B. Is the manipulation of results a violation of the FINA Rules?

16. The allegations in this case are that results of qualifying events to the Olympic Games were manipulated.
17. The Ethics Panel is of the view that if such manipulation can be established, it is a clear breach of Articles V C 4 and V C 5 of the FINA Code of Ethics which states:

*4. Betting on Aquatics and other corrupt practices relating to the sport of Aquatics by any person being subject to this Code, including improperly influencing the outcomes and results of an event or competition are prohibited.*

*5. Any person being subject to this Code shall exercise due care and diligence in fulfilling their roles for, or on behalf of FINA and not disclose information received if such disclosure is made maliciously in order to damage the interests of FINA.*

18. Indeed, the Ethics Panel considers that this is a form of corrupt practice relating to the sport of Aquatics and a failure to exercise care and due diligence.

C. Has it been established that the results of Event 1 and Event 2 were manipulated?

19. The Ethics Panel has received compelling video material, which shows that the results of Event 1 and Event 2 are factually impossible. They simply cannot be true.

20. The manipulation of the time results is so blatant that this case need not warrant scientific and timing experts. It can be verified by the naked eye.

21. To illustrate this, it is sufficient to look at two videos from the 100m Freestyle prelim heat at Event 2. According to the results, Mr Tarasenko finished with a miraculous time of 48:55.

22. However, the video clearly shows that this is impossible, and that Mr. Tarasenko's time must have been between 50-51 seconds. The heat starts at 0:03 seconds and ends at 0:53/0.54 seconds of the video.

23. Also, the videos show that shortly after Mr. Tarasenko, roughly 1.5 seconds later, the Indian athlete Mr. Anand finishes on line 5. However, according to the results sent to FINA, Mr. Anand was allegedly 4 seconds slower, finishing with a time of 52.51.

24. The videos further show a blank scoreboard, making it impossible for anyone to verify the times during the race. The Ethics Panel considers that this is not a coincidence.

25. Moreover, when looking at the prior performances of swimming athletes from Uzbekistan, it becomes evident that the results from Event 1 and Event 2 could not have been achieved as none of these athletes had in the past ever come close to such a performance.

26. For example, according to the results sent to FINA, Mr. Eldorbek Usmonov achieved a time of 51:83 at Event 2 in a 100m Butterfly time trial event, which is below the OQT "A" Time of 51:96.

27. However, an analysis of his prior performances reveals that:

- a. There are only two official results available from him in the event of 100m Butterfly.
  - b. His personal best in 100m Butterfly is 01:04.60, which was accomplished in September 2017, which is almost 13 seconds slower than his alleged performance at Event 2.
  - c. No official results are available from 2020 or 2021 in the event of 100m Butterfly.
28. To put this result into perspective, with 51:83, Mr. Usmonov would be within the top 10 athletes of the world in this discipline, taking the last FINA World Championships (2019) as a reference.
  29. Without meaning any disrespect to Mr. Usmonov, the Ethics Panel considers this to be highly unlikely.
  30. Moreover, after having considered all the circumstances of the case, the Ethics Panel is of the view that these results have not been caused by an unintentional mistake but rather by a deliberate manipulation of the results. The facts that the events took place in Uzbekistan, that the results allowed only Uzbek athletes to participate in the 2021 Tokyo Olympic Games, and that the scoreboard was shut down during Event 2, all comforted the Ethics Panel in reaching this conclusion.

D. Who manipulated the results of these events?

31. In order to establish that a person manipulated the results, there must be cogent evidence of the person's deliberate personal involvement in the manipulation. In particular, it is insufficient to establish that the manipulation was committed by an organization of which this person is a part of.
32. The Ethics Panel considers that sufficient evidence in this regard exists against Mr. Sherzod Inogamov and Mr. Javodilla Khasanov.
33. As the technical official in charge for these events, Mr. Inogamov was responsible for their results. In particular, he was responsible for supervising the automatic timing operation, for checking the results from computer printouts and for approving and submitting the final results. By, at the very least, approving and submitting manipulated results for these events, he took a deliberate and personal involvement in the manipulation and thereby breached articles V.C.4 and V.C.5 of the FINA Ethics Code.
34. As for Mr. Khasanov, the Ethics Panel finds that he took a deliberate personal involvement in the manipulation as he is the one who sent the manipulated results to FINA. The Ethics Panel thus considers that he breached articles V.C.4 and V.C.5 of the FINA Ethics Code.

35. In this regard, it should be highlighted that after conducting an interview with both Mr. Khasanov and Mr. Inogamov on 16 September 2021, the Ethics Panel afforded them an opportunity to submit any defence in this respect by 13 December 2021. They did not reply, nor take any step to deny their involvement into the manipulation of these results or justify these results. This comforts the Ethics Panel in its conclusion.
36. The Ethics Panel is mindful of the fact that other people may have been implicated in this manipulation, in particular the Senior Management of the USF and/or the athletes whose results were manipulated. However, there is no evidence to support that they were deliberately and personally involved in the manipulation. Mr. Inogamov and Mr. Khasanov are the only two people against whom the Ethics Panel found sufficient evidence following its investigation.

E. What sanction should be imposed?

37. Article C24.9 provides the range of sanctions that can be imposed when violations of the FINA Ethics Code are found to have been committed:
  - a) a warning or reprimand;
  - b) a suspension for a fixed period of up to four (4) years from holding office or other position held by an Official and/or until a specified set of conditions have been met to the satisfaction of the Ethics Panel;
  - c) a return of any FINA award;
  - d) a ban for a fixed period of up to a lifetime from taking part in any Aquatics related activity;
  - e) a recommendation to the Executive of the notification of the matter to the appropriate law enforcement authorities
38. In determining the appropriate sanction to impose, the Ethics Panel must ensure that the sanction is proportional to the seriousness of the violation and that it is sufficient to deter similar violations in the future. The Ethics Panel must also consider whether this is the person's first violation.
39. In this regard, the Ethics Panel notes that this is this is Mr. Inogamov and Mr. Khasanov's first violation of the FINA Code of Ethics.
40. In regard to the seriousness of the violations, the Ethics Panel considers that the manipulation of the results which occurred in this case are very serious. The Ethics Panel sees it as pure cheating.
41. If undetected, the manipulation would have caused innocent athletes to lose their place in the 2021 Tokyo Olympic Games. The manipulation is, therefore, a direct threat to fairness of competition in swimming.
42. This being said, the Ethics Panel also has to consider that, even though both Mr. Inogamov and Mr. Khasanov took an active part in the manipulation by approving and sending the manipulated results, there is no evidence to suggest that they

were the masterminds behind the manipulation scheme. If that was the case, the applicable sanction would have to be much greater.

43. The Ethics Panel considers that the severity of the violations of Mr. Khasanov and Mr. Inogamov is similar. They both took an active part in the manipulation by approving the manipulated results and sending them to FINA.
44. In light of the above, the Ethics Panel finds that a period of ineligibility of (5) five years from taking part in any activity related to Aquatics must be imposed on Mr. Khasanov and Mr. Inogamov.
45. The period of ineligibility shall take effect from the date of this decision, 14 January 2022.
46. This decision is rendered without costs.
47. This decision may be appealed to the Court of Arbitration for Sport pursuant to Article C.12.13.2.

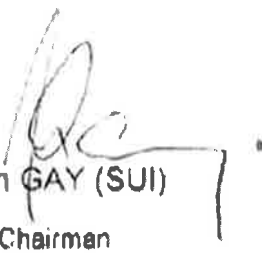
**FOR THESE REASONS**

**The FINA Ethics Panel decides as follows:**

1. Mr. Javodilla Khasanov and Mr. Sherzod Inogamov are found to have violated articles V C 4 and V C 5 of the FINA Code of Ethics.
2. Mr. Sherzod Inogamov and Mr. Javodilla Khasanov are suspended for five (5) years from taking part in any activity related to Aquatics, beginning on 14 January 2022.
3. The decision is rendered without costs

This judgment shall become effective immediately.

Lausanne, 14 January 2022

  
Jean GAY (SUI)  
Chairman