

Legal Implications of Doping in Sports: Experience in Iran

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Abstract: This study, examines the legal implications of doping in sports in Iran against the backdrop of international sport legal regime. For many years, the interest in sports has been ever growing in Iran, like in the rest of the world. With the popularity of the games, as well as the individual sports figures, sponsorships and prize money, the level of competitiveness is higher than ever before. With this trend, sadly to note that the issue of doping is on the rise within the sport. The most popular sports in Iran have always been classical genres such as weightlifting, wrestling and horse riding competitions and doping has penetrated into these sports. In later years, doping has spread into sports, such as bodybuilding and soccer. The purpose of this study is to highlight some of the growing issues in Iranian sports today and how to combat the alarming rise in doping and drug use within the sport.

Key words: Iran, sports, doping, criminal law, athletes

INTRODUCTION

Despite the fact that the use of illegal drugs, medicines or substances may damage athlete's physical and mental health, the practice is still common as athletes seek greater achievements (Baros and Forely, 2009). Doping can also damage and affect the atmosphere of real competition, friendship and collaboration among athletes and competing teams. In addition, the natural objectives of sporting activities cannot be achieved and realized when sportsmen use illegal drugs or substances to enhance their performances and the chance to win accolades. Illegally used energizing substances in competitions have been condemned by international sports organizations. Based on that, federations, disciplinary regulations, laws and regulations of countries have made laws to prohibit the use of such illegal substances or performance boosters and their use can be subject to penalties or punishment as a deterrent and lesson to others (Kayser *et al.*, 2007). In addition, there are organizations and agencies that specialize in programs to combat doping and much research has been conducted in the prevention of doping in sport activities. The Canadian Center of Ethical Sports has provided various anti-doping programs. The World Anti-Doping Agency (WADA) cooperates with important international committees such as Olympic Committee, continental federations and the international federations and some other organizations and centers in the fight against doping. Doping is considered illegal and a negative activity. Therefore, all processes and activities related to it, such as production, use or possession have to be

considered a crime punishable under the rules of sports and regulations. If an athlete is involved in doping, he or she would be liable to bear the consequence and result of the act (Halchin, 2006). In this study, researchers focus on the situation in Iran where the use of drug in sports activities has been rampant despite its under-reporting. The use of drugs in sports has been concentrated around areas such as bodybuilding, weight lifting and wrestling but in recent years there has been quite a few cases reported in soccer. Aside from human doping, it is also not uncommon for horses in competition to have some form of drug or stimulant in them (Lotfollahzadeh *et al.*, 2010).

Historically, doping has unfortunately always been a part of sports and competitions in many various forms and incarnations for some athletes to gain unfair advantage over opponents as early as in ancient Greece. Athletes would stimulate themselves before a competition with many concoctions and later this behavior would spread to horse races as well. The word doping itself is thought to have originated among Zulu tribes in Africa as an alcoholic drink thought to contain extra-ordinary powers. Later on, Dutch colonists borrowed the term as dop to describe drinking stimulants and hence brought the terminology into Western civilization. Doping Prevention, <http://www.doping-prevention.sp.tum.de/doping-in-general/history-of-doping.html>. In modern times, a direct connection between the word doping and sport competitions began to appear in the late 19th century with many crude attempts of performance enhancing drugs ending with often fatal results for the person using them. With the world wide exposure of sports through both the

olympics, as well as other huge sports events, a sharp increase in prize money, as well as sponsorships and fame, the world has witnessed an equally expansive use of performance enhancing drugs. It has in a sense become a good business and laboratories, as well as team doctors have not been shy to provide new and improved ways to bring about these drugs into the sports arena.

As this study will emphasize on the issue of doping in Iran is deep rooted in spite of the obvious health, ethical and religious implications to the abuse. There is still much to be done from a legal side of things, bearing in mind that only a few countries have already or are prepared to criminalize the use of drugs in sports and currently to a large extent leave it up to its national sports federations and international bodies to take the lead in such matters.

MATERIALS AND METHODS

Legal research is firmly rooted in its own traditional way, i.e., legal analysis. Analysis is usually based on discussion, deduction, cross references and submission. Legal analysis can fall under the broad category of qualitative method. Materials are basically secondary either deducted from legislation, cases or data from various agencies. Legal research is also doctrinal in nature. A doctrinal research refers to a new, thorough systematic, investigative or theoretical analysis. Its aim is to explore, revise, add value and improve the concept, theory, principles and application of law. Using legal analysis technique, this research aims to resolve problematic situation and identify elements that constitute such problems and the regulations that contain in each problem.

BACKGROUND TO DOPING

Many athletes and sports persons take medications, substances or energizing substances for sporting activities or games to help them win sport events. This shows that sporting competition is the main reason for the use of energizer substance and despite the fact that natural qualities of sport, such as skill and power have been tested as prominent factor to succeed there is increased interest in doping (Habibiniya, 2009). On this basis, sports laws need to be enacted to reduce the rate and use of prohibited drugs and doping in competitive sport in the interest of sports in general. The main objective and the physical goals of sport competition can be lost and not be achieved if doping becomes rampant.

The earliest examples of experimenting and using illegal substances and attempts to subject them to legal

rules were in 1910 (Yesalis and Bahrke, 2002; Baros and Forley, 2009). In that year the existence of a chemical material alcoa was found and confirmed in the mouth of a race horse. Although, there were many reports of doping before 1910, there was no legal action against it. For example in 1865, a swimmer was accused with using illegal substance in a swimming competition in amsterdam and another sportsman, Thomas Hicks an American runner was banned for illegal drug use during the 1904 Olympic games in Saint Louis, United states (Yesalis and Bahrke, 2002). It was not until the year 1960 and the olympic games in Rome that saw the first confirmed death related to performance enhancing drugs in connection with the games when Danish cyclist Knut Jensen collapsed and died during competition. Autopsy later revealed use of amphetamine (Holt *et al.*, 2009). The use of drug was also detected in the Tokyo and Mexico City olympic games (Dirix, 1966). Although, previously athletes had been using the wrong energizer substances and applied them ineptly others who used them lost their lives. In 1886, Welch cyclist Arthur Linton supposedly lost his life due to the use of trimethyl (Holt *et al.*, 2009).

Similarly, another case was reported in 1987 when a 26 year old German athlete died, as a result of using 100 different types of illegal drugs, mainly to win during the Seoul Olympics in 1988. Drug use resulted in her death based on the findings of the medical report Jongsei *et al.* (1990). The 1988 olympic games was further marred by perhaps the most famous doping case to date when Canadian sprinter Ben Johnson, after winning a gold medal, tested positive for anabolic steroids and subsequently was stripped of his medal in disgrace (Rose, 2008).

By the late 1980's and early 90's, the abuse of anabolic steroids in professional sport had reached an alarming level, especially in the US where both the National Football League (NFL), major league baseball, as well as other fields of sports saw a sharp increase in the use of the drug. This in turn, led the US Congress to pass the anabolic steroids control Act by 1990 which put steroid use in same legal class as amphetamine, opium and morphine. In 1991, the major league baseball association banned the use and possession of steroids for all teams in the league.

Furthermore, in the 1990's, reports of suspicious deaths of well-known players increased. The movement against doping was created and up to 70 suspected cases of death in the Italian league were noted. It has also been mentioned recently that 30 deaths were medically induced and the medical report revealed that death was the result of drugs and the use of activators. Drug use leading to death was detected in blood cancer, stroke and some rare

diseases, such as cancer of the muscles. One example is that of the former NFL player Lyle Alzado who died in 1992 from brain cancer largely attributed to the 43 years olds >2 decades use of steroids. The latest involvement of athletes in sport is in cycling where Lance Armstrong, winner of the European tour, was found to be taken drugs in many cycling competitions (Butryn and Masucci, 2013).

Based on the earlier mentioned analysis illicit drug use, energizers and illegal substances had deleterious effects on the human body and life. In examining the advantages and disadvantages of using drugs and energizers, one can conclude that all such substances should be completely banned in the interest of sports and the nation. This is because the only argument favouring drug use is that the user will be declared the winner of a sporting competition although it may impair the person's life and future. Based on the mortality rate from drug use and energizers and the degree of physical injury caused by drug use, legal action should be taken to reduce or totally prohibit the use of drugs in sport activities (Hoberman, 1992).

DEFINITION OF DOPING

Doping is defined, as the use of prohibited substances and taking forms, methods or substances that increase the outcome of sporting activities and jeopardize the health of athletes (Rose, 2007). It is a prohibited form of the strategy to increase physical fitness and the ability to gain strength sports competition illegally. The main objectives of using or taking these substances are to improve chances of winning or to avoid becoming exhausted during sports competitions. These substances which are a combination of illegal drugs and additives, create more stamina, power and energy for the user (Lippi and Guidi, 1999). Therefore, one could infer that doping is simply to obtain extra-ordinary powers to overwhelm opponents during a sports competition.

The mention earlier definition stated is incomplete and does not take into account the motivation of the person and the amount of energy needed which is very important to understand the definition. The question is whether the use of illegal chemicals in sports can be considered doping? The World Anti-Doping Agency (WADA) has defined the use of doping substances or making or using harmful methods that is innate to the athlete and the increase of energy to increase power for the work. It includes the existence of prohibited substances or other signs in the athlete that show their use or their ingestion. Similarly, the definition by the AMA is also considered narrow and it continues to change and adjust in order to clarify the practical issues.

On that basis the refined WADA definition considers doping as the occurrence of the violation of doping rules and codes.

It must be noted that the penalty is necessarily based on the primary definition. However, the violation of the anti-doping code and the regulations is included in the definition but not in the result or outcome. In summary, doping can be defined, as the violation of doping rules and regulations or violation of doping rules. For this study, the violation of doping is not only the existence of a prohibited substance in the body for sports person but the possession of the substance by the person with the intention of using it. Therefore, Iran's olympic committee defines doping, as the injection, using or taking any type of physiological substances or unusual use or taking of any substance or implements any kind of unusual methods to help the athlete to achieve the specific objective which is the increased capacity and power in competition (Habibiniya, 2009). One can analyze that the possession of prohibited substances by the person in that sport should be considered as a crime when those substances are not required by sports activities or events. Any person violating sport's doping rules and regulations should be penalized. This is based on the grounds that if a person has no intention of using the substance why should he or she have possession of it or be tested positive for the drug or energizer? For this study, legal measures should be taken to control and reduce drug abuse and doping in sports activities and events in the interest of the sports person, sports and the nation and to encourage natural competition.

THE INTERNATIONAL SPORT INSTITUTIONS AND DOPING

In 1999 the World Anti Doping Agency (WADA) was formed to create a unified international front against doping abuse. Initially funded solely by the Olympic Committee (IOC) to combat drug and doping abuse, it's World Anti Doping Code signed into effect in 2007 has been ratified and adopted by >600 sports organizations and federations from across the globe. In light of this, the matter of doping cases is higher than ever which arguably can be attributed to a more vigorous testing process in connection with sports events. Among the more aggressive processes set into effect by WADA in recent years, is the matter of whereabouts which was created after a long list of doping scandals primarily in the world of international cycling. Its goal is to provide anti-doping agencies with exact information, as to locations of certain athletes when they are Out Of Competition (OOC) in terms of training, as well as recovering from injuries and

medical treatment. This combined with athlete biological passport which was approved by WADA in 2009 will then in turn create a complete map over individual athletes through blood tests both in and outside of competitions (World Anti Doping Agency (WADA), www.wada-ama.org/)

CAS was formed by the Olympic Committee in 1984, as a means of settling sports related disputes in all aspects. The main purpose of this court is as a role or mediator for parties involved with sports, be it contractual or questions of suspensions for athletes. The rising number of cases brought before the CAS would certainly seem to justify the need for this institution. The year 2008 saw a record high amount of 318 cases brought before them (Court of Arbitration for Sport (CAS), www.tas-cas.org/news).

As both WADA and CAS are non-governmental institutions, from a legal standpoint they have little power other than within the sports world, as an instrument for sports federations and organizations to arbitrate, settling disputes or to punish athletes with merely suspensions or exclusions from the sport in question. However, some countries such as Italy, France and Spain are taking a much firmer approach to doping violations and authorities work closely with its national federations to combat the doping issue.

DOPING IN IRAN

In Iran, sports have for many years been plagued by doping and substance abuse. For the most part in its doping history, doping in sports has been concentrated around areas, such as bodybuilding, weight lifting and wrestling but in recent years there has been quite a few cases reported in soccer. Aside from human doping, it is also not uncommon for horses in competition to have some form of drug or stimulant in them (Lotfollahzadeh *et al.*, 2010). As the Iranian government and institutions for a number of years have adopted a very lax and hands off approach to the problem of drug abuse in sports, it has been left up to the respective individual federations to control the problem with considerably mild punishments and disciplinary actions taken. Some athletes having tested positive 2 or 3 times before were handed life time bans and this bears witness to the lack of willingness or jurisdiction to properly curb the problem.

Another issue to consider is also the lack of laboratory equipments and trained personal in Iran to conduct spot checks both in and out of competition on athletes. Testing on sports people purely when they are

Table 1: Frequency of wrestlers by their knowledge in three fields of doping

Knowledge	Good (%)	Moderate (%)	Poor (%)
Definitions	125 (29.3)	184 (43.2)	117 (27.5)
Drug lists	18 (3.2)	302 (70.9)	106 (24.9)
Side effect of anabolic steroids	2 (0.5)	137 (32.5)	283 (67.1)

in large competitions, leaves a huge area uncovered where athletes at a non-competition level or amateur side feels they are somehow protected from getting caught (Petroczi *et al.*, 2010). By far, the biggest failure of the government in curbing doping is the lack of information regarding the dangers of doping. Generally, knowledge concerning the health risks of taking banned substances is very low among athletes in Iran and should be seen as a major concern for future generations to come. A recent study among 426 wrestlers in Iran showed that over 70% of the wrestlers had poor to moderate knowledge about not only the actual definition of doping but also more shockingly only 2 (0.5%) wrestlers had good knowledge concerning the health and side effect issues that could occur from taking these substances (Table 1).

So, who is responsible for this rise in drug use in Iranian sports? An obvious target of blame could easily be placed on government institutions alone but also the involvement of both international and local Iranian pharmaceutical companies who import and distribute these drugs, such as anabolic steroids need also to be considered. Furthermore, places such as bodybuilding centers and gymnasiums where many types of drugs are being used are not subjected to proper control in terms of permits and licenses. Those professional clubs which employ their own team doctors and medical staff are equally guilty of either neglect or accomplice in the doping as it happens under their care.

In Iran, sports activities and competitions are based on religious rules and regulations, as the concept and theory of sports is based on religion. The ethics of sports, true competition, bringing the spirit and inner purification are typical and popular in Iran. However, some Iranian athletes use drugs, pills and other energizing substances to gain advantage in competitive sports, simply because much of these drugs are cheap and easy to purchase (Kunz, 2009). Therefore, the use of prohibited drugs provides the wrong message and reflects a lack of experience, knowledge and awareness and creates a false emotion toward sports. Drug use is common and rampant in individual sports in Iran, especially wrestling, bodybuilding and football (Angoorani *et al.*, 2012). A study was carried out by Sepheri *et al.* (2009) and his team to determine the use of drug among athletes, especially bodybuilders in Kerman City, Iran. This study was conducted to determine the type and frequency of anabolic steroids abuse in bodybuilder athletes. The

study found that the frequency of anabolic steroid abuse was 18.8%. The mean period of bodybuilding activity was significantly higher in those used the anabolic drugs (38.8 months), comparing to those did not use any drugs (14.3 months). Oxymetholone was the most common drug used by athletes (42% merely used Oxymetholone) (Sepheri *et al.*, 2009). Aside from human doping, it is also not uncommon for horses in competition to have some form of drug or stimulant in them (Lotfollahzadeh *et al.*, 2010). A study by Lotfollahzadeh shown that almost 83% of horses tested positive for prohibited substances once in the 1st year, 15% tested positive twice and 2% tested positive 3 times. In the 2nd year 78% tested positive once, 15% tested positive twice and 7% tested positive 3 times. Morphine was the most used prohibited substance and was detected 42 times during the survey, followed by caffeine and phenylbutazone.

On the other hand, the control, monitoring, examining and supervision of sports clubs will require investments in laboratory facilities and equipment for drug testing. Moreover, the lack of a specific organization or experts in the area makes the situation more difficult in Iran. For example, body building is a popular sport in Iran and licenses are required for operating physical education centers or body building clubs. Sometimes licenses are issued without regard to the ethical, mental skills, scientific and specialization of the centers and sometimes there is no proper supervision by the education center over the clubs' operations. Some of these clubs do not have specialized doctors and medicines offered to members to enhance the quality of the services provided. However, the Iran Ministry of Health is to be responsible for any drug abuse as it is a function and duty of the ministry to review and approve drugs to be used in the country and the ministry needs to monitor and take the needed legal actions against any drug abuse cases regardless of status and gender. The blame should be shifted to the ministry for its incompetence and lack of care that can have a heavy cost on the country. This is based on the belief that the use of anabolic drugs and medicine energizers is widespread and common among young Iranians, especially those interested in bodybuilding.

The question is how do the drugs make their way to Iran? Where do they come from? Who is the biggest producer of such illegal drugs? Is it Iran or foreign countries? If Iran is the producer why does the government or authority grant the companies the license and if it is a foreign country why did the authorities allow the entry and spread of these drugs in the country?

For this study, whatever the situation may be the Iranian government especially the Ministry of Health is to be legally blamed for allowing such drugs to spread throughout the country by its negligence and carelessness. This is based on the argument that the government should not approve licenses to any company or pharmacy to make or produce drugs that could cause death or has a negative effect on humans. Even if the license was granted before identifying or noting the effect of these drugs, the warning letter should be issued to that company, as a deterrent and to other companies to stop producing these drugs in the best interest of the sport in particular and the nation in general. Otherwise, law enforcement cannot take place and the death rate in sports from such illegal drug use will continue to grow. This argument is supported by reports of the danger of medicine, ignorance and the neutrality of the people in the national newspapers. The newspaper referred to these acts as irresponsible and believes it would not be justified saying:

More than half of young people and teenagers who work in clubs use anabolic drugs. It is very dangerous and can affect the people seriously. As a result of the addiction to doping substances and energizers many teenagers and young people are affected due to difficulties and the fact that those responsible not dealing with them in order to prevent the growth of its use

As the earlier mention quotation shows, the Iranian government is the only body that can put an end to drug and substance abuse during sports competition. The Iranian government has failed to pay more attention and provide policy and direction to prohibit and stop the use of drugs and substances in sporting competitions. Moreover, there should be a prohibition on the production of drugs in the country and it should be made clear that any company that violates the prohibition would be severely punished and the company's license terminated which the government of Iran has failed to take.

Although, the use of drugs and substances is rampant among bodybuilders in Iran, other sports like weightlifting, cycling, football, horse riding and boxing also are plagued by drug abuse. It is reported that 80% of the horses running in Tehran were addicted to drugs and a similar percentage of the national Iranian weight lifters were tested positive for doping. The use of doping among Iranian wrestlers is common. During the 1986 Asia Games in Seoul, energizer substances were used by two of the national Iranian wrestlers. These two fighters had met their objectives and received medals. Also in 1999,

Greco-roman wrestling was affected by the use of drugs in wrestling competitions and continually ignored by the sports authorities. Similarly in 2006, nine of the eleven Iranian weight lifting team members were tested positive for using substances energizers. This type of character and behavior brought embarrassment and shame to the nation in 2006.

In another case, Iranian weight lifter Saeid Ali-Hosseini received in 2008 a lifetime ban (later lowered to 12 years) for a second offense of steroid doping. Also in 2008, Iran national football player Ali Molaei received a 12 month ban following doping allegations. Also in 2008, during the World Weightlifting Championship in Dominican Republic, a total of nine Iranian weight lifters tested positive, all of them including their coach were subsequently banned, the coach given lifetime ban from the sport. Furthermore, the Iran Weight lifting Federation was fined US \$400.000 for the offence (http://www.sportingpulse.com/assoc_page.cgi?c=2-3612-0-0-0&sID=34488&articleID=1189887&news_task=detail). As of 2012, according to IAAF, Iran currently only has three athletes serving 2 year bans after testing positive for banned substances (<http://www.iaaf.org/about-iaaf/documents/anti-doping>).

To illustrate the numbers involved, WADA each year publicize the amount of tests globally made by national federations as shown in Appendix (2012 numbers), Iran having conducted a total of 181 tests and found irregularities in 12 combined from both in and outside of competitions.

The use of drugs and banned substances is increasing in Iran, especially among athletes in bodybuilding, wrestling and weightlifting and this is exacerbated by weak attempts to combat this menace and the lack of adequate and accessible facilities to test or prove the existence of the banned substance in athletes. No serious or deterrent measures have been implemented in Iran against drug and substance violators in international or national federations to reduce such abuses in individual sports which make it easy for those engaged in sports to commit such drug-abuse related acts with little fear of the legal repercussions. This study views that the authorities must take effective and deterrent measures to reduce this type of crime before it becomes rampant and spreads throughout the sports.

ESTABLISHING CRIMINAL LIABILITY IN DOPING IN IRAN

The biggest challenge to the legal system in Iran in regards of convictions of doping offenders is to first establish that there are provisions in the current penal

code that can be used as basis to establishing any criminal offence by the accused. Although, vague in its wording one can argue that Article 59 section B of the Iranian Penal Code could be used to prove a breach of the rules within the sport as it says:

Actions that are not considered a crime, such as all lawful actions or medical intervention carried out with the approval of the patient parent or guardian or legal representative. These actions should be done with due regard to scientific standards and medical and government approval. In an emergency approval is not necessary (Shokri, 2002)

Article 2 of Iran's Islamic penal law states: Any act or omission of an action for which there is a law that punishes is a crime.

This study forms the main legal backbone in doping violations, although defendants can argue that there is no specific instruction or word relating to doping offenses in the provision and doping is not mentioned nor is the punishment prescribed (Ghodsi, 2004). Based on this interpretation, doping violators are not responsible for any criminal liability. It is argued that Article 59 refers to any type of illegal behavior in sport that is against the law and such an act is a crime because the actions carried out are against the spiritual laws of Islam.

Although, it seems that Article 59 is contrary to Article 2, 1 it can be inferred that both provisions are consistent because doping is contrary to the Islamic spirit and considered as an inappropriate action that affects humans mentally, physically, morally, psychologically and socially. If researchers admit that illegal drug use has significant negative effects on the user which the law and Islam are trying to protect, then it should be penalized and considered a punishable offense in the interest of all. Article 59 states and provides certain actions that are not considered a crime, such as:

- The actions taken by parents, legal guardians of minors and the insane in order to correct or safeguard them provided such actions are appropriate to correct and protect them
- All lawful actions or medical intervention carried out with the approval of the patient parent or guardian or legal representative. These actions should be done with due regard to scientific standards and medical and government approval. In an emergency approval is not necessary
- Accidents caused as a result of playing sports [physical], provided that the accident is not caused by the violation of the rules of the sport and the rules do not violate rules of Islamic jurisprudence

This study can be a reference to the constituent elements against doping because the user of banned substances while knowing the consequences of such action and ignoring the coach and the board and continues to use them to overwhelm his opponent can be considered irresponsible (Entessar, 1988). It is an illegal way to win and is also at the expense of trampling the rights of another athlete as such violations are a violation of the sporting spirit and may also cause death or serious injury to other athletes. This type of illegal action must be considered a crime and should be subject to legal punishment.

The criminalization of doping and the imposition of legal punishment against the doping offender is provided by the states and as in Article 59, for all disciplinary proceedings in sports, doping is considered illegal and penalties such as deprivation, punishment or withdrawing of any medals or prize money are imposed. The reasons behind withdrawing the physical awards are also to preserve the legality of the medals won properly by the athletes. Because the receiver also won the medal through the use of prohibited substances and drugs, it should be revoked and handed to the second person in the race or the game.

Although, drug use in sport is forbidden in the eyes of sport federations, it can be argued that since the drugs have been allowed to enter and be sold in Iran, the athlete has committed no crime in the eyes of the state, especially if there is a medical reason as excuse to the intake of such drugs (Halabachi *et al.*, 2011). This leads us to the task of proving guilt of the doping offence in a court. As with any criminal proceeding, it has to be proven beyond any doubt that the offence took place intentionally and is not based on either accidental intake or false accusation rendered towards the athlete in question (Ghodsi, 2004; Entessar, 1988). For such evidence to be found, tested and to be of used in a court of law can also be a hard task, as laboratory testing of samples and guidelines for testing have been issued by a foreign organization, namely WADA and as such would not be easily admissible in an Iranian court.

It should also be taken into consideration that any guilt established by a court concerning a doping charge could also be carried onto personal coaches, team doctors and other staff involved with the accused, for example a physician could have administered doses of banned substances to an unknowing athlete as to increase his physics and thus advantage over an opponent. Although, hard to prove, liability would have to be thoroughly examined to ensure a fair outcome for the accused.

It is also clear and is mentioned in Islam that no one should be harmed and one should not even injure himself

as they are responsible before Allah. Therefore, any action that impairs or worsens the health of the individual mentally and physically should be avoided. As such and taking into account the Islamic injunctions on the sanctity of human life, one can conclude that doping should be considered a crime because of the damage and the danger it can cause to users (Basheer, 1981). To ensure the beneficial mental, physical and moral aspects of sports are advanced and also because the doping has negative effects and is disadvantageous to human mind and body, rules governing the sport or laws in the country must be enacted that will enhance the wellbeing of sports persons, fans and the nation. In sports, under such laws, all banned substances and drugs and their related use should be made illegal.

LIABILITY OF ATHLETES IN DOPING AND PROVING PROCEDURE

The WADA rules of procedures on proving doping are useful as it can serve as guidelines for Iran to adopt. The athlete is the main accused in any violation of anti-doping regulations whether intentional or not because he is the direct user or beneficiary of the banned substance. When the athlete breaks the rules he is subject to penalties under anti-doping codes or rules and regulations (Foschi, 2006). For example when the existence of illegal drugs is confirmed and proved beyond reasonable doubt, such as the substance being in the body or in the possession of the sports person, it means that he has committed a crime (Seok, 2006). When such a situation occurs the following steps must be taken.

First, the accused must receive the claim and prove his innocence to the complaint and be aware of the prosecution applicable for the violation of prohibited substances, drugs and doping. Second, their ignorance of the law must be established and proven, i.e., the defendant is not aware of the illegality of drugs or chemicals and was not informed by the sports management and the coach. Third, it should be verified that the use of the banned substances was intentional or mandated by the council or the prescription of the doctor, coach or team manager. Finally, the burden is on the defendant to prove himself before the learned judge that he is innocent of the alleged crime. Otherwise, he or she could be penalized and punished for violation of doping rules and regulations. There are several disciplinary procedures, regulations and codes on prohibited substances in different countries which provide for the legal obligations of the athletes. These issues are complete and comprehensive as stated by the American Medical Association.

Following the detection of doping, the athlete's medal, record or place can be removed under the Penal Code, criminal or disciplinary action. So, whatever position the athlete is in competitive sport is irrelevant. Any sports guilty of awarding points would have the results revoked as a result of positive medical report on the use of banned substances by the defendant. The question is whether the deprivation of the medals is related to a specific party in violation of doping rules or the total of all points in all competitions. The answer varies. The type of event or competition, the quantity of banned substances used and other factors can affect the decision to deprive defendant of medals or points.

For this study's finding, it is currently legal and rational to punish any athlete who violated doping rules and regulation, as a lesson and a deterrent to other sports person who could or intends to commit similar crimes (Amos, 2007). However, there should be no injustice in the application or performance of legal punishment. Since defendant is committed to a particular game competition, or sports activities and he did not commit the crime or otherwise violate any anti-doping rules and regulation, therefore the penalty should be imposed and applied to that particular game where it occurred. Otherwise, injustice and abuse of power could occur if the defendant is smart enough and knows his rights and sue the court for abuse and defamation and the compensation could cost the club or country as a whole. Therefore, the punishment should be primarily in a particular crime in a particular game and not be extended to other sports where he or she did not commit any crime or violation in order to protect the rights of the accused and also to protect the court and the nation's image, dignity and supremacy (Vieweg, 2004).

In addition, an athlete has the right to speak and defend himself and prove that there has been an illegal act and as such there is no justification for depriving him of medals awarded (Foschi, 2006). However, the accused athlete may lose the winning award in countries that have prohibited the use and possession of the illegal substance. Under WADA (The World Anti-Doping Agency (WADA) cooperates with important international committees, such as Olympic Committee, continental federations and the international federations and some other organizations and centers in the fight against doping). A first-time violation of doping rules would result in a 2 years disqualification while a permanent disqualification would be imposed for a second violation. Although, there may be some exceptions to cases on the types of the substances and the penalties imposed in general the sentences are clear and unambiguous.

The accused athlete who has violated doping rules and all those involved in his activity have the opportunity to explain the reasons and provide evidence on why they were legally justified in using the substance so as to avoid punitive action or be acquitted of wrongdoing. Legally and rationally, it is important that everyone involved be committed and collaborates in the fight against doping and to consider appropriate measures to mitigate or completely eradicate it in sports. This will contribute to achieving agency goals and the objectives of World Vision International in relation to doping, drugs and the eradication of prohibited substances in sports. FIFA considers that any punishment can cost 2 years to a professional footballer who is suspended for that period as a deterrent punishment (Graf-Baumann, 2006; Blatter, 2006). The comparison of the suspension in football, amateur sports and fitness is completely different.

Due to differences in anti-doping rules and regulation and penalties imposed by different countries there is the possibility of abuse of the system by sports organizations or federations. However, these differences are due to the belief that harsh and severe punishments can lead to dissatisfaction and conflict among them and in their efforts to win, this could result in tainted national records. Basically, people who are knowledgeable on pharmaceuticals and medicines and the substances that constitute drugs cannot plead ignorance, although it is possible that doping occur inadvertently. It has been argued previously that the punishment is reduced in the second and third phases, due to the flexibility in the punishment and also due to the lack of concrete evidence and sufficient tests on the accused sports person (Houlihan, 2004).

Based on the earlier mentioned conditions, if the athlete is able to prove his innocence or had used drugs and banned substances in order to boost his performance the following ruling based on Article 10.2 will apply: If it is a first offence the athlete will be notified and warned but will be allowed to participate in the sports activity. The penalty for the second and third violations is a 2 years ban and permanent disqualification, respectively. However, the athlete or anyone who is connected with it has the right and opportunity to present evidence to reduce the penalty. In accordance with Article 10.4 of WADA any act that is against the rules and codes are subject to penalty, although the degree of the punishment is different. If an athlete refuses to take the tests or if the tests cannot be carried out or there are objections to the test specimens, then Article 10.2 will apply (Sttaubel, 2002).

The trafficker of illegal substances would also be liable to a minimum 4 years deprivation and a maximum of permanent deprivation. It must be noted that violations of

anti-doping rules by the younger athletes are considered more serious. If it is proven that those associated with the athletes are involved in anti-doping rule violation, the penalty is permanent deprivation. This violation also applies to the trafficking, purchase and the distribution of prohibited substances (Tamburrini, 2006).


Based on Articles 10.2 and 10.4, the commission of the following are also subject to penalty the offender being absent at the time of the test, giving inadequate or insufficient information, not providing access to the athlete and attempting to control or to revoke the test results. Guilt in the earlier would result in a punishment of no <3 months and a maximum of 2 years imprisonment or banning from the sport. The difference between the maximum and minimum depends on the organizational arrangements that meet the anti-doping responsibilities and activities of national or international federations (Kayser *et al.*, 2007).

CONCLUSION

On all levels in Iranian society related to sports, as well as government institutions there is an urgent need for a change of mind set in relation to doping and the effect

it leaves on an otherwise healthy way of life for a nation. The fact that knowledge regarding drug abuse and its outcome is so alarmingly low in general should be a very serious wakeup call to Iran as a country. The most pressing and urgent matter in Iran is to educate both athletes, as well as trainers and coaching staff to the dangers of performance enhancing drugs, as well as empower adequate legal backing from the justice system to provide a fair handling of parties involved in doping crimes. Perhaps, it would be prudent for the government of Iran to look towards to some of the countries that has successfully adopted a very firm approach to doping, most notably France and Italy where harsh penalties and consequences can be observed regarding all instances of doping in sport. Sidelining illegal import of performance enhancing drugs with regular drug crimes could be the way forward, as well as keeping a stringent observance towards permits and licenses for companies to import medical drugs into the country. On amateur sport level, permits for clubs which are involved with sports needs to be revised and properly supervised, as to not allow for rampant drug use to evolve as it is in danger of today with over 20,000 clubs and venues currently operating in Iran.

APPENDIX

 WORLD ANTI-DOPING AGENCY <i>play true</i> Table F7: Total Samples by TA Category - National Anti-Doping Organizations (NADOs) - continued	2012 Urine and Blood Samples Analyzed and Reported by Accredited Laboratories					
	Urine					
	IC			OOC		
NADOs	Samples	ATF	AAF	Samples	ATF	AAF
Anti-Doping Norway	1306	17	23	863	16	2
Anti Doping Authority the Netherlands	1318	12	30	882	5	-
NADO Flanders	1368	16	43	774	16	28
Colombian NADO	1870	-	20	221	-	1
Kazakhstan National Anti-Doping Centre	70	-	-	2338	-	1
National Anti-Doping Agency Austria GmbH	346	3	11	1015	9	1
Cuba National Anti-Doping Agency	86	-	-	1227	14	1
Anti Doping Denmark	546	11	4	763	17	2
Czech Anti-Doping Committee	959	2	21	293	-	2
Drug Free Sport New Zealand	448	1	7	729	-	1
Magyar Antidopping Csoport - HUNADO	404	2	5	652	2	1
Venezuela NADO	989	4	10	142	2	1
Hellenic National Council for Combatting Doping	754	6	5	353	1	6
French Community of Belgium NADO	883	13	25	91	2	-
Irish Sports Council	320	-	9	467	-	1
Croatian Institute for Toxicology and Antidoping	647	7	14	233	1	-
Indonesian Anti-Doping Agency	794	2	7	45	-	-
Saudi Arabian Antidoping Committee	482	3	33	-	-	-
Qatar National Antidoping Committee	312	1	6	127	-	1
United Arab Emirates National Anti-doping Committee	375	1	7	46	-	2
Anti-Doping Centre Bulgaria	248	3	13	141	-	-
Anti-Doping Agency of Malaysia	376	1	8	26	-	2
Cyprus Anti-Doping Authority	308	1	3	59	-	3
Anti-Doping Agency of Serbia	249	1	3	82	1	-
Hong Kong Anti-Doping Committee	60	-	7	216	-	-
Agency for Anti-Doping Control of Bosnia and Herzegovina	183	-	2	67	-	1
Anti-Doping Singapore	119	-	7	127	-	-
Belarus National Anti-Doping Agency	13	-	-	232	8	5
Chinese Taipei Anti-Doping Agency	36	-	-	197	-	1
Slovak Anti-Doping Agency	77	-	4	150	-	1
Kuwait Anti-Doping Committee	222	-	17	-	-	-
Anti-Doping Uruguay	195	1	8	18	-	-
Chile National Anti-Doping Commission	176	1	11	26	-	-
Egypt National Anti-doping Organization	92	-	2	91	-	1
Iran National Anti-Doping Organization	141	1	10	40	-	1
Anti-Doping department of State Sports Medicine Centre	86	3	1	67	3	-
Sri Lanka Anti Doping Agency	118	1	1	31	-	-
Estonian Anti-Doping Agency	35	-	-	94	8	-
Brazil Anti-Doping Agency	3	-	-	125	-	6
Luxembourg NADO	86	-	3	32	-	-
National Olympic and Sports Association of Iceland	50	-	4	65	1	1

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