

# **THE INDEPENDENT COMMISSION REPORT #1**

## **FINAL REPORT**

**November 9, 2015**

# **Independent Commission Investigation**

Submitted:

November 9, 2015

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INDEPENDENT COMMISSION

9 November 2015

Via Email

President Sir Craig Reedie  
World Anti-Doping Agency  
Stock Exchange Tower  
800 Place Victoria (Suite 1700)  
Montréal, QC H4Z 1B7

Re: Report to the President of WADA of an Independent Investigation

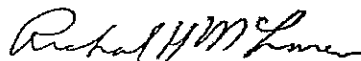
Dear President Reedie:

The Independent Commission has completed the enclosed Report, dated 9 November 2015, which is submitted to you pursuant to the Terms of Reference that established the Commission. This Report is provided in partial fulfillment of the mandate of the Independent Commission. There will be another Report to deal with the IAAF and the extended mandate of the Independent Commission. We appreciate having had the opportunity to be of service.

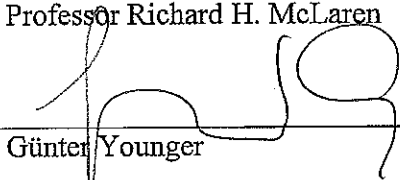
Sincerely,



Richard W. Pound, QC - Chair



Professor Richard H. McLaren



Günter Younger

Enclosure

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## Glossary

AAF	Adverse Analytical Finding
ABP	Athlete Biological Passport
ADAMS	Anti-Doping Administration & Management System
ADO	Anti-Doping Organization
ADRV	Anti-Doping Rule Violation
ARAF	All-Russian Athletics Federation
ATF	Atypical Finding
CAS	Court of Arbitration for Sport
CERA	Stimulating Agent in ESA class
Code	World Anti-Doping Code
Convention	International Convention Against Doping in Sport
CW	Confidential Witness
DCF	Doping Control Form
DCO	Doping Control Officer
DDG	Deputy Director General
EC	IAAF Ethics Commission
ELISA	Analysis method for CERA only
EPO	Erythropoietin

EQAS	External Quality Assessment Scheme (WADA)
ESA	Erythropoiesis Stimulating Agents
FSB	Russian Security Service
HGB	Haemoglobin
HGH	Human Growth Hormone
IAAF	International Association of Athletics Federations
IC	Independent Commission
IDTM	International Drug Testing Management
IEF	ESA test
IF	International Federation
IOC	International Olympic Committee
IRMS	Isotope-ratio Mass Spectrometry
ISL	International Standard for Laboratories
ISTI	International Standard for Testing and Investigation
ISU	International Skating Union
MinSport	Russian Sports Ministry
NADO	National Anti-Doping Organization
NF	National Federation
NOC	National Olympic Committee
OOOC	Out-of-competition
OTC	Olympic Training Centre (at Saransk)
PAF	Presumptive Analytical Finding

PED	Performance-enhancing drug
RTP	Registered Testing Pool
RUSADA	Russian National Anti-Doping Agency
SAR PAGE	test that detects CERA and other compounds
SME	Subject Matter Experts
TA	Testing Authority
TDP	Test Distribution Planning
VNIIFK	Russian Federal Research Center of Physical Culture and Sport
WADA	World Anti-Doping Agency

## Chapter 1: Executive Summary

This chapter contains a summary of the principal outcomes of the work of the Independent Commission (IC) established by the World Anti-Doping Agency President. Background and detailed findings of the investigation are provided in subsequent chapters of this Report.

### 1.1 Introduction

On 03 December 2014, the German television channel ARD aired the documentary “Top Secret Doping: How Russia makes its Winners”,<sup>1</sup> alleging the existence of a sophisticated and well established system of state-sponsored doping within the All-Russia Athletics Federation (ARAF), the governing body for the sport of athletics in Russia, recognized as such by the responsible international federation (IF), the International Association of Athletics Federations (IAAF).

Implicated in the documentary were Russian athletes, coaches, national and international sport federations, the Russian Anti-Doping Agency (RUSADA) and the Moscow WADA-accredited laboratory. Witness statements and other evidence allegedly exposed high levels of collusion among athletes, coaches, doctors, regulatory officials, and sports agencies to systematically provide Russian athletes performance enhancing drugs (PEDs)<sup>2</sup> in order to achieve the state’s main goal, as alleged in the ARD documentary: producing winners.

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<sup>1</sup> Seppelt, H. (Director). (2014). *Geheimsache Doping: Wie Russland seine Sieger macht* [Motion Picture].

<sup>2</sup> Performance-enhancing drugs, PEDS, doping substances and prohibited substances are expressions used interchangeably in this Report.

The response by WADA following these explosive allegations was immediate. WADA, whose mission is to promote and coordinate the fight against doping in sport internationally, moved quickly to form an Independent Commission (IC)

“to conduct an independent investigation into doping practices; corrupt practices around sample collection and results management; and, other ineffective administration of anti-doping processes that implicate Russia, the International Association of Athletics Federations (IAAF), athletes, coaches, trainers, doctors and other members of athletes’ entourages; as well as, the accredited laboratory based in Moscow and the Russian Anti-Doping Agency (RUSADA)” (Independent Commission Terms of Reference).<sup>3</sup>

This Executive Summary sets out background on WADA, the creation and charge of the IC, a brief account of the methodology used, sets out the IC’s key investigative findings in respect of the allegations of a widespread and extensive state sanctioned doping system, and includes a summary of recommendations based on the IC’s investigative findings.

## **1.2 Background on WADA**

WADA is an international independent agency that was created for the specific purpose of bringing consistency to anti-doping policies and regulations, and monitoring their implementation within sports organizations and governments worldwide. The World Anti-Doping Code (Code) provides the structure for anti-doping policies and regulations within sports and government organizations and assigns to WADA several areas of core responsibility, including: (i) Code compliance monitoring, (ii) promoting research in science and medicine to identify and detect doping substances and methods,

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<sup>3</sup> WADA, 2015. Independent Commission- Terms of Reference. [Online] Available at: <https://www.wada-ama.org/en/resources/independent-commission-terms-of-reference> [Accessed 27 August 2015].

(iii) laboratory accreditation and management, and (iv) cooperation with public authorities, including law enforcement. WADA operates to develop and enhance Code compliance, to protect “clean” athletes throughout the world.

WADA’s challenges are extensive, since its activities must transcend distance, culture, attitudes, customs, beliefs and politics. Code compliance can only be successful when all parties commit to honouring values-based compliance and maintain a strong anti-doping culture that seeks to serve athletes, irrespective of their nationality or federation. When violations of the Code are alleged, WADA must act not only to ensure enforcement of regulations, but also to protect all clean athletes, who expect an atmosphere of fair play within the applicable rules as well as the intrinsic spirit of sport.

### **1.3 Creation and Terms of Reference of the Independent Commission**

On 16 December 2014 WADA announced the names of the three-person IC formed to investigate the allegations arising from the German documentary and formally published the Terms of Reference a month later on 16 January 2015. The IC, comprised of Mr. Richard W. Pound, Q.C., former President of WADA, Professor Richard H. McLaren, law professor and longstanding CAS arbitrator, and Mr. Gunter Younger, Head of Department Cybercrime with Bavarian Landeskriminalamt (LKA), was given a mandate to establish whether:

1. There have been any breaches of processes or rules (Code and International Standards) by any signatory to the Code. This includes RUSADA and IAAF, but not exclusively as there may be other National Anti-Doping Organizations (NADOs) or International Federations (IFs) also requiring such inquiry.
2. There has been any breach of the International Standard for Laboratories (ISL) by any accredited laboratory, including the laboratory in Moscow.

3. There have been any breaches of anti-doping rules by athletes, coaches, trainers, doctors and other members of any athlete entourage. This includes officials within and outside any organization who might have been complicit in such breaches.
4. There is sufficient evidence that might lead to sanction processes pursued under the World Anti-Doping Code against any individual or any organization (IC Terms of Reference, January 2015).

The Terms of Reference were expanded in August 2015 following a second broadcast by ARD and publication of data relating to a number of athletes under the jurisdiction of the IAAF.<sup>4</sup> The timing of this extended mandate was such that it will be the subject of a subsequent IC Report and is not extensively commented upon in this Report.

Throughout the course of its mandate, the IC has independently reviewed all evidence gathered by WADA and other sources and prepared this Report. In order to complete the investigation, the IC was assisted by a team of specialists with investigative, technical and analytical skills. This Report outlines the investigative process and the many significant aspects that were studied and analyzed, ultimately providing evidence for findings of fact, recommendations and law enforcement referrals.

#### **1.4 Brief Summary of the IC Investigation Methodology**

The objective of the IC investigation was to conduct and direct an unbiased and independent investigation. The IC conducted numerous interviews and reviewed thousands of documents, employed cyber analysis, studied and reviewed Athlete

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<sup>4</sup> WADA. (2015, August 20). Independent Commission- Terms of Reference Addendum. Retrieved August 28, 2015 from WADA: <https://www.wada-ama.org/en/resources/legal/independent-commission-terms-of-reference-addendum>.



Biological Passport (ABP) profiles, conduct of athletes and officials, adherence to monitoring and reporting guidelines and possible Code violations.

Through interviews and analysis of evidence, IC investigators developed a comprehensive understanding of the culture and patterns of conduct within Russian athletics. While this investigation was prompted by revelations and allegations stemming from the ARD documentary, the evidence uncovered was not restricted to the topics covered by the ARD documentary.

Considerable assistance was provided to the IC by the investigators and by WADA personnel having expertise in matters such as laboratory practices, drug testing technologies, and the ADAMS management system used by WADA for monitoring and coordination purposes and other aspects, such as Code compliance. Other than WADA's Chief Investigations Officer, none of the WADA personnel who assisted the IC were involved in the assessment of factual evidence other than within the scientific realm in which WADA, as the independent international agency charged with leading the fight against doping in sport and monitoring the actions of Code signatories, operates on a daily basis. The IC reviewed all information provided, exercising its collective judgment in respect of the work performed. The IC was quite satisfied with the objectivity and professionalism displayed by the WADA staff.

The IC investigation focused principally on the following areas:

- The ARD Documentary released in December 2014. This documentary included damaging witness statements and incriminating video and voice recordings alleging widespread cheating, doping and corruption;
- Reviews of thousands of documents and the interviews of numerous witnesses with the objective of proving or disproving these allegations;
- Execution of the Cyber investigative phase assisted greatly in confirming many of the allegations, links and associations;
- Evaluating technical evidence;

- Audit of testing facilities, laboratories and monitoring methods, including conduct of laboratory officials and interference with independence;
- Evidence handling, custody and integrity issues regarding athlete tests;
- Regulatory authorities – monitoring protocols and possible variations;
- Athlete statements – including compliance and failure to cooperate with investigators;
- Detection of corruption that enabled positive analytical results to be not acted upon;
- Detection of corruption in the form of payments to medical officials and coaches for doping supplies and instructions on use of doping substances and methods;
- Potential criminal liability;
- Evidence of enticement by coaches and other officials, including medical, for athletes to engage in doping practices;
- Detection of corruption in the form of prior notice as to when and where out-of-competition doping controls would take place;
- Corruption of games organizing officials to enable national competitions where “green lanes” were in place to enable athletes to compete “dirty” thereby enabling them not to disrupt their doping regimes;
- Corruption of officials and extortion from athletes to cover-up positive tests; and,
- Findings and Recommendations

## 1.5 Whistleblowers

Readers will note that considerable evidence in this investigation has been provided by or obtained from persons who have the status of what are commonly referred to as “whistleblowers.” As such, some discussion regarding whistleblowers is appropriate.

It is well known that major tools in the fight against doping in sport include:

1. Testing, in competition and out of competition;
2. Investigations by sports and public authorities;
3. Admissions;
4. Analysis of Athlete Biological Passports (ABP); and
5. Evidence provided by whistleblowers.

The first four categories are reasonably obvious.

The fight against doping in sport is properly characterized as a fight, since it almost always involves deliberate cheating – conduct known to be contrary to the rules of sport (and contrary to the criminal law in certain countries) and in violation of the Code. Considerable effort, therefore, on the part of those involved in doping activities is devoted to ensuring that their clandestine conduct is not discovered or disclosed. A strong culture of silence exists and is rigorously enforced within the circle of cheating, even among the victims of cheating.

Those within a particular system often possess first-hand knowledge of the doping practices involved. Many have, themselves, doped. Notwithstanding the many pressures on such participants to remain silent, some are nevertheless willing, for a variety of reasons, to come forward with information regarding doping activities.

Concurrent with the enforced silence/omerta imposed, when those involved in doping activities are exposed, they almost invariably attempt to attack, discredit, marginalize and intimidate any whistleblowers. It is well known that many sport organizations

treat whistleblowers more harshly than they treat the dopers on whom they inform. Whistleblowers know this, but they are nevertheless willing to endure such treatment. Those who are, or have been, dopers may revolt against the system of which they have been part. Those who may have been caught and sanctioned may also hope to achieve a reduction in whatever sanction may have been imposed.

In other areas of societal conduct, whistleblowing is encouraged. Incentives are offered, in the form of non-prosecution agreements and reduced sanctions. Even financial rewards, some explicitly included in legislative provisions, may be available to whistleblowers.

Whistleblowers, therefore, are an important element in the fight against doping in sport. The Code encourages means to make it easy and safe for whistleblowers to provide information. WADA, for example, provides and finances a Hot Line for that purpose. The Code also provides for reduction of sanctions where “substantial assistance” has been provided in respect of the fight against doping in sport. WADA has concluded substantial assistance agreements with the principal whistleblowers in the present investigation.

The IC also notes that the more closed a particular society, the greater the reluctance to become involved in whistleblowing and the greater the suspicion that any disclosures may be monitored, with attendant consequences.

The evidence provided by whistleblowers must be reliable. In addition to the integration of verbal evidence with documentation and corroboration by other witnesses, an assessment of credibility needs to be made, since it is possible, based on examples in the past, that any allegations of doping will be fiercely contested. The IC has interviewed the principal whistleblowers in this investigation.

The IC is satisfied that their statements are credible and the other supporting evidence has been tested for authenticity.

## **1.6 Overall Outcomes of the IC Investigation**

The IC has turned over considerable data and information to Interpol that tends to demonstrate criminal conduct on the part of certain individuals and organizations. Until the proper authorities have decided whether to lay criminal charges, the IC will not make public the contents of that chapter of the Report, so as not to interfere with the ongoing investigations regarding such conduct. It is, however, anticipated that the chapter will be released and it is hoped that this can be done before the end of the year, for purposes of appropriate civil follow-up and actions.

The IC has prepared and delivered to WADA, for submission to the IAAF, Sanctions Packages in respect of five athletes, four coaches and one medical doctor, not previously the subject of disciplinary proceedings by the IAAF, the ARAF or the Russian Federation. Action on such packages has commenced and provisional suspensions have already been imposed in connection with some of these individuals.

The IC has identified certain additional suspicious cases and has recommended further follow-up and investigation by WADA.

The IC has identified systemic failures within the IAAF and Russia that prevent or diminish the possibility of an effective anti-doping program, to the extent that neither ARAF, RUSADA, nor the Russian Federation can be considered Code-compliant. The IC has recommended that WADA declare ARAF and RUSADA to be Code non-compliant.

The IC has recommended that WADA withdraw its accreditation of the Moscow laboratory as soon as possible and that its Director be permanently removed from his position. The Moscow laboratory is unable to act independently.

The IC has recommended that the IAAF suspend ARAF.

## **1.7 Independent Commission Investigative Findings**

### ***1.7.1 Preamble***

The investigation has confirmed the existence of widespread cheating through the use of doping substances and methods to ensure, or enhance the likelihood of, victory for athletes and teams. The cheating was done by the athletes' entourages, officials and the athletes themselves.

Evidence of extensive doping use is supported and confirmed by audio and video evidence, scientific evidence, corroborative statements, cyber analysis and related reporting documents. Numerous statements corroborate the original allegations and further detail the extensive use of doping substances and blood doping within Russian athletics.

In addition, evidence exists that confirms that coaches have attempted to manipulate or interfere with doping reports and testing procedures. They are also the source and counselling of athletes' use of PEDs. The coaches are supported in their doping efforts by certain medical professionals. Moreover, it is particularly alarming that there appears to be a collective disregard for the athletes' current or future state of health.

The findings in this Report include:

1. A Deeply Rooted Culture of Cheating – The investigation indicates that the acceptance of cheating at all levels is widespread and of long standing. Many of the more egregious offenders appear to be coaches who, themselves, were once athletes and who work in connection with medical personnel. This 'win at all costs' mentality was then passed to current athletes, whether willing to participate or not. An athlete's decision not to participate is likely to leave him or her without access to top calibre coaches and thus the opportunity to excel. This acceptance and, at times, expectation of cheating and disregard for testing and other globally accepted anti-doping efforts, indicate a fundamentally flawed

mindset that is deeply ingrained in all levels of Russian athletics. The mindset is “justified” on the theory that everyone else is cheating as well.

2. **Exploitation of Athletes** - As a result of this mindset, an open and accepted series of unethical behaviours and practices has become the norm. In addition, the pursuit of medals and exploitation of athletes for financial gain is well pronounced across Russian athletics. Russian athletes were often willing participants. However, there are documented cases where athletes who did not want to participate in ‘the program’ were informed they would not be considered as part of the federation’s national team for competition. Also, other coercive activities were employed to gain the athletes’ participation in doping activities, such as being unable to engage the highest calibre coaching assistance.
3. **Confirmed Athletes Cheating** - This Report outlines consistent and systematic use of performance enhancing drugs by many Russian athletes. This Report also identified a high percentage of athletes who were unwilling to participate in the IC investigation. The IC also found that many athletes were not filing accurate contact information for whereabouts purposes and many who clearly refused to cooperate with the investigation.
4. **Confirmed Involvement by Doctors, Coaches and Laboratory Personnel** - This Report confirms allegations that some Russian doctors and/or laboratory personnel acted as enablers for systematic cheating along with athletics coaches. This Report also identifies the intentional and malicious destruction of more than 1,400 samples by Moscow laboratory officials after receiving written notification from WADA to preserve target samples. The investigation has revealed many instances of inadequate testing and poor compliance around testing standards.

5. Corruption and Bribery within IAAF - This Report also identifies corruption and bribery practices at the highest levels of international athletics, evidence of which has been transmitted to Interpol for appropriate investigation. Publication of the information will be delayed until decisions are taken by the competent authorities regarding potential criminal prosecutions, but it is hoped and intended that the IC will publish the full information prior to the end of 2015.

### ***1.7.2 Specific Findings***

#### ***With respect to the Moscow laboratory***

1. [Chapter 9] Grigory Rodchenko, director of the Moscow accredited laboratory was specifically identified as an aider and abettor of the doping activities.
2. [Chapter 13] The IC investigation found violations of ISL article 4.1.8 in respect of the Moscow laboratory.
3. [Chapter 13] The reported presence of the security services (FSB) within the laboratory setting in Sochi and at the Moscow laboratory, actively imposed an atmosphere of intimidation on laboratory process and staff, and supported allegations of state influence in sports events.
4. [Chapter 13] The direct interference into the laboratory's operations by the Russian State significantly undermines the laboratory's independence.



5. [Chapter 13] Many tests that the laboratory has conducted should be considered highly suspect.
6. [Chapter 13] Assessed as a whole, the IC finds that these investigative reports demonstrate strong corroborating evidence that the Moscow laboratory has been involved in a widespread cover-up of positive doping tests.
7. [Chapter 13] The IC further finds that at the heart of the positive drug test cover-up is Dir. Rodchenkov. He not only accepted, but also requested money in order to execute the concealment positive test results, which makes him equally responsible for incidents where coaches or officials extorted athletes even if he was not personally made aware of the extortion.
8. [Chapter 13] The IC finds that Dir. Rodchenkov's statements regarding the destruction of the samples are not credible. They purport to explain the destruction of a large number of potentially important samples on the basis of an alleged inconsistent understanding of the clear instructions received and acknowledged by Rodchenkov.
9. [Chapter 13] WADA officials and IC members conducted two subsequent interviews of Dir. Rodchenkov on 26 March 2015 and 30 June 2015, where on both occasions, he admitted to intentionally destroying the 1,417 samples in order to limit the extent of WADA's audit and to reduce any potential adverse findings from subsequent analysis by another WADA accredited laboratory.
10. [Chapter 13] The intentional destruction of the 1,417 samples done with the purpose of obstructing WADA's ability to conduct follow up analysis on the samples was corroborated by another staff member who heard similar admissions directly from Dir. Rodchenkov.

11. [Chapter 13] [Regarding unmarked samples of unknown origins] The IC finds that the testing of samples is a highly improper practice and a violation of the ISL standards and the Code.
12. [Chapter 13] The only reasonable conclusion is that the unmarked samples were provided (the documentation in respect of which was ordered to be destroyed) for purposes of monitoring drug use, clearance times and maintenance of certain levels below thresholds that might produce Adverse Analytical Findings (AAF) in proper testing circumstances.
13. [Chapter 13] The Moscow laboratory is not operationally independent from RUSADA or the Ministry of Sport. Its impartiality, judgment and integrity were compromised by the surveillance of the FSB within the laboratory during the Sochi Winter Olympic Games.
14. [Chapter 13] The apprehension of surveillance by the staff in the Moscow laboratory caused by FSB representatives regularly visiting the laboratory and weekly discussions occurring between the Moscow laboratory Director and the Russian Security service affect the impartiality, judgment and integrity of the laboratory.
15. [Chapter 13] The IC concludes that there was direct intimidation and interference by the Russian state with the Moscow laboratory operations.
16. [Chapter 13] The Moscow laboratory Director was paid indirectly by one of the whistleblowers to conceal a doping test taken while the athlete was knowingly competing dirty. The go-between who received the money is a known performance-enhancing substances trafficker.

17. [Chapter 13] There is strong corroborating evidence that the Moscow laboratory has been involved in a widespread cover-up of positive doping tests.
18. [Chapter 13] Director Rodchenkov was also an integral part of the conspiracy to extort money from athletes in order to cover up positive doping test results.
19. [Chapter 14] The IC discovered the existence of a second laboratory in Moscow, apparently having the same testing capabilities as the WADA accredited laboratory. Its precise use is unknown. The laboratory is known as the “Laboratory of the Moscow Committee of Sport for Identification for Prohibited Substances in Athlete Samples” and is controlled by the city of Moscow government. The laboratory Director is Dr. Giorgi Bezhanishvili, a forensic toxicologist.
20. [Chapter 14] There is sufficient corroborated evidence to conclude that the second laboratory was assisting in the cover-up of positive doping results by way of the destruction of samples.
21. [Chapter 14] Pre-screened samples that were not positive could then be sent to the accredited laboratory.
22. [Chapter 14] Such evidence was given on a confidential basis due to fear of reprisals against the witnesses providing the evidence.
23. [Chapter 19] Moscow laboratory director Rodchenkov had direct access to the Minister for purposes of funding requests for laboratory equipment.

*With respect to RUSADA*

1. [Chapter 9] RUSADA had a practice of providing advance notice of out-of-competition tests.
2. [Chapter 9] The IC determined that there were many examples of inadequate, incorrect or inexistent whereabouts filings on the part of Russian athletes participating in athletics.
3. [Chapter 9] The IC determined that there were many occasions on which Russian athletes participating in athletics were given advance notice of proposed out-of-competition tests and were thus able to avoid being tested or take steps to render the tests ineffective.
4. [Chapter 9] The IC determined that there were many examples of missed tests on the part of Russian athletes participating in athletics.
5. [Chapter 9] The IC found examples of the use of false identities for purposes of evading testing.
6. [Chapter 12] RUSADA DCOs routinely accept bribes from the athletes, thereby ensuring that the doping control test will not be effective.
7. [Chapter 9] There was intimidation of the DCO, both direct and in relation to the DCO's family members.
8. [Chapter 12] RUSADA DCOs routinely do not follow the International Standard for Testing despite being trained as to how to conduct tests.

9. [Chapter 12] RUSADA DCOs do not always complete a mission when first given to them, but await the filing of new whereabouts information reflecting a location closer to Moscow where they are based.
10. [Chapter 12] RUSADA allowed athletes under current anti-doping sanctions to compete during the period of the sanctions, contrary to a specific Code prohibition.
11. [Chapter 12] RUSADA DCOs routinely do not follow the International Standard for Testing despite being trained as to how to conduct tests.
12. [Chapter 12] A review of a sampling of RUSADA's reporting procedures showed significant gaps in reporting and unexplained deficiencies in submissions to ADAMS. DCFs were either not entered into ADAMS or were significantly delayed. An increased effort in DCF submissions will assist in generating a timely and transparent results management process, subject to the integrity of the overall operations of testing and that process.
13. [Chapter 12] The IC review revealed that RUSADA has a favourable record of collecting samples and conducting analysis for particular substances that are of high risk for athletes in comparison to other NADOs, for example EPO and IRMS analysis.
14. [Chapter 12] RUSADA hGH testing has been insufficient and questions remain regarding the methods applied by the Moscow laboratory for ESAs on behalf of RUSADA.
15. [Chapter 12] The inaccuracy and non-compliance of the "whereabouts" information for Russian athletes is obstructing out-of-competition testing and

timely notification of athletes for other potential violations. An increased effort in this area will complement effective target testing for RUSADA.

16. [Chapter 12] Allegations of collusion between coaches and RUSADA have established major concerns about RUSADA's functioning as an impartial institution.
17. [Chapter 12] As incidents of inaction regarding reporting and DCF filings are attributed to RUSADA, a review of the applicable processes, specifically implementation and enforcement, is required in order to provide the international community with confidence that the issues discovered are being suitably addressed.
18. [Chapter 12] Athletes under current anti-doping sanctions were allowed to compete during the period of the sanctions, contrary to a specific Code prohibition. It is highly unlikely that this could have occurred without the knowledge and consent of both RUSADA and ARAF.
19. [Chapter 12] TDPs, no matter how well designed, can be compromised by advance notice of out-of-competition testing, false or inaccurate whereabouts information, interference by coaches and officials, evidence of all of which was discovered by the IC investigation.
20. [Chapter 13] RUSADA is routinely requesting limited benchwork examination in completing testing of samples.
21. [Chapter 14] It is not credible to believe that the existence and capabilities of the second laboratory were unknown to ARAF and RUSADA.

22. [Chapter 17] In the later stages of the IC investigation, IDTM DCOs proved themselves to be more reliable and effective in their role than their RUSADA counterparts.
23. [Chapter 18] RUSADA acted in a manner that enabled athletes to continue competing by declaring samples to be negative for AAFs and not cancelling certain competition results – leading to further appeals to CAS.
24. [Chapter 18] The ARD documentary allegations that there was a scheme to provide Russian athletics athletes having abnormal ABPs with delayed testing notification cannot be confirmed at this time on the evidence the IC possesses.

*With respect to ARAF*

1. [Chapter 9] The athlete Anastasiya Bazdyreva aggressively refused to cooperate with the IC investigators.
2. [Chapter 9] [Regarding Anastasiya Bazdyreva] The athlete's coach, her doctor (Igor Gubchenko) and the interim ARAF president (Mr. Zelichenok) refused to cooperate with the IC investigators.
3. [Chapter 9] The athlete interview of Ekaterina Poistogova was interrupted after the athlete spoke with her doctor (Igor Gubchenko).
4. [Chapter 9] The interim ARAF president (Mr. Zelichenok) demanded that the IC investigators not speak with the athletes.

5. [Chapter 9] [Regarding the DCO mission to the Yunost training camp] The responsible team official denied that most of the athletes were present, thereby obstructing the doping control process.
6. [Chapter 9] [Regarding the DCO mission to the Yunost training camp] The responsible team official asserted that the DCO had no right to test the athletes (in a private hotel), such ill-founded contention further obstructing the doping control process.
7. [Chapter 9] Medications and syringes were present in the athletes' room.
8. [Chapter 9] Coaches and athletes had received instructions following the ARD documentary not to speak with the IC and not to sign any documents.
9. [Chapter 9] Coaches claimed that the DCO had no right to test athletes who were not in the Registered Testing Pool (notwithstanding IAAF rules).
10. [Chapter 9] Coaches were complicit in attempting to prevent access to athletes for testing, thereby obstructing the doping control process.
11. [Chapter 9] There are clear cases of refusals to be tested involved, which should be investigated and acted upon, including Dyldin.
12. [Chapter 9] Athletes were instructed to record information that was not true in their DCFs, such as times of notification.
13. [Chapter 9] The fact that 9 AAFs for EPO resulted from the tests on that Saransk training camp mission underscores the reasons for the resistance to the tests.



14. [Chapter 9] The dates of the reported events at the Saransk training camp make it clear that, contrary to some assertions, the practice of doping in athletics in Russia remains very much current, even following the ARD documentary.
15. [Chapter 9] Athletes deliberately gave their coach's number as their whereabouts contact, to avoid direct contact by DCOs and to provide additional time before giving a sample.
16. [Chapter 9] No athletes answered the DCO calls. The IC considers it likely that this conduct was based upon instructions from the coaching or support staff.
17. [Chapter 9] Deliberate efforts were made to stretch the time between notice and the provision of samples for analysis, to provide opportunity for obstructive actions in relation to the tests.
18. [Chapter 9] The doctor/observer refused to provide his name when requested to do so by the DCO.
19. [Chapter 9] Coaches have a financial interest in protecting their athletes from doping tests that might produce positive findings.
20. [Chapter 9] Coaches attempted to intimidate and threaten the DCO in the course of his duties as DCO.
21. [Chapter 9] Coach Nikitin lied about the presence of targeted athletes at the Saransk training camp, in an effort to prevent the athletes from being tested.
22. [Chapter 9] Having considered the two circumstances involving Ms. Pecherina, the IC prefers the statements made in the first ARD documentary, when she was not being influenced by one or more off-screen parties.

23. [Chapter 9] There is insufficient evidence to support the figure of 99% of members of the Russian national athletics team as dopers. That said, Ms. Pecherina was a member of the national team and can be taken to be aware of significant doping going on around her.
24. [Chapter 9] Evidence of extensive PED use is supported and confirmed by audio and video evidence. It is also documented by witness statements that corroborate the original allegations of the German television documentary and which provide further details regarding the extensive use of PEDs and blood doping within the Russian federation.
25. [Chapter 9] Within the scope of this investigation, there is clear evidence of a “Systemic Culture of Doping in Russian Sport” perpetuated, in part, although not exclusively, through coaches and administrators, whose collective actions at times extended beyond mere administrative violations into potentially criminal acts.
26. [Chapter 9] This network created an atmosphere in which an athlete’s choice was frequently limited to accepting the prescribed and mandated doping regimen or not being a member of the national team.
27. [Chapter 9] The coaches wrongfully encouraged their athletes, or athletes chose to believe that all other nations were following similar illicit training methods, thereby creating a self-justification that ‘sport doping’ and the non-enforcement of violations were competitive necessities and perhaps even patriotic obligations.
28. [Chapter 11] There has been cover-up and delay by ARAF in the investigating of athletes with abnormal passport profiles who should have been banned, and

prevented from participating in the London Olympics. Several of these athletes were allowed to compete and some went on to win medals.

29. [Chapter 11] The IC investigation found overwhelming evidence against a number of senior national team coaches who were involved in collusion to illicitly obtain details of suspicious ABP testing results against their athletes. Such conduct demonstrates an embedded and institutionalized process designed to secure winning at any cost.
30. [Chapter 11] The IC found evidence that several coaches at senior level and the ARAF Chief Medical Officer were committing violations of the Code articles 2.6, 2.8 and 2.9 over many years.
31. [Chapter 11] Former President Balakhnichev is ultimately responsible, both individually and as an ARAF representative, for the wrongful actions that occurred while he was President.
32. [Chapter 11] The examination of the conduct and standards of ARAF senior coaches has revealed that a number of them were found to be in violation of WADA Code 2.8 and 2.9 and subsequently recommended for appropriate sanctions.
33. [Chapter 11] For at least two coaches, digital recordings and forensic analysis confirm their involvement in the trafficking of prohibited substances.
34. [Chapter 11] On the secret whistleblower recordings, coaches discussed with athletes, in their own words, how ABP testing can be circumvented, the problems ARAF has had with preventing ABP from capturing violations of their athletes and what they can do about it in the future, including the suggestion of administering newly developed PEDs that will escape detection.

35. [Chapter 11] As a result of the IC investigation, ARAF Chief Medical Officer, Dr. Portugalov, has been reported for committing offenses under articles 2.8 and 2.9 of the Code, which not only undermines his position as a medical professional, but also demonstrates a complete disregard for the health and well-being of the athletes.
36. [Chapter 11] As of June 2015, there continues to exist widespread doping taking place at the OTC in Saransk, despite the ongoing and well-publicized investigation into doping on the Russian athletics team. Russian coaches apparently felt it was safe enough for six out of ten race walkers, who tested positive, to continue doping as part of their training program, supporting cheating within athletics.
37. [Chapter 11] There was active use of blood transfusion equipment at the OTC, which is supported by forensic analysis demonstrating systematic use of this type of equipment to gain sporting advantage.
38. [Chapter 11] The former Director of the OTC was sanctioned for the possession of the blood transfusion equipment at the Center.
39. [Chapter 11] OTC Head Coach, Viktor Chegin, who is the subject of separate IAAF and RUSADA investigations, is responsible for the events that have occurred at the OTC and will be formally reported by the IC for offenses and recommended for sanctions.
40. [Chapter 11] The intentional delay and obstruction of the DCO's mission that was created by the coaches at the OTC during the unannounced ITDM doping mission in June 2015 possibly assisted some of the remaining four athletes to escape a positive sample detection.

41. [Chapter 12] Athletes under current anti-doping sanctions were allowed to compete during the period of the sanctions, contrary to a specific Code prohibition. It is highly unlikely that this could have occurred without the knowledge and consent of both RUSADA and ARAF.
42. [Chapter 13] There was collusion between the President of ARAF and the laboratory Director Rodchenkov to conceal positive drug tests by swapping clean samples for known dirty “A” samples at the Moscow lab. Athletes paid both the President and the Director for the benefit of such services.
43. [Chapter 13] At least one elite world marathoner paid her coach, Melnikov and the medical director of ARAF, Portugalov, annual sums of money, a portion of those monies being to protect her from receiving a positive drug result from her doping activities.
44. [Chapter 13] Interviews with athletes and secret recordings led to the finding that within Athletics, (which is the only sport that the IC was mandated to investigate) there were a series of high-level individuals involved, who, for monetary payments, conspired to conceal positive doping samples, leading to the conclusion that there was likely a system in Russia for cover-ups in doping.
45. [Chapter 14] It is not credible to believe that the existence and capabilities of the second laboratory were unknown to ARAF and RUSADA.
46. [Chapter 15] The Deputy Director General of the Russian Federal Research Center of Physical Culture and Sports (VNIIFK), Dr. Sergey Portugalov, who is also the Chief of the ARAF’s medical commission, provided banned substances to Russian athletes and was very active in the conspiracy to cover-up athletes’ positive tests in exchange for a percentage of their winnings.

47. [Chapter 15] The IC finds that not only did Dr. Portugalov supply PEDs to athletes and coaches, but also administered the doping programs and even injected athletes himself.
48. [Chapter 15] The IC finds that it was demonstrated that Dr. Portugalov's actions over many years are in violation of Code Item 2.8 "Administration or Attempted Administration to any Athlete Out-of-Competition of any Prohibited Substance or any Prohibited Method that is prohibited Out-of-Competition" and Code Item 2.9 "Complicity - Assisting, encouraging, aiding, abetting, conspiring, covering up or any other type of intentional complicity involving an anti-doping rule violation, attempted anti-doping rule violation or violation of Article 10.12.1 by another person."
49. [Chapter 15] Dr. Portugalov was the subject of a sanctions package containing evidence the IC had gathered which it turned over to WADA, recommending a lifetime ban from sport. The IC is informed that its sanctions package has been submitted to IAAF with the acceptance by WADA of the proposed IC recommendation. The sanctions package and report was forwarded to ARAF on 08 August 2015 for further consideration.
50. [Chapter 18] There was no interaction between ARAF and RUSADA once IAAF notifications were given, leading to CAS proceedings later withdrawn.
51. [Chapter 19] There was evident institutional knowledge that coaches expected Russian sports officials to protect their athletes from the consequences of doping.

*With respect to the Russian Federation (Ministry of Sport)*

1. [Chapter 9] Russian law enforcement agencies were involved in the efforts to interfere with the integrity of the samples.
2. [Chapter 12] Regardless of Ms. Zhelanova's statement that RUSADA acts independently, although financed by the Ministry, the IC has serious doubts that it is truly independent. Various sources reported to the IC that there is more influence than structurally indicated by the Ministry of Sport.
3. [Chapter 19] There are inconsistent versions of what has happened within Russia regarding investigation and actions subsequent to the ARD documentary.
4. [Chapter 19] Ms. Zhelanova stated that an investigation had occurred and that a report was expected by the end of the year (2015).
5. [Chapter 19] Another version was that all of the athletes implicated had been interviewed, that they had all denied any complicity and that the matter was, therefore, dropped.
6. [Chapter 19] The Minister said that investigations had occurred and that certain people had been fired.
7. [Chapter 19] It is inexplicable that Minsport would allow RUSADA, as the subject of several of the allegations in the ARD documentary, to investigate itself.

8. [Chapter 19] Minsport did nothing to investigate the serious allegations of criminal conduct on the part of Russian sport officials.
9. [Chapter 19] Many individuals were unwilling to speak candidly regarding relationships between Minsport, RUSADA and the Moscow laboratory out of fear for reprisals.
10. [Chapter 19] The IC was unable to corroborate allegations of direct influence by Minsport on the activities of RUSADA and the Moscow laboratory.

*With respect to the IAAF*

1. [Chapter 9] There was potential interference with the integrity of the samples, thwarted only by the extraordinary evasive actions taken by the DCO.
2. [Chapter 9] The IC found examples of outright refusals by athletes, despite notification and evidence that the tester was an official DCO.
3. [Chapter 10] The IC investigation ultimately corroborated the whistleblower's allegations of a multifaceted and complex conspiracy involving members of the athletic community within the IAAF and ARAF.
4. [Chapter 10] The IC investigation found evidence of breaches of processes and rules of the Code and ISL Standards, as well as IAAF rules and processes by IAAF officials.



5. [Chapter 18] For the reasons mentioned above, and given that the IAAF only sent the ARAF official notification of Sergey Kirdyapkin's abnormal ABP on October 1, 2012, which is nearly one year after the IAAF initially informed ARAF of his abnormal ABP (Kirdyapkin was an athlete included on the list of November 18, 2011), the IC considers that there was an excessive time delay.
6. [Chapter 18] [Regarding Vladimir Kanaykin] The IC finds that the IAAF ought to have expedited the results management report to ARAF because of the pending London 2012 Games.
7. [Chapter 18] [Regarding Vladimir Kanaykin] The IC finds that following initial contact there was an excessive delay of 18 months before the IAAF followed up with ARAF.
8. [Chapter 18] [Regarding Valeriy Borchin] The IC finds that following initial contact there was an excessive delay of 21 months before the IAAF followed up with ARAF regarding the potential ADRV.
9. [Chapter 18] [Regarding Olga Kaniskina] The IC finds that the IAAF ought to have expedited the results management report to ARAF because of the pending London 2012 Games in which the athlete competed.
10. [Chapter 18] [Regarding Sergey Bakulin] The IC finds that the IAAF ought to have expedited the matter to an ABP expert panel prior to the pending 2012 London Games.

11. [Chapter 18] [Regarding Asli Cakir Alptekin] The IC finds that the IAAF ought to have expedited the matter to an ABP expert panel prior to the pending 2012 London Games.
12. [Chapter 18] There was considerable delay by the IAAF Anti-Doping department, varying between 18 months and 25 months, in informing the athlete and the ARAF of the investigation into an athlete's potential ADRV based on the ABP. This resulted in athletes being able to compete in the London 2012 Olympics and other world athletics events. Furthermore, the notification letters were not always consistent in offering a two-year sanction in exchange for a prompt admission.
13. [Chapter 18] If an athlete chose a provisional suspension, if it was offered, then the IAAF took anywhere from 18 months (Bakulin) to 25 months (Kirdyapkin) to follow up to determine if ARAF had investigated or initiated disciplinary proceedings.
14. [Chapter 18] After initial notification by the IAAF of a possible ADRV the ARAF took up to more than 2 years to take action the notifications it received.
15. [Chapter 18] IAAF was inexplicably lax in following up suspicious blood (and other) profiles.
16. [Chapter 18] ARAF was inexplicably lax in following up notifications from IAAF, equally the IAAF failed to act expeditiously in following up on results management.

17. [Chapter 18] The delays by both the IAAF and ARAF led to athletes competing in the London 2012 Olympics who should have been prevented from competing (and who were/are later sanctioned).
18. [Chapter 18] There are inconsistencies in the proposed sanctions by IAAF and the eventual sanctions.
19. [Chapter 18] There are unexplained delays in getting the CAS appeals argued and decided.

*With respect to WADA*

1. [Chapter 20] WADA faces pressures from stakeholders to undertake more and more responsibilities in the fight against doping in sport, but without concomitant increases in the resources necessary to accomplish the necessary activities.
2. [Chapter 20] WADA's coordination of the fight against doping in sport could be made easier if the use of ADAMS was compulsory and that all providers of data required pursuant to the Code not capable of direct entries into ADAMS assume any additional costs of the incorporation of the necessary data.
3. [Chapter 20] Now implementing the third version of the Code, WADA needs to continue its educational role, but also to insist on compliance by all Signatories.

4. [Chapter 20] Actual and potential conflicts of interest at the WADA Executive Committee and Foundation Board make decisive actions regarding Code compliance unnecessarily difficult to achieve.
5. [Chapter 20] WADA continues to face a recalcitrant attitude on the part of many stakeholders that it is merely a service provider and not a regulator.
6. [Chapter 20] While consensus and compliance, where possible, are preferable, WADA has been unduly tentative with signatories in requiring compliance and timely action.
7. [Chapter 20] WADA staff have the necessary scientific and technical qualifications and have the required abilities to administer the world anti-doping program and to deal with scientific and compliance issues. They need to hire staff who will be able to run international investigations throughout multiple jurisdictions in order to assist in the investigation aspects of doping and ensure compliance with the ISTI.
8. [Chapter 20] WADA has been effective in changing the focus of anti-doping programs to that of protecting the clean athletes.
9. [Chapter 20] Delays in the implementation of actions required in cases of suspected doping can compromise the effectiveness of anti-doping programs.

10. [Chapter 20] WADA is not aware of all contractual relationships at accredited laboratories that may have an impact on the operational capabilities of the laboratories.
11. [Chapter 20] WADA is not necessarily aware of all circumstances in which doping control officers have been interfered with or when obstruction of their duties may have occurred.
12. [Chapter 20] WADA needs to develop a whistle blower assistance and protection program to facilitate the encouraging of whistle blowers activities.

*With respect to the Lausanne Laboratory*

1. [Chapter 16] The IC has not discovered evidence that would support otherwise culpable conduct on the part of the Lausanne laboratory in relation to the destruction of the samples.
2. [Chapter 16] The Lausanne laboratory acted contrary to specific instructions received from WADA to retain the 67 samples transferred to it from the Moscow laboratory.
3. [Chapter 16] The IC is not satisfied with the explanations given for the destruction of the samples transferred from the Moscow laboratory.
4. [Chapter 16] The prohibited substance discovered in one of the transferred samples was at a level lower than that which the Moscow laboratory was able to discover.

5. [Chapter 16] As a result of the destruction of the samples transferred from the Moscow laboratory, there is insufficient corroborating evidence to support the allegations by Mr. Popov of a conspiracy involving coach Melnikov and director Rodchenkov to ensure that certain athletes were to have samples substituted in the event of positive tests, for which a fee would be paid to Rodchenkov.

### *Other Findings*

1. [Chapter 9] The hotel management confirmed the presence of the athletes targeted for testing.
2. [Chapter 17] IDTM took internal independent measures to conduct an investigation following the release of the ARD documentary, which resulted in the dismissal of staff implicated in the documentary.

## **1.8 IC Recommendations**

### *1.8.1 Preamble*

The Independent Commission (IC) considers that certain introductory comments should be made regarding its recommendations.

The mandate of the IC was to examine into the allegations made on the television programs aired by ARD German television, with particular reference to athletics in Russia and the IAAF.

While there are reliable indications that sports in Russia, other than athletics, are affected by doping, the IC considered this to be outside its Terms of Reference.

Although the IC report and recommendations are confined to Russia and athletics, the IC wishes to make it clear that, in its considered view, Russia is not the only country, nor athletics the only sport, facing the problem of orchestrated doping in sport.

The IC has provided certain results of its investigations to Interpol. Interpol has agreed to launch an integrated inquiry into the criminal nature of actions on the part of a number of actors appearing in the course of the investigations. Because of this, certain portions of the IC report will be held back until the police authorities have concluded their own investigations and have decided upon the possible prosecution of criminal charges. Once that stage has been reached, the IC will release that portion of its report.

Athletics is an important sport within the Olympic Movement and Russia is an important country in world sport. Such importance should be reflected by leadership in the fight against doping in sport, not the reverse. The IC has found that not only was leadership in the fight against doping in sport lacking, but also that there were organized efforts on the part of many senior coaches and officials, inside and outside Russia, to promote doping and make it possible for such efforts to be successful, including the cover-up of certain positive cases of doping.

IFs exercise exclusive governance of their sports in order to nurture the development of the sport that each IF represents. The International Olympic Committee (IOC) recognizes a single IF per sport for purposes of the participation of that sport in the Olympic Movement. Any conduct at the highest levels of an IF that permits evasion, deception and extortion to be the modus operandi of the IF, to the detriment of its members and the sport itself, results in inexcusable transgressions of their mission and abuse of the trust of all those involved in the sport.

Leadership implies responsibility and acceptance of the consequences of non-compliance, regardless of the importance of a sport or a particular country. It is no answer that athletics is too important to be required to comply with anti-doping rules, that the IAAF is too important to be accountable, or that Russia is too important to be sanctioned. It is precisely because all are so important that sanctions proportional to the seriousness of the conduct must be imposed. Athletics, the IAAF and Russia have the means and opportunity to change their conduct.

It is not relevant for purposes of this report that the IAAF and RUSADA may conduct more tests than certain other sports and countries. It is obvious that what has been done has been insufficient as well as tainted. The current exercise is not a search for the lowest common denominator. Quantitative testing is no substitute for qualitative testing.

The IC expects that at least part of the response to this Report will be a predictable concern that some “innocent” athletes may be excluded from participation in competitions if the recommendations in the Report are adopted by the appropriate organizations. “Innocent” athletes, around the world and in Russia, are already suffering as a result of the conduct identified in this Report: they need protection. The root cause of any non-participation is not the Report, but rather the unacceptable conduct of those responsible for the situation giving rise to the IC investigation and Report. It is they who must assume the responsibility for their actions. The unacceptable conduct can easily be solved by those responsible, who must assume their responsibilities to protect the clean athletes, and thereby enable the clean athletes to participate once again. Timely action on their part should mean that no significant competitions will be missed.

The IC offered, in writing, to meet with the Russian Minister of Sport prior to completing and issuing its Report. A meeting was held in Zurich on 21 September 2015, in the course of which the Minister was invited to provide any comments or information that he considered relevant and was advised in general terms of the state of the IC’s investigation and likely directions.



### ***1.8.2 Specific Recommendations***

#### ***With respect to the Moscow Laboratory***

1. THAT the Director of the Moscow Laboratory, Grigory Rodchenkov, be permanently removed from his position.
2. THAT the WADA accreditation of the Moscow Laboratory be revoked.
3. THAT pending any decision regarding revocation of accreditation, the Moscow Laboratory be provisionally suspended from all testing activities and that all samples collected in Russia be sent for analysis at other accredited laboratories. WADA staff shall oversee the completion and transfer of the work in progress at the Moscow laboratory to other accredited laboratories.
4. THAT any eventual reaccreditation process in respect of the Moscow Laboratory focus, in addition to scientific expertise and quality control, on measures that will ensure that it operates, in fact, entirely independently from any other agency, institution, government ministry or other outside influence.
5. THAT the Moscow Laboratory promptly and continuously disclose to WADA the terms of all contracts regarding scientific and other assistance provided to it, as well as any other information requested by WADA.

*With respect to RUSADA*

1. THAT RUSADA be declared Code non-compliant.
2. THAT the Code non-compliant status of RUSADA shall remain in effect until WADA determines otherwise pursuant to a reasoned decision.
3. THAT WADA should consider removing non-compliance status only upon receiving and approving a comprehensive report on how the failures identified by the IC will be resolved. In particular, such report should provide for all necessary measures to ensure the independence and autonomy of any eventual accredited laboratory in Russia, including sufficient multi-year funding to enable it to function as contemplated by the world anti-doping program.
4. THAT RUSADA be required to submit its annual test distribution plans to WADA for approval until such time as WADA may determine that such a process is no longer necessary.
5. THAT RUSADA DCOs be monitored as determined by WADA personnel to ensure that all testing is conducted in conformity with the International standard for testing and investigations (ISTI).
6. THAT RUSADA shall, using all possible means, ensure that no details of out-of-competition tests are communicated to coaches, athletes or any other party in advance of such tests.

7. THAT RUSADA shall initiate, and report to WADA on, actions taken in respect of any coaches, officials or athletes who may interfere or attempt to interfere with any testing procedure.
8. THAT RUSADA investigate the circumstances of those athletes and coaches who the IC attempted to contact and interview, but who refused to meet with or communicate with IC investigators and report to the Ministry of Sport and WADA on its findings prior to 31 December 2015.
9. THAT RUSADA shall fulfil its compliance duty to report to WADA on any interference by any party or organization in any aspect of its responsibility.
10. THAT RUSADA shall ensure prompt action is taken with respect to suspicious ABPs or test results, including its participation in any subsequent appeals taken by any party to CAS.
11. THAT RUSADA continue to offer and organize anti-doping courses for coaches, officials and athletes, the content of which shall be approved by WADA.
12. THAT RUSADA shall ensure that foreign athletes present in the Russian Federation are subject to testing upon request of other ADOs or on its own initiative.

*With respect to ARAF*

1. THAT WADA shall immediately declare ARAF to be Code non-compliant. (The IC would have no objection to and suggests that ARAF might, should it prefer, agree to an immediate provisional suspension in order to begin remedial actions to achieve Code compliance as quickly as possible.)
2. THAT ARAF shall undertake an internal investigation regarding non-compliant Code conduct of any of its officials, coaches and athletes identified in the IC Report and since 01 January 2011, and shall report in writing to the WADA Foundation Board within six months of the issuance of this Report.
3. THAT ARAF, as a condition of lifting any suspension or provisional suspension, shall satisfy WADA that its officials, coaches and athletes act in accordance with the Code.
4. THAT ARAF shall ensure that it acts on a timely basis with respect to any suspicious cases submitted to it by the IAAF or by WADA.
5. THAT ARAF shall provide and implement appropriate means and resources to enable athletes and other whistleblowers to report on Code non-compliant situations, whether directly to ARAF or through the WADA hot line and shall actively promote an open environment that will encourage such conduct. ARAF shall report to WADA on remedial actions it has taken.

6. THAT ARAF shall report to WADA on any anti-doping practices or procedures within its relationship with the IAAF that seem to be outside established authority or different from prior practices.
7. THAT the cases of those individuals identified by the IC for appropriate discipline by IAAF be pursued as expeditiously as possible, accompanied by provisional sanctions.
8. THAT WADA recommend to the IOC that it not accept any entries from ARAF (or the Russian NOC in respect of athletics) until ARAF has been declared Code compliant pursuant to a reasoned decision by WADA.
9. THAT Dr. Sergei Nikolaevich Portugalov be permanently removed from his position as Chief of the ARAF Medical Commission.
10. THAT before any International Event entries are accepted from ARAF, ARAF must provide the IAAF, the Ministry of Sport and WADA with a list of all athletes and coaches provided with doping substances and/or counselled by Dr. Sergei Nikolaevich Portugalov regarding doping.
11. THAT ARAF propose to the IAAF reasonable terms of office limitations for its senior officers.

*With respect to the Russian Federation*

1. THAT the Russian Ministry of Sport shall ensure that RUSADA and any eventual accredited laboratory have adequate budgets to ensure that, in such a large and important sports country, an effective anti-doping program can effectively be implemented.
2. THAT all necessary steps be taken to remove and prevent any actions by state agencies (including the FSB) that may affect the independence of the anti-doping program in Russia.
3. THAT all necessary steps shall be taken to ensure that RUSADA and ARAF understand and comply with their anti-doping responsibilities.
4. THAT all necessary steps shall be taken to ensure that Russian athletes and athlete support personnel do not travel abroad to train using false identities to confound their whereabouts obligations.
5. THAT medical advisors holding official government positions should not be office holders or otherwise involved in national sport federations or IF medical commissions.
6. THAT Dr. Sergey Nikolaevich Portugalov be permanently removed from his position at the All-Russian Research Institute of Physical Culture and Sports and not employed or participate in any government program involving any sport.

7. THAT the Russian Ministry of Sport take all necessary steps to ensure that samples collected in Russia can promptly be sent to other WADA-accredited laboratories without delay or hindrance and to communicate the applicable process to WADA
8. THAT the Russian Ministry of Sport ensure the complete operational independence of RUSADA.
9. THAT the Russian Ministry of Sport create and implement processes that will guarantee the complete independence of any WADA-accredited laboratory in the Russian Federation and that it take advantage of WADA expertise in such matters as it may choose.
10. THAT to demonstrate its commitment to doping free sport in the Russian Federation, the Russian Ministry of Sport invite the responsible authority under the International Convention Against Doping in Sport (UNESCO Convention) to select the Russian Federation for purposes of auditing its compliance with the UNESCO Convention at the earliest possible opportunity.
11. THAT notwithstanding its responsibilities for matters of state security, the FSB be invited not to interfere in the international obligations of the Russian Federation in relation to Code-related activities of RUSADA and the Moscow laboratory.
12. THAT neither accredited nor non-accredited laboratories be used for purposes of monitoring athlete compliance with their Code obligations.

13. THAT the Ministry of Sport shall have the power to define and oversee the conditions under which the director of any accredited laboratory in the Russian Federation can be removed from office for reasons of professional misconduct, including non-compliance with the Code.

14. That the Ministry of Sport should have the power to intervene and terminate the position of any coach found to have engaged in non-complaint Code conduct independent of any national federation for whom the coach may work.

*With respect to the IAAF*

The IC has withheld most of the contents of the chapter on the IAAF in order to not compromise the continuing efforts in respect of information provided to Interpol. There are very serious criminal allegations in the ARD documentary. The IC is in possession of information which has been passed on to Interpol for the purposes of an integrated investigative activity, Operation Augeas. Therefore, most of the IC's Recommendations in respect of the IAAF are being withheld until such time as the full chapter is released.

1. THAT the IAAF establish the position of Chief Compliance Officer in matters of anti-doping, with complete independence and sufficient financial and personnel support to enable it to monitor Code compliance, including target testing, results management, and whereabouts.



2. THAT the IAAF establish the position of Ombudsperson (independent of the IAAF, but paid for by the IAAF), to whom athletics athletes and other personnel can have access for advice and assistance whenever they may be subject to pressures to use doping substances and methods.

*With respect to WADA*

1. THAT WADA shall make all the declarations and take all the actions recommended in this Report.
2. THAT WADA ensure that all suspicious test results described in this Report and any subsequent Report are followed-up promptly and thoroughly and that outcomes be reported on a timely basis.
3. THAT WADA shall ensure that Test distribution plans of NADOs considered to be high risk are sufficiently rigorous to avoid gaps such as were found in the course of the IC investigation.
4. THAT findings of Code non-compliance are major deterrents to ineffective anti-doping programs. Sixteen years after the formation of WADA is more than enough time to enable ADOs to develop and implement adequate anti-doping programs; failure to have done so amounts to indifference to the protection of clean athletes.

5. THAT, recognizing the inherent conflicts of interest that exist within the WADA Executive Committee and Foundation Board, WADA consider establishment of an independent mechanism that will have the power to make or recommend such findings of non-compliance.
6. THAT WADA exclude Russian membership on the Foundation Board and all committees and working groups of WADA until ARAF and RUSADA have been determined to be Code compliant pursuant to a reasoned decision by WADA
7. THAT no meetings of WADA, its Executive Committee and any of its committees or working groups take place in Russia until RUSADA and ARAF have been declared Code compliant as recommended above
8. THAT it is a mandatory element in the International Standard for Testing and Investigations for DCOs to complete doping control forms with full and complete disclosure and they and others are to report promptly to WADA in relation to any hindrance encountered in sample collection, or, transporting or shipping samples from Russia.
9. THAT atypical test results in any samples tested by any accredited laboratory be automatically identified, reported to and promptly followed-up by the appropriate Anti-Doping Organisations, including verification of analysis menus employed and requesting additional testing for exogenous testosterone, regardless of reported t/e ratios.

10. THAT WADA insist that RUSADA, along with all other Code Signatories, comply with its obligations to provide complete and timely data for ADAMS by 31 December 2015.
11. THAT WADA urge the Russian Federation and other government members to accelerate the number and robustness of compliance audits in relation to the International Convention Against Doping in Sport (UNESCO Convention).
12. THAT the WADA Compliance Working Group report to each WADA Foundation Board meeting on specific steps taken by WADA to protect the interests of clean athletes in the particular reporting period.
13. THAT any country with Code non-compliant legislation be declared to be Code non-compliant.
14. THAT in any situation regarding Code compliance that it considers to be urgent, (for example, the non-authorized destruction of samples by an accredited laboratory) WADA be given the power, after consultation, to make a provisional declaration of non-Code compliance, which shall thereupon come into immediate effect, subject to the outcome of any appeal that may be taken to CAS (no preliminary measures).
15. THAT WADA add the names of Grigory Rodchenkov and Sergei Portugalov and coaches Viktor Mikhailovich Chegin, Vladimir Kazarin, Aleksey Melnikov and Valdimir Mokhnev, to its Prohibited Association List.

16. THAT all accredited laboratories be required to submit to WADA all contracts regarding services rendered by third parties to the laboratories.
17. THAT WADA develop and implement a whistleblower assistance and protection policy and train its staff to be careful in how they respond to and handle whistleblower information.
18. In order to be able to engage in and adequately manage international investigations, WADA must hire appropriately qualified staff and allocate appropriate budgets and resources for that purpose.

## **1.9 Other IC Observations**

The IC wants to make it clear that Russia is not the only country with an ineffective anti-doping program and that Athletics is not the only sport with an ineffective anti-doping program, but Russia and athletics were the subject of the Terms of Reference of the IC. In the circumstances, while the IC expresses no concluded opinion as to other sports in Russia, there is no reason to believe that Athletics is the only sport in Russia to have been affected by the identified systemic failures.

While written evidence of government involvement has not been produced, it would be naïve in the extreme to conclude that activities on the scale discovered could have occurred without the explicit or tacit approval of Russian governmental authorities.

The IC notes that because of the organization of the Report, there is a certain degree of repetition, to make it easier for certain chapters to be read on a stand-alone basis. In addition, the overwhelming majority of exhibits and interview records have not been reproduced, in the interests of limiting the volume of the Report. Such materials have, however, been retained in secured storage.

## Chapter 2: ARD Documentary

The purpose of this chapter is to summarize, in thematic format, the principal allegations contained in the ARD documentary. These allegations have been followed up by the Independent Commission (IC) and findings have been made by the IC regarding them and other facts discovered during the course of the investigation.

### 2.1 Background

On December 3, 2014, the German television channel ARD released a documentary entitled “Top-Secret Doping: How Russia makes its Winners.”<sup>5</sup> This documentary reported and alleged, “systematic state sponsored doping of Russian athletes and corruption within Russian athletics.” The documentary provided insight and claimed to have exposed a unique perspective into the workings of Russian athletics.

The narrative was structured around the use of secretly recorded videos and audio recordings made by Russian whistleblowers, Vitaly Stepanov and Yuliya (née Rusanova) Stepanova. Vitaly Stepanov previously served as a Russian Doping Control Officer (DCO) with the Russian Anti-Doping Agency (RUSADA) and his wife Yuliya Stepanova<sup>6</sup> is a high performance Russian 800-meter athletics athlete.<sup>7</sup> The documentary also links the International Association of Athletics Federations (IAAF) to doping activities going on in Russia.

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<sup>5</sup> *Geheimsache Doping: Wie Russland seine Sieger macht*. 2014. [Film] Directed by Hajo Seppelt.

<sup>6</sup> Stepanova’s results were disqualified as a result of doping: IAAF World Indoor Championships Istanbul, Turkey 2012 6<sup>th</sup> place finish, 11 March 2012; 13th IAAF World Championships in Athletics Daegu, South Korea 8<sup>th</sup> place finish, 04 September 2011; European Indoor Championships Paris, France 2<sup>nd</sup> place finish 06 March 2011; personal records 800 m outdoor: 1 min 56 s 99, Cheboksary, Russia, 22 July 2011; 800 m indoor: 1 min 58 s 14, Moscow, Russia, 17 February 2011. See IAAF Athlete Profile for personal bests, available at: <http://www.iaaf.org/athletes/russia/iuliia-stepanova-238403>.

<sup>7</sup> While it may go without saying, this was an accomplished athlete, with a great deal at stake, who knew that her revelations would have a profound impact on her personal life, career and future.

The documentary disclosed the names of athletes, coaches, one doctor, and other officials who allegedly used and/or provided banned substances to athletes and instructed athletes in the administration of banned substances. It also featured a detailed account by Vitaly Stepanov of a conspiracy to conceal doping practices in Russia from prying eyes or inquiries. Mr. Stepanov explained to ARD, for instance, that various Russian sports federations, “would come to (Russian) doping control officers and offer extra cash” to cover up positive doping tests on Russian athletes.

The documentary shocked the sporting public. It induced regulatory concern regarding allegations of collusion between RUSADA, All Russian Athletics Federation (ARAF) and the Moscow-based Russian national laboratory, creating a ripple effect of alarm across all levels of athletics. What made these allegations even more egregious was the knowledge that the government of the Russian Federation provides direct funding and oversight for the above institutions, thus suggesting that the federal government was not only complicit in the collusion, but that it was effectively a state-sponsored regime.

## **2.2 Athlete Allegations**

The whistleblowers’ allegations, as reported in the documentary, assert systematic violations of the World Anti-Doping Code (Code) committed by the majority of Russian athletics athletes, who benefit from the avoidance or manipulation of Code testing procedures. Additionally, allegations of bribery, extortion, and collusion, implicating Russian coaches, doctors and regulatory institutions, were also highlighted. The documentary also referred to apparent extraordinary levels of cheating and non-compliance within Russian sports federations. The following paragraphs indicate the scope of these allegations.

Ms. Stepanova identified Russian athletes who were utilizing illegal performance enhancing drugs (PEDs) to excel in athletic competition. She described how Russian coaches provided her with prohibited drugs for the purposes of accelerating her athletic

performance. She accused the head of the ARAF's medical department, Dr. Sergey Portugalov, of supplying banned doping products to her and to other athletes, in exchange for a payment of five percent of the athlete's earnings. Ms. Stepanova also claimed that Russian athletes had avoided out-of-competition testing by using false names during training sessions in foreign training camps, in Portugal, for example. Ms. Stepanova supported her accusations through secretly recorded meetings and telephone conversations with Russian athletes, coaches, Dr. Portugalov and DCOs.

Russian marathon runner Liliya Shobukhova,<sup>8</sup> who won a silver medal in the 3,000-meter during the 2006 World Indoor and European Championships, claimed she and her husband had paid 450,000 Euros to ARAF officials in order to "cover up" her previous doping violations. Ms. Shobukhova further explained that Russian officials threatened her, stating "you could have problems," implying that some level of retaliatory action would impact her career, or that she would face suspension at the hands of the IAAF, including forfeiture of prize money, unless she made monetary payments to the officials to intervene on her behalf.

Statements from other athletes also alleged the widespread use of PEDs among Russian athletes. Ms. Evgeniya Pecherina, for example, a well-known discus thrower,<sup>9</sup> stated that she thinks that around 99% of the National Team are doping, and Mariya Savinova, the reigning Russian Olympic 800-meter gold medalist at the 2012 London Olympics, admitted, in secret video recordings, to using the banned steroid oxandrolone, referred to as "ox."

Even more alarming however, was the fear that some athletes had for their personal safety if they did not subscribe to the internal workings of the National Team. For

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<sup>8</sup> Liliya Shobukhova's results were disqualified from the following marathons because of doping: 2010 London Marathon 1<sup>st</sup> place finish; 2010 Chicago Marathon 1<sup>st</sup> place finish; 2011 London Marathon 2<sup>nd</sup> place finish; 2011 Chicago Marathon 1<sup>st</sup> place finish; 2012 Chicago Marathon 4<sup>th</sup> place finish; and 2012 London Summer Olympics. See IAAF Athlete Profile for personal bests, available at: <http://www.iaaf.org/athletes/russia/liliya-shobukhova-181883#personal-bests>.

<sup>9</sup> Sixth place at the 2009 European Athletics U23 Championships; 5<sup>th</sup> place world ranking for 2011 season. See IAAF Athlete Profile for personal bests, available at: <http://www.iaaf.org/athletes/russia/yevgeniya-pecherina-239565#personal-bests>.

instance, one athlete implied that you shouldn't complain about any ongoing practices within the National Team. As the athlete said, "leave it, otherwise you might accidentally get in a car accident."

In addition to athletes, coaches like Oleg Popov came forward underlining that National Team athletes have no choice but to dope otherwise the athlete is "out," meaning removed from the team.

## **2.3 RUSADA**

RUSADA's stated mission is "to protect athletes' health and their right to participate in doping free sport." Its stated goal is to "create a zero-tolerance attitude to PED use and doping in the Russian athletics and to prevent and detect violations of anti-doping rules."<sup>10</sup> RUSADA's role in the testing of athletes is to ensure that the Code and mandated standards are achieved and properly applied. The documentary alleges, however, that RUSADA does not adhere to its stated purpose and has brought these stated intentions into disrepute.

The allegations the ARD documentary presented against RUSADA include:

1. Russian athletes receive advanced notification for testing from RUSADA;
2. RUSADA works directly with coaches, doctors and National Federations (NFs) to schedule testing;
3. RUSADA testing is conveniently scheduled by the NF doctor or coach just prior to the athlete beginning a cycle of doping activity; and
4. RUSADA summons athletes to its offices for testing and lets them pay for it.

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<sup>10</sup> Russian Anti-Doping Agency, n.d. *For Health and Wellness in Sport*. [Online] Available at: [www.rusada.ru/en](http://www.rusada.ru/en) [Accessed 03 September 2015].



## **2.4 Moscow Laboratory Issues**

The allegations against the Moscow laboratory are serious. The documentary alleges that laboratory officials not only participate in the doping scheme, but also play an active role, working in collusion with some coaches to cover-up positive doping tests. It was revealed in the documentary that, “the Moscow lab charged one fee when they were told in advance of [a] positive test. If the lab did not receive advance notice for a positive test, there was a higher price to conceal the positive.”

The documentary alleges that laboratory officials are reportedly not only participating in the doping scheme, but also playing an active role, working in collusion with some coaches to cover-up positive doping tests.

## **2.5 International Doping Tests and Management**

International Doping Tests and Management (IDTM) plays a small but important role in the doping control system in Russia. IDTM is a commercial company that assists international federations in the testing of athletes. The ARD documentary revealed secret video footage clearly showing blatant disregard for standard testing protocols by an IDTM Doping Control Officer in Russia.

## **2.6 International Association of Athletics Federations**

The documentary contains strong allegations with respect to senior officials within the IAAF. It makes reference to possible criminal conduct within the IAAF, which if substantiated, will have enormous impact on both the IAAF and all others who may be implicated.

Specifically, the documentary alleged that the IAAF Treasurer, Valentin Balakhnichev (at the time also the president of ARAF) was personally responsible for the extortion

and transfer of funds from a Russian athlete to a bank account in Singapore and that he colluded with the ARAF's head coach Melnikov to do so.

Following the publication of the documentary, Valentin Balakhnichev stepped down from his position with the IAAF; Dr. Gabriel Dollé, the director of the medical and anti-doping department at the IAAF resigned, as did Papa Massata Diack, IAAF marketing adviser and the son of the former IAAF president from 1999 until August 2015, Lamine Diack.

## **2.7 Findings**

The IC has conducted a thorough investigation of all of the allegations. Its process and Findings are identified in the appropriate chapters of this Report.

## **Chapter 3: Reactions to ARD Documentary**

### **3.1 Introduction**

Hundreds of media articles, written in different languages from news outlets around the world flooded public communication channels following the broadcast of the ARD documentary.

Whether those reports were fact-based, objective and unbiased depended on who was reporting.

In retrospect, it is evident to the Independent Commission (IC) that the media became caught up in the swirl of accusations, replies and denials, and counter assertions. While the IC has no intention of commenting on the appropriate function of the media, it must be understood that, ultimately, key stakeholders at the heart of the allegations, namely the Russian Federation, International Association of Athletics Federations (IAAF), coaches and athletes controlled the content and timing of information provided to the media.

The IC has reviewed a considerable amount of the available media reports related to the allegations and the investigation, and has included this chapter merely to illustrate how this reporting not only affected the public awareness related to the allegations but also to the authenticity and reliability of statements from certain stakeholders.

### **3.2 General Impact**

The IC notes that the widespread reporting increased global awareness of the doping and collusion allegations, especially across sports stakeholders.

This awareness has affected the sports world in several different ways. For example, it sparked an introspective dialogue in international swimming.<sup>11</sup>

The increased public awareness and evaluation of doping in sport has also motivated prominent sport officials to begin a dialogue regarding changes in anti-doping regulations, considering whether lifetime bans should be applied<sup>12</sup> and whether sanctions should apply against an entire country with a high percentage of cheats.<sup>13</sup>

In the world of athletics, athletes, officials, and fans are now deeply aware of the allegations against the ARAF, its athletes, coaches, Russian government agencies and the IAAF itself. Such awareness may also have turned those athletes, official and fans into parties with a vested interest in the outcome of the IC investigation.

While some athletes await confirmation of suspicions that they were participating in a rigged system,<sup>14</sup> others await a possible decision on whether they will retain Olympic medals, sports records, and prize money.<sup>15</sup>

Given this level of attention and awareness among the various stakeholders, the IC investigators were, as noted elsewhere in this Report, surprised and disappointed by

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<sup>11</sup> Swim Vortex, 2015. [Online] Available at: <http://www.swimvortex.com/ard-film-points-to-putin-role-in-doping-fina-under-pressure-to-rescind-award/> [Accessed 27 August 2015].

<sup>12</sup> Swimming World Magazine, 2015. IOC President: Lifetime Bans "Not Possible". [Online] Available at: <https://www.swimmingworldmagazine.com/news/ioc-president-lifetime-doping-bans-not-possible/> [Accessed 27 August 2015].

<sup>13</sup> Edwards, P., 2015. WADA to consider banning countries for doping offenses. [Online] Available at: <http://edition.cnn.com/2015/08/18/sport/athletics-reedie-blanket-ban-doping/> [Accessed 27 August 2015].

<sup>14</sup> Dobriskey, L., 2015. 'I Feel Sheer Disgust At What Had Been Allowed To Happen'. [Online] Available at: <http://www.themixedzone.co.uk/i-feel-sheer-disgust-at-what-had-been-allowed-to-happen-olympic-athlete-lisa-dobriskey-hits-out-at-the-drug-cheats/> [Accessed 26 August 2015].

<sup>15</sup> Lane, S., 2015. The Sydney Morning Herald. [Online] Available at: <http://www.smh.com.au/sport/jared-tallent-furious-doping-russians-get-to-keep-olympic-gold-20150121-12uwkg.html> [Accessed 27 August 2015], and Swanton, W., 2015. Leaked blood test results indicate Russian, Kenyan cheating. [Online] Available at: <http://www.theaustralian.com.au/sport/leaked-blood-test-results-indicate-russian-kenyan-cheating/story-e6frg7mf-1227467093085?sv=967c24300158963f7f7b865dcc36fc3b> [Accessed 27 August 2015].

the high number of Russian athletes and officials who refused to respond or participate in this investigation.

### 3.3 Russian Government Public Statements

Analysis of public statements from Russian public officials over the course of the investigation shows that at some point there was an apparent change in the public relations strategy of the Russian government. Whatever the catalyst, it became apparent that the tone and frame of public statements issued by the Russian government evolved significantly (although not always consistently) from the beginning of the investigation until shortly before the completion of this Report.

Initially, the Russian public was introduced to the Russian doping agenda by high-ranking government officials, who consistently made strong and vehement denials of the allegations against Russian athletes, coaches, agencies, and ARAF. For example, in the face of strong allegations against race walking coach, Viktor Chegin, and earlier reports that he was already replaced,<sup>16</sup> Russia's sports minister, Vitaly Mutko, denied any such claims stating that "[o]f course, Chegin continues to work with the team."<sup>17</sup>

An accompanying article on the same media outlet laid out coach Chegin's biography outlining that he is an:

"Honored coach of Russia, Honored Worker of Physical Culture and Sports of the Republic of Mordovia. He was awarded medals "For Services to the Fatherland" II degree, Order of Glory Mordovia III, II and I degree, the Order

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<sup>16</sup> Lenta.ru, 2015. Тренер пойманных на допинге ходоков сохранил свой пост (IC Translation: Coach caught for doing race walkers retains his post) [Online] Available at: <http://lenta.ru/news/2015/03/02/chegin/> [Accessed 26 August 2015].

<sup>17</sup> Pilyasov, A., 2015. Чегин продолжит работу со сборной России по спортивной ходьбе (IC Translation: Chegin to continue to work with the Russian national race walking). [Online] Available at: <http://www.sports.ru/others/athletics/1027639197.html> [Accessed 26 August 2015].

of Friendship, Excellence in Physical Culture and Sports of Russia", and a medal "For merits in the development of physical culture and sports."<sup>18</sup>

Many official statements that followed purported to reinforce the legitimacy of Russian athletics and anti-doping practices. For example, while acknowledging his regret over the use of doping among Russian athletes, Russian President Vladimir Putin praised the work of RUSADA, thus reinforcing and legitimizing the Russian anti-doping system:

"Unfortunately, I should point out the rise of doping abuse cases among the Russian athletes...On the one hand, it speaks for the increase in the work efficiency of our [Russian] anti-doping services, but on the other, it speaks for the necessity to step up preventive efforts in this sphere."<sup>19</sup>

In addition, Minister of Sport Vitaly Mutko "insisted that Russia has since acted "in good faith" and that athletes and coaches had been punished with up to life bans even if they were star performers."<sup>20</sup>

Finally, some official statements have shifted to blaming other countries of participating in doping in exactly the same way as Russia. Russia's sports minister, Vitaly Mutko, also denied that Russia had a more egregious doping problem than any other country.

"This scandal doesn't have to do with Russia, it has to do with the world system of track and field athletics...We've played by the general rules all these years. It's time for someone to stop all this and move forward."<sup>21</sup>

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<sup>18</sup> Simonenko, A., 2015. Привет из прошлого" нанес очередной удар по российской спортивной ходьбе (IC Translation: "Greetings from the past" dealt another blow to the Russian race walking). [Online] Available at: <http://rsport.ru/athletics/20150120/800988993.html> [Accessed 26 August 2015].

<sup>19</sup> TASS Russian News Agency, 2015. Putin voices concern over rise of doping abuse among Russian athletes. [Online] Available at: <http://tass.ru/en/sport/798143> [Accessed 27 August 2015].

<sup>20</sup> Zee News India, 2015. Russia's doping no worse than Europe, says minister. [Online] Available at: [http://zeenews.india.com/sports/others/russias-doping-no-worse-than-europe-says-minister\\_1582581.html](http://zeenews.india.com/sports/others/russias-doping-no-worse-than-europe-says-minister_1582581.html) [Accessed 27 August 2015].

<sup>21</sup> Luhn, A., 2015. Russian has been singled out over doping, claims former athletics coach. [Online] Available at: <http://www.theguardian.com/sport/2015/aug/02/valentin-maslakov-russia-singled-out-doping-drugs> [Accessed 26 August 2015].

Given the increase in positive ABP doping violations among Russian athletes, one might have expected responses originating from the Russian sports world to be considerably more tempered while awaiting the results of the investigation. Instead, the Russian Minister of Sport has continued on the offensive and in late August 2015 attacked the whistleblowers and questioned the legality of their secret recordings.<sup>22</sup>

### **3.4 Public Statements by RUSADA**

Meanwhile, further attempts to legitimize RUSADA's anti-doping practices were observed in comments related to the lawsuit brought against the whistleblowers. Official statements by RUSADA provided that "RUSADA believes that the information provided [by Stepanov] in the interview shapes up a negative image of Nikita Kamayev and RUSADA on the whole."<sup>23</sup>

Even without the benefit of an investigation into the truth of the allegations contained in the ARD documentary, RUSADA announced the commencement of legal proceedings against the television network and Hajo Seppelt, the particular journalist involved in the documentary.

### **3.5 Public Statements by ARAF**

The strong denials of any wrongdoing continued in relation to the resignation of Valentin Maslakov. The IAAF Treasurer and head of the ARAF, Valentin Balacknichev, denied any involvement by coach Maslakov and declared his innocence stating,

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<sup>22</sup> TASS Russian News Agency, 2015. Vitaly Mutko (the Russian Minister of Sports) about the recordings provided by Stepanova: "This way of collecting information is illegal." [Online] Available at: <http://tass.ru/sport/2215403> [Accessed 27 August 2015].

<sup>23</sup> TASS Russian News Agency, 2015. Russian anti-doping agency executive sues ex-employee, several sports media outlets [Online] Available at: <http://tass.ru/en/sport/792666> [Accessed 27 August 2015].

“This is a manly thing to do from an absolute professional in his business...” and “...we discussed this together after the affect[sic] the doping revelations have had on Russian athletics. Even though Maslakov has nothing to do with anti-doping policies of the Russian athletics team, he could not stand by idly and decided to take responsibility for those who he was in charge of.”<sup>24</sup>

In addition to the denials of wrongdoing, there was an organized effort to persuade the world’s sporting public that these allegations were nothing but a conspiracy against Russia. To illustrate, Balakhnichev repeatedly called the accusations “a pack of lies and biased treatment” and an “unfair account”<sup>25</sup> and “a provocation aimed at undermining Russian Sport.”<sup>26</sup>

When pressed for comment on the allegation of bribery, extortion, and corruption at RUSADA and IAAF, Balakhnichev called the allegations, in a letter to then IAAF President, Lamine Diack, and other IAAF Council members a:

“well-orchestrated plot against me,” adding: “As you must have certainly noted it, I have all these last days been subject to violent and biased, though totally groundless attacks, which have certainly been a great source of unease and concern among the members of the IAAF Council in which I belong.”<sup>27</sup>

Mr. Balakhnichev later resigned from both of his positions, although his presence with the IAAF leadership at the recent World Championships in Beijing did not pass unnoticed.

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<sup>24</sup> Rogovitskiy, D., 2015. Maslakov to quit as Russian athletics head coach. [Online] Available at: <http://www.reuters.com/article/2015/01/23/us-athletics-russia-doping-idUSKBN0KW1JS20150123> [Accessed 26 August 2015].

<sup>25</sup> Rogovitskiy, D., 2014. TV allegations a pack of lies - Russian Athletics chief. [Online] Available at: <http://uk.reuters.com/article/2014/12/04/us-athletics-russia-doping-idUKKCN0JI19720141204> [Accessed 27 August 2015].

<sup>26</sup> ESPN, 2014. Russian athletics chief quits IAAF. [Online] Available at: [http://espn.go.com/olympics/trackandfield/story/\\_/id/12012145/russian-athletics-chief-valentin-balakhnichev-leaves-iaaf-role-amid-doping-allegations](http://espn.go.com/olympics/trackandfield/story/_/id/12012145/russian-athletics-chief-valentin-balakhnichev-leaves-iaaf-role-amid-doping-allegations) [Accessed 27 August 2015].

<sup>27</sup> Inside the Games, 2015. Balakhnichev and IAAF President's son "step down" until doping investigation ends.[Online] Available at: <http://www.insidethegames.biz/articles/1024292/balakhnichev-and-iaaf-president-s-son-step-down-until-doping-investigation-ends> [Accessed 26 August 2015].



Meanwhile, almost confession-like statements of past wrongdoing were surfacing. For example, in reference to athletes on the current Russian national team, ARAF Head Coach Yuri Borzakovskiy commented that, “[t]he guys now understand that the past should stay in the past...Now we have a new team and everyone in it is clean.”<sup>28</sup>

These statements suggest that there may be a concerted effort to portray a sports legacy that has moved on from former illicit activity, or to curb the appearance of current illicit activity. To reinforce this apparent objective, in what may seem to be a measure of good faith, Vadim Zelichenok, ARAF acting president, publicly suspended the previously defended coach Chegin, stating that “[a]thletes will not be allowed to work with Chegin, or otherwise they come under sanctions.”<sup>29</sup>

### **3.6 Public Statements by Russian National Olympic Committee**

However, as the investigation progressed, denials and attacks diminished somewhat and morphed into rhetoric about clean sports and the application of sanctions against cheats. To illustrate, the President of the Russian Olympic Committee, Alexander Zhukov, made comments related to the commitment of running a clean sports program in Russia, stating that:

“The position of the Russian government, Russian sport and the Russian Olympic Committee is unequivocal: doping is absolutely unacceptable and we will fight to eradicate it from Russian sport,” the Russian Olympic Committee president said to ATR. “This is the only way to preserve sporting

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<sup>28</sup> SBS, 2015. Russia's new leaf on doping for Rio Games. [Online] Available at: <http://www.sbs.com.au/news/article/2015/03/24/russias-new-leaf-doping-rio-games> [Accessed 26 August 2015].

<sup>29</sup> Yahoo Sports, 2015. Russia suspends top race walking coach over doping. [Online] Available at: <https://ca.sports.yahoo.com/news/russias-investigates-top-race-walking-coach-over-doping-175704161-spt.html> [Accessed 28 August 2015].

integrity and we continue to work proactively alongside WADA and the IOC on these issues.”<sup>30</sup>

### 3.7 Public Statements by IAAF

Since the ARD documentary implicated the IAAF as complicit in covering up positive results of doped athletes, it led the IAAF to adopt a communications strategy focused on diffusing any negativity surrounding the organization’s integrity, ethics and anti-doping program. IAAF President Lamine Diack consistently denied any wrongdoing by the IAAF and asserted that it “has done everything for doping control” and further stated that, “No one has been destabilized, we are stronger than that... Everything that has been done in the fight against doping has been made by IAAF.”<sup>31</sup>

IAAF also defended Russia with respect to the allegations. Diack publicly labeled the allegations as “exaggerated” and “ridiculous.”<sup>32</sup> He further silenced any suggestions that Russia as a nation would be barred from participating in world championships or even the Olympics by stating that “a great nation of athletics” could not be left out.<sup>33</sup>

Overall, the IC concluded that the main goal of the IAAF’s public statements was to denounce the ARD allegations as false and to buttress its own credibility by consistently stating that the IAAF has always been at the forefront of anti-doping, including, for example, that it was one of the first IFs to collect blood samples and played a leading

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<sup>30</sup> Around the Rings, 2015. Russian NOC Chief: "We Will Eradicate Doping From Russian Sport". [Online] Available at: [http://www.aroundtherings.com/site/A\\_51006/Title\\_Russian-NOC-Chief-We-Will-Eradicate-Doping-From-Russian-Sport/292/Articles](http://www.aroundtherings.com/site/A_51006/Title_Russian-NOC-Chief-We-Will-Eradicate-Doping-From-Russian-Sport/292/Articles) [Accessed 28 August 2015].

<sup>31</sup> Petrequin, S, 2015. Diack fights back at allegations of widespread doping. [Online] Available at: <http://news.yahoo.com/diack-fights-back-allegations-widespread-doping-112242241--spt.html> [Accessed 28 August 2015].

<sup>32</sup> The Guardian, 2015. IAAF president Lamine Diack: Russia will not be banned over doping claims. [Online] Available at: <http://www.theguardian.com/sport/2015/apr/21/iaaf-lamine-diack-russia-doping-allegations-no-ban> [Accessed 28 August 2015].

<sup>33</sup> Wtop, 2015. Diack: Russia won’t be excluded from athletics for doping. [Online] Available at: <http://wtop.com/sports/2015/04/iaafs-diack-russia-wont-be-excluded-for-doping-plague/> [Accessed 28 August 2015].

role in the ABP.<sup>34</sup> This approach seems also to have been at least partially adopted by the new leadership.

### **3.8 Reactions from International Athletes**

Most Olympic athletes, going back as far as the formation of the original IOC Athletes Commission at the Baden Baden Olympic Congress of 1981, would favour lifetime bans for doped athletes. IOC President, Thomas Bach, himself an Olympic champion, has publicly indicated a personal preference for life bans, but has correctly noted that the legal order, particularly in relation to human rights issues, will not permit such automatic sanctions, for first offences. Nor does the Code. The IOC itself has lost an appeal before CAS in respect of an IOC rule providing for the automatic exclusion of any doped athletes from Olympic competition in the Olympic Games next following the imposition of even a first doping sanction (in its so-called “Osaka Rule”).<sup>35</sup>

### **3.9 Early Statements “Absolving” Russia**

The IC considers it unfortunate and regrettable that statements were made in many quarters purporting to assure Russia and Russian athletics that there would be no consequences arising from the revelations made in the December 2014 ARD broadcasts in Germany and subsequent broadcasts.

Such assurances were given before any investigation into the truth of the allegations had been undertaken.

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<sup>34</sup> IAAF, 2015. Press Release: Professor Ljungqvist believes allegations against IAAF are “highly unfair.” [Online] Available at: <http://www.iaaf.org/news/press-release/ljungqvist-allegations-unfair> [Accessed 28 August 2015].

<sup>35</sup> USOC *v* IOC, CAS 2011/O/2422.

### **3.10 Conclusion**

The fact that these allegations originated from whistleblowers within the elite athlete ranks of ARAF and within RUSADA gives the evidence a significantly greater level of credibility in comparison to mere gossip or innuendo. The fact that the whistleblowers were able to secretly record the more serious allegations, boosts their credibility and the authenticity of the allegations in the public sphere.

In addition, the fact that the allegations were effectively compiled and detailed in a concise and logical fashion, has eroded the confidence of the sports world in both the people and the processes within the regulatory, administration and leadership positions of athletics.

## **Chapter 4: Background of the Independent Commission**

The Independent Commission (IC) was created by decision of the World Anti-Doping Agency (WADA) President following allegations of Russian “state sponsored” doping violations reported by the German television channel ARD in December 2014 in its documentary “Top-Secret Doping: How Russia makes its Winners”. Following the ARD documentary, global media reporting inferred that unprecedented levels of doping violations were occurring within a complicit network of Russian coaches, athletes and regulatory officials, which appeared to be in defiance of competitive rules, established regulatory controls and, in some cases, criminal law.

These allegations, if established as accurate, would represent unparalleled levels of cheating, directly attacking the principle of “Fair Play” within sport and illicitly securing unlawful and significant advantages over athletes who complied with the World Anti-Doping Code (Code) and traditional ethics of fairness and honour. The appearance of regulatory complicity and pseudo-compliance could potentially taint the competitive consciousness of athletes worldwide and destroy the legitimate expectations of those, such as spectators and sponsors, who support and invest in athletic competition.

As a result, WADA established the IC and published the applicable Terms of Reference to guide the IC investigation protocols and to ensure a comprehensive, thorough and independent investigation of the reported allegations.

### **4.1 Purpose of the Inquiry and Scope of Mandate**

The IC investigation, and the resulting IC Report to WADA, is the product of an extensive investigation into serious allegations of doping practices, corrupt practices in doping sample collection and results management, corruption and related ineffective

administration of anti-doping processes. The various allegations implicate certain individuals in the All Russian Athletics Federation (ARAF), the International Association of Athletics Federations (IAAF), Russian athletes, coaches, trainers, doctors and other members of athletes' entourages, as well as the WADA-accredited laboratory based in Moscow and the Russian Anti-Doping Agency (RUSADA).

Some of the investigated conduct uncovered appeared to be of a criminal nature in violation of laws, including in France, Monaco, Singapore, the United Kingdom, the United States and, very likely, within Russia. Such conduct has been separately reported to Interpol for appropriate action. That report is based upon the findings of the investigation and the general enquiries of the IC.

#### **4.2 Challenges and Solutions – Vetting Team**

The IC recognized that the allegations warranted a comprehensive independent investigation. It was to be a complete, concise, and unbiased investigation.

The challenges included the necessity to protect whistleblowers, other fact witnesses, victims and innocent athletes. In order to do so the IC acknowledged that some witnesses would not be identified by name and that certain specific items of knowledge that might enable them to be identified would be withheld.

WADA also expected a comprehensive and rigorous examination of the allegations, commensurate with its own status as an important international regulatory body composed of both sport representatives and public authorities. With this in mind, the IC formed an investigative team composed of investigators from Canada, Germany, England, France, United States, Russia and Switzerland.

This multi-cultural composition allowed the investigative team to possess cross-cultural awareness and respect at all levels of the investigation. It also enhanced the investigative results at every stage to include unbiased analysis and corroboration of

evidence, tactful interviewing of witnesses, and establishing trust with reluctant witnesses and investigative counterparts. The IC investigators have built trust and mutual respect with official sports regulatory authorities and law enforcement agencies, thereby enhancing the reach and effectiveness of the investigation.

As with any investigation of sensitive issues, the IC also had to bear in mind issues related to the personal security of witnesses, the potential of conflicts of interest and the ongoing challenge of assessing the credibility of the evidence coming to its attention.

### **4.3 Investigative Methodology**

#### ***4.3.1 Corroboration***

The mandate and scope of the IC was to corroborate or refute the reported allegations through an investigation, which included interviewing witnesses, examining evidence, authenticating technical and physical evidence, lab analysis and related investigative follow up. To substantiate reported allegations, WADA authorized the IC to select and guide a highly specialized and diverse team of Subject Matter Experts (SME) having proven experience in complex investigations, doping violations, the interviewing of witnesses, forensic analysis, financial investigations and laboratory regulation and processes.

The IC investigators collected, developed and reviewed thousands of documents, emails, laboratory records, Doping Control Officer (DCO) official reports, witness statements, recordings, videos, photographs, analysis of laptop computer contents, analysis of cellular telephone contents, official reports in question, cyber analysis and related support documents. IC investigators also extensively interviewed fact witnesses and other individuals who possessed first-hand knowledge or evidence relevant to the investigation. All investigative protocols were conducted within the sphere of WADA's

regulatory and monitoring authority and within the authority extended to the IC by respective cooperating entities.

#### ***4.3.2 Data Protection – Secure Communications – Counter Measures***

The global nature of the investigation required a significant effort to ensure the implementation of cyber security counter-measures designed to protect the integrity of the evidence and in some instances the safety of key witnesses. On multiple occasions, the email of members of the IC investigative team was targeted by outside rogue entities for cyber penetration. The IC employed high-level encryption devices for data storage and secure communications throughout the course of the investigation. All evidence exhibits are stored within encrypted storage, in a secure facility, for future reference.

#### ***4.3.3 Techniques – Interviews – Evidence Collection – Cyber***

The first phase of the investigation consisted of mapping the known elements identified by the ARD allegations. Mapping included answering preliminary questions such as “who” was making the specific allegations, “what” were they alleging, “when and where” did the contents of the allegations reportedly occur and “why” were such activities being conducted.

Investigators established a ground-zero investigative framework by corroborating, wherever possible, the statements of witnesses and whistleblowers. Extensive authentication of witness statements documented in recorded audio and video statements were subjected to analysis to ensure the integrity of the allegations, followed by extensive interviews and re-interviews of key witnesses and whistleblowers. Evidence was collected, processed and retained through accepted investigative protocols established by national law enforcement agencies.



#### ***4.3.4 WADA Laboratory Experts***

WADA assigned senior laboratory experts to the IC investigative team to ensure clear and concise analysis and interpretation of laboratory data that was subject to examination and extensive analysis. These laboratory experts were instrumental in diagnosing and re-testing “questionable samples” and evaluating questionable laboratory processes and protocols. The integrity requirements within the sport laboratories and resulting “empirical evidence” cannot be understated.

The investigation disclosed evidence of corrupted analysis and leaking of information within certain laboratories. The investigation reinforced the evident reality that the purity of laboratory analysis, coupled with prompt reporting of anomalies, is critical to establishing a significant baseline of fair play and trust among athletes. A proper, thorough and reliable laboratory analysis of samples serves as a major deterrent to cheating by means of the use of prohibited substances and methods, including blood doping and validates the trust placed in the process by athletes and others. Corruption of these processes alters the results in the competition and, when combined with corruption of the individuals running the process, means that competition outcomes can be distorted in favour of cheaters, to the detriment of clean competitors. Therefore, a level playing field is no longer possible, creating an unfair competition.

#### ***4.3.5 IAAF Specialists***

Key individuals within the IAAF provided exemplary cooperation with the IC investigative team. Given that some allegations also extended to individuals within the IAAF, careful consideration was given to the sharing of information and evidence, and access to relevant information was managed on a strict need-to-know basis. IAAF staff helped identify suspect athletes and assisted in developing evidence in support of sanctioning athletes who were found to have violated established practices and doping controls.

#### **4.4 Time Line**

The IC investigation was initiated on 10 February 2015, for an authorized six-month timeline. Other lines of inquiry and investigation continued under the direction of the IC after the end of the identified timeline.

#### **4.5 Conclusions**

The IC has applied its own judgment and appreciation to investigative results and other evidence discovered during the course of the investigation. While the IC has had the benefit of excellent investigative results brought to its attention, the findings and recommendations in this Report are those of the IC alone. Where evidence has not been made available to investigators on certain aspects of the investigation, the IC has drawn inferences that were considered appropriate in the circumstances.

## **Chapter 5: Sports Within National and International Contexts**

Sport is a human activity based upon rules agreed to by the participants. It is designed as healthy play and has the power to create a better and more productive community. It promotes teamwork, development of particular skill sets, respect for fellow competitors, tolerance, initiative and self-discipline. It reinforces the ability to set goals and to undertake the preparation necessary to achieve those goals. All of these qualities can be applied to and provide positive impact on every other activity or challenge faced within society.

There are many expressions of a philosophical approach to sport and there is no need, for purposes of this Report, to produce a lengthy tome. One such expression can be found in the Olympic Charter, where the fundamental principles of Olympism are described in the following terms:

Olympism is a philosophy of life, exalting and combining in a balanced whole the qualities of body, will and mind. Blending sport with culture and education, Olympism seeks to create a way of life based on the joy of effort, the educational value of good example, social responsibility and respect for universal fundamental ethical principles.

The goal of Olympism is to place sport at the service of the harmonious development of humankind, with a view to promoting a peaceful society concerned with the preservation of human dignity.

The Olympic Movement is the concerted, organized, universal and permanent action, carried out under the supreme authority of the International Olympic Committee (IOC), of all individuals and entities who are inspired by the values of Olympism. It covers the five continents. It reaches its peak with the bringing

together of the world's athletes at the great sports festival, the Olympic Games. Its symbol is five interlaced rings.

The practice of sport is a human right. Every individual must have the possibility of playing sport, without discrimination of any kind and in the Olympic spirit, which requires mutual understanding with a spirit of friendship, solidarity and fair play.

Recognizing that sport occurs within the framework of society, sports organizations within the Olympic Movement shall have the rights and obligations of autonomy, which include freely establishing and controlling the rules of sport, determining the structure and governance of their organizations, enjoying the right of elections free from any outside influence and the responsibility for ensuring that principles of good governance be applied.

The enjoyment of the rights and freedoms set forth in this Olympic Charter shall be secured without discrimination of any kind such as race, color, sex, sexual orientation, language, religion, political or other opinion, property, birth or other status.

Belonging to the Olympic Movement requires compliance with the Olympic Charter and recognition by the IOC.

These fundamental principles play an important part in framing the context of this Report and the underlying investigations that support its conclusions.

Human nature is not, however, infallible. There are many corruptive influences that can creep into sport. One such corruptive influence is the practice of doping, the use of certain performance-enhancing substances and methods. Sport rules have been

adopted to prohibit such practices and some states have criminalized certain, or even all, doping practices that may occur within sport.

In the context of sport, both national and international, the World Anti-Doping Code (Code) is a universal document dealing with doping.

There is further philosophical context provided in the “Purpose, Scope and Organization of the World Anti-Doping Program and the Code” portion of the 2015 World Anti-Doping Code, adopted by all signatories, including the IOC, international sport federations (IFs), national Olympic committees (NOCs), anti-doping organizations (ADOs) and national anti-doping organizations (NADOs). Unless otherwise indicated, all references to the Code are to the 2015 Code.<sup>36</sup>

The Code is also identified as the principal basis for the anti-doping activities of member states pursuant to the International Convention Against Doping in Sport (Convention), adopted on 19 October 2005 by the Conference of Parties of UNESCO, and which came into force in 2006, upon the ratification of the Convention by thirty member states.

All countries identified in this Report have ratified the Convention.

Two portions of the Code apply, in particular, for purposes of this Report. The first is the fundamental rationale for the Code, expressed as follows:

“Anti-doping programs seek to preserve what is intrinsically valuable about sport. This intrinsic value is often referred to as “the spirit of sport.” It is the essence of Olympism, the pursuit of human excellence through the dedicated perfection of each person’s natural talents. It is how we play true. The spirit of sport is the celebration of the human spirit, body and mind, and is reflected in values we find in and through sport, including:

- Ethics, fair play and honesty

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<sup>36</sup> This version of the Code was adopted at a World Conference on Doping in Sport, held in Johannesburg, Republic of South Africa in 2013, and came into force on 1 January 2015. It adapted and amended earlier versions of the Code adopted in 2003 and 2007.

- Health
- Excellence in performance
- Character and education
- Fun and joy
- Teamwork
- Dedication and commitment
- Respect for rules and laws
- Respect for self and other Participants
- Courage
- Community and solidarity

Doping is fundamentally contrary to the spirit of sport.

To fight doping by promoting the spirit of sport, the Code requires that each ADO develop and implement education and prevention programs for Athletes, including youth, and Athlete Support Personnel.”<sup>37</sup>

The second portion of the Code that bears on the philosophical considerations is found in the description of the purpose, scope and organization of the World Anti-Doping Program and the Code:

“The purposes of the World Anti-Doping Code and the World Anti-Doping Program, which supports it, are:

1. To protect the Athletes’ fundamental right to participate in doping-free sport and thus promote health, fairness and equality for Athletes worldwide;” and
2. To ensure harmonized, coordinated and effective anti-doping programs, at the international and national level with regard to detection, deterrence and prevention of doping.”<sup>38</sup>

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<sup>37</sup> World Anti-Doping Agency, 2015. Fundamental Rationale for the World Anti-Doping Code (p.14).

## 5.1 The Code

The Code is the fundamental and universal document upon which the World Anti-Doping Program in sport is based. The purpose of the Code is to advance the anti-doping effort through universal harmonization of core anti-doping elements. It is intended to be specific enough to achieve complete harmonization on issues where uniformity is required, yet general enough in other areas to permit flexibility on how agreed-upon anti-doping principles are implemented. The Code has been drafted giving consideration to the principles of proportionality and human rights.<sup>39</sup>

## 5.2 National Identity

There is little need to dwell on the fact that national identity can be engaged in the practice of international sport.

This occurs at every level, whether regional Games or championships, world championships, the World Cup or the Olympic Games. Citizens from every participating country will identify with “their” teams.

Indeed, many such events have been specifically designed with that objective in mind in order to stimulate interest in the competitions. While the IOC demurs to some extent, claiming that the Olympic Games are contests between individuals, not nations or countries, the entire Olympic structure is based on nationality, including eligibility for participation, identification of and responsibility for delegations, the use of national flags and anthems, and membership in the IOC itself.

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<sup>38</sup> World Anti-Doping Agency, 2015. World Anti-Doping Code, Purpose, Scope and Organization of the World Anti-Doping Program and the Code (p. 11).

<sup>39</sup> *Ibid.*

### **5.3 Bridging Cultures and Languages**

There is also no doubt that sport has the capacity to bridge cultures and languages. It is visual and immediate. Much of the necessary communication can be accomplished by gestures, signals and scores that require a minimum of the normal means of communication and the use of different languages.

The underlying values are broadly accepted, with remarkable buy-in from all continents, in developing as well as developed countries.

The peaceful, aspirational goals of sport, the mutual respect it fosters and the lessons of preparation, self-discipline and resulting self-confidence derived from it provide significant benefits to all societies.

### **5.4 Political Influence**

Sport, as a matter of personal choice and leisure activity, was originally quite separate from the mainstream political environment.

This began to change slightly at the end of the 19<sup>th</sup> Century and the beginning of the 20<sup>th</sup> Century with the increasing organization of sport at the national and international levels, particularly within the emergence of the Olympic Games as an international phenomenon. Participating delegations were identified by nationality. Governments were asked for support of the national teams.

Governments were also willing to act as hosts of the Games and competed for the opportunity to do so and to showcase their nations. Public funds were applied for such purposes. The scope of government regulation expanded into fields not previously the subject matter of legislation. New forms of government, such as socialism, were developed. National policies concerned with sport and recreation were also developed. Losers in wars were excluded from Olympic competitions. Other political considerations intervened. The Soviet Union abandoned its disdain of sport as an



offensive bourgeois preoccupation and entered the Olympic Movement. The Cold War expanded to the field of play international sport competitions.

All of these factors, and more, led to increasing political involvement and influence.

Much of this political involvement was both benign and immensely helpful for the development of sport at the domestic, as well as the international level. Private resources could not support the infrastructure required for sport and could not influence the educational system in matters such as curriculum and pedagogy. Facilities that would not otherwise exist could be designed, financed and built for public usage, and persons trained to operate the facilities. Teachers of sport skills could be trained and made available.

On the other hand, there was a darker side to political involvement. National agendas occasionally intervened. As an example, there was excessive nationalism surrounding the 1936 Olympic Games. It was also evident during the Cold War, in which athletes were, in effect, soldiers on a different battlefield, but a battlefield nonetheless. The world saw the rise of Olympic boycotts as a weapon in the political arsenal, in 1956, 1972, 1976, 1980, 1984 and 1988. Threats of boycotts affected the Games in 1964, 1968, 1992 and 2008.

The rise of major doping activity, commencing after World War II, especially after 1968 when the IOC began drug testing, was politically organized in some countries and tolerated in others. Political prestige was self-claimed based on the performances of a country's athletes, no matter how the performance was achieved and whether or not the rules of sport were observed.

Cultures of cheating grew up around sport and sports become more than just games. Accusations of such conduct have led to the present investigation.

## **5.5 National Power Influences in Sport**

While it is undoubtedly true that the ultimate responsibility for governance of each sport rests with the relevant IF, there remains nevertheless considerable power to be exercised at the national level by the national federations (NFs).

The IFs, among other activities, establish competition rules, impose eligibility rules, set standards, implement disciplinary measures, sanction competitions, recognize NFs and adopt and enforce anti-doping rules. IFs are the supreme authorities in the governance of their sports. It is the responsibility and duty of each NF to act in conformity with the rules and directives of the IF which has recognized it and clothed it with the national responsibility for governance of the particular sport.

That said, the influence of the NF at the national level in each country is considerable. The NF is the highest domestic authority within a country in respect of in each sport and is responsible for the administration, development and promotion of that sport at the national level. It is the NF that deals with the private and public sectors in its country, that oversees its coaches, trainers and officials, and that enforces the applicable sport rules, including anti-doping rules.

It is also the NF that will most often be subject to direct national political influence, whether that be benign or malevolent. In most countries, NFs depend in considerable measure on funding derived from governments, directly or through agencies established by governments for that purpose. This financial dependence may, as a matter of fact, render them far from independent and autonomous in their operations.

In some countries, governments have attempted to intervene directly in the choice of leadership and the establishment of policy of NFs. Direct insertion of government in such matters has occasionally led to suspension of the NF and, on a larger national scale, even to the suspension of the National Olympic Committee (NOC). Recent NOC suspensions have included India and Kuwait.

In the context of the present investigation, there have been allegations that the Russian NFs (particularly in ARAF, the NF governing athletics) are under the influence of national authorities and that such influence interferes, among other matters, with compliance by the national anti-doping organization (RUSADA), with the World Anti-Doping Code.

## Chapter 6: Drug Testing in Competition and Training

All signatories to the World Anti-Doping Code (Code), including National Anti-Doping Agencies (NADOs) such as the Russian Anti-Doping Agency (RUSADA), have undertaken to adhere to the requirements of both the Code and its associated International Standards. The International Standard for Testing (IST) was in force during the initial period applicable to this investigation (2011-2014) and the subsequent International Standard for Testing and Investigations (ISTI), which came into force as of 01 January 2015.

Both Standards include mandatory provisions regarding how doping control testing should be planned and conducted, and ultimately how to deter and detect doping in an effective fashion. In particular, but without limitation, the Standards prescribe and regulate the following aspects of anti-doping activity:

1. what criteria should be considered in distributing tests across various sports, disciplines, and types of athletes;
2. which type of testing (blood v. urine, etc.) may be most applicable to deter and detect doping in various athlete populations based on the doping risks of these populations;
3. the applicable risk factors and how these can be measured and evaluated; and
4. how to optimally identify locations and timing of tests and how to support such testing through the collection and management of athlete whereabouts information.

In addition to these requirements, the Code sets out the basic framework for how testing should proceed, including what is required in terms of the appropriate number of in and out of competition tests, as well as how a Registered Testing Pool (RTP) should be developed to support such testing through the collection of whereabouts information.

Finally, the Code and Standards contain requirements for the collection of information and processing of intelligence in order to inform a “smart” testing program that ultimately seeks to test the right athlete, at the correct time for the appropriate substance. In order for any anti-doping organization (ADO) to administer effective testing, it must identify the salient doping risks for all athletes under its jurisdiction and allocate the appropriate resources to address those risks.

## **6.1 Program Implementation**

Code article 5.4 requires each ADO with testing authority to plan and implement “intelligent” testing that is proportionate to the risk of doping among athletes under its jurisdiction and to ensure effectiveness in detecting and deterring doping practices. The objective of an International Standard is to set out the steps necessary to produce a Test Distribution Plan (TDP) that satisfies these criteria. This includes:

1. establishing the overall pool of athletes within the ADO’s Anti-Doping program;
2. assessment of which prohibited substances and prohibited methods are most likely to be abused in a particular sport/sport discipline;
3. appropriate prioritization between;
4. sport(s)/sport discipline(s);
5. categories of athletes;
6. types of testing;
7. types of samples collected; and
8. types of sample analysis.

The basis of all TDPs must be a thorough and objective assessment of doping risks. This includes an assessment of predictive factors, which are typically broad and population-based, and indicative of the different factors that can influence societal and individual attitudes and behaviours. These include, but are not limited to:

1. the physiological demands of the sports and disciplines under the ADO's jurisdiction relative to the benefit of doping with particular substances and methods;
2. financial rewards for particular athletes that may incentivize athletes (and their entourages) to engage in doping behaviour;
3. cultural and environmental factors relevant to the specific athlete population such as:
  - a. the doping history or perceived culture in a particular sport, discipline or region;
  - b. training and competition calendars (i.e., sports with significant periods between competitions increases the risk of out-of-competition doping, and location of training relative to local risk factors); and
  - c. association with entourage members (i.e., working with coaches, physicians, etc. that have been previously linked to doping).<sup>40</sup>

ADOs must have systems in place to assess such types of information and to ensure that new information can be captured and acted upon to assure specific targeted testing or other types of follow-up. Examples of the types of information to collect include:

1. prior Anti-Doping Rule Violations (ADRV)/test history, including any abnormal biological parameters (blood parameters, steroid profiles, etc.);

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<sup>40</sup> Note, for example, the release by WADA of a Global List of Suspended Athlete Support Personnel on 14 September 2015 (See Code article 2.10).

2. sport performance history, including, in particular, sudden major improvements in performance, and/or sustained high performance without a commensurate testing record;
3. repeated failure to comply with whereabouts requirements;
4. suspicious whereabouts filing patterns (e.g., last-minute updates of whereabouts filings);
5. moving to or training in a remote location or a location deemed to be high risk, due to political or cultural factors;
6. withdrawal or absence from expected competition;
7. association with a third party (i.e., teammate, coach, doctor or other athlete personnel) with a history of involvement in doping;
8. injury; and
9. reliable information from a third party or intelligence developed by or shared with the ADO.

The ADO must aim to time the administration of testing using as much available data and intelligence as possible to maximize deterrence and the chances of detection, according to the type of doping offense the athlete or group of athletes may be considered at risk of committing. This may include:

1. timing testing according to known/common administration, and known excretion patterns for a substance that an athlete could potentially be using;

2. timing testing at times which would be least predictable for the athlete and which would allow a doping athlete the least opportunity to avoid being tested, or to obstruct or delay testing or to attempt to manipulate his or her sample;
3. timing a biological profile test according to the scientific direction of an Athlete Passport Management Unit or expert panel;
4. repeated testing over a short period or focusing testing at times when the athlete may least expect to be tested, according to previous testing patterns; and
5. conducting an effective pre-event testing program that tests athletes regularly for a sufficient period of time in advance of the competition to detect pre-event doping strategies that would not be detected solely by in-competition testing at the event. This may also include the qualifying event itself and the period beforehand, where incentives to cheat may be increased.

To identify the best time to attempt to test an athlete in detail, any intelligence held in respect of an athlete should be overlaid with the information held on the type of substance(s) that the athlete might be abusing, and the most likely times to be taking this substance, (e.g., steroids are more likely to be used in the months/weeks leading up to a competition than in the days beforehand).

Finally, the number of tests conducted will be predicated upon the size of the athlete population participating at a high level under the ADO's jurisdiction, and the distribution of these tests must also consider the individual risks of the many sports across the ADO's jurisdiction as well as available resources. ADOs must be able to demonstrate that they have allocated appropriate resources to address the risks that have been objectively identified.

There is, therefore, a high degree of responsibility resting on ADOs and the proper discharge of their responsibilities is essential to the existence of an effective anti-doping



program. Any failure to discharge those responsibilities weakens the effectiveness of that program and encourages those who may be inclined to become involved in doping.

In relation to the Terms of Reference of the IC, this matter will be dealt with in more detail below (Chapter 12).

## **Chapter 7: Performance Enhancing Drugs**

The purpose of this brief chapter is to identify certain aspects of performance enhancing substances and methods, the use of them, the impact on sport and health, and some elements of the distribution and trafficking in them.

The IC findings in relation to athletics and Russia are discussed below in Chapter 9.

### **7.1 History and Performance Enhancing Drugs**

The use of performance enhancing drugs (PEDs) to enhance physical performance in sport competition dates back centuries and has continued throughout the history of athletic competition.

Until comparatively recently, use of performance enhancing substances or drugs was not prohibited pursuant to the rules adopted by sport organizations. The International Olympic Committee (IOC), for example, did not begin testing for prohibited substances and methods until 1968. Different sports had different prohibited lists, processes and sanctions. It was not until the first World Anti-Doping Code (Code) was adopted in 2003 and came into force on 01 January 2004 that there was a harmonization of anti-doping rules.

This investigation has established that those who engaged in the use of PEDs or doping methods, are generally supported by enablers, including coaches, doctors, regulatory officials and others within the athletes' network.

Entourages participate with the athletes to profit illegally from their combined illicit behaviour. In Russia, in particular, coaches earn at least part of their livelihood by receiving a percentage of the winnings of the athletes they coach. PEDs and the use of prohibited methods are instruments of choice for cheating in athletic competition.

Other aspects of PED use in the situation investigated by the IC include:

1. disregard of the athlete's eventual state of health;
2. disregard of the athlete's state of moral consciousness;
3. continuous use of PEDs, at the levels discovered within the investigation, requires the collective systematic support of coaches, medical professionals, laboratories, regulators and often government officials to the highest levels, as well as international federation officials; and
4. systematic indoctrination for PED use and how PEDs were relied upon as a key to success and an accelerated path to superior sport performance.

It is clear that increased sophistication in the trafficking, manufacture, distribution and use of PEDs, together with the associated monetary and corruption-related activities surrounding such use, has become endemic and a matter of global concern. Prominent examples of this include many of the recent high profile PED-related investigations, including: Festina, BALCO, Operation Mamut, Operation Puerto, Operation Cyber Juice, Operation Cobia, the Padova investigation, the Mantova investigation, the Toulon investigation, the Lance Armstrong case, the Major League Baseball Mitchell Report and Biogenesis.

## **7.2 Doping Substances Ingestion Methods / Blood Infusions**

PEDs are available in many different forms, including tablets, liquids, gels and creams. Typically, users ingest the drugs orally, inject them, or rub them on their skin. The doses taken by athletes who use PEDs can be significantly higher than those recommended for medical conditions, which means that the side effect profile of the

PED use is almost completely unknown. Many users of PEDs engage in what is called “stacking,” which involves mixing oral steroids with injectable drugs. A common practice among steroid users is “pyramiding,” which is administering doses in cycles of six to twelve weeks, whereby the dose is slowly increased to a peak midway through the cycle period, then tapered back down toward the end of the cycle.

"Blood doping" refers to any prohibited method of boosting an athlete's red blood cells in advance of competition. Blood doping is typically performed by one of two methods. One is by injecting oxygen expanders in the blood, such as erythropoietin (EPO), a hormone that stimulates red blood cell production, and the other by the withdrawal and storage of an athlete's blood and re-infusion of that blood back into the athlete's body prior to competition. There is a newer method known as “oxygen in a pill.”

### **7.3 Adverse Effects on Athletes (Health and Safety Issues)**

All drug use has side effects. The doses taken by athletes who abuse PEDs can be significantly higher than those recommended for medical conditions, which means that the side effect profile of the PED use may be almost completely unknown.

Adverse effects may include:

#### **Physiological**

- Stroke (Brain) - Heart Attack (Heart or Circulatory System)
- Blood Cancer / Leukemia
- Pulmonary Embolism (Lungs)
- Diabetes
- Liver damage
- Stunted growth
- Cardiovascular irregularities

- Anaphylactic reactions (wrong type or sub-type of blood)
- In males – Impotence, Testicular Shrinking, Reduction of Sperm Count, Baldness
- In females – Deepening of voice, body hair growth, abnormal menstrual cycles

#### Psychological

- Increased aggressiveness – “Roid Rage”
- Depression, especially with abuse of steroids or stimulants
- Physiological or psychological addiction

### 7.4 Drug “Code Names” and Terms

The terms and descriptions of the drugs noted below are in common use and many occur in recorded conversations that came to the attention of the IC.

#### Oral

- Oxandrolone – Anavar – sometimes called “Ox” or “Var”
- Oxymetholone – Anadrol – sometimes called “Drol”
- Methandrostenolone – Dianabol – often referred to as “Dbol”
- Methenolone – Primobolan – often called “Primo”
- Stanozolol – Winstrol – often called “Winny”
- Fluoxymesterone – Halotestin – often called “Halo”
- Torinabolon
- Parabolin or Primobolan

## Injection

- Nandrolone-Decanoate – Deca-Durabolin – often called “Deca”
- Boldenone-Undeclylate – Equipoise – often called “EQ”
- Drostanolone – Masteron – only referred to by trade name
- Nandrolone-Phenylpropionate – numerous common trade names – often called “NPP”
- Methenolone – Primobolan Depot – often called “Primo”
- Trenbolone – no common trade name – often called “Tren”
- Testosterone – insert brand – often called “Test”
- Stanozolol – Winstrol Depot – often called “Winny”
- Epokrin 2000
- Peptide Hormones
- Dinatrop

## 7.5 Adverse Effects on National Reputation

As noted in Chapter 5, nationalism and sport are often intertwined. Sports provide a forum for symbolic competition between nations. Sports competition can reflect national conflicts and has often been a tool of politics and diplomacy. The importation of political goals into sport is seen by some as contrary to the fundamental ethos of sport being carried on for its own sake, for the enjoyment of its participants. Notwithstanding such views, however, this interaction between political agendas and sport has been regularly observed throughout the history of sport.

The impact on an athlete of a ban or suspension is significant and potentially long lasting, not only to the affected athlete, but also, by association, to the country for which the athlete competes.

The impact of uncovering systematic, repeated and state-sponsored doping programs is deeper, more complicated and problematic. It may significantly damage the country's reputation.

## **7.6 Testing and Targeted Drugs**

Since 2004, the World Anti-Doping Agency (WADA) has maintained and published an annual List of Prohibited Substances and Methods. The List, which forms one of the five applicable International Standards, identifies the substances and methods prohibited in and out-of-competition, and in particular sports. The substances and methods on the List are classified into different categories (e.g., steroids, stimulants, gene doping).

WADA, in consultation with Code signatories and governments, is also required to establish a monitoring program regarding substances which are not on the Prohibited List, but which WADA wishes to monitor in order to detect possible patterns of misuse in sport.

## **7.7 Illicit Drug Manufacturing/ Drug Distributors (Gateway to Criminal Activity)**

PED manufacturing and distribution networks are widespread and global in nature. They are often coupled with other criminal behaviour. However, even greater concern is raised by the discovery of "state-sponsored distribution" of PEDs, in essence, states distributing PEDs and mirror-imaging the conduct of a criminal enterprise. Such conduct, if allowed to flourish, could destroy the integrity of global sports.

Athletes and the world public need and expect governments to rise to this challenge and to protect them from such a crisis.

Consistent with other forms of illicit activity, PED trafficking networks focus on illegal profits without regard to the human element or collateral victims. The encouragement and promotion of PED use reflects a disregard for the athlete (and any other user) as a person and contempt for the concept of sport.

There is substantial reputational and personal impact caused by using or trafficking in PEDs. Europol, for example, has warned that PED and steroid trafficking is an increasingly attractive avenue for organized crime to “diversify their product range.” Evidence suggests that criminal networks use similar routes and *modus operandi* to smuggle drugs, firearms and people. Proceeds from other crimes also feed into the production and distribution of PEDs. As with all forms of illicit drug trafficking and distribution, increasing demand for such products means that significant profits can be generated by criminal organizations and individuals who engage in such activity.



## Chapter 8: Accredited Laboratory Testing Facilities

Laboratories accredited by the World Anti-Doping Agency (WADA) are required to operate in compliance with the World Anti-Doping Program and, specifically, the International Standard for Laboratories (ISL) and associated technical documents.<sup>41</sup> The ISL mandates a high level of performance, with the objective of ensuring the production of valid test results and evidentiary data and of achieving uniform and harmonized results and reporting from all accredited laboratories. This includes harmonized standards for laboratory sample handling and processing so that athletes may have confidence in the analytical procedures applied to their samples, regardless of the accredited laboratory conducting the analysis. It is on this basis that athletes and the anti-doping community may trust that the results from any accredited laboratory will fulfill the role of maintaining a level playing field for all athletes.<sup>42</sup>

Adherence to the ISL and technical documents is mandatory for all accredited laboratories to demonstrate that they are technically competent, operate an effective quality management system, and are able to produce forensically valid results. In order to maintain accreditation, an accredited laboratory must also maintain an ISO/IEC 17025 accreditation and participate successfully in the WADA External Quality Assessment Scheme (EQAS).

The ISL requires that a laboratory:

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<sup>41</sup> The ISL came into force effective 01 January 2004, at the same time the World Anti-Doping Code came into force, and remained the applicable standard until 31 December 2014, when it was replaced by the International Standard for Testing and Investigation (ISTI). For convenience, since much of the conduct covered by this Report occurred prior to 01 January 2015, the narrative refers to the ISL, but by reference includes whichever of the two standards applies to any particular circumstance.

<sup>42</sup> Note, however, that laboratory accreditation is based on certain minimum standards of detection. Some accredited laboratories have the capacity to operate at even more sophisticated levels of detection than the baseline required for accreditation.

1. maintain operational independence from any anti-doping organization (to ensure full confidence in its competence, impartiality, judgment or operational integrity in compliance with section 4.1.5d of ISO/IEC 17025);
2. document compliance with the ISL's Laboratory Code of Ethics (Annex B); and
3. submit to WADA monitoring for compliance with the rules and, if necessary, WADA assessments.

Accredited laboratories are required to operate and maintain a quality management system that is compliant with the ISO/IEC 17025 international standard (General requirements for the competence of testing and calibration laboratories). Any aspect of testing or management not specifically discussed in the ISL is governed by ISO/IEC 17025. The ISO accreditation also defines the responsibility of the laboratory to carry out its testing activities in such a manner as to meet the requirements of the 17025 international standards and to satisfy the needs of the customer, as well as the regulatory authorities or organizations providing recognition.

In the ISL, the accredited laboratory director is charged with the operational, professional, organizational, educational, and administrative responsibilities for the laboratory operations and staff. On an annual basis, each laboratory director is required to sign a document attesting that the laboratory and staff operate in compliance with the ISL's Annex B - Laboratory Code of Ethics.

The laboratory director plays an essential role in the anti-doping laboratory operations and WADA accreditation is delivered based upon the laboratory director's qualifications, as well as the laboratory's operational performance.

The ISO standard also requires that an accredited laboratory have arrangements in place to ensure that its management and personnel are free from any undue internal and external commercial, financial and other pressures, which may influence and

adversely affect the quality of their work. In addition, there are policies and procedures that are designed to avoid involvement in any activity that could diminish confidence in the competence, impartiality, judgment or operational integrity of the laboratory.

An accredited laboratory and its personnel are bound by the ISL's Annex B (Laboratory Code of Ethics) not to engage in any analysis, conduct or activity that undermines or is detrimental to the anti-doping program of WADA, an International Federation, a National Anti-Doping Organization, a National Olympic Committee, a Major Event Organizing Committee, or the International Olympic Committee. Such conduct could include, but is not limited to, any fraud, embezzlement, perjury, etc. that would cast doubt on the integrity of the anti-doping program.

No employee or consultant of an accredited laboratory may provide counsel, advice or information to an athlete or others regarding techniques or methods that would mask detection of, alter the metabolism of, or suppress excretion of a prohibited substance or marker of a prohibited substance or prohibited method in order to avoid an adverse analytical finding result. With the exception of participation in an arbitration hearing, an accredited laboratory employee or consultant may not provide information to an athlete or athlete support personnel about a testing method that might assist the athlete in avoiding detection of the use of a prohibited substance or prohibited method.

No laboratory staff may assist an athlete in avoiding collection of a representative sample (e.g., advice on masking or detection windows).

Accredited laboratories are also restricted from accepting samples that do not meet minimum criteria. When receiving samples for analysis, accredited laboratories are expected to exercise due diligence to ascertain whether each sample received has been collected according to the World Anti-Doping Code (Code) ISL, ISTI or similar guidelines (e.g., appropriate sample container security considerations, formal chain of custody conditions, etc.). The criteria include that the samples have been collected and sealed according to the ISL, ISTI or similar guidelines, are part of an anti-doping

program and are received from organizations that will execute an appropriate and compliant result management process.

Accredited laboratories are specifically forbidden to accept samples for the purposes of either initial testing or identification from commercial or other sources when all of the conditions described above are not met.

In addition, accredited laboratories may not accept samples from individual athletes on a private basis or from individuals or organizations acting on their behalf. These requirements apply to samples from all sports.

If an accredited laboratory receives samples from an organization that is not a testing authority recognized by the Code, it is the responsibility of the laboratory director to ensure that any adverse analytical finding will be processed according to the Code and that the results cannot be used in any way by an athlete or associated person to avoid detection. Accredited laboratories must ensure that samples received are tested in accordance with all the ISL rules.

It is against the foregoing requirements that the IC has made its findings and recommendations regarding the WADA-accredited laboratory in Moscow. (see Chapter 13)

## Chapter 9: Athlete Compliance

### 9.1 Introduction

During the course of the investigation, the Independent Commission (IC) attempted to contact 53 Russian athletes for interviews through a variety of means, which included direct e-mails, telephone contact and direct personal approach, both prior to and after competition.

To facilitate electronic communication with other non-targeted athletes, the World Anti-Doping Agency (WADA) also established an anonymous online “Tip Line” through its website. All such steps were designed to provide various communication avenues for athletes while, at the same time, protecting their confidentiality.

The 53 Russian athletes were specifically identified because they fulfilled one or more of the following criteria:

1. they were mentioned in the secret recordings undertaken by the whistleblower;
2. they were referred to by name in follow-up interviews;
3. they were already identified by International Association of Athletics Federations (IAAF) or WADA; and
4. they were high performance athletes associated with other IC subjects of interest (e.g., coaches).

## **9.2 Compliance with Independent Interviews**

Deliberate and multiple efforts were made to contact athletes directly, rather than through the Ministry of Sport, the All-Russian Athletics Federation (ARAF) or their known coaches. The IC sought to contact athletes independently to ensure that those contacted felt that they could speak honestly and without instruction or possible intimidation from third parties. This method provided the athletes with a forum to answer investigators' questions in their own words and to provide independent opinions derived from their experiences.

The IC utilized the whereabouts information from WADA's Anti-Doping Administration & Management System (ADAMS) to ascertain the athletes' contact details and location.

## **9.3 Whereabouts**

The concept of "whereabouts" is an essential element of the fight against doping in sport. The expression incorporates several factors relating to the important deterrent of unannounced out-of-competition testing. The first is that uncertainty regarding when tests may be administered increases the effectiveness of such tests, because most of the prohibited substances and prohibited methods have predictable "windows" of detection following ingestion or use, as the case may be. The second is that the tests may occur at any time, upon the initiative of an International Federation (IF), a National Anti-Doping Organization (NADO), another Anti-Doping Organizations (ADO), the International Olympic Committee (IOC) or WADA, so there is no inherent certainty as to when or where such tests may occur, thus adding to the deterrence.

For a system of out-of-competition testing to work, two major conditions must exist. The first is that testing authorities know where the athletes can be found at any time. The second is that no advance notice be given to athletes selected for testing – it is too easy to take steps to prevent detection if athletes have even brief advance notice of an

out-of-competition test, or to “disappear” when the testers arrive. Such disappearance may count as a missed test, but that does not lead to an Anti-Doping Rule Violation (ADRV), such as a refusal upon notification to provide a sample, unless it constitutes the third missed test (or combination of missed tests and filing failures) within a 12-month period.<sup>43</sup>

To enable testers to locate athletes selected for testing, whereabouts filings are required pursuant to the Code by all athletes in registered testing pools. While athletes may delegate the whereabouts filings, they nevertheless remain ultimately responsible for their accuracy and completeness and remain personally responsible to be available for testing at the whereabouts declared. There are consequences for filing failures as well as for missed tests.

Participation in the provision of whereabouts information is mandatory for athlete anti-doping compliance under the International Standard for Testing (IST), item 14.3 of which states:<sup>44</sup>

Athletes who have been identified by their International Federation or National Anti-Doping Organization for inclusion in a Registered Testing Pool shall provide accurate, current location information.

## **9.4 Investigations Regarding Whereabouts**

Various practices are designed by athletes, coaches and officials to reduce the effectiveness of the whereabouts requirements.

For example, whistleblower Yuliya Stepanova stated that:

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<sup>43</sup> World Anti-Doping Agency, 2015. *World Anti-Doping Code*, Article 2.4.

<sup>44</sup> World Anti-Doping Agency, 2014. *World Anti-Doping Code: International Standard Testing and Investigations*. Montreal, Ontario, Canada: World Anti-Doping Agency. [Online] Available at: <https://www.wada-ama.org/en/resources/world-anti-doping-program/international-standard-for-testing-and-investigations-isti-0>.

“In a training camp in Portugal, our athletes simply lived under false names. They have taken banned substances, they undertook a course of doping, and to ensure that foreign control officers did not come and test them, they provided false names.”

In the course of the investigation, the IC noted that with respect to the 53 identified athletes of interest, the information provided within ADAMS was only partially complete. A total of 35 athletes provided email addresses; 18 did not. 19 athletes were found to have provided telephone numbers. Investigators wrote to the 35 athletes with registered email addresses requesting an interview, in an effort to question athletes regarding the ARD allegations. Emails were written in Russian and English and sent directly to each athlete’s registered email address. Between the dates of 01 April 2015 and 30 June 2015, three separate email contact attempts, as well as telephone calls, were made and documented for each athlete.

Of the 35 athletes with whom the IC attempted to establish contact, 23 did not reply to any of the aforementioned email contact requests. 3 athletes replied ‘conditionally’ stating that they wished to view the questions in advance or set some form of pre-condition before engaging in the IC interviews. The high percentage of non-responses and conditional responses created considerable doubt as to the athletes’ willingness to be open and candid during the proposed interviews and the IC drew the inference that the athletes were being directed to not respond to interview requests.

The remaining 9 athletes were considered for interview. 2 of these athletes were interviewed via Skype, while one was contacted and interviewed via telephone.

The unsuccessful multiple follow-up attempts to contact athletes and their failure to adhere to whereabouts protocols, ultimately created greater suspicion of Code violations within the group.



## 9.5 Impropriety and Non-Compliance

During the IC's investigation, multiple statements were made by international agencies and federations as to the low level of compliance by Russian athletes/officials in providing information to allow appropriate out-of-competition testing. A senior representative of the IAAF Anti-Doping department made the following statement to IC investigators:

“To be frank there is no surprise to anybody that the former Soviet Union countries have a doping culture deeply incurred [sic] in the sport. It works for Russia, it works for Ukraine, works for Belarus, for Kazakhstan, works for all the former Soviet Union countries.”

IC investigators found this to be a common opinion across a significant proportion of the interviewees.

Oleg Popov was the coach of athlete Lada Chernova between 2005 and 2012. He decided to speak out against the doping regime in Russia on the 2014 ARD documentary. It would appear that he now reviews cases on behalf of banned athletes in order to help them appeal their sentences.

Mr. Popov was very forthcoming during his interview and made a series of allegations regarding non-compliance in connection with various departments. Mr. Popov provided examples of how information on Doping Control Forms (DCFs) was incorrect, referring predominantly to the amount of time between the notification of tests and the eventual provision of samples by the targeted athletes.

A thorough review of reporting documents established high levels of non-compliance.

For example, during a testing mission conducted by IDTM at the Saransk, Russia, training center (02 June 2015), which is headed by Russian race walking coach Viktor Chegin, the IDTM Doping Control Officer (DCO) conducting the visit observed active interference with the completion of the DCF stating; “The coach wanted we change the

notification time for all athletes, even if they passed the test already and left.” (Further discussion of that example can be seen below.)

IDTM DCOs reporting regarding the alteration of the DCFs and notification periods highlights the levels of obstruction presented to DCOs attempting to conduct their duties while testing Russian athletes.

During the investigation, the IC interviewed a series of DCOs to understand how the situation on the ground in Russia accurately relates to DCOs being able to perform their duties. Many DCOs declared that they were not obstructed in their duties and that out-of-competition testing was an effective way to undertake the anti-doping mission. However, the investigation did reveal some extremely concerning incidents of intimidation related to the testing of Russian athletes.

The interviews of Vitaly Stepanov provide contradictory information on the activities of DCOs. This information suggests that DCOs stated what they thought the interviewer would want to hear. Stepanov reported to the IC the following Code non-compliant behaviours among DCOs: there is a practice of taking money by DCOs at the time of testing; not following the standard for testing in particular observing the urine flow if a urine sample is taken; and failing to have adequately trained chaperones or any chaperones at all when on a mission. They would also not follow up on missions where the whereabouts location was far from where they were living but would await the re-filing of whereabouts within the region where they were presumably carried out by the athlete on knowing the sample to be taken would not trigger an AAF.

## 9.6 Sample Cases of Non-Compliance

### *Case 1: Saransk – IAAF Intelligence (received on 10 March 2015)*

The IAAF provided IC investigators with the following information, which it had obtained from an active DCO in Russia. Although the source of the information is known to the IAAF, the personal details of the source have not been passed to the IC because of confidentiality considerations. This request in itself offers an insight into the level of intimidation and fear for personal safety still experienced by DCOs in Russia.

“During a test in Saransk it was not only the problem with the police: when I spent several hours giving the explanations, the policemen who were looking after [looking for] the samples (waiting in front of the hotel room, willing to accompany me and the samples to the train, the police in Moscow was already aware about my arrival and was waiting - just to ensure the samples will go to the Moscow lab. And when I left the hotel by the window during the night in order to take another train (I left the light and the TV working in a room, so they could imagine I'm inside), and the police were waiting at the station in Moscow, I had to do my best to avoid them and to deliver the samples to another person, who after this was no more able to do the transfer of the samples). It was also a coach - a coach who has more than 20 positive athletes in a few years, a coach who did not hesitate to call the Moscow lab just in front of me and gave them the numbers of the bottles which must arrive the next day, confirmed that the police keep an eye on them and said that the lab know what to do...As the samples never arrived to the Moscow lab and were analyzed in Lausanne, there were 4 positive tests, and the person who transferred all samples was no more able to do this (the last samples I took to Paris in my luggage), my mother received threatening calls”.

The actions that were taken by this DCO to ensure the safe custody and control of athlete testing samples and the extreme efforts required to transport such samples out of the country are highly concerning. This particular DCO believed in order to ensure the safe collection and transportation of unaltered athlete testing samples from Russia to outside testing facilities, the DCO must be prepared to evade ARAF monitors who the DCO believes were aided by Russian law enforcement officers.

### **IC Findings**

1. There was intimidation of the DCO, both direct and in relation to the DCO's family members.
2. There was potential interference with the integrity of the samples, thwarted only by the extraordinary evasive actions taken by the DCO.
3. Russian law enforcement agencies were involved in the efforts to interfere with the integrity of the samples.

### ***Case 2: European Indoor Athletics Championships, Prague 2015***

On the May 6, 2015, two WADA-appointed investigators met Ms. Anastasiya Bazdyreva in Prague during the European Indoor Athletics Championships. The investigators asked Ms. Bazdyreva to join them for an interview to discuss the allegations which were made against her in the ARD documentary.

Ms. Bazdyreva became very aggressive and refused to enter the interview room. Again, investigators clearly identified themselves as WADA investigators and offered her an opportunity to address the allegations against her. A short time later, a Russian delegation led by the ARAF interim President Mr. Zelichenok and including team doctor Igor Gubchenko, approached the IC investigators and complained about the

attempted interviews. Mr. Zelichenok advised that the investigation team needs to wait until the competition is over so as not to disturb the athletes during competition.

After the official visit of the senior management, the investigation team concluded that Ms. Bazdyreva did not choose to explain her position or to make a statement regarding the serious allegations against her. At no stage did the team doctor encourage any of the athletes to cooperate with the investigators.

During the same time period, IC investigators approached Ms. Ekaterina Poistogova. The investigators asked Ms. Poistogova to join them for an interview to discuss serious allegations of doping within Russian Athletics. Ms. Poistogova complied and during the interview answered questions directly. At one point during the interview she requested a break so she could attend an onsite doping test. This was naturally agreed to, but she was respectfully requested that the interview continue on her return.

Soon after her departure the investigators became aware that Ms. Poistogova had met her doctor (Dr. Igor Gubchenko) in the doping control waiting area and that they were discussing what had transpired in the interview. The DCO escorted the Doctor and Ms. Poistogova to the doping control room, at which time they were overheard by a WADA investigator, discussing in Russian, what drugs had been mentioned in the interview. It became apparent that Ms. Poistogova was agitated when Dr. Gubchenko was heard to tell her to 'calm down.'

Ms. Poistogova began to walk back to the interview room, but, after discussions with her doctor, she decided to break off the interview without informing the investigators. Despite continued efforts throughout the day, Ms. Poistogova did not make herself available to continue the interview, nor did she provide an explanation to the IC investigators as to why she abandoned the interview. The athlete's non-compliance in these interviews directly interferes with WADAs ability to fulfill the obligations under section 5.8 - Investigations and Intelligence Gathering of the WADA Code.

During this onsite review in Prague, the interim president of ARAF, Mr. Zelichenok complained to the IC investigators stating, "The athletes are here to win medals and

make money and these interviews disturb their performance during their competitions.” Mr. Zelichenok’s statement implied that the emphasis of winning and income superseded any concerns for or perceptions of the integrity of the competition. Mr. Zelichenok’s desire to avoid discussions concerning the existing allegations directed toward some of the athletes scheduled for competition, and his request to IC investigators not to question athletes was in direct contrast to the WADA and IAAF mission and his obligations on behalf of ARAF.

### **IC Findings**

1. The athlete Anastasiya Bazdyreva aggressively refused to cooperate with the IC investigators.
2. The athlete’s coach, her doctor (Igor Gubchenko) and the interim ARAF president (Mr. Zelichenok) refused to cooperate with the IC investigators.
3. The athlete interview of Ekaterina Poistogova was interrupted after the athlete spoke with her doctor (Igor Gubchenko).
4. The interim ARAF president (Mr. Zelichenok) demanded that the IC investigators not speak with the athletes.

### ***Case 3: “Yunost” Training Camp, Adler – May 22, 2015***

Yunost is a training camp based in Adler, just outside Sochi, Russia. On 22 May 2015 DCOs conducted a zero-notice testing mission. On arrival, the DCOs confirmed with the hotel receptionist that all of the athletes on their list were registered at the hotel. When the DCO finally spoke with the first representative of the athlete’s team, Dr. Igor Pavlovich, Pavlovich informed the DCO that there were only two athletes present, Ivashko and Lesnoy.

Dr. Pavlovich informed the DCO that they 'have no right (to check the lists of athletes on site) because it's a private hotel'. The DCO was then informed by Dr. Pavlovich that a number of athletes were not at the training camp including, specifically, Hutte (Khiutte). The DCO eventually obtained the room numbers of the two reported athletes said to be at the camp, Ivashko and Lesnoy.

The following testimony was given by the DCO:

"We knocked at the door 338, a young man opened the door and said that Ivashko is in a bed. We went in, we saw a butterfly needle on the floor, the young man picked it up very quickly. They removed them very quickly. We notified Ivashko. Before the mission I was looking for the athlete's pictures on the web. The face of the athlete who opened the door looks familiar to me. I was using the internet on my phone to check the pictures of the athletes to be tested and discovered that the young man who opened the door is Hutte (Khiutte). Then I asked his name, and he said that he is Hutte (Khiutte). I notified him as well. At this moment Ivashko received a phone call from his coach Zukhra Vereschagina, who informed him that he will be tested. He said that we are already in a room. Ivashko was ready and we proceed with the testing. After Hutte (Khiutte) received a phone call from the same coach. She [he] informed him about something, he said that it is too late, they are in a room. She [he] said something else; it was not possible to hear what she [he] is speaking about. There were lots of medications and some syringe in the nightstand. I could not see what it was as medications. Hutte (Khiutte) was very nervous. Ivashko provided the sample and left for the breakfast. Hutte said that he is not ready, we finished the paperwork and was waiting. He drank two glasses of water, and was not ready to provide the sample."

"While waiting, I tried to search for other athletes on the internet. The doctor said that the athletes were not here, the receptionist said they were here. We have located suddenly Hutte (doctor said he was not here). I looked on pictures and found that one of the athletes looks like Dyldin Maksim. I

showed several pictures of this athlete to my assistant, he also found that it is the same person as on a picture.”

The deliberate, and apparently directed, non-compliance by the athletes in this situation is extremely concerning. Particular attention should also be paid to the behaviour of coaches and supporting staff.

### **IC Findings**

1. The hotel management confirmed the presence of the athletes targeted for testing.
2. The responsible team official denied that most of the athletes were present, thereby obstructing the doping control process.
3. The responsible team official asserted that the DCO had no right to test the athletes (in a private hotel), such ill-founded contention further obstructing the doping control process.
4. Medications and syringes were present in the athletes’ room.

The DCO continues in the report:

“When later during this day I spoke with Julikov (Coach) and the doctor they said that Dyldin is not here. When I said that I have notified him and he run away they were very surprised that I have located Dyldin. They were sure that I’ll be not searching for him because they said he is not at the hotel (training camp). At the beginning they both said that Dyldin is not here, when I have started to speak about the refusal and the sanctions, Mr Julikov said that Dyldin informed him yesterday that he must leave to Volgograd for



the competition, and he was sure that Dyldin left, because of this he told me that Dyldin is not at the training camp. I asked them to help me to find Dyldin and explained to him that he might have sanctions for the refusal. Mr Julikov said that he left to Volgograd, I asked to write this information on the DCF and signed. They refused to write and sign. They said that after the German film they received the instructions to do not speak, and do not sign anything. My assistant was with Lesnoy who was not ready to provide the sample. I tried to convince Mr Julikov and the Doctor to find the athletes. They were on phone. Two men arrived. When I asked their names they refused to say, they said I do not need to know their names, but they must know my name and see my documents. I presented my DCO card, the letter of the authority. Somebody informed them that Dyldin did not signed the DCF, they looked very happy and said as he did not signed, there will be no any problems. They did not want to speak about Dyldin anymore. They said that he did not sign, so no problems, no sanctions, nothing. They said that IAAF has no right to test these athletes because they are not in a testing pool. I tried to explain that IAAF can test any athlete any time anywhere. They did not listen. They did not want to know anything. I asked them to explain to the athletes that they must come back, because they might have sanctions. They said that Dyldin will have no sanctions because he did not sign."

The DCO later states in the report:

"Mr Julikov and the doctor tried to explain to me that the situation in Russia is very sensitive and they were informed to do not speak with the DCOs, the athletes have received the same instructions (because of the German film)."

"Mr Julikov and the doctor said that RUSADA always informed them in advance and they were prepared and wait for the DCO, nobody comes like we came, without no advance notice."

## IC Findings

1. Coaches and athletes had received instructions following the ARD documentary not to speak with the IC and not to sign any documents.
2. Coaches claimed that the DCO had no right to test athletes who were not in the Registered Testing Pool (notwithstanding IAAF rules).
3. Coaches were complicit in attempting to prevent access to athletes for testing, thereby obstructing the doping control process.
4. There are clear cases of refusals to be tested involved, which should be investigated and acted upon, including Dyldin.
5. RUSADA had a practice of providing advance notice of out-of-competition tests.

### *Case 4: Saransk Training Camp 02 June 2015*

Saransk, Russia is a training facility for athletes, predominantly race walkers under the instruction of Mr. Viktor Chegin. Reports received from those interviewed describe a very secretive environment, difficult to observe. On 02 June 2015, IDTM conducted an unannounced anti-doping mission to the training facility. The DCO conducting the visit made the following observations after arriving:

“The coach Nikitin Sergey arrived at 06h50. He asked for the list of the athletes to be tested. We had no another way to obtain the information who is training this morning, who is living here, we were obliged to provide the athlete’s names. He informed us that the athletes are not at the center. He said that they just came from the competition and all of the athletes are somewhere maybe at home, maybe sleeping, maybe in the university, or just walking somewhere, having a rest, but no one is at the center. We tried to

contact the athletes by phone: only two athletes (Strelkov and Emelyanov) provided the phone number, but it was the same number as coach Chegin. It was not the athlete's number, must be a coach phone number."

This number is believed to be the number for Mr. Chegin. It is also the same number as recorded in ADAMS for Sergey Morozov and Vladimir Kanaykin.

The DCOs continued in their duties to attempt to locate the athletes on site. Subsequently, the DCOs reported they were delayed in testing and interviews as a result of contradictory statements regarding the athletes' location and routines. DCOs reported that when the coach (Nikitin) did arrive, he provided the DCO with contact telephone numbers for athletes. However, none of the athletes answered the DCO telephone calls.

This response was considered by the IC to be highly suspicious. The fact that not one athlete answered their telephone during the session indicates that they had been given instructions not to cooperate.

Additionally, the coach (Nikitin) informed the DCOs that they should wait until the end of the day before attempting to find the athletes again, thus providing the athletes in excess of eight hours advance notice of a test and restricting the effective movements, test results and efforts of the Doping Control Team.

This clearly undermines the effectiveness of the zero-notice out-of-competition testing.

The DCOs drafted a text message in Russian language and sent the text to all the athletes at 10:25 hours informing them that they were to move to the swimming pool area to undertake a test within the next 30 minutes. The DCOs then proceeded to wait for the athletes to come to the designated location.

When the athletes did finally arrive, the DCO noticed that one of them was in fact a doctor who would not provide his name to the DCO. The DCO described the doctor as a minder/observer who was responsible for collecting the DCFs for review before passing them over to the DCO. The DCO further commented that:

“The athletes: Mineeva, Noskov, Medvedeva, Bogatyrev and Strelkov were asked by the coach Nikitin to write a report that they do not agree with the notification time of 10h25, they were asked to write that they did not receive any notification, any phone call, any text message. They wrote that the notification time was written by the DCO and not by themselves, that they filled in all the information themselves and signed, but did not understand what is 10h25 because they do not know English. Other athletes made notes in the comments section: “did not receive the text message”, “did not have my phone with me whole day.”

The DCOs reported that the remaining athletes on the notification list declared not to have received the text message or gave varying responses as to when they received the message. The DCOs observed after the testing had been completed that the DCFs were taken for review by the coaches. The individuals reviewing the forms were alerted to the notification time. The DCOs reported the coach (Nikitin) returned and made attempts to intimidate the DCOs through ‘speaking roughly, shouting.’

The DCOs reported that the Russian coaches contested the notification times and insisted on the times being changed. This was followed by complaints from the athletes who began to request the notification times be changed. In one instance, the DCOs reported that an athlete was crying and appeared to the DCO to be ‘scared’. It was apparent to the DCO that some of the athletes were not acting of their own free will. This evident control over the athlete’s submissions provides further evidence of the systematic control of the anti-doping mission in Russia, specifically the Saransk Training Camp.

These allegations were given additional substance after the results were reported by the anti-doping mission to Saransk. From a total of 15 samples taken from ten different athletes, nine tested positive (from six different athletes). All positives were for EPO.

It is believed the delays experienced by the DCOs were an attempt to avoid exposing the systemic doping regime undertaken by athletes under Mr. Chegin’s influence.

The coaches and supporting agents in these scenarios exhibit a constant and consistent resistance towards the DCOs and the obligations contained in the Code and related standards. They have demonstrated repeated obstruction of the application of the Code. Furthermore, it became apparent to the investigative team that coaches play a critical role in ‘protecting’ their athletes from the efforts of the DCOs, endorsing overall non-compliance.

Coaches have a direct financial interest in the success of their athletes and are thus highly invested in their protection. The IC has learned that this protection is not “free,” but rather that the athletes pay their coaches a percentage of their earnings for such services. Further discussion of this practice can be found in Chapter 11.

IC investigators determined that this aspect of ‘protection’ appears to manifest itself in two principal forms. First, the athletes provide the coach’s contact numbers so that the coach is the first to know that a test is being undertaken, allowing the coach to act as a shield for notification. Second, when that approach fails, the coaches and staff physically position themselves as barriers by delaying and challenging the authority of the DCOs in order to give the athletes more notification time.

The protection also extends to the time following testing, when coaches or support staff interfere with the completion of the test documentation. As witnessed by the DCO during the Saransk mission, the coaching and support staff attempted to directly influence the completion and content of the DCFs. Such interference and influence may allow test results to be disputed, through inconsistencies, in an attempt to bring into question the reliability of the test, as seen by the following statement in Saransk:

“The doctor said that I perfectly must understand that sometimes people do not do what they want, even him – he is a small person, he is obliged to obey and execute.”

These cases illustrate how athletes receive prior notice of testing, thus undermining the anti-doping procedures and the Code, specifically the no-notice aspect of out-of-competition testing. The two “protection” methods used by the coaches make it

impossible to examine in any real detail allegations of micro dosing because of the time delay caused by coaches and staff. This behaviour effectively provides these athletes with a degree of immunity from out-of-competition testing. It is these types of offences that have almost eliminated any confidence that the Russian athletes are subject to the same standards of testing as the international community.

## **IC Findings**

1. Coach Nikitin lied about the presence of targeted athletes at the Saransk training camp, in an effort to prevent the athletes from being tested.
2. Athletes deliberately gave their coach's number as their whereabouts contact, to avoid direct contact by DCOs and to provide additional time before giving a sample.
3. No athletes answered the DCO calls. The IC considers it likely that this conduct was based upon instructions from the coaching or support staff.
4. Deliberate efforts were made to stretch the time between notice and the provision of samples for analysis, to provide opportunity for obstructive actions in relation to the tests.
5. The doctor/observer refused to provide his name when requested to do so by the DCO.
6. Coaches have a financial interest in protecting their athletes from doping tests that might produce positive findings.
7. Coaches attempted to intimidate and threaten the DCO in the course of his duties as DCO.

8. Athletes were instructed to record information that was not true in their DCFs, such as times of notification.
9. The fact that 9 AAFs for EPO resulted from the tests on that Saransk training camp mission underscores the reasons for the resistance to the tests.
10. The dates of the reported events at the Saransk training camp make it clear that, contrary to some assertions, the practice of doping in athletics in Russia remains very much current, even following the ARD documentary.

#### *Case 5: Statements of Evgenia Pecherina*

IC investigators closely reviewed the ARD documentary content regarding statements made by athletes. Specifically, investigators reviewed Evgenia Pecherina's statements within the documentary, which are as follows:

**Reporter's Question:** "What is your guess, what do you think: how many athletes from the national team in Russia are doping?"

**Pecherina:** "Most of them. The greater part of 99% and you get absolutely anything. Everything the athletes wants. And the shorter the period it can be detected, the more expensive the product."

**Pecherina:** (regarding Grigory Rodchenkov) "He knows how long, which drugs need to disappear from the body. He knows about it and instructs. He is the most important specialist."

The IC notes, in this instance, a Russian national athlete confirming, in her own words captured on audio and video recordings, that in her estimation, “99%” of Russian athletes are using PEDs while training for competition. Additionally, Pecherina identifies the director of the Moscow accredited laboratory as one who provides instruction and use in the administration of PEDs to Russian athletes. She was interviewed by the IC on 19 April 2015 via Skype. She retracted her comments on doping, not only in this interview, but also on the second ARD documentary on 01 August 2015. The IC investigator concluded that Ms. Pecherina was clearly being coached or even threatened by someone in the background.

## **IC Findings**

1. Having considered the two circumstances involving Ms. Pecherina, the IC prefers the statements made in the first ARD documentary, when she was not being influenced by one or more off-screen parties.
2. There is insufficient evidence to support the figure of 99% of members of the Russian national athletics team as dopers. That said, Ms. Pecherina was a member of the national team and can be taken to be aware of significant doping going on around her.
3. Grigory Rodchenko, director of the Moscow accredited laboratory was specifically identified as an aider and abettor of the doping activities.

## **9.7 Other Indications of Cheating**

The secret recordings provided to the IC contained sensitive information relating to doping methodologies and key players. The recording relating to Mr. Farsonov indicates that the athletes concerned are well educated regarding the types of PEDs



available and their related wash out periods. The detailed knowledge of wash out periods substantiates intent to undermine the testing procedures. Mr. Farsonov describes in detail emerging substances that do not have the same physiological side effects (such as cramps) and, more important, have a dramatically reduced wash out period.

Similar discussions are contained in subsequent recordings, with focus on wash out periods, including comparisons on when the participants stopped doping prior to competition. The level of aptitude demonstrated in these recordings reinforces the importance of the work that is needed in anti-doping measures, particularly with respect to out-of-competition testing.

The investigative team encountered varying degrees of compliance throughout the investigation. Some athletes who were approached responded immediately, some approached WADA through the anonymous Tip Line created for the IC and most simply refused to cooperate.

It is clear to the IC that almost all of the witnesses interviewed were fearful of the consequences of disclosing any information that could be traced to them. Concerns included loss of position, loss of access to training and coaching, and some to personal safety.

## **IC Findings**

1. Detailed knowledge of PEDS and wash out periods was a matter of practical application, not the result of mere intellectual curiosity.
2. Non-cooperation of the majority of the athletes of interest, especially upon apparent instruction, leads inexorably to the inference that they were engaged in doping.

## **9.8 IC Overarching Findings Regarding Whereabouts, Coaches, Doctors, Team Staff and ARAF Officials**

1. The IC determined that there were many examples of inadequate, incorrect or inexistent whereabouts filings on the part of Russian athletes participating in athletics.
2. The IC determined that there were many examples of missed tests on the part of Russian athletes participating in athletics.
3. The IC determined that there were many occasions on which Russian athletes participating in athletics were given advance notice of proposed out-of-competition tests and were thus able to avoid being tested or take steps to render the tests ineffective.
4. The IC found examples of outright refusals by athletes, despite notification and evidence that the tester was an official DCO.
5. The IC found examples of the use of false identities for purposes of evading testing.
6. Within the scope of this investigation, there is clear evidence of a “Systemic Culture of Doping in Russian Sport” perpetuated, in part, although not exclusively, through coaches and administrators, whose collective actions at times extended beyond mere administrative violations into potentially criminal acts.

7. This network created an atmosphere in which an athlete's choice was frequently limited to accepting the prescribed and mandated doping regimen or not being a member of the national team.
8. The coaches wrongfully encouraged their athletes, or athletes chose to believe that all other nations were following similar illicit training methods, thereby creating a self-justification that 'sport doping' and the non-enforcement of violations were competitive necessities and perhaps even patriotic obligations.
9. Evidence of extensive PED use is supported and confirmed by audio and video evidence. It is also documented by witness statements that corroborate the original allegations of the German television documentary and which provide further details regarding the extensive use of PEDs and blood doping within the Russian federation.

## Chapter 10: International Association of Athletics Federations

IAAF Vision statement: *“To lead, govern and develop the sport of athletics in all its forms worldwide, uniting the Athletics family in a spirit of Excellence, Integrity and Solidarity.”*<sup>45</sup>

### 10.1 Background and Purpose

The International Amateur Athletics Federation was established in 1912 as the worldwide governing body for the sport of amateur athletics. Amateurism was then central to the organization, and its mission statement at the time was, “to foster the worldwide development of athletics, establishing friendly and loyal cooperation between all members for the benefit of athletics, peace and understanding between nations.”<sup>46</sup> However, as interest in athletics grew, and the athletes’ need to dedicate resources, both time and money, to achieving an elite level performance increased, in 1982, the IAAF began allowing professionals to compete, adjusted its rules and later changed its name to the International Association of Athletics Federations. In this Report, the initials “IAAF” refer to the same body, whatever its official name may have been at the relevant time.

Today, the IAAF plays the leading role in the regulation and governance of athletic competition, including, inter alia, sanctioning competitions, determining the disciplines and events constituting athletics, documenting official world records, allocating major athletics competitions and promoting the dissemination and marketing of global athletics.

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<sup>45</sup> IAAF, 2013. IAAF Council Meeting Notes, Moscow, 7 April 2013. [Online] Available at: <http://www.iaaf.org/news/iaaf-news/iaaf-council-meeting-notes-moscow-7> - [Accessed 3 September 2015].

<sup>46</sup> John Nauright and Charles Parrish, Eds., 2012. Sports around the World History, Culture, and Practice. Santa Barbara, California, USA: ABC-CLIO. p. 349.

It also has the responsibility to ensure “the health and wellbeing of the ‘Athletics Family’ – from athletes and coaches to spectators, media and commercial partners.”<sup>47</sup> To achieve this goal, the IAAF has stated that it is “resolutely committed to athletics, and to the preservation of a zero-tolerance policy with respect to doping.”<sup>48</sup> Integrated into the IAAF’s operational headquarters in the Principality of Monaco, is the

control center for the Anti-Doping Investigations and Medical Analysis Unit. Over recent years, the role of anti-doping and medical analysis in relation to the monitoring and regulation of athletes has grown significantly more important as part of the worldwide fight against doping in sport.

The current IAAF Anti-Doping Administrator is Mr. Thomas Capdevielle and the Medical Director is Dr. Pierre Yves-Garnier.

The current IAAF rules and regulations governing anti-doping can be found online at <http://www.iaaf.org/about-iaaf/documents/anti-doping>.

The importance of athletics in the worldwide sports community is all but self-evident. Athletics is generally acknowledged as the Olympic Games’ leading sport. It is the main spectator sport in the Olympic Stadium and is central to the success of each Games.

Sponsorship and media rights contracts provide a significant portion of the IAAF’s income, as does its share of the Olympic television revenues contributed by the International Olympic Committee.

The IAAF World Championships were recently concluded in Beijing (2015) and will be held in London (2017) and Doha (2019). The Championships prior to Beijing were held

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<sup>47</sup> IAAF, 2012. Corporate: IAAF Corporate Publications. IAAF Brochure. [Online] Available at: <http://www.iaaf.org/about-iaaf/documents/corporate> [Accessed 3 September 2015].

<sup>48</sup> IAAF, 2015. Medical Anti-Doping: IAAF Commitment to a Healthy and Drug-Free Athletics. [Online] Available at: <http://www.iaaf.org/about-iaaf/medical-anti-doping> [Accessed 3 September 2015].

in Moscow (2013). Each of the identified events has been or will be held in a capital city.<sup>49</sup>

## 10.2 The IAAF Council

The IAAF Council is the central body that executes all of the IAAF's administrative functions. It is composed of an elected President, 27 elected members, including four Vice Presidents, one Treasurer and representatives from the six continental area associations (Asia, Africa, North America, South America, Central America and the Caribbean and Oceania) and the Secretary-General, who is an ex-officio member.

The IAAF Congress elects all Council members for terms of four years, with the exception of the Secretary-General, who is appointed by the Council. In addition to administering the affairs of the IAAF, the Council also appoints delegates to IAAF competitions, including the World Athletic Series. The Council is also authorized to elect provisionally or suspend a member federation, and to make any urgent decisions.

Prior to the Championships this year in Beijing, the IAAF held its biannual Congress meetings and elected new Council members and officers. The composition of the Council before the 2015 elections and after (as of 1 September 2015) is set out below. The Council is composed of the following individuals:

Position	Before	After
PRESIDENT	Lamine Diack	Sebastian Coe
SENIOR VICE PRESIDENT	Robert Hersch	Sergey Bubka

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<sup>49</sup> IAAF, 2015. About the IAAF. [Online] Available at: <http://www.iaaf.org/about-iaaf> [Accessed 3 September 2015].

VICE PRESIDENT	Dahlan Jumaan AL Hamad	Dahlan Jumaan AL Hamad
	Sebastian Coe	Alberto Juantorena Danger
	Sergey Bubka	Hamad Kalkaba Malboum
TREASURER	Valentin Balakhnichev	Jose Maria Odriozola
COUNCIL MEMBERS	21 members in addition to the 6 above	

### 10.3 IAAF Congress

The IAAF Congress consists of the Council, Honorary Members and not more than three delegates from each National Member Federation. The IAAF Congress meets every two years at the time of the World Championships. Elections take place in every even numbered Congress, and voting is on the basis of “one country, one vote.” The Congress elects the President, four Vice Presidents, the Honorary Treasurer, Individual Members and Committees. 2015 was an election year.

At the 2013 Congress in Moscow, it was agreed to constitute the IAAF Ethics Commission (EC) having a wide range of investigative powers and the authority to impose severe sanctions without apparent interference from the IAAF Council. The purpose of the EC is to investigate allegations of misconduct connected to the IAAF. They have been provided with complaints arising out of the matters of which the IC is reporting. At the time of writing this Report in late 2015, the EC has made no public announcement of its actions.

### 10.4 Investigation Introduction

The allegations made in the German ARD documentary initially focused on Russian athletes and the ARAF but, in addition, alluded to potential corruption within the IAAF.

In the course of the investigation, the IC investigators uncovered evidence that the IAAF conducted itself contrary to its responsibility to “ensure the health and wellbeing of the Athletics Family.” Instead, there existed a consistent disregard for ethical behaviour and a conspiracy to conduct and conceal corrupt behaviour by particular highly placed members and officials of IAAF and the ARAF. For reasons detailed below, the IC is currently withholding information as to how and by whom, unlawful disclosures and acts were carried out.

The IC notes that the allegations of corrupt behaviour affect a fraction of the many hard-working and committed men and women of the IAAF and ARAF. The IC was impressed by the courage of several staff members of the IAAF and whistleblowers within Russian athletics, who took a stand against corruption within their sport.

#### ***10.4.1 Key Findings***

The IC’s key findings with respect to the allegations regarding the IAAF are as follows:

1. The IC investigation ultimately corroborated the whistleblower’s allegations of a multifaceted and complex conspiracy involving members of the athletic community within the IAAF and ARAF; and
2. The IC investigation found evidence of breaches of processes and rules of the Code and ISL Standards, as well as IAAF rules and processes by IAAF officials.

#### **10.5 Law Enforcement Referral**

The IC, submitted a formal Law Enforcement Referral via Interpol to initiate a criminal investigation of these matters. As a consequence, the evidence provided in the official Law Enforcement Referral provided details of these alleged acts of conspiracy. The reporting of these findings relies on the definition of conspiracy adopted by many



countries, where the acts of co-conspirators will be evidence against others involved in committing the conspiracy, regardless of whether they were aware of the action or not.

This component of the IC investigation has been submitted to law enforcement officials and is progressing under the auspices of Interpol Project Augeas. Therefore, the remaining details of the IC investigation relative to these events are subject to restricted dissemination at this time, so as not to interfere with the ongoing investigation and judicial process.

Dependent upon the progression and outcome(s) of the Interpol co-ordinated investigation and in collaboration with the relevant authorities, the IC expects to publish the full and final version of this Report, including this chapter in its entirety, by the end of 2015.

## **Chapter 11: All-Russia Athletic Federation**

### **11.1 Background and Leadership**

The All-Russia Athletic Federation (ARAF) is the governing body for athletics in Russia and is the National Member Federation representing Russia at the International Association of Athletics Federations (IAAF). As such, the responsibilities of ARAF include the following: (i) the selection of athletes to represent Russia and compete in international sporting events; (ii) the results management of Russian athletes who have tested positive for prohibited substances or other violations of the IAAF and World Anti-Doping Agency (WADA) regulations, including findings of Anti-Doping Rule Violations (ADRV); and (iii) the coordination of national training camps and related venues for athletes preparing to compete nationally or to qualify for international events, such as the Olympic Games.

ARAF's current interim President is Mr. Vadim Zelichenok, who replaced Mr. Valentin Balakhnichev after his voluntary resignation following the broadcast of the ARD documentary and the allegations of doping violations and cover-ups in ARAF. Mr. Balakhnichev served as the ARAF President from 1991 to 2015, and has held the position of IAAF Treasurer since 2011.

### **11.2 National Team Coaches**

Being a national team coach carries with it a high degree of responsibility. Coaches are accountable for many young, impressionable and potentially vulnerable athletes, who are driven to succeed and who require strong leadership and mentoring. Willful disregard for the use of performance enhancing drugs (PEDs) by athletes under the management of a coach is unacceptable. To be involved in supplying PEDs, or to encourage their use and cover-up is a violation of the Code warranting severe sanction.

The IC investigation found overwhelming evidence against a number of senior national team coaches who were involved in collusion, *inter alia*, to illicitly obtain details of suspicious Athlete Biological Passport (ABP) testing results against their athletes. Since the start of ABP in 2009, ARAF has had the highest levels of ABP testing violations worldwide. These coaches were also involved in actively encouraging athletes to dope, providing or arranging for the supply of prohibited substances and assisting in obstructing possible Adverse Analytical Findings (AAFs) by the accredited Moscow laboratory and perhaps other laboratories where it was required. Such conduct demonstrates an embedded and institutionalized process designed to assist in winning at any cost.

### **11.3 Summary of Findings**

Allegations made in the ARD documentary were corroborated through testimony, digital recordings, interviews, analysis of records and documentary exhibits. The IC finds that a scheme promoting the illicit use of PEDs is institutionalized within ARAF, and supported by certain coaches against whom the IC has recommended a number of disciplinary sanctions to WADA for transmission to the IAAF.

Evidence of a conspiracy and cover-up of doping was found among ARAF coaching staff at a sufficient scale to indicate widespread and institutional abuse. The IC found evidence that several coaches at senior level and the ARAF Chief Medical Officer were committing violations of the Code articles 2.6, 2.8 and 2.9 over many years.

ARAF received disclosure (to which it was not entitled) regarding the identification of 23 Russian athletes who were subjects of an IAAF inquiry regarding abnormal ABP testing results (See Chapter 18). The fact that ARAF was aware of the internal details as a result of the disclosure provided ARAF with an advantage over other countries, by allowing ARAF to identify in advance, specific athletes who were vulnerable to ADRVs prior to the 2012 London Olympic Games. This “early warning” knowledge enabled

ARAF to engage in wrongful conduct in order to delay the application of ADRVs, thereby allowing several Russian athletes with abnormal ABP test results to compete at the 2012 London Olympic Games and, in certain cases, win medals. ARAF President Balakhnichev was personally aware of the illicit use of the ABP list (see Chapter 18) and the extent of doping within ARAF. The IC has identified who conducted the unauthorized disclosure of IAAF information to ARAF officials, but will withhold publication of such information while the criminal investigation is still ongoing.

There is a high probability that ARAF continued to benefit from this “early warning” notice through access (to which it was not entitled) to internal IAAF information regarding abnormal testing results for Russian athletes, from November 2011 through to December 2014. Possession and use of such information provided Russian athletes and coaches engaged in doping violations an unfair advantage. Such conduct affected many competition results and, therefore, the level playing field for international competitions involving international athletics athletes.

The IC received information and intelligence suggesting that ongoing research is in place in Russia relating to the development of new types of PEDs that are believed to be non-detectable. See the discussion below under coach Melnikov where he describes using prohibited substances that will not affect the parameters of the ABP. He further suggests that these adjustments will be supported by “secret testing”.

Notwithstanding the appointment of the IC to investigate allegations of widespread doping, athletes under the management of coach Chegin, for example, at the Saransk Centre for Race Walking, continued to use PEDs. During June 2015, the IC learned that six out of ten athletes that were tested on-site at the Saransk Center provided positive samples, thus demonstrating that significant PED abuse continues at the training center. (Note, however, that in one of the cases, the B sample result did not confirm the result of the A sample.)

During 2014, the Russian Anti-Doping Agency (RUSADA) successfully investigated and sanctioned individuals in possession of blood transfusion equipment at the Saransk

training center in violation of World Anti-Doping Code (Code) article 2.6. WADA experts demonstrated how blood transfusions were regularly used by coach Chegin's race walkers at the training center.<sup>50</sup>

No evidence was found to support allegations that some athletes were "positively doped" in order to remove them from the National Team for not paying their coaches.

Two key personnel from ARAF, President Balakhnichev and National Team Head Coach Melnikov, were "alleged to be extorting cash from an athlete in exchange for covering up her positive doping records." The IC will not comment further on this allegation at this time because it has been referred to law enforcement authorities for further investigation (see Chapter 10).

#### **11.4 Investigation: Introduction**

The IC conducted an intensive and thorough investigation into the allegations made against ARAF's leadership and coaches. The investigation included an in-depth examination of ABP testing results, follow-up timelines, interviews of key witnesses, document and technical analysis, with the primary objective of corroborating or disproving the allegations.

The IC used the Code to provide a benchmark against which the evidence could be properly examined and analyzed. For the purpose of this part of the investigation, violations of Code article 2.8 "Administration or Attempted administration to any Athlete Out-of-Competition of any Prohibited Substance or any Prohibited Method that is prohibited Out-of-Competition" and article 2.9 "Complicity - Assisting, encouraging, aiding, abetting, conspiring, covering up or any other type of intentional complicity involving an ADRV, Attempted ADRV or violation by another Person" were examined. The IC attempted to collect sufficient evidence to determine whether offenses under

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<sup>50</sup> This information was acquired by WADA from RUSADA during the WADA visit to Moscow in July 2015

these articles occurred. This baseline analysis was used to assess the evidence against specific individuals. As a result, violations of the Code have been established against a number of ARAF coaches and the ARAF Chief Medical Officer, which are detailed below.

### **11.5 Investigation: Methodology**

The IC conducted detailed interviews of, and received digital recordings and related evidence from, the whistleblowers, including PED drug samples. The whistleblowers consisted of athletes and regulatory and support personnel from within ARAF. The IC investigators spoke with other Russian athletes to act as potential witnesses but many were simply too frightened for their careers or safety, or did not believe their testimony would change anything. The IC finds it significant that more than ninety percent (90%) of the Russian athletes approached by the IC failed to either respond to IC interview requests or emphatically refused to be interviewed.

Two of the witnesses, Liliya Shobukhova and Yuliya Stepanova, have acknowledged their use and have been sanctioned for their use of PEDs. Both proved to be open and honest regarding what they witnessed within Russian athletic circles. Additionally, the IC corroborated their testimony through an extensive review of documents and official records, video and voice recordings, analysis, interviews and ABP testing profiles. Where appropriate, forensic analysis of electronic information was also undertaken.

The whistleblowers' secret digital recordings of coaches and other individuals involved in Russian athletics provided an important evidentiary basis for this investigation. On these recordings, coaches talk openly about the use of PEDs. In one video, a coach was even shown to supply PEDs to an athlete. Other National Team athletes were also captured on the recordings, talking openly about their coaches' involvement in distributing PEDs. However, to ensure the authenticity of the statements made on the recordings, the investigation sought independent and objective corroboration in order

to further examine all sources of allegations. This included audits of the Moscow and Lausanne laboratories and an audit of IAAF records.

The IC also had independent forensic tests performed by a specialised forensic agency to establish, by the use of various forensic techniques, that there were no identifiable traces of manipulation. On 02 April 2015, the IC provided copies of the Poistogova and Bazdyreva recordings to the United States Drug Enforcement Administration (DEA) in Houston, Texas. The DEA subsequently identified the recordings as exhibits, and performed critical analysis of the information. The recordings underwent enhancement through spectrum wave analysis in order to remove the “noise impediments created by the friction of clothing.” During this review, the DEA confirmed the dates that the recordings were made and enhanced the audio to allow for satisfactory transcription of the recordings. They also provided an opinion that the recordings were not manipulated or fake.

The IC is satisfied with the quality of the analysis and the conclusions as to the authenticity of the recordings.

## **11.6 The Statistics**

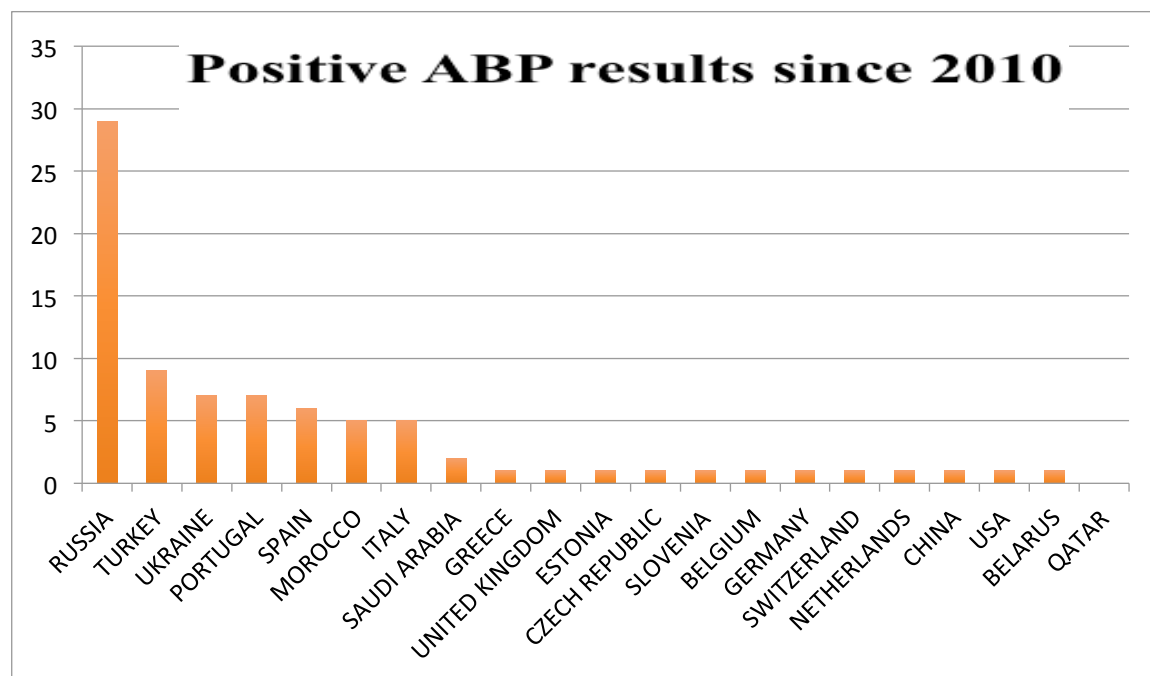
IC investigators studied patterns of conduct reflected in the statistical reporting of ABP testing indicative of PED violations for athletes globally in comparison to Russian athletes.

The first chart details the number of ABP positive test results since the introduction of testing in 2010 and demonstrates that of 83 athletes caught with abnormal ABP test results, 29 are from Russia, the highest number for any country tested.<sup>51</sup> Russia represents 35% of the overall athletes detected for ADRVs through ABP testing. The IC

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<sup>51</sup> Turkey-9, Ukraine and Portugal -7, Spain -6, Morocco and Italy-5, Saudi Arabia-2, Greece, United Kingdom, Estonia, Czech Republic, Slovenia, Belgium, Germany, Switzerland, Netherlands, China, USA, Belarus and Qatar – all 1.

notes, in addition, that a significant portion of the Russian athletes who tested positive for violations are race-walkers under the responsibility and training of coach Viktor Chegin.

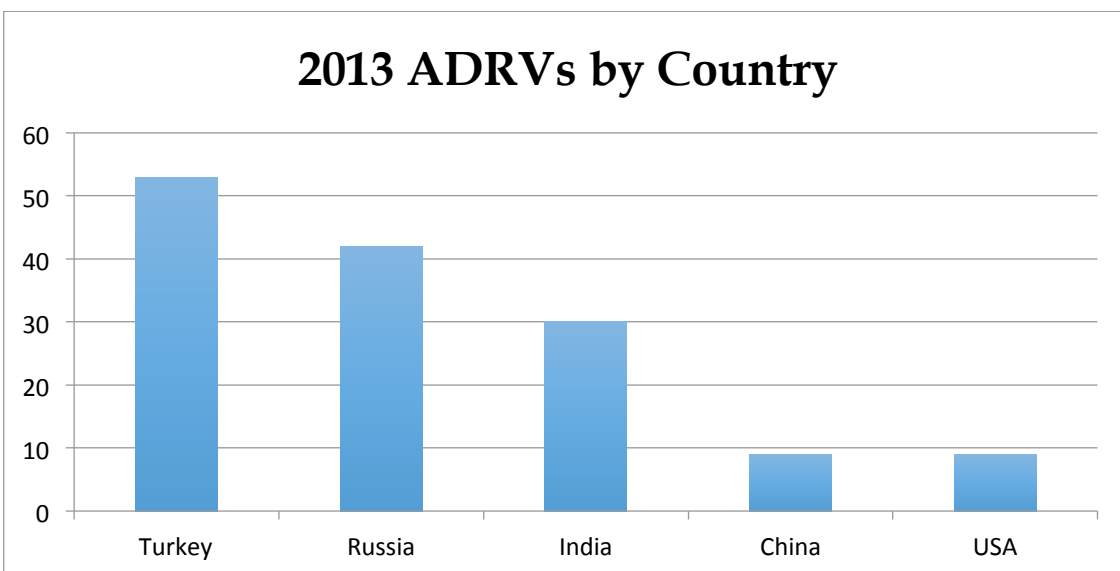


On 15 June 2015, WADA released its 2013 ADRV Report.<sup>52</sup> In this report, the section for urine and blood ADRVs demonstrates that Russia is second among all countries for the number of doping violations.<sup>53</sup>

<sup>52</sup> World Anti-Doping Agency, 2015. [Online] Available at: <https://wada-main-prod.s3.amazonaws.com/wada-2013-adrv-report-en.pdf> [Accessed June 2015].

<sup>53</sup>; Turkey – 53, Russia – 42, India – 30, China and USA – each 9.





Both charts support the allegation of systemic drug abuse within Russian athletics.

### 11.7 The Coaches

The investigation revealed that over the course of several years, coaches regularly acted in violation of the Code. In some instances, coaches were directly supplying PEDs to athletes. Given that a coach is both a mentor and authority figure for athletes, the IC recommends that coaches who have carried out these offenses be subjected to a lifetime ban from sport.

A summary of the evidence against each coach is provided where it implicates coaches in a wider conspiracy or demonstrates how ARAF is responsible for supporting doping practices and activity systematically. The full package of evidence available against each coach is a matter for consideration with respect to specific Code violations. Sanction packages were developed by the IC, with recommended sanctions, and the packages were forwarded to WADA for further action.

Individual coaches involved were notified separately through the formal disciplinary processes of the IAAF. For the purpose of clarity, the IC used excerpts from the sanctions packages to demonstrate the findings in regard to ARAF.

The coaches identified in the investigation represent only a small number of those in collusion with ARAF. However, they are senior coaches with a high degree of responsibility within the Russian athletics hierarchy. These individual cases suggest that there exists a systematic and widespread doping scheme throughout the coaching rank.

#### ***11.7.1 Coach Aleksey Melnikov***

Shobukhova<sup>54</sup> and Stepanova<sup>55</sup> identified coach Melnikov who manages ARAF's track coaches, as the individual who introduced them to Dr. Sergey Nikolaevich Portugalov, the Chief Medical Officer for ARAF. Melnikov sent both athletes to Portugalov for their personalized design and supply of supplements and PEDs to use in conjunction with their training preparation. The evidence against Portugalov is corroborated through digital recordings, e-mails, witness statements and documentary exhibits, as noted in this chapter.

Both witnesses independently state they were required to pay both Melnikov and Portugalov a percentage of their winnings, in part to cover the cost of the PEDs and in part to obtain the advice necessary to administer them in conjunction with their training. In her statement, Shobukhova stated she paid Melnikov US\$85,000, from 2009 to 2011, to participate in the covert doping program.

The witnesses further revealed that Melnikov would personally notify them and their teammates at least one day prior to a doping test. The advance notice of testing was provided when Russian DCOs were scheduled to visit their training camps, or when the athletes were required to travel to Moscow for the purpose of providing test

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<sup>54</sup> Shobukhova Report of 11 and 12 August 2014.

<sup>55</sup> Stepanova Report 16 February 2013, Statement 15 April 2015 and 27 May 2015.

samples. Shobukhova reported she was never subjected to unannounced drug tests while paying and training under the direction of Melnikov.

On 8 February 2013, Stepanova secretly recorded Melnikov complaining about the ABP and contemplating how many athletes would be caught as a result of ABP testing. Melnikov stated they only started to understand (how to circumvent) the problem in the spring of 2012.<sup>56</sup>

**MELNIKOV:** "We started to understand about this system only in spring 2012, before that we didn't understand what the graphs mean and we didn't have any urine control problems."

Melnikov's use of the term "we" could be a reference to ARAF or his close associate, Portugalov. The IC suggests that if it was ARAF that did not understand the "problem," this might explain why Russia leads the ABP positive list, as illustrated in the above chart.

Stepanova stated she was unaware that Melnikov was supplying PEDs directly to athletes, but believed he was responsible for helping athletes avoid and conceal positive tests. She informed the IC that Melnikov was the main contact who communicated with RUSADA about upcoming scheduled tests, and identified which athletes could be tested. Melnikov further assisted coaches in covering up positive or potentially positive test results.

On 12 February 2013, Stepanova secretly recorded another conversation she had with Melnikov, which concerned the ABP. This conversation indicates that the coaching hierarchy within ARAF had little understanding of the complexities of the ABP testing program. The IC investigators deduce that there would be little or no need for concern

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<sup>56</sup>Melnikov Audio dated 20130208, Audio dated 20130212, Audio dated 20140730, Video dated 20141026, Video dated 20141120.

over the complexity of the ABP program, if not for use of doping substances by athletes under ARAF's jurisdiction.

On 30 July 2014, at 15:28h, Stepanova telephoned Melnikov. During this conversation, Melnikov indicated he had a series of telephone calls with an IDTM representative. Melnikov cautioned Stepanova to expect to be tested by IDTM. Melnikov also indicated that he had a previous conversation with RUSADA regarding the IDTM test and stated to Stepanova that "[w]e just cannot call right now, because supposedly it should be unexpected testing." This is an apparent reference to ARAF interfering in the IDTM testing regime that is supposed to be independent of any third party influence. This is strong evidence that ARAF was involved in a conspiracy to undermine the no advance notice testing by having direct contact with an IDTM representative responsible for Out- of-Competition (OOC) unannounced testing.

On 20 November 2014, Stepanova secretly recorded a meeting with Portugalov in his office at the ARAF Medical Unit. During their meeting, Stepanova and Portugalov discussed testing time parameters to determine the timeline for steroid detection, from ingestion to clearing the body, as well as the use of high testosterone steroids to avoid ABP problems. Melnikov then enters the room and has the following conversation with Portugalov and Stepanova:

**PORTUGALOV:** Are the bad things over for her?

**STEPANOVA:** On January 28.<sup>57</sup>

**MELNIKOV:** I just don't know if we should do anything this winter. She has reinstatement doping-controls.

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<sup>57</sup> On January 28, 2015 Stepanova's two-year ban expired.

**PORTUGALOV:** I don't know. From one side, they will start immediately taking her for passport.

**MELNIKOV:** No, they will not let her out without doping-control. We should do it naturally.

This recording captures two very senior ARAF members conspiring as to whether, by inference, Stepanova should or should not return to a doping regime on the expiration of her doping ban or wait, given the likelihood of certain testing protocols for her ABP following her return to competition. The fact that these officials are casually assessing the risks of detection for an athlete who was coming to the end of a two-year ban and contemplating when, not if, to start her on a doping program illustrates that this coach and doctor are willing to continue this scheme, even if it means that the athlete concerned would face a life time ban from sport and lose any chance to maintain a livelihood.

The conversation then turned to the blood results from the ABP testing and what it means:

**MELNIKOV:** Not all drugs will affect testosterone level...Sergey Nikolaevich [Portugalov] will tell you...they all might contain (doping)... but some affect and some do not (testosterone level).... so we will choose the ones that do not affect and we will do secret testing. We did it last year already, especially prior to the main competition.

**STEPANOVA:** So, it's like doping-control but only to check?

**MELNIKOV:** Yes, you are absolutely right. So, to be in good condition ["clean"] for pre start testing and do not have any problems on "open controls." So you are almost there... Hold on! And as I say, we have it... management... is well under way...

Melnikov discusses working together with a doctor, coaches, athletes and others to dope in a manner to evade detection. The IC is of the opinion that the "secret testing" that he refers to implies that there exists a mechanism outside of any official testing protocols, perhaps access to the use of a laboratory, to examine the sample for blood and urine markers to determine detection amounts. This recording establishes that Melnikov violated the Code article 2.9 (Assisting, encouraging, aiding, abetting, conspiring, covering up or any other type of intentional complicity involving an ADRV).

Further in the conversation Melnikov discusses their problems of the past and future regarding blood passports:

**MELNIKOV:** When he (Kazarin) is here we will discuss everything about you in detail...in regards of the calendar – what zones are dangerous and not dangerous...to make sure we do not repeat our mistakes... but for blood, we will not go there any more. As now we cannot control reticulocytes, they will continue taking your blood...so there is no point. So now we have to wait until autumn, to do the tests, then indoor track and then the Nationals...

**MELNIKOV:** If we were not caught blind on this thing [obviously referring to the ABP blood passport]...Yuliya, try to understand us...if they would have told us at least 10% how it would be done, we would never... besides...

Melnikov, in the presence of Portugalov, clearly indicates they are taking active steps to try and establish counter-measures to prevent athletes being caught in the future by ABP testing profiles. However, by the tone of the conversation it appears that, during the time of the recording, they have not established a reliable method by which to circumvent ABP testing, given that their suggested method is more caution and patience. Also, given that the key individuals in this system hold high-level positions of authority and seniority the statements are a strong indicator of the institutionalized nature of PED use within Russian athletics, and the extent of counter measures they are willing to take to avoid detection.

Toward the end of the meeting, Stepanova asked if it would be possible to be prepared by Portugalov again. Melnikov replied:

**MELNIKOV:** Of course, of course, of course. It's just, right now we have to be more careful. To be accurate. When we will have possibilities of the additional doping testing we will check everything. Even blood – we will check it on sysmex. To make sure that there are no strange jumps for some people – to avoid it.

There is a clear inference by Portugalov and Melnikov, that in the future their athletes will not be detected nor caught by surprise via ABP blood passport readings. It is apparent that their goals are focused on circumventing the ABP. Such objectives, especially within the high levels of ARAF leadership, are indicative of institutional and systemic cheating within Russian athletics.

Melnikov and Portugalov are the subjects of separate IC sanctions packages containing a recommendation that each individual receive a lifetime ban from all sport. The IC sanctions package was submitted to WADA who in turn forwarded them on to the

IAAF. The IAAF forwarded the respective reports to ARAF on 8 August 2015 for further consideration.

#### *11.7.2 IC Interview of Aleksey Melnikov*

On 2 July 2015, IC investigators interviewed Melnikov at the Novotel in Moscow.<sup>58</sup> Melnikov confirmed that his position is the Athletics National Team Coach of Russia, a position that includes organizing training camps and being in charge of all coaches. When questioned about the allegations raised in the ARD documentary, he responded that they are simply not true. He denied all allegations and suggested that they were either out of context or mistakes in translation.

During the interview, Melnikov took the opportunity to come forward with information regarding known instances of Code violations. In that regard, he alleged that Andrei Baranov, Shobukhova's agent since 2009, purchased banned substances in the United States. Melnikov was then asked why he, a national team head coach, waited until now to report this allegation. By his own admission, Melnikov stated he knew of, or suspected, Shobukhova's violations five years prior to the ARD documentary, but failed to report them himself.

As the Russian National coach, Melnikov was in charge of entering Shobukhova for international events. Even if the above allegation is true, through Melnikov's own admission, the IC discovered that he continued to allow Shobukhova to compete, in violation of the Code, and in spite of his declared knowledge that Shobukhova was buying and presumably using banned substances.

Only when directly confronted with accusations did Melnikov, in his position as a senior National Team Coach, come forward with his own professed knowledge of Shobukhova's doping violations over the six-year period from 2009 to 2015. The IC

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<sup>58</sup> WADA Interview Report 2 July 2015 Melnikov.



concludes that over the course of many years Melnikov actively colluded with athletes under his control to dope, in direct violation of the Code.

### ***11.7.3 Coach Vladimir Mikhnev***

Coach Mikhnev is an ARAF running coach. The allegations against coach Mikhnev stem from whistleblower Stepanova's statements, which are supported by the secretly recorded conversations.<sup>59</sup> She is the IC's main witness related to Mikhnev's Code violations. Through Stepanova's statements and secret recordings, the IC investigation uncovered evidence implicating coach Mikhnev in violations of the Code, specifically sections 2.8 and 2.9. The following material discusses his role in providing athletics athletes prohibited substances.

Mikhnev became Stepanova's coach in 2006 and by the summer of 2007, Mikhnev began providing her with erythropoietin (EPO) injections along with dosages of oral Turinabol. The IC notes that oral Turinabol is banned in Russia under the Russian Federal Criminal Code s. 234 and contains DHCMT, a prohibited substance. Mikhnev instructed Stepanova how to inject EPO, initially in the arm and then into her veins. As a result of her EPO and other PED usage, Stepanova's 800 meter times improved to 2:03.47 from her early baseline of 2.13 and early personal best of 2:08.47. Stepanova was informed by Mikhnev that the drugs would be detectable in her sample for 40 days after her use of Turinabol and nine days after the use of EPO.

Mikhnev instructed Stepanova to keep a journal of the prohibited and non-prohibited substances she was taking.<sup>60</sup> Stepanova complied and tracked and documented her PED usage and then calculated the exact time she needed to stop taking PEDs in order to test clean at competition events.

With Mikhnev's full knowledge and counsel, Stepanova took a number of different prohibited performance enhancing substances. In 2010, Stepanova heard rumours that

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<sup>59</sup> Stepanova Report 16 February 2013, Stepanova statement 15 April 2015 and 27 May 2015.

<sup>60</sup> Exhibit Mikhnev VIM0-007.

she had tested positive. However, Mokhnev advised Stepanova that he had spoken with Moscow laboratory Director, Grigory Rodchenkov, and it was agreed that Stepanova would pay 30,000 roubles (approximately \$1000 at that time) to Rodchenkov to cover up the positive test result. This payment was paid directly by Stepanova to one of Rodchenkov's friends, a person with the last name "Evsukov." Stepanova informed the IC that as a result of the payment, Rodchenkov reportedly called Mokhnev on the same day as the payoff, to report that Stepanova no longer had to be concerned about the positive test.

On 23 April 2011, Stepanova received an email from the account of Portugalov at s.port@mail.ru.<sup>61</sup> In the text of the email, Portugalov stated that Stepanova's testosterone levels were low, but that it could be fixed the following week.

IC investigators cross-referenced Stepanova's training journal entries and found on page seven, an entry for the week of May 4 to 9, with the written comment "Testic," (Tecthk). Stepanova confirmed that this is her written record and reference to the fact that she injected herself with testosterone, to make up for her low reading mentioned by Portugalov. Stepanova informed the IC that Mokhnev had provided her with the ampules of testosterone.

On 12 July 2014, Stepanova met Mokhnev at Kasanski Railway Station.<sup>62</sup> Their conversation was secretly recorded. During their conversation, Mokhnev mentioned he was carrying a quantity of PEDs and showed Stepanova that the boxes of PEDs were not labeled. Mokhnev had previously asked Stepanova to bring some ice so he could store the PEDs for the journey. As Mokhnev began the transfer of PEDs to Stepanova, she asked if the drugs were EPO, to which Mokhnev replied they were "peptides." To avoid confusion over whether these peptides were prohibited or not, he responded:

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<sup>61</sup> Exhibit Mokhnev VIM0-005 and VIM0-006 (translation).

<sup>62</sup> Mokhnev Audio dated 20140610, Audio dated 20140712, Audio dated 20140901 - Voice 25, Audio dated 20140901 - Voice 26.

**MOKHNEV:** There are different types: for endurance, for increasing testosterone, for increasing adenosine triphosphate...there are many...about 12 different kinds.

When Stepanova asks Mokhnev about the new steroid passport testing and enquires whether the peptides will be detected, he replies:

**MOKHNEV:** It is not detectable. So far there is nothing. EPO is still detectable only 12 days. It's still 12 days.

The conversation suggests that if these drugs were non-prohibited peptides, Mokhnev's simple reply could have been: don't worry they are legal and it doesn't matter if they are detected. However, the fact that Mokhnev responded, "It is not detectable and EPO is only detectable for 12 days," suggests that Mokhnev is trafficking in illicit PEDs and providing counsel to athletes as to "wash-out" periods for such drugs.

During the conversation, Mokhnev indicated that the peptides were produced by "the institute" and were non-detectable. The investigation has been unable to identify exactly where or what Mokhnev is referring to by the "institute," however it is the IC's assumption that he is referring to the All-Russian Research Institute of Physical Culture and Sports (VNIIFK) laboratory where Portugalov works as the Head of Sports Medicine (see Chapter 15).

Mokhnev's reference to the drugs being non-detectable and produced by the "institute" suggests systematic institutional production of PEDs that cannot be detected prior to official testing. Not only is this in contravention of the Code, but also indicates a new dimension of the doping regime in Russia. The implications of undetectable PEDs could have significant ramifications for sport worldwide, not only in Russian athletics.

There is further discussion around the application of EPO and subsequent detection periods. Mokhnev demonstrates a firsthand knowledge of the problems associated with drug detection. In reference to how they were catching onto the impact of the ABP he stated the following:

**MOKHNEV:** In Russia catching on blood passport as well. Khaleyeva is now, again was caught. Did you know that? There were many of them.

**STEPANOVA:** She said that she is warned and not sanctioned; supposedly, it's ok for the first time.

**MOKHNEV:** They paid a lot. I think they all paid about 50,000 roubles.

This last comment infers that extortion of an athlete occurred, and that this payment was used to cover-up a positive test result. It further confirms that Mokhnev has knowledge of such payments. He then continues:

**MOKHNEV:** Well, we passed it on the 30th day, we tried and we passed. Parabolan... With Kupina on Parabolan last year we passed doping control on the 15th day. Everyone was doing it on the 21st day and we did it on the 15th day. Well, I had to pay 7,000 roubles for the sample.

The reference to 7,000 roubles suggests that while Kupina had passed a doping control, it was only because he (Mokhnev) had paid a bribe to get her through, or perhaps that this amount was paid to a parallel laboratory for confirmation that she could pass after

15 days. This reference passing her doping control with bribe money is corroborated by Mokhnev's further comments:

**STEPANOVA:** Is it not allowed to compete "dirty" now?

**MOKHNEV:** Well, if you are number 1, then you can compete "dirty."

Here, Mokhnev suggests that not only can you pay your way out of a problem, but that the institution will look after you if you are top athlete. This also implies that Russia's most elite athletes are allowed to dope at their National Championship competitions.

The conversation then turned to testing by RUSADA and advance warning of doping control:

**MOKHNEV:** I went to Pudov (another coach) and said: Do you want me to tear you apart? What do you want me to do with you?

**STEPANOVA:** Remember, with me, when RUSADA came, they just told me to go for a walk away from the training camp, as if I were not there.

**MOKHNEV:** Well...they didn't tell her that (referring to Kupina). Melnikov told me the day before: Don't worry you don't have to come tomorrow (for doping control). And then I went to Pudov for explanations. And Pudov kept saying: "He...he didn't tell me, I'm not to blame." I told him: "You know, you must have warned me." And then he was fined... one of his (athletes) was caught. And he told me: "I did nothing I was at the cross-country." But I

told him: "Dear, you wanted me to be caught, so this is your punishment."  
"It's not my fault. You're indicated as a coach. So it doesn't matter if you did or not."

Mokhnev's commentary here gives strong indication that warnings are issued to coaches regarding pending visits by RUSADA to training camps. In the example described by Mokhnev above, it appears that coach Pudov was absent from a training camp and therefore did not receive an early warning regarding an impending DCO test. As a result, Pudov's athletes were not alerted to the DCO tests resulting in some of his athletes being tested without advance notice and failing the doping test. Also the reference to the senior coach Melnikov's involvement suggests a chain of command for disseminating warnings regarding RUSADA testing to the junior coaches and athletes.

At the conclusion of the meeting, Stepanova asked Mokhnev about where the peptides could be purchased:

**STEPANOVA:** Can I call you if need to buy peptides? I'm just not sure how Kazarin will prepare me.

**MOKHNEV:** If you need peptides, go to Evsukov, he has the same peptides.

Mokhnev's reply suggests that if he were currently coaching Stepanova, he would sell her PEDs, however as it was now someone else's responsibility to prepare her, he directed Stepanova to a PED supplier identified as "Evsukov." Mokhnev's comments are indicative of a prevalent doping culture and a clear violation of the Code.

#### *11.7.4 IC Interview of Vladimir Mokhnev*

On 02 July 2015, IC investigators interviewed Mokhnev in Moscow.<sup>63</sup> In summary, Mokhnev denied all allegations that he was involved in the possession and distribution of PEDs or that he had discussed or encouraged the use of PEDs with anyone.

During this interview, Mokhnev commented that he knew Stepanova was on steroids, but that he did not supply them to her. While he denied all allegations of wrongdoing himself, Mokhnev used the interview as an opportunity to come forward to suggest that it was Stepanova's husband, Vitaly Stepanov, who supplied her with the drugs. Through corroborating Stepanova's statements that she started taking PEDs supplied by Mokhnev in 2007 with her journal entries, and also by the fact that she did not meet Vitaly until mid-2009, the IC determined that Mokhnev's allegations against Vitaly Stepanov are without foundation.

What the allegations demonstrate, however, is that in his position as a National coach, Mokhnev confirmed that he had knowledge that one of his athletes was doping, yet he did not report or document the violation. Giving any validity to Mokhnev's statements suggests that a National coach would allow a known doped athlete to continue competing, which contravenes the Code. This is further evidence of the complete disregard demonstrated by ARAF coaches toward the Code and related regulations, as well as their fellow competitors.

Mr. Mokhnev is the subject of an IC sanctions package with a recommended life-time ban from sport. The sanctions package was submitted to WADA who in turn submitted it to IAAF. The sanctions report was forwarded to ARAF on 8 August 2015 for further consideration.

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<sup>63</sup> WADA Interview Report Mokhnev dated 2 July 2015.

### ***11.7.5 Coach Vladimir Kazarin***

Coach Kazarin is an influential and senior coach in Russian athletics. Through Stepanova's secret recordings, which have been corroborated by various methods detailed below, the IC has determined that Kazarin had a well-developed practice and strategy of administering PEDs to athletes, as well as knowledge about the Russian athletics regime's failure to understand the ABP. Below are excerpts from the secret recordings that document the extent of Kazarin's participation in systematic administration of doping athletes.

Kazarin became Stepanova's coach following the 2012 Olympics. Almost immediately after taking the position, Kazarin discussed with Stepanova the use of PEDs in her training<sup>64</sup> and he suggested that "HGH" would be an additional boost for her training and competition results. Consequently, from November 2012, Stepanova supplemented her training regime with Oxanabol and Primobol, both anabolic steroid tablets. Stepanova further received two bottles of Oxandrolone and one bottle of Methenolone Acetate from Kazarin.

Stepanova maintained these bottles of tablets provided by Kazarin in her possession and during the investigation she subsequently gave them to the WADA Chief Investigative Officer, Jack Robertson. Robertson requested a drug analysis examination of these tablets at the Salt Lake City, WADA accredited anti-doping laboratory in the United States. The laboratory determine that the contents of each plastic bottle were as follows<sup>65</sup>:

Bottle A:

Blue Tablets:                      Oxandrolone

Orange Circular Tablet:      Dehydrochloromethyltestosterone

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<sup>64</sup> Based on statements from Stepanova.

<sup>65</sup> Exhibit VIKa -001: Forensic Report from Salt Lake City Laboratory dated 20150310.



Orange Square Tablet: Oxandrolone

Pink Square Tablet: Mestanalone

Bottle B:

White Square Tablet: Methenolone Acetate

Bottle C:

Pink Square tablet: Oxandrolone

Each of the above substances is classified as a prohibited item under Code S1, listed Anabolic Agent.

On 13 February 2013, Stepanova secretly recorded a conversation she had with Kazarin at the CSK Moscow Stadium where the Russian Championships were being held.<sup>66</sup> The subject of this conversation was the necessity of abandoning the practice of using EPO given the unexpected efficacy of the ABP. In the recording Kazarin stated:

“The fact is that when these biological passports were introduced, nobody thought it would end like this, that they would make these schedules, make examinations. Now they are going to examine everybody – 100%. So we have all 95 of our people closely watched. Just imagine... However, you know there are some criteria that allow us to question this. So not all 95 people will have to leave. But from now on... we had a meeting. So there will be no more red blood. If you want to live, if you want to compete, this question is closed. Remember, we discussed it for the first time and you were in panic. But you

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<sup>66</sup> Kazarin Audio dated 20130208, Audio dated 20130213, Audio dated 20140217, Video dated 20141017, Audio/Video dated 20141110, Video dated 20141111.

prepared without all this and you were in good condition. You didn't use anything then."

and continued,

"Without Anabol and the stuff... and you were running faster than [another athlete - name removed] who was already on the "nutrition."

Stepanova informed IC investigators that Kazarin had been telling her that with the screening of ABP, some athletes had to stop using EPO to survive in the sport due to tighter doping controls. Stepanova confirmed that Kazarin's reference to "Anabol" meant anabolic steroids, banned substances in tablet form, which Kazarin gave to his athletes for the winter season. However, Kazarin had knowledge that Stepanova might be disqualified in the winter season, and as a result told her to stop taking the tablets due to ABP testing, despite having already supplied her with tablets in preparation for the winter season. Stepanova passed these samples on to the IC investigators.

On 17 February 2014, Stepanova secretly recorded another meeting with Kazarin, this time at the Russian Athletics Championships, where she asked Kazarin about returning to competition. Kazarin informed her that it was harder now because of the "draconian law," meaning that it was harder to conceal the use of prohibited substances.

In this lengthy conversation, Kazarin demonstrated his level of knowledge of PEDs and encouraged their use, and described the complexity within Russian sport. Kazarin detailed how the ABP testing has given them severe problems in avoiding detection, "[w]e cannot take anything, almost nothing." Kazarin added later, "[f]irst not in WADA list...but...even if you are not in the list...you cannot go anywhere...only here inside (a reference to Russia).... possible that even here they can take you".

The IC assumes that the "WADA list" Kazarin refers to in the recording is a copy of the IAAF's list of Russian athletes who tested positive for suspicious ABP levels. This specific IAAF list was an internal IAAF document and should not have been disclosed to anyone outside of the IAAF, and definitely not to Russian coaches. As previously

noted, the IC cannot comment on the unauthorised disclosure of the IAAF list further since it has referred this matter to law enforcement authorities for further investigation.

On 10 November 2014, Stepanova visited Kazarin in his room at the Kapriz Hotel, Chalpan Ata, Kyrgyzstan, a location used by the National Team as a training base. The conversation was secretly recorded and filmed by Stepanova.

Kazarin began the conversation by asking what preparation Stepanova will use, implying a program of PEDs. She replied that she wasn't sure. Kazarin responded by saying that he wasn't either. He thought she could go without, but asked if she needed support. A discussion followed regarding Stepanova's previous training regime, in which Stepanova told Kazarin her regime included pills, EPO and testosterone. Kazarin advised against the use of testosterone and suggested EPO. As the conversation continued Kazarin stated the following:

“That is why we only have oxandrolone and primabolan and, at some point in the early stages, just a little, you can do a few ampoules of EPO, of course. But make sure there are no checks at the time, nothing like that, to make sure you don't move out of the corridor.”

The IC believes that the reference to “the corridor” likely relates to the ABP blood levels against which athletes are tested.

Demonstrating his knowledge of blood levels, Kazarin discusses with Stepanova that her “levels will not jump that high.”

Further on, they discussed her previous “doping” treatment received from Portugalov. Kazarin, responded that they do not use him, because “he forgets everything.”

**STEPANOVA:** Probably because he has too many people. When I was visiting him, he had people from swimming – coaches and athletes, other kinds of sport, cross country skiers... He has too many people and so is apparently forgetting things.

**KAZARIN:** Well, that is why we do it...without him.

The IC notes that Kazarin does not register surprise at the number of sports personnel under Portugalov's programs, and in fact confirmed the opposite, that they have their own programs. This evidences to a degree that this practice is not concentrated only in athletics, but is widespread across the whole of Russian sports.

In the recording, Kazarin offers Stepanova ten tablets, and explains the program of administering such pills in training:

**KAZARIN:** You'll start taking them, let's say starting about Wednesday. What date will that be? Today is the 10th. So it will be the 12th.

**STEPANOVA:** Until the 22?

**KAZARIN:** Yes, until the 22. One pill contains 1mg. and then, until [inaudible] shouldn't do anything. So that is 40-45 days to get clean. That is, if you finish on the 22, then around the beginning of January or so, you should already be nice and clean. So, in theory, you can actually even do 15 days. How does that work out? Let's check the calendar.

The conversation continues at:

**KAZARIN:** If it's 15 days, then until the 27th. That means 3 days here. The 31st, 34th and 10 more days... So, after January 10 you can pass.

**STEPANOVA:** The main thing, for me, is to make sure I do a doping check before the 28th.

**KAZARIN:** Do you get stiff muscles (“krepaiti”) from it? Do you know? Do you remember?

**STEPANOVA:** What is it that you are giving me?

**KAZARIN:** Oxandrolone

There is then further discussion and Stepanova asks:

**STEPANOVA:** What about those that are detectable for 20 days? Do we have any of those left?

**KAZARIN:** Of course, not. Now, Primabolan has the shortest time, at about 30-35 days. 20 days, really! What are you thinking? Science keeps moving ahead.

While Kazarin is preparing the tablets, he explains how Stepanova should take them, one a day, under the tongue. Kazarin then provides fifteen tablets to Stepanova, which Stepanova was able to capture on video. Kazarin’s prescribing and delivering fifteen

tablets corroborates his earlier comments that he will prepare enough for her to take over fifteen days which would enable her to be clean for the doping tests.

After providing the tablets to Stepanova, Kazarin then asks if she needed a syringe, showing her one. She replied yes. At the end of their meeting, Stepanova thanks Kazarin for the “candy” and Kazarin could be seen smiling in response.

On 11 November 2014, Stepanova secretly recorded a conversation with Kazarin following a weight training session at Lake Issikul in the Kapris area. Kazarin made the following comment: “Now you will start the course and everything will grow.” This comment demonstrates a clear reference to the taking, use and results of steroids.

A forensic examination was conducted by an accredited laboratory on the tablets supplied by Kazarin to Stepanova. They were found to be Oxandrolone, a prohibited substance under WADA Code S1 Anabolic Agent.<sup>67</sup>

#### ***11.7.6 IC Interview of Vladimir Kazarin***

On 2 July 2015, the IC investigators interviewed Kazarin in Moscow.<sup>68</sup> He categorically denied all allegations, saying that he had never used doping substances in his life. He stated that as a respected coach of 30 years experience, it made good TV to attack him and not a junior coach. When asked why he made clear statements in the digital recordings about the types of steroid and correctly described their use, he claimed that the recordings were a fake.

Stepanova’s extensive recordings of her exchanges with Kazarin, as well as the further steps the IC undertook to corroborate the evidence in those recordings, have demonstrated that Kazarin is a key individual in the systematic doping of Russian athletes. As a result, Kazarin is the subject of an IC sanctions package with a recommendation for a lifetime ban from sport. The sanctions package was submitted to

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<sup>67</sup> Exhibit VIKa-002: Forensic Report from Cologne Laboratory dated 20150315.

<sup>68</sup> WADA Interview Report Kazarin 02 July 2015.

WADA who in turn passed it on to the IAAF. The sanctions package and report was forwarded to ARAF on 8 August 2015 for further consideration.

#### ***11.7.7 Coach Valentin Maslakov***

Maslakov was a head coach of endurance athletics at the time the ARD documentary broadcast the allegations of extensive doping within the Russian team. As a result of the broadcast it appeared that Maslakov was offered up as the scapegoat. He publicly accepted the corporate responsibility, without admitting guilt, and resigned from his position. President Balakhnichev was quoted in the media saying it was the “manly thing to do.”<sup>69</sup> However, less than a month after he resigned, Balakhnichev announced that Maslakov had been reappointed to a senior position in Russian athletics and now serves as a senior sprinting coach.<sup>70</sup> The IC notes that according to the ARAF website, Maslakov is serving as the Vice-President of ARAF.<sup>71</sup>

#### ***11.7.8 Coach Sergej Ephisin***

Stepanova indicated that Ephisin is a coach who co-trains Russian athletes with his wife Ekaterina Podkopeva (Ephishina).<sup>72</sup> There are reports about how Ephisin “prepared” his athletes. The IC investigation has concluded that the frequent mention and use of the term “prepared” within Russian coaching circles, refers to the use of PEDs. In his case, Stepanova explained to the IC that Ephisin did not inform his athletes what they

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<sup>69</sup> Rogovitskiy, D., 2015. Maslakov to quit as Russian athletics head coach. [Online] Available at: <http://www.reuters.com/article/2015/01/23/us-athletics-russia-doping-idUSKBN0KW1JS20150123> [Accessed 26 August 2015].

<sup>70</sup> Independent, 2015. Valentin Balakhnichev quits: Russian athletics chief fires parting shot over doping scandals. [Online] Available at: <http://www.independent.co.uk/sport/general/athletics/valentin-balakhnichev-quits-russian-athletics-chief-fires-parting-shot-over-doping-scandals-10052629.html> [Accessed 26 October 2015].

<sup>71</sup> ARAF, 2015. Management. [Online] Available at: <http://eng.rusathletics.com/fed/ruk/> [Accessed 26 October 2015].

<sup>72</sup> Stepanova Report 16 February 2013, Stepanova statement 15 April 2015 and 27 May 2015.

were ingesting, so that other coaches would not discover what his secretive strategy was for PED use in conjunction with training programs.

Kristina Ugarova (nee Khaleyeva), a middle distance runner, informed Stepanova in a conversation Stepanova recorded on 26 October, 2014, that she (Ugarova) pays Ephisin for her doping substances and for covering up her drug use. Ugarova explained that at the end of each season, Ephisin calculated the total cost of all the money he had paid for the doping substances and for covering up tests, among his athletes, as an expense to be reimbursed to him by each individual athlete.

In the same conversation, Ugarova also stated that she had overheard Ephisin arrange with Melnikov for some athletes to run on “green lanes”. The IC clarified the meaning of this term through other sources, which explained that by running in a particular lane at National Championships, or other internal events, athletes were not subjected to tests or, if they were, their positive samples would disappear.

Given this explanation, the IC deduced that some athletes could run on “green lanes” at the Russian Championships, meaning they can do so “dirty,” and any resulting positive samples are automatically covered up. This allegation is also mentioned by other witnesses, and in another secret recording of Mokhnev.

The IC, however, has decided not to proceed with a sanction package against Ephisin, since the evidence gathered is mainly hearsay and there exists no direct conversation with Ephisin, recorded or otherwise, and there is presently no corroboration of those statements. The references to his activities have been included however, to demonstrate ARAF coaches’ behaviour and attitude towards doping.

#### ***11.7.9 Coach Alexandr Gorlov***

IC investigators determined through interviews that Coach Alexandr Gorlov is a friend of Mokhnev. In a recorded conversation with Stepanova, Mokhnev indicated that



Gorlov was “preparing” his athletes.<sup>73</sup> Again, IC investigators determined through interviews that “preparing,” in this context, was most likely a term used for placing athletes on a program of prohibited PEDs. In the recording, Mokhnev inferred that Gorlov was involved in the supply of anabolic steroids and EPO to athletes. He further stated that Gorlov made extra money from training camps, by filing false claims in regard to the number of athletes Gorlov had in training.

The IC, however, has decided not to proceed with a sanction package against Gorlov, since the evidence gathered is mainly hearsay and there exists no direct conversation with Ephisin, recorded or otherwise, and there is presently no corroboration of those statements. The references to his activities have been included however, to demonstrate ARAF coaches’ behaviour and attitude towards doping.

#### ***11.7.10 Coach Evgeny Pudov***

In spring 2008, while in Kislovodsk, Mokhnev pointed out Coach Evgeny Pudov to Stepanova.<sup>74</sup> Pudov was identified by Mokhnev as part of the organizational committee for the preparation of the training camps for the Russian National Team. Stepanova heard that there was an argument between Mokhnev and Pudov regarding pre-warning notices for doping control tests. One of Pudov’s athletes had reportedly been caught during an unannounced doping test, during a cross-country event, because he did not receive advance notice of the doping control. Mokhnev relayed to Stepanova that Pudov was reportedly upset that his team had not been warned prior to the scheduled test.

Stepanova explained that when RUSADA arrived for testing at a training camp, Pudov was responsible for bringing the athletes together for the doping controls. Understanding Pudov’s responsibilities at the training camp provides context as to why advance notice would be critical for, and expected by, Pudov. As detailed in other

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<sup>73</sup> Stepanova Report 16 February 2013, Stepanova statement 15 April 2015 and 27 May 2015. See also Mokhnev recordings.

<sup>74</sup> Stepanova Report 16 February 2013, Stepanova statement 15 April 2015 and 27 May 2015.

interviews, coaches work to eliminate any testing of their athletes, whom they know are actively using PEDs in training, and therefore, vulnerable to target testing periods. Such athletes were lacking the appropriate “washout” periods to provide clean (non-positive) doping tests.

The IC, however, has decided not to proceed with a sanction package against Pudov, since the evidence gathered is mainly hearsay and there exists no direct conversation with Pudov, recorded or otherwise, and there is presently no corroboration of those statements. The references to his activities have been included however, to demonstrate ARAF coaches’ behaviour and attitude towards doping.

#### *11.7.11 Coach Yevgeny Evysukov a.k.a. Evysukov*

Stepanova positively identified Coach Yevgeny Afanasevich Evysukov by name and photographs as being the person generally referred to as Evysukov.<sup>75</sup> IC investigators received several reports that Evysukov was involved in the distribution of PEDs to athletes. For example, coach Mokhnev previously mentioned Evysukov to Stepanova as a source for peptides (Recording, 12 July 2014).

**MOKHNEV:** If you need peptides, go to Evysukov, he has the same peptides

It is also the testimony of Stepanova that she paid Evysukov money to have a positive test result covered up by the Moscow laboratory (see Chapter 12 for a detailed discussion of this event).

A former Coach (name withheld) commented that he heard Evysukov was arrested and questioned by police in relation to dealing in PEDs, but no charges were brought. IC investigators were unable to corroborate this arrest.

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<sup>75</sup> Stepanova Report 16 February 2013, Stepanova statement 15 April 2015, 27 May 2015 and 10 June 2015.

The IC has decided not to proceed with a sanction package against Evysukov, since the evidence gathered is mainly hearsay and there exists no direct conversation with Evysukov, recorded or otherwise, and there is presently no corroboration of those statements. The references to his activities have been included however, to demonstrate ARAF coaches' behaviour and attitude towards doping.

### **11.8 Coach Viktor Chegin and the Olympic Training Center for Race Walking**

Viktor Chegin is a highly regarded and respected Russian coach who turned Russia's race walking team into one of the world's strongest and most successful teams of the past decade. In his honour, the race walking training facility in Saransk is named after him: The V.M. Chegin Olympic Training Center for Race Walking of the Mordovian Republic (OTC). However, due to the high numbers of race walkers banned for doping, some of them twice, Chegin is under active investigation by the WADA, IC, IAAF, RUSADA and ARAF.

This section of the report details some significant events that have occurred at the OTC while under Chegin's control. IAAF figures indicate that since 2010, a total of 19 race-walkers have been sanctioned for anti-doping violations, some of whom were sanctioned twice. In addition, another 7 athletes are currently under sanction proceedings. Six of these 7 athletes recently tested positive during an IDTM doping control mission at the OTC in June 2015, in the midst of the IC investigation,<sup>76</sup> which indicates the continuation of doping use in the race-walking community in Saransk. The IC has gathered evidence of collusion, deception and violations of the Code at this facility, with individuals involved ranging from athletes to support and training personnel up to the Director of the OTC. The IC investigation has gathered evidence that suggests that race-walkers are also involved in blood transfusions to enhance their performance.

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<sup>76</sup> IAAF List of Chegin-trained athletes sanctioned for or charged with an anti-doping rule violation (26) – as of 9/07/2015.

### *11.8.1 The Kolesnikov Case*

At the end of 2014, the long serving Director of the OTC, Viktor Kolesnikov, received a 4-year ban from athletics imposed by RUSADA<sup>77</sup> for possessing blood transfusion equipment, in violation of Code article 2.6, Possession of prohibited equipment.<sup>78</sup> It was established by RUSADA that Kolesnikov was in possession of equipment intended to employ a method prohibited by the Code, namely blood transfusion (section M1 of the 2014 WADA Prohibited List). However, neither the investigation, nor RUSADA could positively determine whether the equipment had been used, so in turn, he was sanctioned only for the possession of such equipment.

IC investigators conducted a review of the complex materials and equipment that were either discovered or found purchased at the OTC and the related documentary evidence listing the technical details of this discovery. Due to limited police powers, no equipment could be seized by RUSADA, however a centrifuge was discovered along with technical documents and invoices which indicate the presence of other blood transfusion equipment, typically used in either clinical laboratory diagnostics or transfusionology, a.k.a. “blood doping.”

Additionally, RUSADA’s staff investigator determined that the listed equipment as a whole could be used to implement a method prohibited by the Code, namely blood transfusion, (Section M1 of the 2014 WADA Prohibited List). Possession of such equipment is a substantive violation of Code article 2.6. The IC considers the fact of possession, as proven by RUSADA, at a level acceptable for the arbiters of the Anti-

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<sup>77</sup> RUSADA Adjudication on anti-doping violations no. RU1292 21 October 2014.

<sup>78</sup> Director Kolesnikov was briefly replaced by Olympic race walking champion, Olga Kaniskina, however she was forced to resign last month after being given a retroactive doping ban. Evidence in Chapter 18 of this Report demonstrates that Kaniskina is one of the athletes who participated in the 2012 London Olympics, winning a silver medal in the 20 km race walk, when she should have been banned and not allowed to compete.

Doping Disciplinary Committee who examined the case, and therefore is satisfied to rely on that evidence as a positive violation of the Code.

#### ***11.8.2 Summary of Saransk Blood Transfusion Data from ABP***

WADA experts in the circumstances of the above case have prepared a summary to assist the IC and to indicate how the equipment would have been used with race-walkers over the same period of operation. This section describes the effect of blood withdrawal and how this is manifested in an athlete's ABP.

The withdrawal of blood appears in an athlete's haematological passport as a decrease in haemoglobin (HGB), followed shortly by the formation of new red blood cells, i.e., reticulocytes. Blood tests carried out within a week following blood withdrawal can be used to identify such manipulations. Using the ABP testing to screen for athletes displaying decreased HGB and increased reticulocyte numbers, numerous race walkers were identified who may have withdrawn blood in April or October of 2011, 2012, and 2013.

The fact that numerous athletes from the same team exhibit identical patterns is strong evidence of systematic team doping. Indeed, many of these athletes display the same abnormalities in their blood passports at the same time, indicating synchronized doping regimes.

The blood withdrawal pattern was most evident in tests carried out in Saransk on 8 October 2011, 11 October 2013 and 13 October 2013. These athletes displayed extremely high reticulocytes (2-3 %) along with reduced HGB values. See the below table for a list of athletes suspected of having blood withdrawn during these periods. While most likely due to blood withdrawal, it is important to note that this pattern of decreased HGB and increased reticulocytes could possibly be observed following cessation of prolonged EPO use.

The subsequent reinfusion of this collected blood was difficult to identify in these athletes, and so it is unclear what the precise reinfusion protocol was. Given that October is the off season for these athletes and that blood can only be stored for up to five weeks, it is highly likely that the blood withdrawn in October was frozen. This is a highly sophisticated procedure, which could be carried out with the equipment found at the Saransk facility, as noted earlier. The blood withdrawn in April may not have needed to be frozen to be used, for example in the May 2012 Saransk World Cup.

### ***11.8.3 Example of ABP Expert Reviews Demonstrating Suspicion of Blood Withdrawal***

Mikhail Ryzhov – Strong suspicion of blood withdrawal on 11 October 2013. Note that all three experts mention this suspicion.

Expert 1: “Sample 4 has a relatively low value of HGB 131 g/l (abnormal when the expected normal range is calculated with a specificity of 99%) and a high ret% value: 2.45%, characteristic of a stimulation of erythropoiesis following a loss (or withdrawal) of blood. The value of IRF confirms this stimulation.”

Expert 2: “In the absence of blood loss, this athlete withdrew a significant amount of his blood in October 2013.”

Expert 3: “Profile with one very suspicious feature, i.e. the pairing of high reticulocytes with low hemoglobin. This suggests blood loss of some kind.”

Athlete	Suspicion of Withdrawal	Sanctioned?
Mineeva, Tatyana	Oct 2011,	Yes
Bogatyrev, Petr	Oct 2011,	Yes
Morozov, Sergey	Oct 2011,	Yes
Kaniskina, Olga	Oct 2011,	Yes

Vasilyeva, Svetlana	Oct 2011,	No
Emelyanov, Stanislav	Oct 2011,	Yes
Sokolova, Vera	Oct 2011, Oct 2013	No
Kirdyapkina, Anisya	Oct-13	No
Ruzavin, Andrey	Oct-13	Yes
Kirdyapkin, Sergey	Oct-13	Yes
Borchin, Valeriy	Oct 2011, Oct 2013	Yes
Ryzhov, Mikhail	Oct-13	No
Sergachev, Sergey	Oct-13	No
Lashmanova, Elena	Oct 2011, Oct 2013	Yes
Strelkov, Denis	Oct-13	No
Parshin, Pavel	Oct-13	No

Table 1. List of race walkers with suspicion of blood withdrawal in October 2011 and/or 2013.

Having established the use of blood transfusion equipment and the impact on the athletes using it, the examination now turns to the current situation at the Saransk OTC.

#### ***11.8.4 The Events at Saransk 02 June 2015***

On the 02 June 2015, at 06:30 hours, IDTM DCOs undertook unannounced doping controls on behalf of the IAAF at Saransk. A full report has been submitted to the IAAF detailing the circumstances surrounding this visit.<sup>79</sup> In summary, from the start of the

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<sup>79</sup> IDTM Mission Summary, 2 June 2015.

DCOs' visit to the training center, the DCOs faced intimidation, provocation and disruptive techniques from athletes' support personnel, including coaches.

IDTM DCOs report that upon arrival, they were told that no athletes were on the premises of the OTC and that it would be impossible to contact them and bring them to the OTC. The DCOs were instructed to leave and return later, however the DCOs strongly enforced the regulations that enable testing at any time and they remained diligent to effect the testing.

DCOs initially arrived for testing at 06:30 hours, however the training staff delayed the tests until 17:00 hours, when the athletes finally arrived for testing.

At one stage the DCOs were told that coach Chegin was not available or on site, however, the DCOs noted that they saw coach Chegin in his office. After enduring much deception, by the end of the day, the DCOs managed to test ten race walkers. Six of them in subsequent analysis tested positive for the presence of prohibited substances. As a result, the IAAF has sent these six athletes' notification letters of disciplinary action. For one of the six athletes, this is a second offense.

### ***11.8.5 Conclusions***

The events at the OTC paint a picture of the state of anti-doping in athletics in Russia and illustrate an institutionalized and systemic ongoing doping scheme. While the OTC has produced winning results for race walking, its scandals, from former Director's Kolesnikov's purchase and possession of blood transfusion equipment to the 19 banned race-walkers, speak to the extensive nature of the program being administered. It shows no sign of stopping, and even in the face of widespread doping allegations in Russia, and the establishment of the IC specifically investigating those allegations, sixty percent of the recently tested race-walker athletes in training, under the direction of Chegin, were found to be positive for PEDs.



On 3 July 2015, IC investigators interviewed coach Chegin in Moscow.<sup>80</sup> Coach Chegin denied all allegations of wrongdoing.

The IC considers that the evidence at the OTC, gathered over the span of several years, combined with the number of positive doping tests, demonstrates an institutionalized and systemic approach to doping among Russian race-walkers. This also contributes to the bigger picture in that, by inference, the behaviours of the other ARAF coaches are not dissimilar to Chegin.

Coach Chegin is the subject of an IC sanctions package with a recommendation for a lifetime ban from sport. The sanctions package was submitted to WADA who in turn submitted it to IAAF. The IAAF submitted it to RUSADA as part of other proceedings already in progress against Chegin.

### **11.9 Former Coach Oleg Popov**

Former athletics coach, Oleg Popov, was involved with ARAF from about 2008 until 2012.<sup>81</sup> Popov was interviewed in the German ARD documentary regarding the true state of Russian athletics. He stated that coaches Maslov and Melnikov controlled who was on the team and who was out of the team, and according to Popov, this was usually dictated by who was willing to use PEDs and pay their coaches money for doing so. Popov stated that he refused to do this and as a result he was “gradually frozen out of the Russian team.”

Popov stated that the Maslov and Melnikov doping programs were usually organised through Portugalov, the ARAF Chief Medical Officer. Popov stated he was aware that during 2008, Portugalov would directly supply prohibited substances and charge coaches and athletes for this service.

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<sup>80</sup> WADA Interview Report Chegin 3 July 2015.

<sup>81</sup> Oleg Popov Interview Report 1 April 2015.

The IC has used Popov's statements to corroborate those of Stepanova and Shobukhova.

#### **11.10 Coach Alexey Gornih**

Further corroboration of Stepanova's allegations regarding coaches preparing athletes through PEDs, was obtained in September 2012, when Stepanova first met Alexey Gornih and observed two bags of steroids in his hotel room. During this meeting, Gornih infers to Stepanova that Moscow coaches arrange for athletes to prepare as they did in the 1970s and 1980s, which, Stepanova understood to mean, the Moscow coaches encourage PED use for such athletes.

#### **11.11 ARAF President Valentin Balakhnichev**

Balakhnichev has been linked to several highly questionable acts, specifically his involvement in the extortion of money from female athletes in order to cover-up positive doping tests, originating from the ARD documentary. In addition to the ARD claims, there are further allegations of Balakhnichev's unauthorized possession of IAAF internal reports regarding suspicious ABP findings of Russian athletes suspected of committing doping violations. This IAAF list contained the names of 23 Russian athletes who were being reviewed by IAAF for doping violations. The IC investigation has revealed that the information derived from the confidential IAAF list of athletes was in fact being used by ARAF National Coach Melnikov to identify vulnerable athletes, who were then extorted for cash payments, in hopes of concealing their doping violations.

The execution of the above does not appear to be individuals operating independently of one another. On the contrary, it appears to be a sophisticated operation that requires some level of coordination and complicity throughout all levels of the organization.

This is an operation that would need oversight at the highest level of the ARAF. As President, Balakhnichev is ultimately responsible for the actions of ARAF.

Balakhnichev served as the highest level of authority in a federation that has the highest level of ABP testing violations worldwide. During his tenure, it appears that ARAF officials inappropriately received IAAF documents, which identified Russian athletes either under suspicion of doping or proved to have been doping.

The IC will not comment further at this time on this matter as it has referred portions of these findings to law enforcement for further investigation (see Chapter 10).

#### ***11.11.1 WADA Meeting of September 19, 2014***

On 19 September 2014, in Lausanne, Switzerland, WADA leadership, including President Sir Craig Reedie and Chief Operations Officer, Olivier Niggli, met with the Russian Sports Ministry, represented by Natalia Zhelanova and Yuri Nagornykh.<sup>82</sup>

During the meeting, Ms. Zhelanova and Mr. Nagornykh reported to WADA that an investigation conducted by RUSADA had highlighted serious problems within ARAF. Specifically, the Russian investigation revealed that a number of abnormal ABP doping cases had not been investigated properly and ARAF had now sent six cases to RUSADA for results management.

Ms. Zhelanova and Mr. Nagornykh provided a list of cases that were being reviewed by the Russian Ministry. This list corresponded to athletes who had abnormal ABP profiles. The following athletes were included on the list:

Abitova, Inga

Klyuka, Svetlana

Alminova, Anna

Mineeva, Tatyana

Borchin, Valeriy

Morozov, Sergey

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<sup>82</sup> O. Niggli Summary Report dated 19 September 2014.

Emelyanov, Stanislav

Kanaykin, Vladimir

Kaniskina, Olga

Kirdyapkin, Sergey

Shobukhova, Liliya

Yulamanova, Nailiya

Zinurova, Yevgeniya

Zolotova, Yevgeniy

#### ***11.11.2 Meeting with Mr. Balakhnichev on 24 October 2014 in the Paris airport***

On 24 October 2014, IAAF and WADA officials, Ross Wenzel and Olivier Niggli, met with ARAF President Balakhnichev and Natalia Zhelanova.<sup>83</sup> This meeting took place on the basis of an indication that Balakhnichev would be willing to speak to WADA officials regarding the alleged blackmailing, reported by Ms. Zhelanova on 19 September 2014.

However, at this meeting Balakhnichev provided no further information, except to deny that he had previously reported being blackmailed. Balakhnichev did provide an overview of the Russian Federation's anti-doping program and insisted that Russia was not the only offender, indicating there were doping problems in many other countries, such as Morocco and Turkey.

#### ***11.11.3 IC Interview with Balakhnichev***

On 3 July 2015, Balakhnichev was interviewed in Moscow by WADA's Chief Investigative Officer, Jack Robertson.<sup>84</sup> Balakhnichev advised Mr. Robertson that he created the ARAF, was elected as its President in 1991 and has held that position until February 2015. Balakhnichev also stated that he voluntarily and temporarily suspended his position as Treasurer to the IAAF pending the outcome of the WADA Independent Commission investigation.

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<sup>83</sup> O. Niggli Summary Report dated 24 October 2014.

<sup>84</sup> WADA Interview Report Balakhnichev 3 July 2015.

All other details of this interview have been excluded from the Report as it relates to Chapter 10 and the relationship between IAAF and ARAF, and the ongoing Interpol investigation.

## **11.12 Conclusion**

It was the Russia Ministry of Sport that summed up that all was not right at ARAF.<sup>85</sup> It is the IC's finding it is correct. An investigation conducted by RUSADA has highlighted serious problems in Russian Athletics, which are the same claims made by the German ARD program that caused the initiation of this investigation by the IC. The IC is able to conclude that the allegations of wide spread doping and other offenses are substantiated.

In particular, this investigation has revealed that deceit, corruption, collusion and extortion were the rules by which ARAF played the doping game. The IC investigation has determined that:

1. There has been a cover-up and delay by ARAF in the investigation of athletes with abnormal passport profiles who should have been banned, and prevented from participating in the London Olympics. Several of these athletes were allowed to compete and went on to win medals.
2. The former President Balakhnichev of ARAF is ultimately responsible, both individually and as an ARAF representative, for the wrongful actions that occurred while he was President.

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<sup>85</sup> Meeting at the Paris airport on 19 September 2014.

3. The examination of the conduct and standards of ARAF senior coaches has revealed that a number of them were found to be in violation of WADA Code 2.8 and 2.9 and subsequently recommended for life-time sanctions.
4. For at least two coaches, digital recordings and forensic analysis confirm their involvement in the trafficking of prohibited substances, thereby justifying the recommendation of a life-time ban from sport.
5. On the secret whistleblower recordings, coaches discussed with athletes, in their own words, how ABP testing can be circumvented, the problems ARAF has had with preventing ABP from capturing violations of their athletes and what they can do about it in the future, including the suggestion of administering newly developed PEDs that will escape detection.
6. As a result of the IC investigation, ARAF Chief Medical Adviser Portugalov has been reported for committing offenses under articles 2.8 and 2.9 of the Code.
7. As of June 2015, widespread doping continued to exist, taking place at the OTC in Saransk, despite the ongoing and well-publicized investigation into doping on the Russian athletics team. Russian coaches apparently felt it was safe enough for six out of ten race walkers, who tested positive, to continue doping as part of their training program, supporting cheating within athletics.
8. The intentional delay and obstruction of the mission of the DCOs that was created by the coaches at the OTC during the unannounced IDTM doping

mission in June 2015 quite possibly assisted some of the remaining four athletes to escape a positive sample detection.

9. There was active use of blood transfusion equipment at the OTC, which is supported by forensic analysis demonstrating systematic use of this type of equipment to gain sporting advantage.
10. The former Director of the OTC was sanctioned for the possession of the blood transfusion equipment at the OTC.
11. OTC Head Coach, Viktor Chegin, who is the subject of separate IAAF and RUSADA investigations, is responsible for the events that have occurred at the OTC and will be formally reported by the IC for offenses and recommended for sanctions.
12. Balakhnichev and ARAF have created a bad precedent for world athletics that will cause significant damage to the credibility of the sport, both nationally and internationally. Not only is the credibility undermined from a national team perspective, but the subversion of the IAAF rules and regulations could likely result in reputational damage to the IAAF and ARAF.

As noted in Chapter 9, the interim ARAF President, Vadim Zelichenok, and the new Head Coach, Borzakovski, were present at the Indoor Championship in Prague in March 2015, and met with IC investigators. Although serious allegations were raised against athletes of the Russian team, the gentlemen, in particular, Zelichenok, appeared very hostile toward the investigators and complained about the IC investigation.

Zelichenok stated to the investigators that “[t]he athletes are here to win medals and make money and these interviews disturb their performance during their competition.” Zelichenok’s statement implies emphasis on winning and income appearing to supersede any concerns or perceptions for the integrity of competition. Although serious allegations were not topics of discussion, neither the interim President nor the Head Coach appeared ready to support the IC investigation.

On 24 March 2015, Borzakovski stated in the SBS news following the ban of three Russian athletes:

“Now we have a new team and everyone in it is clean... the athletes even have a certain fear of the management and of me personally because I have made sure the guys understand this is finished and that the page has been turned. Already doping scandals are last century and we have started a new life.”

The IC investigation has proven the contrary. Taking into account that the IC investigation has just focused on a very small portion of Russian athletics (Track and Field), and the fact that it has proven that most of the senior management of ARAF, including the national doctor, Portugalov, were involved in the cover-up of doping violations, it is considered extremely likely that other areas of athletics within ARAF are affected by the same system. In this context, the new leadership does not appear to be interested in correcting violations, but to continue to make the same decisions as their predecessors, a practice that starts by denying the obvious.

ARAF’s public reaction to Shobukhova and Stepanova has been to discount them as drug cheats and worse. These witnesses demonstrated courage in coming forward to give evidence and testimony against the Russian doping system. They did so with a strong desire to ensure that such a culture does not continue for future generations of Russian athletes. These whistleblowers have made the decision to reveal violations within their federation and have invited objective examination of their evidence.



The IC is of the opinion that these recordings represent an important, but limited, glimpse of an epidemic within Russian sport.

Penetrating the culture of PED use within ARAF was difficult, but significantly enhanced by these recordings.

### **11.13 IC Findings**

1. There has been cover-up and delay by ARAF in the investigating of athletes with abnormal passport profiles who should have been banned, and prevented from participating in the London Olympics. Several of these athletes were allowed to compete and some went on to win medals.
2. The IC investigation found overwhelming evidence against a number of senior national team coaches who were involved in collusion to illicitly obtain details of suspicious ABP testing results against their athletes. Such conduct demonstrates an embedded and institutionalized process designed to secure winning at any cost.
3. The IC found evidence that several coaches at senior level and the ARAF Chief Medical Officer were committing violations of the Code articles 2.6, 2.8 and 2.9 over many years.
4. Former President Balakhnichev is ultimately responsible, both individually and as an ARAF representative, for the wrongful actions that occurred while he was President.

5. The examination of the conduct and standards of ARAF senior coaches has revealed that a number of them were found to be in violation of WADA Code 2.8 and 2.9 and subsequently recommended for appropriate sanctions.
6. For at least two coaches, digital recordings and forensic analysis confirm their involvement in the trafficking of prohibited substances.
7. On the secret whistleblower recordings, coaches discussed with athletes, in their own words, how ABP testing can be circumvented, the problems ARAF has had with preventing ABP from capturing violations of their athletes and what they can do about it in the future, including the suggestion of administering newly developed PEDs that will escape detection.
8. As a result of the IC investigation, ARAF Chief Medical Officer, Dr. Portugalov, has been reported for committing offenses under articles 2.8 and 2.9 of the Code, which not only undermines his position as a medical professional, but also demonstrates a complete disregard for the health and well-being of the athletes.
9. As of June 2015, there continues to exist widespread doping taking place at the OTC in Saransk, despite the ongoing and well-publicized investigation into doping on the Russian athletics team. Russian coaches apparently felt it was safe enough for six out of ten race walkers, who tested positive, to continue doping as part of their training program, supporting cheating within athletics.

10. There was active use of blood transfusion equipment at the OTC, which is supported by forensic analysis demonstrating systematic use of this type of equipment to gain sporting advantage.
11. The former Director of the OTC was sanctioned for the possession of the blood transfusion equipment at the Center.
12. OTC Head Coach, Viktor Chegin, who is the subject of separate IAAF and RUSADA investigations, is responsible for the events that have occurred at the OTC and will be formally reported by the IC for offenses and recommended for sanctions.
13. The intentional delay and obstruction of the DCO's mission that was created by the coaches at the OTC during the unannounced IDTM doping mission in June 2015 possibly assisted some of the remaining four athletes to escape a positive sample detection.

## **Chapter 12: Russian Anti-Doping Authority**

### **12.1 Introduction and Background**

The Russian Anti-Doping Authority (RUSADA) was created in January 2008, by the Russian Federal Agency for Physical Culture and Sport, in compliance with the World Anti-Doping Code (Code) and the UNESCO International Convention against Doping in Sport. Later that same year, the World Anti-Doping Agency (WADA) approved RUSADA as a National Anti-Doping Organization (NADO) and registered RUSADA on the WADA list of worldwide anti-doping organizations. RUSADA subsequently translated the Code into the Russian language, authorized the translation of its main anti-doping documents and launched a series of educational programs.

RUSADA's activities are stated to be in close cooperation with and supported by the Russian Ministry of Sport, Tourism and Youth Policy of the Russian Federation and in cooperation with the Center of Sport Training of the Russian National teams.

RUSADA's delegated mission, like that of all other NADOs, is to promote, implement and defend the world anti-doping program. As a Code signatory, RUSADA must ensure that it is proactive in the investigation and results management of alleged Anti-Doping Rule Violations (ADRVs). In that respect, its main functions are: (i) the testing of athletes, which includes national and international athletes within Russia, for both in-competition event and out-of-competition training; (ii) results management in respect of possible anti-doping violations; and (iii) provision of anti-doping education and training.

As the NADO for Russia, RUSADA must undertake three core mandates, which are required under the Code:<sup>86</sup>

1. Code acceptance: a NADO must concur with the tenets of the Code;
2. Implementation: a NADO must amend its rules and policies to include mandatory articles and principles of the Code; and
3. Enforcement: a NADO must enforce rules and policies in accordance with the Code.

The Code requirements, and the related International Standards for Laboratories (ISL), are essential components for anti-doping programs that seek to achieve clean sport. As a result, RUSADA, like all other NADOs, has a primary responsibility for protecting clean athletes, the reputation of national sport, the character and standing of national pride, which attaches to athletics as well as fairness within competition.

One of the responsibilities of RUSADA, as the NADO in Russia, is to conduct results management in respect to ADRVs involving athletes and other persons under its jurisdiction in accordance with article 7 of the Code.

## **12.2 RUSADA Testing Activity**

For the purposes of the investigation, the IC reviewed RUSADA's testing and reporting timelines in order to assess its Code compliance. The IC notes that prompt administrative processing of samples is required to ensure that: (i) aggregate totals for all testing samples are submitted into WADA's Anti-Doping Administration & Management System (ADAMS) and (ii) to demonstrate compliance in anti-doping operations. Failure to do so at all, or significant delays in doing so, is indicative, at best, of weak management and the need for stronger oversight, or it may be more suspicious.

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<sup>86</sup> World Anti-Doping Agency, 2015. *National Anti-Doping Organizations*. [Online] Available at: <https://www.wada-ama.org/en/who-we-are/anti-doping-community/national-anti-doping-organizations-nado> [Accessed 16 June 2015].

The review of RUSADA's timelines disclosed significant gaps and delays in the reporting and entry of samples into ADAMS.

The IC review revealed that RUSADA has, in comparison with other NADOs, a generally favourable record of collecting samples and conducting analyses for particular substances that are of high risk for athletes, for example erythropoietin (EPO) and Isotope-ratio mass spectrometry (IRMS) analysis. However, Subject Matter Experts (SME) in this field reported to the IC that the number of tests performed is no measure whatsoever of the effectiveness of an anti-doping program.

RUSADA's data, in aggregate, suggests an appropriate allocation of the total number of tests to high-risk sports and disciplines. No data, however, is available with respect to the allocation of such tests to the highest risk athletes, nor to the timing of the tests to demonstrate that they have been optimally timed and performed without any advance notice. RUSADA's use of intelligent testing, using knowledge of doping methods, the timing of competitions, the likelihood of doping activity, the use of additional data and information, cannot be determined on the basis of the data examined.

The scientific quality of analysis is not within the scope of this survey of RUSADA sample collection activity. Laboratories are required to meet the minimum standards set out in the ISL in order to receive and maintain WADA accreditation. These are, however, only minimum standards and it is appropriate to note that, even if all accredited laboratories meet the prescribed minimum standards, not all are equal when it comes to actual performance. Some laboratories exceed the required minimum levels and are better able, through equipment and/or the experience of their personnel, to detect positive samples, than are other accredited laboratories. It is difficult, therefore, to draw a reliable generalized conclusion that collusion or corruption exists if there is a lack of positive samples, because the reality is that some laboratories are simply better at detecting positives than others. For example, the accredited laboratory in Cologne, Germany was able to find positives in samples where the lab in Moscow was not.

## 12.3 RUSADA Review of Testing Methodology and Limitations

### 12.3.1 Methodology

This analysis is based on the ADAMS reporting generated on 24 May 2015, as well as the 2014 WADA Testing Figures Report available on the WADA website. The following reports were created and analyzed:

- “Test report,” extracting data where the “Test Authority” is recorded as RUSADA, and the “Planned Start Date” is between 01 January 2014 and 31 December 2014;
- “Biological Result report,” extracting data where the “Test Authority” is recorded as RUSADA and the “Creation Date” is between 01 January 2014 and 24 May 2015 (the latter date extends into 2015 to allow for laboratory analysis turnaround times);
- “Lab Result report,” extracting data where the “Test Authority” is recorded as RUSADA, and the “Creation Date” is between 01 January 2014 and 24 May 2015 (the latter date extends into 2015 to allow for laboratory analysis turnaround times);
- Comparison of “Doping Control Forms (DCFs) in ADAMS” across NADOs between 01 January 2014 and 31 December 2014 and between 01 January 2015 and 18 September 2015.

### ***12.3.2 Limitations***

Limited access to RUSADA's specific data, coupled with incomplete information within ADAMS in relation to how RUSADA tests are planned and administered, prevented a full review and assessment of the relevant processes.

### ***12.3.3 Conclusions***

The IC finds that significant percentages of DCFs in Russia are either not entered into ADAMS or are significantly delayed. Since the information contained in the DCFs is a necessary element for assessing the quality of the testing program, delays and omissions can be perceived as a program lacking transparency.

To illustrate, any delay in reporting results in the simultaneous delays in reporting the identities of athletes with positive tests to both WADA and other third parties entitled to such information, including International Federations. Any delays, as well as partial and full data omissions, can facilitate the manipulation of a timely and transparent results management process and cast suspicion on the monitoring program. As a result of RUSADA's delays in reporting, the IC finds that the lack of transparency leads to the perception of administrative incompetence or collusion to conceal doped athletes.

Overall test numbers are not indicative of the quality of a testing program. Numerically "adequate" numbers of EPO, IRMS, hGH and other specialized testing cannot, in isolation, be viewed as reflective of a high quality anti-doping program. The timing of tests, relative to detection windows, the selection of athletes for tests relative to their likelihood of abuse of these substances, as well as the methods applied by the laboratories are all limiting factors.

In this respect, RUSADA hGH testing, for example, has been insufficient and questions remain regarding the methods applied by the Moscow laboratory for Erythropoiesis Stimulating Agents (ESA) testing on behalf of RUSADA (see Chapter 13).



## 12.4 Allegations Against RUSADA

The ARD documentary alleges that collusion exists between members of RUSADA and specific coaches. This collusion reportedly amounts to selective testing routines in order to “protect” doped Russian athletes. The whistleblower, Ms. Stepanova, explained to the IC that she understands that her coach, Melnikov, maintained a direct relationship with representatives of RUSADA, for the purposes of receiving early warnings prior to doping control testing, and to identify which athletes would be tested and which tests would need to be “covered up.”

To illustrate, Ms. Stepanova describes how Melnikov contacted her on 30 July 2014 to apparently warn her that she was going to be tested and that Melnikov was in contact with RUSADA and IDTM. Ms. Stepanova remains insistent that Melnikov has strong contacts within RUSADA.

Allegations were also made by the whistleblower Vitaly Stepanov. Stepanov was formerly employed by RUSADA and held various positions during his three-year tenure there. He was a DCO, Education Manager, Head of the Education Department, Head of Special Projects Department and Advisor to the Director General. In his statement, Stepanov made very direct allegations against the management of RUSADA, specifically Mr. Sinev, who is RUSADA’s former Director General. Stepanov alleges that Mr. Sinev, at one time, gave him direct instructions not to test the winner of a 400-meter event. Stepanov stated that he made Mr. Sinev aware of doping violations after being informed by Ms. Stepanova that “she was preparing with the use of prohibitive substances.”<sup>87</sup>

Stepanov further stated that in the summer of 2008 and prior to the Beijing Olympics, the Director of the Moscow Laboratory, Grigory Rodchenkov arrived at RUSADA (which at that time did not have its own office and was utilizing the offices of ROSSPORT Medical Department) demanding that the athlete Ms. Tatyana Lysenko, was be tested. Ms. Lysenko accompanied Dir. Rodchenkov. Stepanov explained that

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<sup>87</sup> Interview of Vitaly Stepanov 19 February 2015.

this was very strange for the Moscow Laboratory Director to impose his will on the testing process.

Stepanov explained that, while at RUSADA, he was under the distinct impression that, if an athlete “had problems” with a possible positive drug test result, and could not make arrangements with RUSADA DCOs, the athlete could pay the Director of the Moscow laboratory to “cover-up” the drug test results.

Stepanov stated that he strongly suspects some levels of collusion between certain officials in RUSADA and senior level officials in IAAF.

Allegations regarding collusion between RUSADA and IAAF to “cover-up” and extort athletes’ positive test results were also made independently by RUSADA representatives, Ms. Zhelanova and Mr. Nagornykh, during a meeting with WADA officials in 2014.<sup>88</sup> During this meeting, they advised WADA officials that RUSADA had conducted an internal investigation that highlighted serious problems in Russian athletics. In particular, a number of doping cases had not been dealt with properly in the past because of abnormal ABP profiles. The Russian delegation informed WADA that the ARAF had recommended six cases to RUSADA for results management.

Stepanova said she competed “dirty” at the 2011 and 2012 Russian Indoor Championships with the full knowledge and authorization of Melnikov and Portugalov. Since she was competing having used PEDs, Portugalov instructed Stepanova to provide him with her test sample numbers. The purpose was for Portugalov to contact the laboratory to ensure her sample was not positive. On 17 February 2011, Stepanova texted Portugalov with sample number 2573960, and on 23 February 2012 Stepanova texted Portugalov with sample number 2673502. To further corroborate her statements, Stepanova provided IC investigators with copies of her DCF for samples 2573960 and 2673502. Sample number 2573960 could not be located in

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<sup>88</sup> Summary notes of meeting between Craig Reedie, Olivier Niggli, Natalia Zhelanova and Yuri Nagornykh, 2014.

ADAMS. The Moscow laboratory reported sample number 2673502 in ADAMS as negative, but the DCF was not entered into ADAMS by RUSADA.

## **12.5 Reports of RUSADA Advance Notice of Testing**

### ***12.5.1 IDTM Reports of Advance Notice***

While undertaking testing missions in Russia during 2015, International Doping Tests and Management (IDTM) DCOs remarked that when they arrived to administer testing of Russian athletes, they were met with questions and statements such as, “why are you coming now, RUSADA usually comes in the evening” and “they usually tell me a couple of days before the testing.” Such statements indicate that the athletes have obviously received prior notice to testing events.

### ***12.5.2 Adler Doping Control Mission - 22 May 2015***

IDTM described a testing mission in “Yunost” in Adler on 22 May 2015, where IDTM DCOs arrived unannounced and were initially obstructed in their duties by Russian team staff, who were upset and stated, “RUSADA always informed them in advance, so they would be prepared and wait for the DCO.” These statements indicate their understanding that there was a direct link between RUSADA and ARAF coaches (see Chapter 11).

### ***12.5.3 Moscow Championships in Znamenskikh 10 - 11 June 2015***

Source reporting indicates that as WADA and RUSADA had deployed to the Moscow Championships held in Znamenskikh from 10 - 11 June 2015, coach Maslov had received advance warning of the test and did not attend, nor did any athletes under his

control attend. This failure to attend was obviously by design, in order to avoid testing. As a consequence, these athletes were withdrawn from events. An IC source identified the missing athletes as follows: Elizaveta Demidova, Marina Panteleeva, Ksenya Panteleeva and Ekaterina Renshina.

#### ***12.5.4 IAAF Review of RUSADA DCOs***

The IAAF Anti-Doping Unit had previously discovered while reviewing a RUSADA DCO's work patterns and testing methods, that the RUSADA DCO alerted athletes prior to testing events. This violates the very nature of out-of-competition doping controls, which are planned to be completely unexpected.

#### ***12.5.5 Athlete Reports on Actions of RUSADA DCOs***

Vitaly and Yulia Stepanova both report that DCOs from RUSADA arrive for testing on dates when athletes have been told they will be tested at least a day before the actual test occurs. Such conduct means that there is effectively no out-of-competition testing conducted by RUSADA because the athlete can prepare for the test and take the necessary steps to ensure that there will be no adverse analytical finding (AAF) arising from the test. There are also reports of the same difficulties being encountered by all DCOs when they come to test athletes as discussed in Chapter 9 on Athlete Compliance.

### **12.6 RUSADA DCO Training and Job Performance**

The IC investigators interviews revealed that it is a practice amongst RUSADA DCOs to accept money placed on the table at the time of taking the doping control test. It is frequently the case that the athlete is unaccompanied to the location where the sample is provided and therefore, there is no observation of the urine stream from the athlete. DCOs when given a mission that involves whereabouts which are many thousands of

kilometers from Moscow will wait until the whereabouts is changed to the Moscow region or other more assessable locations before completing the mission. This information seems to corroborate the interview information that athletes are frequently instructed by coaches not to appear in the Moscow region for dope testing. Not only is the DCO prepared to not follow the procedures in respect to doping control but the athlete's coach has arranged the test at a time when the athlete is either clean or the prohibited substances are washed out of the system.

### **IC Findings**

1. RUSADA DCOs routinely accept bribes from the athletes thereby ensuring that the doping control test will not be effective.
2. RUSADA DCOs routinely do not follow the International Standard for Testing despite being trained as to how to conduct tests.
3. RUSADA DCOs do not always complete a mission when first given to them, but await the filing of new whereabouts information reflecting a location closer to Moscow where they are based.

### **12.7 RUSADA Reporting**

RUSADA commits to the following rules:

“No Athlete or other Person who has been declared Ineligible may, during the period of Ineligibility, participate in any capacity in a Competition or activity (other than authorized anti-doping education or rehabilitation programs) authorized or organized by any Signatory, Signatory's member organization, or a club or other member organization of a Signatory's member organization, or in Competitions authorized or organized by any

professional league or any international or national level Event organization or any elite or national-level sporting activity funded by a governmental agency.”

The international community raised concerns regarding sanctioned athletes competing in the December 2014, Mordovia Race Walk Cup in Saransk, Russia. The IAAF had received reports and photo evidence that Ms. Elena Lashmanova had competed in the race despite being under sanction for a positive doping test earlier in the year. The event organiser explained that media reports included the photo by error, and that it was from the previous year, not the year in which the athlete had been sanctioned. However, other international race-walkers noted that the athletes in the pictures were wearing shoes that were not on the market the year earlier, thus questioning the veracity of the official explanation.<sup>89</sup>

## **IC Finding**

1. RUSADA allowed athletes under current anti-doping sanctions to compete during the period of the sanctions, contrary to a specific Code prohibition.

## **12.8 RUSADA Whereabouts Notification Failure**

On 01 July 2015, a DCO employed by the anti-doping testing agency, Professional World Controls (PWC), travelled to a hotel in Erba Coma, Italy to conduct an out-of-competition test (OOC), blood passport and urine for EPO analysis on Russian rower, Rostislav Drozhzhachikh. The athlete listed the Italian hotel on his whereabouts reporting form, claiming he arrived on 07 June 2015. An inquiry of the hotel manager determined that neither Drozhzhachikh, nor the Russian rowing team, had stayed at the

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<sup>89</sup> The Guardian, 2015. IAAF Investigating Russian Olympic gold medallist Elena Lashmanova. [Online] Available at: <http://www.theguardian.com/sport/2015/jan/14/elena-lashmanova-iaaf-investigating-race-ban> [Accessed 15 September 2015].

hotel since 02 May 2015. WADA had requested the tests and was therefore the testing authority.

PWC sent a report to WADA indicating the attempted OOC test was unsuccessful. On 06 July 2015, WADA notified the International Rowing Federation (FISA) of the possible whereabouts reporting failure. On 09 July 2015, FISA reported this possible whereabouts failure to RUSADA. Since RUSADA is the whereabouts custodian for this athlete, RUSADA is therefore the results management authority. RUSADA was given until 15 July 2015, to notify the athlete of his missed test. On 21 July 2015, RUSADA contacted FISA to advise the notification had not been successful.

This instance highlights the severe deficiency regarding whereabouts compliance for Russian athletes and an ineffective model for notification. Three whereabouts notification failures in a twelve-month time period constitute an ADRV. The fact the notification was not accomplished in the timeframe mandated by the guidelines has placed this whereabouts infraction in jeopardy. This routine notification failure (which is only one among many discovered in the course of the IC investigation, based on interviews with coaches and athletes) demonstrates reasonable doubt regarding RUSADA's whereabouts and notification procedures. Athletes have travelled and trained using false names and have denied their real identities when approached by DCOs.

The IC has commented elsewhere in this Report on whereabouts failures (see Chapter 9).

### **12.9 IC Audit of RUSADA 29 June 2015**

Beginning on 01 January 2012, the World Anti-Doping Code mandated that all DCFs be entered into ADAMS. Without the entered DCF, it is impossible to establish within ADAMS the link between a laboratory test analysis report and an athlete. Only through linking the name with the test result can an athlete's blood and urine markers and

profiles be examined. Without the ability to match a name to a result, a doping test has no analytical value or future benefit for detecting patterns of doping.

On 29 June 2015, the IC conducted an onsite visit at RUSADA's Moscow office. In part, the visit addressed the large volume of RUSADA DCFs not entered into ADAMS. Despite the backlog into ADAMS, the DCFs were nevertheless well organized into binders and locked in file cabinets in secure office spaces. The IC determined that:

1. Original DCFs remain filed at RUSADA for one (1) year before being removed to archives (which is a building at a separate location); and
2. The duplicates remain at RUSADA until limits on space require that they be moved to the archives building. Presently, 2008 and 2009 are located in archives. 2010 to the present (2015) are still located at RUSADA.

RUSADA's senior management acknowledged a substantial backlog of DCFs for the years 2012 and 2013. However, RUSADA's Head of Testing advised that, beginning on 01 January 2014, a new process was established, whereby "all" DCFs are entered into ADAMS within three days following completion of a doping control mission. RUSADA officials confirmed this process. As a result of this process, RUSADA claimed that all DCFs were entered and up to date for the years 2014 and 2015. RUSADA pledged to enter all remaining 2012 and 2013 missing DCFs by October 31, 2015.

Following the RUSADA visit, a statistical check was conducted by WADA in ADAMS in an effort to corroborate RUSADA's DCF data entry claims.

The findings did not support RUSADA. In 2014, there were 804 non-filed DCFs and 679 in 2015.

The IC promptly communicated these findings to RUSADA, which researched the discrepancies. RUSADA subsequently advised data entry errors resulted in the misfiling of 132 DCFs in 2015 and 381 in 2014. DCFs not filed in 2014 were 358 and 547 in 2015. Additional ADAMS research by WADA corroborated RUSADA's accounts of



DCF data entry errors, and further determined that RUSADA's missing DCFs for 2014 and 2015 (358 and 547 respectively) were entered on 14 July 2015.

Despite a distinct lack of cooperation with the IC investigators, including the provision of incorrect information, there is insufficient available evidence at this time to conclude that this is anything more than a result of RUSADA's administrative backlog, rather than a concerted attempt to delay the notification of AAFs.

#### **12.10 IC Interview with RUSADA Deputy Director General Regarding ARD Allegations**

Igor Zagorskiy, RUSADA Deputy Director General (DDG), was interviewed by IC Investigators in RUSADA's office spaces in Moscow. DDG Zagorskiy initially clarified it was an IDTM DCO, not one of RUSADA's, who was featured in the ARD documentary clearly violating sample collection protocols. He said the numbers or percentages of athletes in Russia alleged to be doping were highly exaggerated. DDG Zagorskiy was aware of the suspicions raised in the documentary about certain athletes and coaches mentioned and reported that their own internal investigations into some of them had been initiated both before and after the airing of the documentary.

DDG Zagorskiy revealed that in the course of their internal investigation, RUSADA attempted contact with all Russian athletes and coaches interviewed or mentioned in the ARD documentary. RUSADA was unable to contact or locate some of the mentioned former athletes or others, due to their remoteness and/or having no available contact information in their whereabouts information or elsewhere. RUSADA was able to conduct a number of interviews of athletes and coaches interviewed or mentioned in the program, but all denied any involvement in or knowledge of doping. Given these denials and their inability to find the other athletes, RUSADA felt they lacked sufficient evidence to seek sanctions on the athletes and coaches mentioned in the ARD documentary.

Regardless, DDG Zagorskiy reported that RUSADA is currently monitoring and targeting the ABP for these athletes, which has recently led to the sanction of two athletes in 2015.

#### **12.11 RUSADA Investigation: Saransk Race Walking Center – Viktor Chegin**

DDG Zagorskiy volunteered information about an ongoing investigation against the Russian Race Walker Center in Saransk, which includes its Head Coach, Viktor Chegin. According to DDG Zagorskiy, this investigation was initiated following the London Olympics and was the result of numerous ADRVs committed within the Russian race walking program. RUSADA's investigator initiated the investigation and conducted numerous interviews with staff, coaches, athletes, medical professionals and others at the Center.

The investigator was met with repeated denials. However, financial invoices were tracked down showing the purchase of blood transfusion equipment. RUSADA's investigator physically located one piece of equipment, a centrifuge. Due to the lack of police powers, RUSADA could not seize the equipment, but instead photographed and videotaped it. Due to the possession of the centrifuge, RUSADA successfully brought forth sanctions against the Director of the Center. RUSADA provided materials for purposes of the sanctions from their case file, including reports, documents, records, pictures and video footage.

#### **12.12 Test Distribution Planning**

The IC interviewed Andrey Prokofiyev, Head of RUSADA's Test Planning Department. Mr. Prokofiyev advised that he has the responsibility to develop strategies for Test Distribution Planning (TDP). When questioned, Mr. Prokofiyev described how RUSADA selects its Registered Testing Pool; evaluates doping risks to determine high

risk athletes; differentiates between types of sports, focusing on high risk sports; determines types of test analysis to be conducted in relation to a high risk sport; decides the number of tests to be conducted for target testing and supporting the ABP program; evaluates competition events to conduct testing; and how RUSADA analyzes athlete performance data revealing suspicious or unrealistic competition improvements.

Accepting Mr. Prokofiyev's description of the TDP at face value, the IC notes that even a well-designed TDP can be effectively sabotaged by: advance notification of out-of-competition tests; the avoidance of such tests; aggressive intervention of coaches and other officials; the use of false names; and the provision of incomplete or false contact information. Evidence of these behaviours has been obtained and commented upon elsewhere in this Report.

### **12.13 IC Findings**

1. Regardless of Ms. Zhelanova's statement that RUSADA acts independently, although financed by the Ministry, the IC has serious doubts that it is truly independent. Various sources reported to the IC that there is more influence than structurally indicated by the Ministry of Sport.
2. A review of a sampling of RUSADA's reporting procedures showed significant gaps in reporting and unexplained deficiencies in submissions to ADAMS. DCFs were either not entered into ADAMS or were significantly delayed. An increased effort in DCF submissions will assist in generating a timely and transparent results management process, subject to the integrity of the overall operations of testing and that process.
3. The IC review revealed that RUSADA has a favourable record of collecting samples and conducting analysis for particular substances that are of high risk for athletes in comparison to other NADOs, for example EPO and IRMS analysis.

4. RUSADA hGH testing has been insufficient and questions remain regarding the methods applied by the Moscow laboratory for ESAs on behalf of RUSADA.
5. The inaccuracy and non-compliance of the “whereabouts” information for Russian athletes is obstructing out-of-competition testing and timely notification of athletes for other potential violations. An increased effort in this area will complement effective target testing for RUSADA.
6. Allegations of collusion between coaches and RUSADA have established major concerns about RUSADA’s functioning as an impartial institution.
7. As incidents of inaction regarding reporting and DCF filings are attributed to RUSADA, a review of the applicable processes, specifically implementation and enforcement, is required in order to provide the international community with confidence that the issues discovered are being suitably addressed.
8. Athletes under current anti-doping sanctions were allowed to compete during the period of the sanctions, contrary to a specific Code prohibition. It is highly unlikely that this could have occurred without the knowledge and consent of both RUSADA and ARAF.
9. TDPs, no matter how well designed, can be compromised by advance notice of out-of-competition testing, false or inaccurate whereabouts information, interference by coaches and officials, evidence all of which was discovered by the IC investigation.

## Chapter 13: Accredited Moscow Laboratory

### 13.1 Introduction

The World Anti-Doping Agency (WADA) accredited laboratories are required to operate in compliance with the World Anti-Doping Program and, specifically, the International Standard for Laboratories (ISL) and associated Technical Documents.<sup>90</sup> Accredited laboratories serve as the reference point for the establishment and maintenance of unbiased and objective analysis in relation to testing, as well as protection of the overall integrity of laboratory services in support of athletic competition.

The Moscow Anti-Doping Laboratory is the only WADA-accredited laboratory in Russia. The laboratory was first established in 1977 for the “pre-testing” of athletes prior to foreign travel for competition. Prior to 2007, the standards at the Moscow laboratory were below the required international standards for an accredited laboratory. Subsequent investment, training and assistance from the Lausanne accredited laboratory helped to elevate the analysis capabilities for blood and urine of the Moscow laboratory to acceptable international levels.

The IC has reviewed the evidence and has noted severe deficiencies in the operations at the Moscow laboratory. Through the interviews of athletes, coaches and laboratory employees, the IC investigation identified issues of grave concern in regard to integrity, corruption, handling of testing analysis, processing of samples and, in a separate matter, the deliberate destruction of a large number of samples prior to a WADA December 2014 onsite audit, despite acknowledgment of specific WADA instruction to preserve such samples.

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<sup>90</sup> *Supra*, note 42. The ISL came into force effective 01 January 2004. It was replaced by the International Standard for Testing and Investigation (ISTI) on 01 January 2015. For convenience, since much of the conduct covered by this Report occurred prior to 01 January 2015, the narrative refers to the ISL, but by reference includes whichever of the two standards applies to any particular circumstance.

### **13.2 Prerequisites for Laboratory Standards/Trust**

The ISL mandates strict standards regarding the production and recording of valid test results and evidentiary data, to ensure analytical integrity, and the ultimate protection of clean athletes and competition. Adherence to the ISL and Technical Documents is mandatory and all accredited laboratories must demonstrate both technical compliance and effective quality management systems designed to ensure forensically valid test results.

Accredited laboratories must maintain an ISO/IEC 17025 accreditation and participate successfully in the WADA External Quality Assessment Scheme (EQAS). The ISL outlines the requirements for a laboratory to maintain operational independence from any Anti-Doping Organization (ADO) (including National Anti-Doping Organizations (NADO)) to ensure confidence, impartiality, judgment and operational integrity, in compliance with the WADA Laboratory Code of Ethics.

Laboratory Directors are responsible for managing the operational, professional, organizational, educational, and administrative responsibilities for laboratory services and for providing written certifications confirming that their respective laboratories are compliant with the ISL Code of Ethics. The Director is, therefore, integral to the accreditation and maintenance of accreditation of any laboratory.

The laboratory must demonstrate control measures, which detect and eliminate any form of external influence that could adversely affect the quality of test results or operational integrity for reporting. For example, no employee of an accredited laboratory may engage in work that undermines the anti-doping program of WADA or any other ADO. Laboratory employees must refrain from external consultations with athletes or others, regarding testing countermeasures, such as techniques that may mask the detection of prohibited substances or technical markers.

With respect to its process prior to analyzing the sample, the laboratory must: (i) conduct due diligence on testing samples to ensure the chain of custody and sample

handling processes<sup>91</sup> support the integrity of both the sample and subsequent testing, and, (ii) must refuse to accept samples that are not designated for the purpose of testing for prohibited substances. Laboratory standards are designed to ensure quality assurance within all stages of the technical process and protect the athlete and public confidence that the sample analysis is valid.

### **13.3 Ministry of Sport Oversight of Moscow Laboratory – Conflicts**

Independence and objectivity are crucial for the successful operation of a WADA-accredited laboratory. In that regard, the ISL provides the following:

**4.1.8 Laboratory independence** - The Laboratory shall be established and remain operationally independent from Anti-Doping Organizations to ensure full confidence in its competence, impartiality, judgment or operational integrity, in compliance with section 4.1.5d of ISO/IEC 17025. Operational independence implies that the Laboratory shall have a separate budget permitting the Laboratory to manage its own affairs without hindrance or interference.

### **IC Finding**

1. The IC investigation found violations of ISL article 4.1.8 in respect of the Moscow laboratory.

During various interviews conducted by IC investigators, laboratory personnel and athletes reported that the Ministry of Sport asserted influence over the Moscow laboratory. When the IC asked who instructs the laboratory to manipulate particular

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<sup>91</sup> This includes, for example, ensuring that a sample stays refrigerated.

samples, laboratory personnel stated, “there is no need [to know the names] because the instructions are directly from the Ministry of Sport...”

Moscow laboratory personnel made statements to the IC investigative staff during these interviews specifying that there exist “external interferences” with the analytical operations of the laboratory. These reported external influences are not, however, restricted to verbal direction from the Ministry of Sport, but have manifested themselves in the physical presence of state actors inside the laboratory. Specifically, Moscow laboratory personnel have reported, under confidentiality, regarding the continued presence of the Russian security (FSB), “[L]ast time in Sochi, we had some guys pretending to be engineers in the lab but actually they were from the federal security service, let’s call it the new KGB; FSB.”

## **IC Finding**

1. The reported presence of the security services (FSB) within the laboratory setting in Sochi and at the Moscow laboratory, actively imposed an atmosphere of intimidation on laboratory process and staff, and supported allegations of state influence in sports events.

## **13.4 FSB Influence**

The IC investigation uncovered information of Russian State interest and influence within the Moscow laboratory. For example, a laboratory staff member reported that an FSB agent regularly visits the Moscow laboratory. The IC sources within the laboratory identified the FSB agent as Evgeniy Blotkin/Blokhin. Sources reported that Moscow laboratory Director Rodchenkov was required to meet with Evgeniy Blotkin weekly to update him on the “mood of WADA.”



One laboratory staff member provided information to IC investigators about the suspected bugging or wiretapping of telephones, while another staff member reported that office spaces within the Moscow laboratory were monitored (bugged) by the FSB in order to be informed of the laboratory's activities.<sup>92</sup> This could not be independently verified by the IC, but the reported statements demonstrate the perceptions of laboratory officials, who believe they are under constant state surveillance. This perception is also fuelled by the FSB's regular visits to the laboratory and the questioning of its staff members. For example, the IC learned that staff members were routinely questioned by FSB upon their return from global laboratory and WADA seminars. Following the airing of the ARD documentary, select laboratory staff members were directed by the FSB not to cooperate with the WADA investigation.

## **IC Findings**

1. The direct interference into the laboratory's operations by the Russian State significantly undermines the laboratory's independence.
2. Many tests that the laboratory has conducted should be considered highly suspect.

### **13.5 Internal Structure of the Accredited Moscow Laboratory**

At the end of 2012, the accredited Moscow laboratory moved into a new building at its present location. The internal structure of the laboratory is spread across several floors in this building such that the different teams working within the laboratory have very little contact, if at all, with one another. Therefore, when bench work is completed by the laboratory, the aliquots are prepared by one team on one floor, and then delivered to another floor where a different team carries out the analysis. The sample can

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<sup>92</sup> The source stated that the bugging was likely in relation to a then upcoming visit from WADA.

therefore be compromised and tampered with easily either at the stage where the aliquot is prepared, during delivery to the other floor for analysis, or during the analysis.

## **13.6 Reports of Positive Drug Test Concealment**

### ***13.6.1 Vladimir Mokhnev***

In July 2014, Yuliya Stepanova secretly recorded a conversation she had with her coach, Vladimir Mokhnev. During the conversation, Mokhnev made the following revelations:

In relation to another Russian runner he trained, Yekaterina Kupina, Mokhnev advised she utilized parabolon (aka trenbolone cyclohexylmethylcarbonate), for which she tested positive. Mokhnev stated he paid 7,000 roubles to cover up the positive. Stepanova understood this to mean a 7,000 rouble payment was made to the Moscow laboratory to conceal this positive doping result.<sup>93</sup>

Mokhnev stated that Russia's top runners are allowed to compete "dirty" (i.e., while using performance enhancing drugs) at the Russian National Athletics Championships.

The IC investigators corroborated this statement through other witnesses interviewed. The ability to compete "dirty" reveals that these elite athletes have little to no concern over the outcomes resulting from collection or analysis of test samples on such occasions.

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<sup>93</sup> There was another possible interpretation of his remark, namely that the funds were paid for an "unofficial" test (see Chapter 11).

### ***13.6.2 Yuliya Stepanova***

IC investigators interviewed Yuliya Stepanova, who also confirmed that she and select Russian elite athletes are routinely allowed to compete “dirty” at the Russian National Athletics Championships. This could not happen without collusion between the athlete and/or the coach, together with the Moscow laboratory, to conceal the doping activity.

Stepanova said she competed “dirty” at the 2011 and 2012 Russian Indoor Championships with the full knowledge and authorization of ARAF head running coach, Aleksey Melnikov, and ARAF team doctor, Dr. Sergey Portugalov. Since she was competing “dirty,” Portugalov instructed Stepanova to provide him with her test sample numbers, so that he could communicate with the laboratory to ensure her sample was not reported as positive. On 17 February 2011 she texted Portugalov informing him her sample number was 2573960 and on 23 February 2012 she texted him that her sample number was 2673502. To further corroborate her statements, Stepanova provided IC investigators with copies of her Doping Control Forms (DCFs) for samples 2573960 and 2673502. Sample number 2573960 is not located in ADAMS. As to the outcome, sample number 2673502 (which by Stepanova’s admission that she was competing “dirty,” should have so indicated), was nevertheless reported by the Moscow laboratory in ADAMS as negative, although the DCF was not entered into ADAMS by RUSADA. The only reasonable explanation for Stepanova’s reported negative test result is that the analysis of her sample was intentionally interfered with.

Stepanova also described an incident where she was informed that she tested positive for erythropoietin (EPO) during the Russian National Athletics Championships in Saransk on 12-13 July 2010. In response to her positive drug test, Stepanova was told the sample would not be reported to RUSADA if a 30,000 rouble payment was paid to the Director of Moscow laboratory, Grigory Rodchenkov. In August 2010 at coach Mokhnev’s direction, Stepanova provided a 30,000 rouble payment to a purported associate of Rodchenkov, Evgeniy Evsukov. Stepanova confirmed to the IC that the positive sample was never reported to RUSADA.

Stepanova further stated that Evsukov is a known trafficker of performance-enhancing substances to Russian athletes, while a secondary source identified Evsukov as “the main doping dealer” and that “he has a contact at the Moscow laboratory.” Further discussion about Evsukov can be found in Chapter 11.

### ***13.6.3 Confidential Witness #1***

Confidential Witness #1 (CW1), an elite Russian athlete, who provided information to the IC revealing that there was collusion between ARAF President, Valentin Balakhnichev, Moscow laboratory Director, Rodchenkov, and others to conceal positive drug tests with the purpose of winning medals at major competitions. CW1 reported that Rodchenkov was substituting “A Samples” at the laboratory. CW1 further advised that athletes paid 20,000 roubles to ARAF and 30,000 roubles to Rodchenkov to conceal positive drug tests.

### ***13.6.4 Confidential Witness #2***

IC investigators spoke to another Confidential Witness (CW2) who holds a prominent position within Russian sport and routinely interfaces with Russian elite athletes and coaches. Through these contacts and associations, CW2 obtains pertinent information about doping within Russia. Through CW2 reliable and actionable information was provided to the IC about Russian athletes currently using PEDs. This information was passed to the IAAF for out-of-competition (OOC) testing purposes. Additionally, CW2 stated the following:

“Athletes concerned with being disqualified for a likely positive sample need only to approach Evgeniy Evsukov or ARAF coach Aleksey Melnikov with the sample number and a bribe payment. Melnikov or Evsukov then contact the Moscow laboratory with the sample number and state, “this sample should be negative.”

“They are working like a Swiss clock. Someone inside the lab is corrupt, not the DCOs. You just need to give (the) number of the athlete’s sample to make it negative.” CW2 believed the reported corrupt person at the laboratory was Grigory Rodchenkov.

“Russian police caught his (Dir. Rodchenkov’s) sister, she had a prison sentence/community service/suspended sentence but it’s widely believed she took the blame for him. It seems ludicrous that the head of the anti-doping lab’s sister was found guilty of dispensing drugs (PEDs). It’s incredible that he is still there.”

CW2 believes Dir. Rodchenkov uses his PED expertise to help doping athletes achieve better athletic performance results.

#### ***13.6.5 Director Rodchenkov – Personal Use of PEDs***

In 2005, Moscow Laboratory Director Rodchenkov was featured in a Russian news article regarding the use of PEDs.<sup>94</sup> In the interview, Rodchenkov admits his own extensive use of banned substances (performance enhancing drugs) stating that:

“I have tried and tested almost the entire list of banned drugs on myself while working in this field. And continue to do experiments - I take medication and go to run, about ten kilometers. Then give sample. This is necessary for my work.”

#### ***13.6.6 Liliya Shobukhova***

The IC interviewed Russian marathoner Liliya Shobukhova. In the interview she stated that she was obliged to pay a percentage of her annual winnings to ARAF representatives Melnikov and Portugalov. Shobukhova stated that a portion of these

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<sup>94</sup> Vremya, 2005. *Замкнутый круг большого спорта* (IC translation: *The vicious circle of big-time sports*). [Online] Available at: <http://www.vremya.ru/2005/84/13/125190.html> [Accessed 26 October 2015].

monies protected her and helped her avoid testing positive for doping. Melnikov informed Shobukhova that, as long as she continued to make these payments, she would not have any problems with future drug tests, implying positive samples would be concealed.

#### ***13.6.7 Mariya Savinova***

In November 2014, Yuliya Stepanova secretly recorded a conversation between herself and Russian Olympic Gold Medalist Mariya Savinova. In the recording, Savinova discussed her use of prohibitive substances and how positive drug tests are covered up in Russia. Savinova stated:

“Well really, what should we do? How should it go differently? That is our system and in Russia that only works only with pharma.... My coach fortunately works with Melnikov and he helps to cover up the tests. They allow him to change the dates for the controls. Oxandrolone is very quickly out of my body out again. It takes less than 20 days. We have tested that - my husband has very good contacts to the doping control laboratory.”

#### ***13.6.8 IC Findings Related to the Reports of Drug Test Concealment***

Assessed as a whole, the IC finds that these investigative reports demonstrate strong corroborating evidence that the Moscow laboratory has been involved in a widespread cover-up of positive doping tests.

The IC further finds that at the heart of the positive drug test cover-up is Dir. Rodchenkov. He not only accepted, but also requested money in order to execute the concealment positive test results, which makes him equally responsible for incidents where coaches or officials extorted athletes even if he was not personally made aware of the extortion. This behaviour is worthy of serious sanctions, which the IC has outlined below.

### **13.7 Destruction of Samples prior to WADA Audit 17 December 2014**

Due to allegations against the Moscow laboratory in the ARD documentary, WADA issued a written memorandum dated 9 December 2014 to Dir. Rodchenkov advising him to retain all test samples at the Moscow Laboratory until further notice. In part, the memorandum instructed:

“[A]ll A and B samples currently stored at the Anti-Doping Centre in Moscow will be kept frozen and under strict chain of custody until further notice by WADA. This shall include all the samples collected over the past three months, starting on September 10, 2014 and all samples collected subsequently.”

On 10 December 2014, WADA received an e-mail communication from Dir. Rodchenkov stating “this is to confirm the receipt of the OR [Olivier Rabin] Letter regarding sample storage in Moscow anti-doping centre.” That same day Dir. Rodchenkov sent a second email to Dr. Rabin, stating, “everything is working, your Letter received OK, samples are securely kept, the whole collection.”

The WADA audit team arrived at the Moscow laboratory on 17 December 2014 and upon arrival were notified that only 3,000 samples were currently in storage at the laboratory, despite its capacity for the storage of 8,000-10,000 samples. Dir. Rodchenkov advised the WADA audit team, that he (Rodchenkov) decided to “do some clean up to prepare for WADA’s visit.” The WADA audit team determined that three days prior to the audit team’s arrival, Dir. Rodchenkov had personally instructed and authorized the disposal of 1,417 samples. This was done on a Saturday morning immediately prior to the arrival in Moscow of a WADA audit team.

Dir. Rodchenkov’s actions directly defied and violated the WADA directives in WADA’s correspondence of 9 December 2014, despite having acknowledged receipt of

the WADA directives and expressed his understanding of what was asked. It appears he then changed his mind prior to the WADA audit team's arrival.

Rodchenkov later asserted that the WADA letter he previously clearly understood had become ambiguous and that he interpreted it to mean that the laboratory was only supposed to keep samples from 10 September 2014 onward.

## **IC Findings**

1. The IC finds that Dir. Rodchenkov's statements regarding the destruction of the samples are not credible. They purport to explain the destruction of a large number of potentially important samples on the basis of an alleged inconsistent understanding of the clear instructions received and acknowledged by Rodchenkov.
2. WADA officials and IC members conducted two subsequent interviews of Dir. Rodchenkov on 26 March 2015 and 30 June 2015, where on both occasions, he admitted to intentionally destroying the 1,417 samples in order to limit the extent of WADA's audit and to reduce any potential adverse findings from subsequent analysis by another WADA accredited laboratory.
3. The intentional destruction of the 1,417 samples done with the purpose of obstructing WADA's ability to conduct follow up analysis on the samples was corroborated by another staff member who heard similar admissions directly from Dir. Rodchenkov.
4. This destruction also effectively obliterated forever the IC attempt to determine if there was any evidence of athletes having clean and dirty A samples at the Moscow laboratory.



### 13.8 IC Interview of Dir. Rodchenkov

Dir. Rodchenkov remained obstructive throughout the IC investigation. When interviewed by IC representatives he refused to be recorded and remained guarded throughout. The interviewer noted, “[t]he personality of GR and his manner of responding to questions made it all but impossible to have a satisfactorily structured interview.” Dir. Rodchenkov did however make the following declarations:

1. Mr. Valentin Balakhnichev, the President of ARAF had been (illegally) paid by athletic sponsors and that Balakhnichev passed a portion of the money to Dr. Sergey Portugalov;
2. He (Rodchenkov) was under great pressure regarding Russian athlete, Ms. Elena Lashmanova, the reigning race walking Olympic champion. Dir. Rodchenkov would not clarify as to what type of pressure he was referring;
3. Russian race walking teams, based in Saransk, Russia, were protected from doping tests. Dir. Rodchenkov would not specify who was providing the protection or how it was being provided; and
4. The “Kazarin Group,” a group of elite level runners, for example, in 800 m, is apparently immune from doping controls. Dir. Rodchenkov would not elaborate how they were immune.

Dir. Rodchenkov confirmed his knowledge of those actively involved in the facilitation of doping in Russia, but remains unwilling to report these allegations officially or even to disclose the knowledge on a confidential basis to the IC.

### **13.9 Analysis of Undocumented Samples**

The IC conducted interviews with senior Moscow laboratory staff concerning procedures and practices at the laboratory. During the interviews, laboratory improprieties were uncovered, one of which was that test samples from unknown origins would be sent to the laboratory for analysis on a monthly basis. This is in contravention of the ISL Code of Ethics 4.0 which states that:

“Laboratories should exercise due diligence to ascertain that the Samples are collected according to the World Anti-Doping Code International Standard for Testing and Investigations or similar guidelines. These documents shall include collection of Samples, appropriate Sample container security considerations, and formal chain of custody conditions. Laboratories shall ensure that Samples received are tested in accordance with all the ISL rules.”

Laboratory staff explained that usually a few samples per month were tested at the direction of Dir. Rodchenkov. These samples did not follow a normal protocol in that there was no testing authority, and they were not contained in customary sample collection bottles with A and B samples, as required by internal laboratory quality controls. Dir. Rodchenkov instructed that all records showing the existence of the samples, as well as any documentation of the resulting analysis, be destroyed.

### **IC Findings**

1. The IC finds that the testing of samples is a highly improper practice and a violation of the ISL standards and the Code.
2. The only reasonable conclusion is that the unmarked samples were provided (the documentation in respect of which was ordered to be destroyed) for purposes of monitoring drug use, clearance times and maintenance of certain levels below

thresholds that might produce Adverse Analytical Findings (AAF) in proper testing circumstances.

### **13.10 Moscow Police Investigation**

In December 2013, Dir. Rodchenkov's sister Marina was convicted of buying and possessing banned drugs with the intention of supplying drugs to Russian athletes. The drugs included testosterone, oxandrolone aka "Ox" and methandienone aka "Dianabol," all banned pursuant to the Code. Dir. Rodchenkov was also arrested in relation to this drug trafficking investigation, and purportedly admitted involvement after rigorous questioning, but the charges against him were subsequently dismissed, although his sister was convicted.

The IC considers these events highly suspicious. Throughout the entire investigation, and over the course of many interview hours, not a single witness has alleged that Dir. Rodchenkov's sister was trafficking PEDs to Russian athletes.

### **13.11 November 2013 - Johannesburg Hearing**

Prior to 2013, after an internal audit showed that tests the Moscow laboratory had previously rated as negative were in fact positive, the WADA Disciplinary Committee established to investigate the matter imposed a series of corrective actions on the laboratory and directed rectification of failed procedures. Ultimately, some of these findings were addressed, although, extreme delays were noted in their implementation.

During 2013, the Moscow laboratory was the subject of yet another disciplinary action by WADA. The WADA Disciplinary Committee charged with investigating the matter

convened in Johannesburg in November 2013 and considered two cases regarding the Moscow laboratory's performance.

The first case arose from a WADA audit conducted on 11 and 12 April 2013, where WADA was informed that the laboratory had conducted approximately 3,000 sample analyses in early 2013 that were non-compliant with the TD2013MRPL<sup>95</sup> requirements. The Moscow laboratory conducted a re-analysis of these nearly 3,000 samples with a technique compliant to the effective TD2013MRPL, which resulted in the identification of six previously undetected AAFs. However, only two of the six samples were found above the MRPL using the new, more sensitive technique. Had the Moscow lab implemented testing as required by the TD2013MRPL, WADA would have expected it to report the two samples above the MRPL. However, the Disciplinary Committee did not consider the non-compliance surrounding these two samples serious enough to warrant, on their own, a suspension of the laboratory's accreditation.

The second case involved a request by WADA representatives to move 67 samples (a total of 134 bottles for A and B samples) from the Moscow laboratory to the Lausanne WADA-accredited laboratory for re-analysis in September 2012 (see Chapter 15). The movement and re-analysis of samples were the direct result of witness information concerning the concealment of AAFs by the Moscow laboratory. The re-analysis of the samples resulted in two discrepancies.

The first was the discrepancy between Lausanne's sample analysis which identified 6 exogenous steroid Presumptive Analytical Findings (PAFs) in one sample, which were not reported by the Moscow laboratory (a negative report was issued by the Moscow laboratory). The PAF results from the Lausanne laboratory analysis could not be confirmed, as required by the ISL, and reported as an AAF due to factors such as limited sample volume. Regarding this result, the Lausanne laboratory commented, "no accredited laboratory should have missed" the result. In addition, the comparison of the steroid profiles between the Lausanne and Moscow laboratories suggested that samples

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<sup>95</sup> Beginning 2013 new rules for the minimum required performance limits, or MRPL, came into effect. This specific MRPL required the analysis of samples be conducted with more sensitive instrumentation.

leading to the results did not come from the same person. The Moscow laboratory “explained” that it was a result of a lab technician covering up a dropped sample by substituting the urine to avoid punishment.

The second discrepancy was between Lausanne’s analysis of a B sample which identified one exogenous steroid PAF, as opposed to the previously reported negative test result reported by the Moscow laboratory. This PAF was also found below the required MRPL as a result of using more sensitive state-of-the-art instrumentation (GC-MSMS) by the Lausanne laboratory to which the Moscow laboratory did not have access. For this reason, the case was not pursued.

The IC acknowledges that this incident has already been addressed in subsequent disciplinary hearings, but when considering future actions and previous patterns of conduct in regard to the Moscow laboratory, it is important to draw upon the experiences and patterns of previous violations.

WADA provided the Moscow laboratory with a deadline to ensure that corrective actions regarding the ISL non-compliance were completed. The WADA disciplinary committee agreed to give the laboratory until 30 May 2013, to implement the corrective action. Despite being given extensions by WADA, on 19 July 2013, the required corrective actions had still not been implemented.

This led to further disciplinary action against the Moscow laboratory with potential loss of accreditation. It is understood by the IC that despite the substandard performance of the laboratory, there was a distinct desire not to revoke the accreditation of the laboratory prior to the Sochi Olympics. A temporary solution was, therefore, reached for the period of the Olympics, with further actions to be approved by the WADA Laboratory Committee following the Games. Such remedial actions remained uncompleted well after the established deadline.

### **13.12 Dir. Rodchenkov 2014 Meeting with WADA Science Director**

On 11 January 2014, leading up to the Sochi Olympic Winter Games, WADA Science Director, Olivier Rabin and Moscow laboratory Dir. Rodchenkov met informally following a meeting in Sochi, during which they discussed the Johannesburg hearing. During this unsolicited meeting Dir. Rodchenkov affirmed Dr. Rabin's assessment of the Moscow laboratory having external interferences with the analytical operations. Dir. Rodchenkov stated he was operating in a system where he was forced to do things in his position. Dir. Rodchenkov would not elaborate what he was forced to do.

### **13.13 June 2015 Audit**

On 24 and 25 June 2015, the WADA Science Department visited the Moscow laboratory to conduct a partial audit. During the inspection, a review was conducted on the analysis of five blood samples collected during a doping control mission in Adler, Russia on 22 May 2015. The testing authority was the IAAF, which had requested full Erythropoiesis Stimulating Agents (ESA) testing.<sup>96</sup> The Moscow laboratory reported in ADAMS that full ESA testing had been conducted, whereas, in fact, the samples were only tested for CERA<sup>97</sup> by ELISA.<sup>98</sup> This is not compliant with the TD2014EPO, which requires samples to be tested for all ESAs by IEF or SDS/SAR-PAGE.<sup>99</sup> The use of the test only is a procedure that is no longer recommended, since ELISA is specifically designed to detect CERA and no other ESA compounds. The laboratory did not test for the other ESAs, such as rEPO, NESP or EPO-Fc.

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<sup>96</sup> This tests for EPO and other similar compounds.

<sup>97</sup> CERA, like EPO, is a stimulating agent in the ESA class.

<sup>98</sup> The ELISA test is a method of analysis that only tests for CERA and no other ESA compounds.

<sup>99</sup> There exist four different ESA tests. However by using just two of these tests you can detect all existing ESA compounds. In this case CERA can be detected using the SAR PAGE test that detects other compounds as well.

The Moscow laboratory blamed “administrative oversight” as the reason why the requested full ESA menu had not been conducted as indicated in its ADAMS submission. Additionally, the Moscow laboratory stated there was confusion, since RUSADA routinely requests only CERA testing instead of full ESAs. This, of course, ignores the fact that the IAAF requested the tests in question, not RUSADA, and raises the further question of why RUSADA would not insist on compliance with TD2014EPO.

The IC finds this behaviour problematic and suspicious for two reasons. First, technical documents dictate which tests to perform to detect the sought after compounds based on the most logical PED substances for at-risk sports and athletes. RUSADA may ask the laboratory to test generally for ESAs, however it should not be requesting a test for a specific ESA compound, which excludes the detection of other potentially present ESAs as it is highly likely that use of an ESA can go undetected. The fact that RUSADA, as reported, routinely requests testing in blood only for CERA instead of full ESAs is highly suspect.

Second, upon receipt of RUSADA’s request to test only for CERA, the laboratory was obligated to inform it that this would be in contravention of the Technical Document and that a full ESA menu would be conducted instead. The fact that the laboratory did not proceed to do so and then falsely stated that the full menu had been used is problematic and concerning to the IC because positive samples can be missed by simply not conducting the recommended testing for the most logical PED substances for at-risk sports and athletes.

In this instance, the five samples were transferred to the WADA accredited laboratory in Cologne, Germany for full ESA testing, where the analysis determined all samples were negative for prohibitive substances. However, irrespective of these results, the audit revealed a significant breakdown in the use of proper testing protocols at the Moscow laboratory, as well as an apparent willingness to issue false reports of the testing menus applied in the circumstances. As a result of this audit, the IC questions

how many samples in the past may have been undetected because of the Moscow laboratory's failure to use compliant testing protocols and procedures.

### **13.14 IC Findings**

In addition to specific findings referred to above, the IC has reached the following findings:

1. The Moscow laboratory is not operationally independent from RUSADA or the Ministry of Sport. Its impartiality, judgment and integrity were compromised by the surveillance of the FSB within the laboratory during the Sochi Winter Olympic Games.
2. The apprehension of surveillance by the staff in the Moscow laboratory caused by FSB representatives regularly visiting the laboratory and weekly discussions occurring between the Moscow laboratory Director and the Russian Security service affect the impartiality, judgment and integrity of the laboratory.
3. The IC concludes that there was direct intimidation and interference by the Russian state with the Moscow laboratory operations.
4. The Moscow laboratory Director was paid indirectly by one of the whistleblowers to conceal a doping test taken while the athlete was knowingly competing dirty. The go-between who received the money is a known performance-enhancing substances trafficker.
5. There was collusion between the President of ARAF and the laboratory Director Rodchenkov to conceal positive drug tests by swapping clean samples for known dirty "A" samples at the Moscow lab. Athletes paid both the President and the Director for the benefit of such services.



6. At least one elite world marathoner paid her coach, Melinkov and the medical director of ARAF, Portugalov, annual sums of money, a portion of those monies being to protect her from receiving a positive drug result from her doping activities.
7. Interviews with athletes and secret recordings led to the finding that within Athletics, (which is the only sport that the IC was mandated to investigate) there were a series of high-level individuals involved, who, for monetary payments, conspired to conceal positive doping samples, leading to the conclusion that there was likely a system in Russia for cover-ups in doping.
8. There is strong corroborating evidence that the Moscow laboratory has been involved in a widespread cover-up of positive doping tests.
9. Director Rodchenkov was also an integral part of the conspiracy to extort money from athletes in order to cover up positive doping test results.
10. RUSADA is routinely requesting limited benchwork examination in completing testing of samples.

## Chapter 14: Russia - Moscow's 2nd Laboratory

### 14.1 Background

The World Anti-Doping Agency (WADA) has one accredited laboratory in Moscow and it is currently managed by laboratory Director, Grigory Rodchenkov. During the IC interviews with laboratory personnel at the Moscow accredited laboratory, the existence of a second laboratory, also in Moscow, apparently having the same testing capabilities as the accredited laboratory, was revealed.

Rodchenkov claims that the "Moscow laboratory" was used for pre-competition screening of PEDs between the years 1977 and 1985. However, it was not known to which laboratory Rodchenkov was referring, and as a result, the IC conducted further research and interviews in order to establish the nature of both Moscow laboratories.

The IC discovered that the second laboratory is known as the "Laboratory of the Moscow Committee of Sport for Identification for Prohibited Substances in Athlete Samples." This second laboratory is reportedly controlled by the "Moscow Government" and is located in an industrial area about 10km from the city center on the outskirts of Moscow.

The laboratory Director of the second laboratory was identified as a Georgian, named Dr. Giorgi Bezhanishvili, who has a background in forensic toxicology. Approximately six people are believed to be assigned to this laboratory. Supposedly, there is never any interaction between the accredited Moscow laboratory and this second laboratory. However, Rodchenkov apparently knows Bezhanishvili.

It is inferred that this second laboratory could be used as a first step to identify test samples of Russian athletes who have suspicious or positive urine samples. If this second laboratory is, in fact, under the control of the Moscow government, it would not operate under the same regulatory controls as the Moscow anti-doping laboratory and

other WADA-accredited laboratories. The reported objective of the second laboratory is for the testing of athletes and children from the Moscow district.

Statements of whistleblowers and confidential witnesses have corroborated that this second laboratory is involved in the destruction and the cover-up of what would otherwise be positive doping tests. Based on the evidence available however, the IC is unable to confirm any direct links with ARAF, RUSADA or the Moscow accredited laboratory.

The IC has contradictory evidence as to the quality and level to which the second laboratory is equipped. As a result, no findings are possible, although inferences can be drawn, on the availability of that laboratory to pre-screen samples going to the WADA-accredited laboratory. The purpose of the second laboratory is obscure, thereby raising suspicions that it does not serve a legitimate anti-doping purpose.

## **14.2 IC Findings**

1. The IC discovered the existence of a second laboratory in Moscow, apparently having the same testing capabilities as the WADA accredited laboratory. Its precise use is unknown. The laboratory is known as the “Laboratory of the Moscow Committee of Sport for Identification for Prohibited Substances in Athlete Samples” and is controlled by the city of Moscow government. The laboratory Director is Dr. Giorgi Bezhanishvili, a forensic toxicologist.
2. There is sufficient corroborated evidence to conclude that the second laboratory was assisting in the cover-up of positive doping results by way of the destruction of samples.

3. Pre-screened samples that were not positive could then be sent to the accredited laboratory.
4. Such evidence was given on a confidential basis due to fear of reprisals against the witnesses providing the evidence.
5. It is not credible to believe that the existence and capabilities of the second laboratory were unknown to ARAF and RUSADA.

## Chapter 15: Russian Federal Scientific Center of Culture and Sport

### 15.1 Background

The Russian Federal Research Center of Physical Culture and Sports (VNIIFK) was founded on 17 November 1933 and is one of the oldest research institutions in the field of physical culture and sports in the world. From its earliest days, the Institute has been involved in the analysis of complex scientific problems and the development of advanced medical methods for physical training.

According to the VNIIFK website, the Institute focuses on work in the areas of biological cybernetics, biodynamic research, medical-pedagogical observations and developing integrated recovery for athletic performance:

“VNIIFK developed the concept of training highly skilled athletes, model characteristics of the strongest athletes, which now form the basis of integrated control in the sphere of sports in building performance modeling of the strongest athletes in major sports groups.”<sup>100</sup>

Dr. Sergey Portugalov has served as the Deputy Director General of VNIIFK for many years. His focus during the latter part of his career was allegedly in solving the scientific and practical issues of training teams in athletics for the 2012 London Olympics, post-exercise recovery of athletes, and the efficient use of authorized medicines. VNIIFK's website states that Dr. Portugalov is a member of the medical commission of two international federations, the Federation Internationale de Ski (FIS) and the Ligue Européenne de Natation or European Aquatics (LEN) and a number of national federations (e.g., athletics, triathlon, and swimming).

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<sup>100</sup> <http://www.vniifk.ru> [IC unofficial translation].

## **15.2 ARD Allegations regarding Dr. Portugalov**

The ARD documentary alleges that Dr. Portugalov provided banned substances to Russian athletes and participated in a conspiracy to cover up athletes' positive tests in exchange for a percentage of their winnings.

## **15.3 IC Investigation**

In addition to his role with the VNIIFK, Dr. Portugalov is currently the Chief of the All Russian Athletics Federation's (ARAF) medical commission. He is also the lead medical advisor to a number of sporting bodies within Russia. Within Russia, Dr. Portugalov is considered a specialist with respect to anti-doping issues. He is the central figure in the preparation of Russian Olympic athletes and has been active since the Soviet era, during the intensive doping phase throughout the 1970s and 1980s.

The IC investigation discovered that despite his ostensibly legitimate status, Dr. Portugalov's activities indicate that he played a much more sinister role in the preparation of athletes. The IC investigation uncovered that Dr. Portugalov not only supplied Performance Enhancing Drugs (PEDs) to athletes and coaches, but also administered and even injected athletes himself. Coaches and athletes are among his "clients".

Also, as alleged in the documentary and substantiated by the IC investigation, in addition to his involvement with the widespread use of prohibited substances, Dr. Portugalov was directly involved with the manipulation of testing procedures and documents, and the extortion of Russian athletes. His medical expertise appears to include hiding the use of banned substances and making them more difficult or impossible to detect.

To corroborate the evidence in the documentary the IC investigators interviewed Russian athletes Lilya Shobhukova and Yulia Stepanova. Lilya Shobhukova provided

investigators with an e-mail she received from Dr. Portugalov, which outlined his plan for her use of EPO, Dinatrop (hGH) and testosterone. Stepanova provided IC with copies of sms messages regarding the transmission of doping control bottle numbers to Dr. Portugalov to assist in the declaration of negative test results.

In the interview of Yulia Stepanova, she described to the IC in detail how Dr. Portugalov prescribed PEDs to her and other athletes. Stepanova stated PEDs were kept in Dr. Portugalov's office and that her coach, Mokhnev purchased PEDs from Dr. Portugalov. Stepanova also stated she was required to pay 5% of her winnings to Dr. Portugalov for his provisioning of PEDs and subsequent counseling as to proper dosages of them in conjunction with her training. Stepanova revealed that Dr. Portugalov was also the supplier of PEDs to other Russian athletes, across various sport disciplines.

#### **15.4 IC Findings**

1. The Deputy Director General of the Russian Federal Research Center of Physical Culture and Sports (VNIIFK), Dr. Sergey Portugalov, who is also the Chief of the ARAF's medical commission, provided banned substances to Russian athletes and was very active in the conspiracy to cover-up athletes' positive tests in exchange for a percentage of their winnings.
2. The IC finds that not only did Dr. Portugalov supply PEDs to athletes and coaches, but also administered the doping programs and even injected athletes himself.
3. The IC finds that it was demonstrated that Dr. Portugalov's actions over many years are in violation of Code Item 2.8 "Administration or Attempted

Administration to any Athlete Out-of-Competition of any Prohibited Substance or any Prohibited Method that is prohibited Out-of-Competition” and Code Item 2.9 “Complicity - Assisting, encouraging, aiding, abetting, conspiring, covering up or any other type of intentional complicity involving an anti-doping rule violation, attempted anti-doping rule violation or violation of Article 10.12.1 by another person.”

4. Dr. Portugalov was the subject of a sanctions package containing evidence the IC had gathered which it turned over to WADA, recommending a lifetime ban from sport. The IC is informed that its sanctions package has been submitted to IAAF with the acceptance by WADA of the proposed IC recommendation. The sanctions package and report was forwarded to ARAF on 08 August 2015 for further consideration.



## Chapter 16: Lausanne Laboratory

### 16.1 Background on the Swapping of 67 Samples

The Independent Commission (IC) interviewed former throwing disciplines coach, Oleg Popov, on 01 April 2015. During the interview he raised an allegation that, prior to the 2012 Olympics, positive doping samples had been swapped out for clean ones. This scheme was allegedly orchestrated by Moscow laboratory Director Rodchenkov and coach Melnikov.

Popov stated that in May 2012 Melnikov gave Rodchenkov a list of 67 athletes that Melnikov wanted to be “clean,” and then provided Rodchenkov with clean samples to be used in the event that any of the 67 athletes returned a positive sample. Rodchenkov was asked to swap any positive samples with the clean ones and for every swap it was agreed that Rodchenkov would receive a payment of 30,000 roubles. This amount was to be paid by the athletes.

Popov went to the World Anti-Doping Agency (WADA) with these allegations and, in October 2012, WADA requested that all samples (both A and B) from the 67 athletes be delivered to the Lausanne laboratory in Switzerland for re-testing. According to Popov, both Rodchenkov and Melnikov were surprised by the fact that both A and B samples were requested and therefore they had no time to swap the B samples.

Popov advised the IC that it would be prudent to re-test the 67 B samples kept in storage at the Lausanne laboratory, as some of them might be positive.

In this context, Popov referred to the athlete, Darya Phishalnikova, who was included on the list. Her A sample was tested at the Moscow laboratory. Rodchenkov reported that it was a clean sample, with no findings of oxandrolone. However, when both her A and B samples were retested by the Lausanne laboratory, the results came back positive for oxandrolone. Popov stated that Phishalnikova complained to Melnikov that her

sample was still dirty even though she had paid money to Rodchenkov. Melnikov justified it as an accident that Rodchenkov did not find oxandrolone.

Popov further described that Phishalnikova became so angry that she sent a letter to WADA and the International Association of Athletics Federations (IAAF) notifying them of the swapping issue. Balakhnichev, in his capacity as treasurer of the IAAF, together with Ms. Zhelanova, at that time, Head of Anti-Doping at the Ministry of the Interior, also received this letter, and allegedly, forced her to retract her statements. Moreover, Melnikov threatened that her Olympic winnings would be taken away if she did not follow their instructions. She acquiesced.

## **16.2 Testing procedure in Lausanne**

Once the Lausanne laboratory received the 67 samples for re-analysis, a preliminary examination revealed that 12 samples out of the 67 samples reportedly had insufficient volume and were not susceptible to further testing. The remaining 55 samples were subjected to analysis. One of the samples that had previously returned negative result by the Moscow laboratory returned an Adverse Analytical Finding (AAF), or positive for a prohibited substance.

The Lausanne laboratory conducted a comparison analysis against the previous testing completed by the Moscow laboratory. The analysis concluded that the findings were consistent on all 55 samples. While one previously unreported AAF was discovered within the 55 samples, the levels were below that of recommended minimum best practices and, therefore, the negative report was not deemed, at that time, to be an error of the Moscow laboratory.

Following the retesting, Dr. Saugy, Director of the Lausanne laboratory, reported that at this stage, with the comparison analysis complete, the laboratory considered all tests completed on the 55 samples and the samples were thus sent to routine storage.

In a recorded statement for the ARD documentary, Popov stated:

“The athlete has no choice. Either you prepare yourself in national team with banned substances, in order to win medals which are also accredited to the Federation – the head coach, the Ministry of Sport, the Federation President, the entire Russian Athletics Federation. And, if you are unable to agree with this scheme, which they offer you, then things can move very quickly and you're out.”

“If someone took banned substances during preparations, the laboratory found out about it. And among these top athletes, especially the most famous, the top 10 on the best performance lists, for the athletes who belonged, in those cases samples were sometimes exchanged.”

Following the broadcast of the documentary, the Lausanne laboratory requested direction from WADA regarding the 12 stored low volume samples. It was at this time that the Lausanne laboratory staff made an assumption that the 55 other samples had been sufficiently tested and therefore no further analysis was necessary. Absent any further directives from WADA, the samples were designated for destruction. At the request of the IC, Saugy prepared a memorandum providing details as to how the destruction of the samples occurred.

### **16.3 IC interview with Lausanne laboratory Director**

On 17 June 2015, IC investigator Nick Connon and WADA Science Director, Olivier Rabin, interviewed Saugy at the Lausanne laboratory in relation to the destruction of the samples. Saugy explained that as a matter of process, when the laboratory informs

WADA that the samples have been destroyed, they are, in fact, held for an additional two weeks in the event of any potential requests. Saugy reported that storage considerations were a continuous concern for the laboratory and that without specific instructions for long-term storage, samples are processed for destruction.

However, with respect to the 67 samples, WADA had specifically requested that the Lausanne laboratory retain these particular samples and had not authorized their destruction. Saugy accepted responsibility for this matter and has affected corrective measures within the laboratory processes to protect against premature destruction of samples in the future.

Saugy recalled that in late 2013 he had concerns regarding faulty testing results originating from the Moscow laboratory. Saugy explained that the Moscow laboratory had previously verified an athlete's sample as negative, while the Lausanne laboratory retested the same sample and found strong evidence of doping and verified the sample as positive for doping. The Lausanne laboratory concluded, "no accredited laboratory should have missed the detection." The results, as determined by the Lausanne laboratory, were then processed and the athlete concerned was withdrawn from competing in upcoming events. The athlete in question was a Russian athlete scheduled to compete in the Moscow World Championships.

## **16.4 Conclusion**

The IC finds that the Lausanne laboratory officials made unwarranted assumptions and acted without the required authority in the destruction of the 67 samples. The IC, although not satisfied that the destruction of the samples was a mere internal administrative or procedural oversight, has found no evidence of otherwise culpable conduct.

Therefore, in relation to the allegations made by Popov, beyond the finding of one positive sample out of the 55 that underwent comparative analysis, the IC cannot

substantiate the claims due to the fact that the majority of the samples have been destroyed.

### **16.5 Findings**

1. The Lausanne laboratory acted contrary to specific instructions received from WADA to retain the 67 samples transferred to it from the Moscow laboratory.
2. The IC is not satisfied with the explanations given for the destruction of the samples transferred from the Moscow laboratory.
3. The prohibited substance discovered in one of the transferred samples was at a level lower than that which the Moscow laboratory was able to discover.
4. The IC has not discovered evidence that would support otherwise culpable conduct on the part of the Lausanne laboratory in relation to the destruction of the samples.
5. As a result of the destruction of the samples transferred from the Moscow laboratory, there is insufficient corroborating evidence to support the allegations by Mr. Popov of a conspiracy involving coach Melnikov and director Rodchenkov to ensure that certain athletes were to have samples substituted in the event of positive tests, for which a fee would be paid to Rodchenkov.

## **Chapter 17: International Doping Tests and Management Company**

### **17.1 Introduction and Background**

The International Doping Tests and Management Company (IDTM) was founded in 1992 to manage the International Association of Athletics Federations' (IAAF) "Out-of-Competition" testing programs in more than 80 countries. IDTM has provided testing services for both IAAF and the World Anti-Doping Agency (WADA). IDTM provides the services of undertaking doping testing missions, as well as organizing the shipment of control samples to designated locations for analysis. IDTM is expected to uphold WADA and IAAF testing standards and remain independent and objective throughout the delivery of its services. The allegations presented in the ARD documentary are, therefore, taken extremely seriously and, on this basis, the IC initiated an investigative review of IDTM.

The IAAF and WADA have previously used IDTM to conduct testing missions in Russia. As result of the allegations in the documentary, WADA provisionally suspended employing the services of IDTM pending the outcome of the IC investigation. During the same period that the IC was investigating the allegations, IDTM took independent measures to conduct an internal investigation, which resulted in the dismissal of the staff implicated in the documentary.

The IC fully understands the gravity of these allegations and the resulting impact on IDTM's professional reputation and on the reputation and livelihood of the individuals involved. Throughout the investigation, those persons interviewed were questioned in detail regarding their interactions with IDTM, as well as their observations of IDTM staff.

### ***17.1.1 IDTM Mission Assignments and DCO Selection***

The IC interviewed IDTM Doping Control Officers (DCOs) who worked for IDTM in a part-time capacity, while serving full-time in professions such as doctors, IT professionals and other fields. The IDTM coordinator or Operations Manager assigns testing missions to the respective DCOs.

### ***17.1.2 IDTM Reporting – IDTM ADAMS Access***

The testing assignments follow as DCOs check the ADAMS system to obtain up-to-date whereabouts information on the athlete(s) scheduled for testing. The IDTM DCOs design missions and obtain costing approval, after which they schedule their travel arrangements and execute the approved testing missions.

## **17.2 Incidents with links to IDTM**

Mr. Vitaly Stepanov was interviewed by IC investigators. He stated that he had previously written to WADA concerning a DCO identified as Ekaterina Antilskiy. Mr. Stepanov reported that Ekaterina Antilskiy was providing advance notice to Russian athletes prior to testing. Mr. Stepanov informed the IC that he had personally received prior notice of IDTM doping control test schedules prior to his wife being tested. During this period, Mr. Stepanov's wife (Yulia) was a Russian Track and Field athlete.

Ms. Antilskiy was secretly filmed in the ARD documentary undertaking a doping control mission. When interviewed, she said that the situation was taken out of context and denied any misconduct. Ms. Antilskiy acknowledged that she had made severe procedural mistakes when conducting the tests. However, she insisted that there were "external mitigating circumstances" that influenced the process. Ms. Antilskiy provided unusual examples such as a "baby screaming, confusing environment and tricky

athletes.” After this interview, Ms. Antilskiy refused to speak further with investigators.

Although IDTM undertook significantly less doping control missions in Russia, in comparison to RUSADA, the persons interviewed by the IC investigators largely considered IDTM to be a more trusted testing authority in Russia than RUSADA. IC investigators reviewed significant mission reports that-revealed IDTM DCOs had been previously challenged by Russian athletes and coaches as to their authority to conduct tests, because they were not viewed as RUSADA. Throughout multiple IC interviews there were no further reported allegations of impropriety concerning IDTM.

### **17.3 IDTM DCO Reports regarding Russian Athlete Non-Compliance**

During the IC investigation, the IAAF provided reports of ongoing testing missions in Russia conducted by IDTM, on behalf of the IAAF.

On 22 May 2015, a Doping Control Mission was conducted by IDTM at a Russian athletics training camp in Adler, Russia, described in more detail in Chapter 9. The testing authority was IAAF, which had requested this specific mission based on intelligence provided to it by the IC. The DCO reported repeated attempts by athletes, a coach and a doctor to obstruct the DCO from completing the mission. At one point during the mission, both the doctor and coach were upset, stating, “RUSADA always informed them in advance, so they would be prepared and wait for the DCO.” They further complained, “no one [DCO] came in this manner, with no advance notice.”

During this surprise-testing mission, IDTM DCOs also observed needles in an athlete’s room and witnessed warning calls made to other athletes concerning the DCOs’ intention to test athletes.

On 02 June 2015, IDTM reported another incident regarding doping tests at the renowned Russian Saransk Race Walking training facility. Similar to the incidents



referred to above, IDTM DCOs were confronted and lied to by team staff regarding the presence of athletes available for testing. Several hours later, testing was eventually undertaken, although athletes were instructed by the team staff to disagree with their notification times on the Doping Control Forms. During this testing mission, ten athletes were tested, of whom six athletes tested positive for EPO. (Note that in one instance, the analysis of the athlete's B sample did not confirm the finding reported in respect of the A sample. See Chapter 16.) A detailed description of this mission is described in Chapter 11.

## **17.4 Conclusion**

The IC conducted thorough investigations into the allegations that IDTM DCOs were complicit in providing pre-notification to athletes of testing. IC investigators discovered no corroborating evidence for these allegations. On the contrary, IDTM DCOs were found to be forthcoming, candid and fully professional in the execution of their testing missions.

## **17.5 IC Findings**

1. IDTM took internal independent measures to conduct an investigation following the release of the ARD documentary, which resulted in the dismissal of staff implicated in the documentary.
2. In the later stages of the IC investigation, IDTM DCOs proved themselves to be more reliable and effective in their role than their RUSADA counterparts.

## **Chapter 18: Outcomes of Particular Investigations by IC**

### **18.1 Introduction**

This chapter deals with a number of particular investigative steps undertaken by the IC. For example, there were suggestions that some athletes were extorted by officials, within and outside of Russia, in order to delay or suppress abnormal test results. In other cases, there were test results that were sufficiently suspicious that they should have been acted upon. The IC has made recommendations for sanction packages that have been forwarded to WADA for action by the International Athletics Associations Federation (IAAF). The IC has also identified suspicious circumstances that should be followed up by WADA and has also reached some generalized conclusions regarding the conduct of various parties.

The IC sanction packages were developed as IC investigators examined anomalies within athlete profiles, irregularities in timely reporting, witness interviews and whistleblower allegations.

The sanction packages were transmitted to WADA, which in turn forwarded them to the IAAF for appropriate action, initially by the All Russian Athletics Federation (ARAF) as the responsible National Federation (NF). Where athletes identified in a sanction package might have been scheduled to compete in the Athletics World Championships in Beijing in August 2015, provisional sanctions were imposed to prevent such participation. All but one of the sanction packages have been acted upon and are currently in progress.

This chapter also summarizes how athlete biological profiles function to identify doping, methodology used to investigate suspicious athletes and evidence considered by the IC in order to compile the sanction packages and the IC's conclusions regarding the matters reviewed.

The IC Terms of Reference were expanded by WADA following a supplemental program broadcast by the German television network ARD in August 2015, centered on alleged failures on the part of Russia and the IAAF to sanction athletics athletes on the basis of certain test results. These allegations were investigated and a separate chapter (No. 12) of this Report deals with the IC's findings in that regard. The particular cases identified in the current chapter had been investigated prior to the expanded mandate and the outcomes should be considered in conjunction with the findings in Chapter 10.

## **18.2 Background of the Athlete Biological Passport (ABP)**

Many of the sanctions referred to in this chapter arise from application of what is referred to as the athlete biological passport (ABP), so a brief background to creation and use of the ABP may be helpful.

ABP profiles are now well established and accepted markers that provide impartial analysis in flagging suspect drug use within athletics. The term "athlete biological passport" was first proposed by the scientific community in early 2000. It was discovered that by monitoring and describing select haematological variables (markers of blood doping) those variables could function as a means to define an individual's haematological profile. In conjunction with several stakeholders and medical experts, WADA began to further develop, harmonize and validate the initial concept. The eventual result was a formal operating guideline and mandatory standards known as the Athlete Biological Passport, first published by WADA in 2009. Prior to that time, some International Federations (IF) had no-start rules or used suspicious test values as the basis for target testing of athletes.

While there may be some scientific differences of opinion on the use of ABP and when ABP became reliable enough to be accepted within the sport community for possible sanctioning purposes, 2009 is generally regarded as a reliable commencement date. Prior to such time, there were no standard protocols regarding how blood was

collected; what constituted proper handling in the circumstances; what equipment should be used for measurements; the appropriate variables and how they should be defined; or, what were the applicable pre-testing conditions and how relevant comparisons should be made.

The consensus within the greater athletic community pre-2009 was that it would be risky (from an enforcement perspective) to attempt to sanction an athlete, unless a specific sport rule existed and defined values were identified, together with agreement as to the prescribed equipment for measurement purposes. The case of Pechstein is an example of a specific IF (ISU) rule which was applied in the particular circumstances to sanction an athlete. In the particular circumstances, the sanction decision was upheld by CAS.<sup>101</sup> The IC is not aware of any other similar cases, which seems to support the view that, whether rightly or wrongly, 2009 is the accepted start date for use of the ABP.

In many respects, this was not so much a scientific issue as a legal conclusion. Prior to that time, anti-doping authorities were reluctant to risk prosecuting suspected anti-doping violations that might end up in front of CAS Panels. The legal consensus of the time was that CAS Panels would not be likely to conclude that a doping case based on off score values could be proven to their “comfortable satisfaction.” The anti-doping authorities were unwilling to risk potential legal failures of any sanctions so imposed, both from the perspective of anti-doping efforts and from potential exposure to claims for damages.

The ABP program is administered through WADA’s Anti-Doping Administration & Management System (ADAMS), a secure online database management tool for data entry, storage, sharing and reporting, the purpose of which is to assist stakeholders and WADA in their anti-doping operations. The ABP method is designed to establish when an athlete is manipulating physiological variables, without the necessity of relying on the detection of a particular prohibited substance or prohibited method.

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<sup>101</sup> CAS 2009/A/1912 & 1913 and CAS OG 10/04.

The ABP can provide a robust and flexible means of identifying manipulations, especially since it involves measurements tailored to specific athletes, based on a history of testing data. The more data points that are entered in ADAMS in respect of individual athletes, for purposes of generating the ABP, the greater the ability to identify abnormalities. Monthly control samples are sent to the accredited laboratories for conformity purposes and calibration, in order to minimize any variability regarding test results. In 2012, WADA required all accredited laboratories to put all results into ADAMS and, in 2014, WADA developed a system of automatic flagging of abnormal values, for purposes of appropriate follow up with the IFs.

Authority to monitor an athlete's biological profile is provided in the Code, articles 2.1 and 2.1.1, which confirm that an ABP is used to determine the likelihood of the "Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample." It is these "markers" that indicate whether the athlete may have been doping. This approach has proven effective in establishing anti-doping rule violations (ADRV), without having to rely on traditional analytical approaches or target testing of athletes suspected to be doping. The ABP does not replace traditional testing methods, but rather complements analytical methods to further refine and strengthen overall anti-doping strategies.

Although there has already been some longitudinal profiling of markers indicative of steroid doping, the ABP now uses a standardized approach to determine steroid abuse through urine sampling. Consequently, ADAMS now provides a harmonized process for both the haematological module and the steroidal module of the ABP, following nearly identical administrative procedures.

The process for developing and declaring these results is now well established. Procedures regarding timeframes of reporting are clearly understood by athletes and the administrative personnel who are responsible for ensuring compliance. The compliance process is, however, degraded when testing results and notifications are not reported or are significantly delayed and the prescribed procedures are not followed. NFs and regulatory bodies (such as National Anti-Doping Organizations (NADOs))

have a duty to meet expected timetables, to prevent such delays and to prevent athletes who violate drug policies or circumvent the testing process from competing.

Independent expert panels review cases which are deemed suspicious and reach conclusions as to whether the evidence supports the conclusion that doping has occurred. While the IC expresses no opinion on whether a single test value can support a conclusion that doping has occurred, experts tend to wish to see something more than a single off score and need to see the coherence and environmental factors relevant to the samples before concluding that doping has occurred. They, like everyone else involved in anti-doping, are very much aware that, if their conclusions are challenged, the burden of proof to be assumed is the “comfortable satisfaction” of a CAS Panel.

### **18.3 Allegations of Delayed Notification**

The ARD documentary alleged that there was a scheme to provide Russian athletics athletes having abnormal ABPs with delayed testing notification. Some of them, for instance, competed in the London 2012 Olympic Games, held from 25 July 2012 until 12 August 2012, despite having been already identified as suspicious cases. The ARD identified, in particular, the case of Ms. Shobukhova, who was asked to pay 450,000 Euros to have her doping results delayed or altered so that she could participate in the London Olympics.

The allegations raised in the documentary led the IC to launch an in-depth analysis of all potential ABP cases since 2011, focusing on Russian athletes. Numerous athletes could be identified as possible dopers in the light of the allegations and suspicions that members of the IAAF and/or its NFs were engaged in the protection, and even extortion, of these athletes. The initial analysis and findings regarding suspect passport profiles fulfilled the investigative protocol requirements under WADA Article 5 – Testing and Investigations.

## **18.4 Result of the Investigation concerning the ABP Delayed Notification List**

In November 2011, the IAAF identified 23 suspicious Russian ABP profiles that were indicative of blood manipulation, either through the use or attempted use of prohibited substances such as erythropoietin (EPO), or the use or attempted use of prohibited methods such as blood transfusions. The IAAF Anti-Doping Unit convened a panel of ABP experts, and by June 2012, had unanimously determined that 14 of the 23 Russian athletes had ABPs with the likelihood of doping. The IC examined these 14 cases plus two additional cases (total of 16), which included a Turkish Olympic athlete, Asli Alptekin. Several other Russian athletes with abnormal passports were identified during the course of the IC investigation.

As soon as the list of the 23 athletes with suspicious ABP profiles was compiled by the IAAF, a copy of that list was provided to the President of the ARAF. The significance of this is that there is no evidence that those athletes were further investigated by the ARAF.

Interestingly, however, in September of 2014, the Russian Ministry of Sport requested a meeting with WADA in Lausanne to report that abnormal ABP cases were not dealt with in a timely manner and claimed that ARAF and the Russian athletes had been “blackmailed” by senior IAAF officials to allow athletes with abnormal ABPs to compete in exchange for money. No details were provided at the time, nor since, regarding the identities of the IAAF officials alleged to have been engaged in such blackmail, and no details of any monetary payments have been provided by the Russian Ministry of Sport. The IC is, on the basis of lack of evidence, unable to reach any conclusion in relation to such allegations.

In addition, the Russian Ministry of Sport provided WADA with a list of 14<sup>102</sup> athletes having abnormal ABP profiles that were identified by the IAAF prior to the London 2012 Olympics. These athletes, and others, have also been included in the IC

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<sup>102</sup> All of these 14 athletes were on the original list compiled by the IAAF in November 2011 and obtained without authority by ARAF President Balakhnichev.

investigation. Four Russian athletes out of the 14 on this second list were sanctioned in a timely manner through proper protocols prior to the London 2012 Olympics. The remaining 10 had unexplained and highly suspicious delayed notifications allowing these 10 athletes the ability to continue competing despite their abnormal ABPs. Six of these athletes competed in the London 2012 Olympics, two of whom won Olympic medals.

#### ***18.4.1 Methodology***

The IC requested that the IAAF provide all related files and documents of the 16 athletes from the list compiled in November 2011, including information regarding the samples that constitute the athletes' ABP, the longitudinal profile for each athlete, the opinions of the ABP expert panel (in most cases), notices sent from the IAAF (specifically from Dr. Gabriel Dollé) to the ARAF informing them that an investigation had been conducted into a potential anti-doping rule violation through the IAAF's ABP program, and, for certain athletes, signed Acceptance of Sanction forms.

Some files include correspondence between the athlete and the IAAF allowing the athlete to provide explanations regarding the findings of the athlete's abnormal ABP (all of the IAAF letters to ARAF offer the athlete the possibility to provide such explanations). In these cases, a response from the IAAF ABP expert panel is typically provided.

Some files also include extensive correspondence between the IAAF and ARAF regarding significant delays in the hearing process and eventual conclusions of the Russian Anti-Doping Agency's (RUSADA) anti-doping disciplinary commission (in such instances, these files also include appeal briefs filed by the IAAF and ARAF before CAS).

The results of the IAAF file analysis are as follows.



***18.4.2 Findings related to Athletes with respect to whom there appear to be no reasonable grounds to believe that extortion occurred***

None of the athletes listed below were participants (for various reasons) in the London 2012 Olympic Games and their cases were dealt with over the course of generally reasonable delays.

It seems unlikely, therefore, that they may have been subjected to any threats of extortion.

The IC notes, however, that there were several unexplained delays in notifications and that no action was taken on any of the cases by ARAF.

Given the conclusion reached by the IC, that it was unlikely that extortion occurred, there is no need to have the details of the infractions and follow up in this Report. The supporting materials have been retained under secure storage and can be made available if needed.

Apart from the Yevgeniya Zolotova case below, where insufficient documents were provided and thus a proper conclusion cannot be reached, the cases involving the athletes set out to this point in the Report are indicative of normal procedures with respect to notifying abnormal ABPs and the consequent finding of an ADRV.

As such, the IC does not consider that further investigations are required into the following files:

Svetlana	Klyuka;	Tatyana	Mineeva;
Yevgeniya	Zinurova;	Stanislav	Emelyanov;
Anna	Alminova;	Sergey	Morozov; and
Nailiya	Yulamanova;	Inga	Abitova.

The IC comes to this conclusion based mainly on the fact that all of the athletes were precluded from competing in the London 2012 Olympic Games based on their abnormal ABPs and the sanctions that were eventually imposed.

#### ***18.4.3 Athletes the IC investigation has revealed as suspicious***

##### ***Yevgeniya Zolotova***

The IAAF file on Yevgeniya Zolotova included details of each of the 6 samples taken during the time period between 15 March 2009 until 01 November 2011 that constitute the athlete's ABP, including the longitudinal profile. It also included the individual opinion of each member of the ABP expert panel, whose reports were finalized on 06 June 2012, 13 June 2012 and 16 June 2012. Two of the expert panel members concluded that the athlete's abnormal profile was suspicious for doping and that an additional investigation should be conducted, while the third expert concluded that the athlete's profile was likely the result of the use of a prohibited substance or method, specifically blood manipulation with erythropoietin use in the vicinity of major competitions.

The file provided by the IAAF does not contain the documents typically found in the other files received by the IC. There is no letter informing the athlete and her NF of the investigation into the potential ADRV for her ABP, and no letter indicating that a decision had been rendered imposing a sanction. WADA also does not have any sanction on record in ADAMS. The IAAF informed ARAF of Ms. Zolotova's abnormal ABP in November 2011.

#### **IC Recommendation:**

1. The IC recommends that WADA seek additional clarifications from the IAAF with respect to the case of Yevgeniya Zolotova.

### *Liliya Shobukhova*

The IAAF file on Liliya Shobukhova included details of each of the 5 samples taken during the time period between 27 July 2010 until 08 October 2011 that constitute the athlete's ABP, including the longitudinal profile. The IC notes that the file refers to samples having been collected as of 09 October 2009 and that no samples were taken for the purposes of the ABP after 08 October 2011. The file also included the individual opinion of each member of the ABP expert panel. Two of the members of the ABP expert panel finalized their reports on 29 November 2011 and 07 December 2011. The third report does not include the date on which it was finalized.

The ABP expert panel concluded that the athlete's abnormal profile was likely the result of the use of a prohibited substance or method, specifically blood manipulation with "massive use of erythropoietin" associated with an autologous blood transfusion strategy. One expert considered that two of the athlete's hemoglobin values obtained in October 2009 and October 2011, in strict correlation with the Chicago Marathon, which Ms. Shobukhova won both years on 11 October 2009 and 09 October 2011, respectively, were so high that they should be considered a medical emergency.

In this case, Dr. Dollé informed Mr. Balakhnichev of the investigation into Ms. Shobukhova's potential ADRV for her abnormal ABP on 12 June 2012. Dr. Dollé's letter to Mr. Balakhnichev informed Ms. Shobukhova that she could avoid a four-year sanction by accepting a two-year sanction if she promptly admitted the ADRV pursuant to IAAF Rule 32.2(b). However, there is no correspondence in the case file that shows any further exchanges between Dr. Dollé and Mr. Balakhnichev and/or Ms. Shobukhova until 03 December 2012, well after the London 2012 Olympic Games in which Ms. Shobukhova competed, and more than one year after the IAAF informed ARAF of her abnormal ABP (Shobukhova was an athlete included on the list of 18 November 2011). In this correspondence, Dr. Dollé informs Mr. Balakhnichev that Ms. Shobukhova had one additional week to sign the Acceptance of Sanction form

originally sent on 12 June 2012, despite an original deadline to sign the Acceptance of Sanction form by 19 June 2012.

In the files that were received from the IAAF, the next correspondence between Dr. Dollé and Mr. Balakhnichev is dated 03 March 2014. The delay in progress in the file is apparently related to Ms. Shobukhova's pregnancy. The aforementioned letter requests confirmation from Mr. Balakhnichev that Ms. Shobukhova was sanctioned for two years from 01 February 2013 and that her results as of 09 October 2009 (the first infraction as found in her ABP) had all been disqualified. Mr. Balakhnichev responded to Dr. Dollé that same day, indicating that Ms. Shobukhova had signed an Acceptance of Sanction form and that her two-year period of ineligibility commenced on 24 January 2013 when she voluntarily withdrew from competition. The IC notes that the file does not contain a signed Acceptance of Sanction form by Ms. Shobukhova.

In addition to this correspondence, the case file shows that the athlete retained a UK-based attorney, who wrote to Dr. Dollé on 22 May 2014, expressing, on Ms. Shobukhova's behalf, surprise that she had been sanctioned for an ADRV, which she allegedly learned of through the media. The IAAF requested that ARAF provide Ms. Shobukhova with the reasoned decision, dated 09 April 2014. Interestingly, the decision of the ARAF Anti-Doping Commission makes no mention of a signed Acceptance of Sanction form and yet it was decided to impose a two-year sanction on Ms. Shobukhova. The IAAF has since appealed this decision to CAS. The file also contains a 30 June 2014 memorandum from Thomas Capdevielle and Gabriel Dollé to President Lamine Diack, Robert Hersh and Abby Hoffman seeking the opinion of the Doping Review Board on whether to appeal the ARAF's decision to CAS. The position taken in the memorandum is that a four-year sanction should have been imposed, based on aggravating circumstances and that an appeal to CAS is recommended. The parties agreed on the case and memorialised a confidential consent award with CAS.

Ms. Shobukhova competed at the 2012 Olympics despite being notified by the IAAF that she had an abnormal ABP. She also competed in the 2012 Chicago Marathon (07 October 2012) where she finished fourth. In addition, there are serious allegations

following the German ARD television documentary that Ms. Shobukhova paid 450,000€ to make her abnormal ABP notification “go away” in order to allow her to compete in the London 2012 Olympic Games. Further details of the circumstances of this case are contained in Chapter 10.

While, as noted in Chapter 1, Ms. Shobukhova has received a reduction in the sanction imposed as a result of application of the “substantial assistance” provisions of the Code,<sup>103</sup> complications still exist regarding testing before the IAAF will allow her to compete and the race organizers who insist that prize money be returned before she can compete in certain marathon events.

### *Sergey Kirdyapkin*

The IAAF file on Sergey Kirdyapkin included details of each of the 11 samples taken between 20 August 2009 and 10 August 2012 that constitute the athlete’s ABP, including the longitudinal profile. It also included the individual opinion of each member of the ABP expert panel. Two of the members of the ABP expert panel finalized their reports on 27 October 2012 and 05 November 2012. The third report does not include the date on which it was finalized. The ABP expert panel concluded that the athlete’s abnormal profile was likely the result of the use of a prohibited substance or method, specifically blood transfusions.

In this case, Dr. Dollé informed Mr. Balakhnichev of the investigation into Mr. Kirdyapkin’s potential ADRV for his abnormal ABP on or about 01 October 2012, but did not indicate that an offer of the possibility to accept a two-year sanction in exchange for a prompt admission was made. However, the IC notes that the first page of this document is missing. Mr. Kirdyapkin accepted a voluntary provisional suspension on 15 October 2012. However, as of 19 May 2014, no decision had been rendered in the

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<sup>103</sup> WADA, 2015. WADA Statement regarding Liliya Shobukhova’s Sanction. [Online] Available at: <https://www.wada-ama.org/en/media/news/2015-08/wada-statement-regarding-liliya-shobukhovas-sanction> [Accessed 03 November 2015].

case by ARAF, despite the fact that the athlete was still subject to a provisional suspension.

In a letter dated 27 June 2014, Dr. Dollé informed Mr. Balakhnichev that the IAAF was considering referring the athlete's case to CAS due to ARAF's failure to initiate disciplinary proceedings against Mr. Kirdyapkin. The IAAF referred the case to CAS on 29 July 2014 for a first instance decision, but the proceedings were stayed after the IAAF learned that RUSADA would be handling Mr. Kirdyapkin's case. The IAAF eventually terminated the first instance proceedings in the CAS against Mr. Kirdyapkin after a final decision was rendered by RUSADA. The IC notes, however that a copy of the decision is not included in the file.

The IAAF appealed RUSADA's decision in this matter to CAS after the RUSADA Disciplinary Anti-Doping Commission decided not to disqualify Mr. Kirdyapkin's results from the 2011 World Athletics Championships and the London 2012 Olympic Games. A hearing and decision in this case remains pending.<sup>104</sup>

This case is particularly suspect and the IC recommends WADA investigate further. Ten of the eleven samples that were considered abnormal as part of Mr. Kirdyapkin's ABP were taken prior to the London 2012 Olympic Games in which Mr. Kirdyapkin competed and seven samples were taken prior to November 2011. Mr. Kirdyapkin also won the World Race Walking Cup on 13 May 2012 (see discussion below related to sample ten that was taken 2 days prior to this event on 11 May 2012). The last sample was taken on 10 August 2012, during the London 2012 Olympic Games. However, Mr. Kirdyapkin was allowed to compete and won a gold medal in the 50 km walk event.

It is of critical importance to mention the opinion of the ABP expert panel with respect to the samples that were taken between November 2011, approximately the time that the ARAF was notified by the IAAF that Mr. Kirdyapkin had an abnormal ABP, and the London 2012 Olympic Games. For Mr. Kirdyapkin, samples eight to ten of his ABP (17

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<sup>104</sup> The case is consolidated with Yuliya Zaripova, Olga Kaniskina, Valeriy Borchin, and Vladimir Kanaykin and will be heard by on 02 and 03 December 2015.

January 2012, 14 April 2012, 11 May 2012, respectively) were taken shortly before the London 2012 Olympic Games. Sample 11 was taken on 10 August 2012 during the Olympic Games, one day before the 50 km walk event won by Mr. Kirdyapkin.

The period between April to May 2012 was considered to be abnormal (samples nine and ten) as the athlete's haemoglobin concentration increased by almost 30 g/L in less than one month. Sample nine showed slightly elevated reticulocytes, which is suggestive of stimulated erythropoiesis (but low haemoglobin value), while sample ten showed a high and abnormal haemoglobin level (161 g/L). In addition, samples nine and ten were taken in the lead up to a major competition in Saransk.

It was also considered possible by one of the ABP expert panel members that the athlete withdrew his blood in January and/or April 2012 and then re-infused it in May 2012. This hypothesis was raised by two of the ABP expert panel members, one of whom proposed that the increase in haemoglobin values from early 2012 (126-132 to 16 g/L) was suggestive of the use of autologous blood collection and reinfusion in preparation for the Olympic Games. However, despite clear and problematic abnormalities in Mr. Kirdyapkin's ABP in the period leading up to the London 2012 Olympic Games, he was nevertheless allowed to compete. Although the ABP expert panel provided its opinion in October and November 2012, the results of the abnormal samples mentioned above would have been known to the IAAF prior to the Olympic Games.

## **IC Finding**

1. For the reasons mentioned above, and given that the IAAF only sent the ARAF official notification of Sergey Kirdyapkin's abnormal ABP on 1 October 2012, which is nearly one year after the IAAF initially informed ARAF of his abnormal ABP (Kirdyapkin was an athlete included on the list of 18 November 2011), the IC considers that there was an excessive time delay.

### *Vladimir Kanaykin*

The IAAF file on Vladimir Kanaykin included details of each of the 9 samples taken between 25 February 2011 until 11 May 2012 that constitute the athlete's ABP, including the longitudinal profile. It also included the individual opinion of each member of the ABP expert panel. Two of the members of the ABP expert panel finalized their reports on 07 June 2012 and 13 June 2012. The third report does not include the date on which it was finalized. The ABP expert panel concluded that the athlete's abnormal profile was likely the result of the use of a prohibited substance or method, specifically blood manipulation in the form of blood transfusions and the use of EPO.

In this case, Dr. Dollé informed Mr. Balakhnichev of the investigation into Mr. Kanaykin's potential ADRV for his abnormal ABP on 19 November 2012, but the documentation does not indicate that he was offered the possibility of accepting a two-year sanction in exchange for a prompt admission. Instead, Mr. Kanaykin was offered the possibility of accepting a voluntary provisional suspension, which he accepted on 17 December 2012. Mr. Kanaykin had previously committed an ADRV in September 2008 for the presence of EPO and was sanctioned for a period of two years by the IAAF.

The case file shows that more than 18 months went by before any further correspondence was exchanged between Dr. Dollé and Mr. Balakhnichev regarding Mr. Kanaykin's file. On 12 June 2014, Dr. Dollé contacted Mr. Balakhnichev to get an update on the file and to request that the case be concluded. Two weeks later, on 27 June 2014, Dr. Dollé informed Mr. Balakhnichev that the IAAF was considering referring the athlete's case to CAS due to the ARAF's failure to initiate disciplinary proceedings against Mr. Kanaykin.

The IAAF referred the case to CAS on 29 July 2014 for a first instance decision, but the proceedings were stayed after the IAAF learned that RUSADA would be handling Mr. Kanaykin's case. The IAAF eventually terminated the first instance proceedings in CAS against Mr. Kanaykin after a final decision was rendered by RUSADA. RUSADA's Disciplinary Anti-Doping Commission found that Mr. Kanaykin had committed an



ADRV pursuant to IAAF Rule 32.2(b) and imposed a lifetime period of ineligibility on Mr. Kanaykin in light of the fact that it was his second ADRV.

The IAAF appealed RUSADA's decision<sup>105</sup> in this matter to CAS after the RUSADA Disciplinary Anti-Doping Commission found that certain of the athlete's samples were not abnormal and also because of its decision not to disqualify Mr. Kanaykin's results from certain events in 2011 and 2012 (but not his 2012 Olympics results since he had already been disqualified on technical grounds). A hearing and decision in this case remains pending.

All of the nine samples that were considered abnormal as part of Mr. Kanaykin's ABP were taken prior to the 2012 Olympic Games in which Mr. Kanaykin competed (the first six samples were taken between February 2011 and November 2011). Mr. Kanaykin also finished third at the 2012 World Race Walking Cup on 13 May 2012 (see discussion below regarding sample nine, where his test on 11 May 2012 returned a haemoglobin level of 154 g/L). The last sample was taken on 11 May 2012, several months prior to the 2012 Olympic Games. However, Mr. Kanaykin was allowed to compete (as mentioned above, he was disqualified during the race on technical grounds).

Interestingly, the ABP expert panel does not provide an opinion with respect to the samples that were taken between November 2011<sup>106</sup> and those taken prior to the London 2012 Olympic Games.<sup>107</sup> Mr. Kanaykin also had a sample taken during the London Games on 03 August 2012, one day before the men's 20 km walk event, the result of which was a haemoglobin level of 147 g/L.

However, each expert provided a report in June 2012, in advance of the Olympic Games, and the experts concluded unanimously that the athlete's abnormal profile may have been the result of the use of a prohibited substance or prohibited method. As such, not only were the IAAF and ARAF aware that the athlete had an abnormal ABP in

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<sup>105</sup> The case is consolidated with Sergey Kiryapkin, Yuliya Zaripova, Olga Kaniskina, and Valeriy Borchin and will be heard on 02 and 03 December 2015.

<sup>106</sup> This is when the IAAF notified ARAF that Mr. Kanaykin had an abnormal ABP.

<sup>107</sup> Samples seven, eight and nine were taken 17 January 2012, 13 April 2012, 11 May 2012, respectively.

November 2011, but also the IAAF was specifically informed in June 2012 by its own ABP expert panel, more than one month before the 2012 Olympic Games, that the athlete's ABP was abnormal. No action was taken by either ARAF or the IAAF.

For the reasons mentioned above, and given that the IAAF only sent the ARAF official notification of Mr. Kanaykin's abnormal ABP on 19 November 2012, which is approximately one year after the IAAF initially informed ARAF of his abnormal ABP, the IC considers this case highly suspicious.

### **IC Findings**

1. The IC finds that the IAAF ought to have expedited the results management report to ARAF because of the pending London 2012 Games.
2. The IC finds that following initial contact there was an excessive delay of 18 months before the IAAF followed up with ARAF.

### ***Valeriy Borchin***

The IAAF file on Valeriy Borchin included details of each of the 11 samples taken between 14 August 2009 and 03 August 2012 that constitute the athlete's ABP, including the longitudinal profile. It also included the individual opinion of each member of the ABP expert panel whose reports were finalized on 15 June 2012, 24 June 2012 and 26 June 2012. Two members of the expert panel concluded that the athlete's abnormal profile was likely the result of the use of a prohibited substance or method, specifically blood manipulation in the form of the use of EPO, while the other member of the expert panel considered that the athlete's profile was highly suspicious for doping, but that additional investigations, such as out-of-competition tests during periods where the athlete was not competing, should be performed before the initiation of disciplinary procedures.

In this case, Dr. Dollé informed Mr. Balakhnichev of the investigation into Mr. Borchin's potential ADRV for his abnormal ABP on 19 September 2012, but the documentation shows he was not offered the possibility of accepting a two-year sanction in exchange for a prompt admission. Instead, Mr. Borchin was offered the possibility of accepting a voluntary provisional suspension, which he accepted on 15 October 2012. Mr. Borchin had previously committed an ADRV in 2005 for the presence of a specified substance and was sanctioned for a period of one year. On that basis, Dr. Dollé informed Mr. Balakhnichev that the IAAF could seek an 8-10 year sanction against Mr. Borchin on the grounds of aggravating circumstances and for a second ADRV.

The case file shows more than 21 months passed before correspondence was exchanged again between Dr. Dollé and Mr. Balakhnichev regarding Mr. Borchin's file. On 05 June 2014, Dr. Dollé contacted Mr. Balakhnichev to get an update on the file and to request that the case be concluded. Two weeks later, on 27 June 2014, Dr. Dollé informed Mr. Balakhnichev that the IAAF was considering referring the athlete's case to CAS due to the ARAF's failure to initiate disciplinary proceedings against Mr. Borchin. The IAAF referred the case to CAS on 29 July 2014 for a first instance decision, but the proceedings were stayed after the IAAF learned that RUSADA would be handling Mr. Borchin's case. The IAAF eventually terminated the proceedings in the CAS first instance case against Mr. Borchin after a final decision was rendered by RUSADA. RUSADA's Disciplinary Anti-Doping Commission found that Mr. Borchin had committed an ADRV pursuant to IAAF Rule 32.2(b) and imposed an 8-year period of ineligibility in light of the fact that it was his second ADRV.

The IAAF appealed RUSADA's decision<sup>108</sup> in this matter to CAS after the RUSADA Disciplinary Anti-Doping Commission found that certain of the athlete's samples were not abnormal and because of its decision not to disqualify Mr. Borchin's results from certain events in 2011 and 2012. A hearing and decision in this case remains pending.

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<sup>108</sup> The case is consolidated with Yuliya Zaripova, Olga Kaniskina, Sergey Kiryapkin, and Vladimir Kanaykin and will be heard on 02 and 03 December 2015.

Eight of the nine samples that were considered abnormal as part of Mr. Borchin's ABP were taken prior to the London 2012 Olympic Games (seven of which were taken prior to November 2011). The last sample was taken on 03 August 2012, during the London 2012 Olympic Games. The IC notes that he collapsed within 2 kilometers of the finish in the 20 km walk event.

The ABP expert panel did not provide an opinion with respect to the samples that were taken between November 2011<sup>109</sup> and the samples that were taken before the 2012 Olympic Games.<sup>110</sup> Sample eleven was taken 03 August 2012 during the 2012 Olympic Games, one day before the men's 20 km walk. Instead, all of the individual ABP expert panel reports are from late 2011 or June 2012 and conclude that the athlete's abnormal profile may be the result of the use of a prohibited substance or method. As such, not only were the IAAF and ARAF aware that the athlete had an abnormal ABP in November 2011, the IAAF was also informed in June 2012 by its own ABP expert panel, more than one month before the 2012 Olympic Games, that the athlete's ABP was abnormal. No action was taken by either ARAF or the IAAF.

For the reasons mentioned above, and given that the IAAF only sent the ARAF official notification of Valeriy Borchin's abnormal ABP on 19 September 2012, nearly one year after the IAAF initially informed ARAF of his abnormal ABP, the IC considers this case highly suspicious.

## **IC Finding**

1. The IC finds that following initial contact there was an excessive delay of 21 months before the IAAF followed up with ARAF regarding the potential ADRV.

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<sup>109</sup> This is when the IAAF notified ARAF that Mr. Borchin had an abnormal ABP.

<sup>110</sup> Samples eight, nine and ten were taken 17 January 2012, 13 April 2012 and 11 May 2012, respectively.

### *Olga Kaniskina*

The IAAF file on Olga Kaniskina included details of each of the 12 samples taken between 15 August 2009 and 10 August 2012 that constitute the athlete's ABP, including the longitudinal profile. It also included the individual opinion of each member of the ABP expert panel. Two of the members of the ABP expert panel finalized their initial reports on 18 January 2012 and 26 January 2012. The third initial report does not include the date on which it was finalized. In the initial review of the athlete's ABP, two members of the expert panel concluded that the athlete's abnormal profile was likely the result of the use of a prohibited substance or method (specifically blood doping), while the other member of the panel recommended seeking additional explanations from the athlete before proceeding further. Upon further review, and after additional samples were collected, the ABP expert panel unanimously concluded that the athlete's abnormal profile was likely the result of the use of a prohibited substance or method. The members of the ABP expert panel finalized their reports on 18 June 2012, 25 June 2012 and 26 June 2012, respectively.

In this case, the documentation shows that Dr. Dollé informed Mr. Balakhnichev of the investigation into Ms. Kaniskina's potential ADRV for her abnormal ABP on 19 September 2012, but did not offer her the possibility of accepting a two-year sanction in exchange for a prompt admission. Instead, Ms. Kaniskina was offered the possibility of accepting a voluntary provisional suspension, which she accepted on 15 October 2012.

More than 20 months passed before any further correspondence was exchanged between Dr. Dollé and Mr. Balakhnichev regarding Ms. Kaniskina's file. On 14 May 2014, Dr. Dollé contacted Mr. Balakhnichev to get an update on the file and to request that the case be concluded, although, at this time, it was understood that the athlete had stopped competing. More than one month later, on 27 June 2014, Dr. Dollé informed Mr. Balakhnichev that the IAAF was considering referring the athlete's case to CAS due to the ARAF's failure to initiate disciplinary proceedings against Ms. Kaniskina. The IAAF referred the case to CAS on 29 July 2014 for a first instance decision, but the proceedings were stayed after the IAAF learned that RUSADA would be handling Ms.

Kaniskina's case. The IAAF eventually terminated the first instance proceedings in CAS against Ms. Kaniskina after a final decision was rendered by RUSADA. RUSADA's Disciplinary Anti-Doping Commission found that Ms. Kaniskina had committed an ADRV pursuant to IAAF Rule 32.2(b) and imposed a 38-month period of ineligibility starting on 15 October 2012.

The IAAF appealed RUSADA's decision<sup>111</sup> in this matter to CAS after the RUSADA Disciplinary Anti-Doping Commission found that certain of the athlete's samples were not abnormal and because of its decision not to disqualify Ms. Kaniskina's results from certain events in 2010 and 2012, including her results from the 2012 Olympic Games where Ms. Kaniskina won a silver medal in the 20 km walk event. A hearing and decision in this case remains pending.

Eleven of the twelve samples that were considered abnormal as part of Ms. Kaniskina's ABP were taken prior to the 2012 Olympic Games. The IC notes that eight samples were taken prior to November 2011 and the last sample was taken on 10 August 2012, during the 2012 Olympic Games.

With the exception of one opinion provided, the ABP Expert Panel does not provide a specific opinion with respect to the samples that were taken between November 2011<sup>112</sup> and the samples taken prior to the 2012 Olympic Games.<sup>113</sup> Sample twelve was taken during the Olympic Games and, one day prior to the women's 20 km walk event in which she participated, on 10 August 2012. As mentioned above, the initial opinion of the ABP expert panel was divided. These reports were finalized in January 2012. However, once a further investigation was conducted and further samples were collected, the ABP expert panel unanimously agreed that the athlete's abnormal profile may be the result of the use of a prohibited substance or method. These final opinions are all dated in June 2012 and, in one report, it was considered that sample 10, taken 13

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<sup>111</sup> The case is consolidated with Sergey Kiryapkin, Yuliya Zaripova, Valeriy Borchin, and Vladimir Kanaykin and will be heard on 02 and 03 December 2015.

<sup>112</sup> This is when the IAAF notified ARAF that Ms. Kaniskina had an abnormal ABP.

<sup>113</sup> Samples nine, ten and eleven were taken prior to the 2012 Olympic Games on 17 January 2012, 13 April 2012 and 11 May 2012, respectively.

April 2012, suggested use of erythropoietin. As such, not only were the IAAF and ARAF both aware that the athlete had an abnormal ABP in November 2011, the IAAF was also informed in June 2012 by its own ABP expert panel, more than one month before the 2012 Olympic Games, that the athlete's ABP was abnormal. No action was taken by either ARAF or the IAAF.

She met with IC investigators in Moscow and has denied that she was approached by anyone and asked to pay money to delay her ABP notification.

### **IC Finding**

1. The IC finds that the IAAF ought to have expedited the results management report to ARAF because of the pending London 2012 Games in which the athlete competed.

### ***Sergey Bakulin***

The IAAF file on Sergey Bakulin included details of each of the 11 samples taken between 29 July 2009 and 10 October 2012 that constitute the athlete's ABP, including the longitudinal profile. It also included the individual opinion of each member of the ABP expert panel, which concluded that the athlete's abnormal profile was likely the result of the use of a prohibited substance or method, specifically the use of EPO in correlation with major competitions.

In this case, Dr. Dollé informed Mr. Balakhnichev of the investigation into Mr. Bakulin's potential ADRV for his abnormal ABP on 19 December 2012. Dr. Dollé's letter to Mr. Balakhnichev informed Mr. Bakulin that he could avoid a four-year sanction by accepting a two-year sanction if he promptly admitted the ADRV pursuant to IAAF Rule 32.2(b). Although it was not specifically proposed by Dr. Dollé in his 19 December

2012 letter, Mr. Bakulin signed a voluntary provisional suspension on 24 December 2012.

The documentation shows that more than 18 months passed before any further correspondence was exchanged between Dr. Dollé and Mr. Balakhnichev regarding Mr. Bakulin's file. On 21 May 2014, Dr. Dollé contacted Mr. Balakhnichev to get an update on the file and to request that the case be concluded. More than one month later, on 27 June 2014, Dr. Dollé informed Mr. Balakhnichev that the IAAF was considering referring the athlete's case to CAS due to the ARAF's failure to initiate disciplinary proceedings against Mr. Bakulin. The IAAF referred the case to CAS on 29 July 2014 for a first instance decision, but the proceedings were stayed after the IAAF learned that RUSADA would be handling Mr. Bakulin's case. The IAAF eventually terminated the first instance proceedings in CAS against Mr. Bakulin after a final decision was rendered by RUSADA on 20 January 2015. RUSADA's Disciplinary Anti-Doping Commission found that Mr. Bakulin had committed an anti-doping rule violation pursuant to IAAF Rule 32.2(b) and imposed a 38-month period of ineligibility.

The IAAF appealed RUSADA's decision in this matter to CAS after the RUSADA Disciplinary Anti-Doping Commission found that certain of the athlete's samples were not abnormal and because of its decision not to disqualify Mr. Bakulin's results from certain events in 2011 and 2012, including his results from the 2012 Olympic Games where he finished 6th in the 50 km walk event. A hearing and decision in this case remains pending.

Nine of the twelve samples that were considered abnormal as part of Mr. Bakulin's ABP were taken prior to the 2012 Olympic Games, and six were taken prior to November 2011. Mr. Bakulin also finished fourth at the 2012 World Race Walking Cup on 13 May 2012. His ABP indicates that he was tested on 11 May 2012.<sup>114</sup> One sample was taken during the London 2012 Olympic Games and one day prior to the 50 km walk event in which he participated, on 10 August 2012, and returned a haemoglobin level of 153g/L.

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<sup>114</sup> This is Bakulin's sample nine and it returned a haemoglobin level of 169 g/L.



However, Mr. Bakulin's name did not appear on the list provided to the ARAF by the IAAF in November 2011, and the ABP expert panel reports were finalized in November 2012, after the last sample of Mr. Bakulin's ABP was collected on 10 October 2012.

Although Mr. Bakulin was notified of his abnormal ABP on 19 December 2012, less than one month after the ABP expert reports were finalized, the IC considers that this case should have been expedited to the ABP expert panel, mainly because the athlete's ABP could have been considered abnormal and suspect prior to the 2012 Olympic Games. However, despite these abnormalities, the IAAF nevertheless allowed Mr. Bakulin to continue competing throughout 2012, including at the Olympic Games, and only took action with respect to his abnormal ABP in late 2012.

### **IC Finding**

1. The IC finds that the IAAF ought to have expedited the matter to an ABP expert panel prior to the pending 2012 London Games.

### ***Asli Cakir Alptekin***

The IAAF file on the Turkish national athlete, Asli Cakir Alptekin, a gold medallist from the 2012 Olympic Games, included details of each of the 9 samples taken between 29 July 2010 and 05 August 2012 that constitute the athlete's ABP, including the longitudinal profile. It also included the individual opinion of each member of the ABP expert panel, which concluded that the athlete's abnormal profile was likely the result of the use of a prohibited substance or method, specifically blood manipulation with erythropoietin use and/or blood transfusions. The IC notes that the athlete's haemoglobin was always high during periods of competition and on the eve of important sports events, including before the 2012 Olympic Games. Overall, the athlete's ABP was considered to be a highly abnormal profile.

In this case, the documentation shows that Dr. Dollé informed Nihat Doker, the General Secretary of the Turkish Athletic Federation, of the investigation into Ms. Cakir Alptekin's potential ADRV for her abnormal ABP on 22 October 2012, but did not offer her the possibility of accepting a two-year sanction in exchange for a prompt admission. Ms. Cakir Alptekin had previously served a two-year period of ineligibility between 2004 and 2006 for using metenolone. The IAAF ABP expert panel rejected the athlete's explanations regarding her abnormal ABP, which included an episode of hemorrhagic gastritis, the absence of menstruation for approximately five months, altitude training and the use of a hypoxic device, the use of medications and supplements, and potential analytical or pre-analytical issues. Accordingly, on 10 January 2013, the IAAF provisionally suspended Ms. Cakir Alptekin on the basis that she committed an ADRV pursuant to IAAF Rule 32.2(b).

The Turkish Athletic Federation's Disciplinary Board eventually cleared Ms. Cakir Alptekin in its decision dated 19 December 2013. The main reason was that it judged that four of the nine samples were considered unreliable, which broke the ABP chain. The IAAF appealed this decision to the CAS. A hearing was scheduled and settled by a confidential consent award at CAS in the summer of 2015.

Eight of the nine samples that were considered abnormal as part of Ms. Cakir Alptekin's ABP were taken prior to the 2012 Olympic Games. Ms. Cakir Alptekin also finished third at the World Indoor Championships on 10 March 2012 and sample five of her ABP, taken on 08 March 2012, indicates a haemoglobin level of 157 g/L. ABP samples taken corresponding to her first place finish at the European Championships on 01 July 2012 are sample seven, taken on 29 June 2012, which indicates a haemoglobin level of 175 g/L, and sample eight, taken on 05 July 2012, which indicates a haemoglobin level of 164 g/L.

However, Ms. Cakir Alptekin was only notified of her abnormal ABP on 22 October 2012. For the aforementioned reasons, and notwithstanding the sanction now imposed on the athlete, the IC considers that this file merits further investigation by WADA.

## **IC Finding**

1. The IC finds that the IAAF ought to have expedited the matter to an ABP expert panel prior to the pending 2012 London Games.

### ***18.4.4 General Conclusions***

On the basis of the above observations, the IC considers that the IAAF did not expedite the results management process for several athletes prior to the 2012 London Games.

The IC comes to this conclusion based on the delays that occurred between the November 2011 notification by the IAAF to ARAF that the above-mentioned athletes had abnormal ABPs, the continued collection of suspect samples after this initial notification, including leading up to and, in some cases, at the 2012 Olympic Games, and the notification provided to the athlete indicating that they had an abnormal ABP (and the eventual assertion of an ADRV). In all of the above-mentioned cases, involving Russian athletes and one Turkish athlete, with the exception of Mr. Bakulin whose name was not on the list provided to ARAF by the IAAF in November 2011, this delay allowed each athlete to compete at the 2012 Olympic Games and effectively postponed the finding of an ADRV based on the respective abnormal ABP results. It is the opinion of the IC that it is possible that certain individuals may have engaged in extortion, which would have led to the delays that allowed these athletes to participate at the 2012 Olympic Games.

Attempts at contact were made with all aforementioned athletes, either by email or phone, if provided in their whereabouts, or during the IC's official visit to Moscow from 29 June to 05 July 2015. With the exclusion of Ms. Alptekin and Ms. Shobukova, only Ms. Kaniskina was interviewed in Moscow.

## **18.5 Analysis of suspicious Athletes arising from the ARD documentary and IC Investigation**

Each of the athletes below was either mentioned in the ARD documentary or was revealed to the IC in the course of its investigation as being possible cheaters. The IC investigative team requested assistance from the IAAF anti-doping department in reviewing IAAF's records of identified athletes whose ABP profiles indicated a higher probability of PED usage. As a result of the investigation two additional Russian athletes with suspicious ABP profiles were identified as Olympic medal winners. Each case is discussed individually below.

### ***18.5.1 Ms. Tatyana Myazina***

Ms. Myazina was identified in the ARD secret recordings made by a whistleblower in which she discusses her PED regime. On 24 April 2015, Ms. Myazina was contacted via e-mail by IC investigators and asked if she was willing to be interviewed regarding the ARD allegations. She initially responded and asked investigators how she could help. IC investigators replied requesting to interview her through Skype, however she subsequently failed to communicate any further with the IC and a failed contact report was generated.

Investigators reviewed and studied Ms. Myazina's translated statements made in the ARD secret recordings. In the recordings, Ms. Myazina and two others discussed "preparing" for the forthcoming athletic competition season through the use of steroids and EPO. She further stated she had received loose pills, not packaged, and that she was using the pills to prepare for competition. Ms. Myazina further stated that her coach had provided her with steroids to prepare for athletic competition.

IC investigators requested a laboratory analysis by WADA laboratory experts, who reviewed Ms. Myazina's history of ABP profiles for evidence of haematological and steroid variables. The WADA laboratory analysis noted indications of steroid use. These

results coupled with Ms. Myazina's statements determined that Ms. Myazina had engaged in doping violations. It is on these findings that IC investigators believe that Ms. Myazina has contravened Code article 2.2 and committed an ADRV.

Therefore, Tatyana Myazina is the subject of an IC sanction package that was submitted to WADA, who forwarded it to the IAAF.

#### ***18.5.2 Ms. Anastasiya Bazdyreva***

Ms. Bazdyreva was identified in the ARD secret recordings taken by a whistleblower, in which she discusses her PED regime prior to the Russian Championships. During the 2015 Prague European Indoor Athletics Championships, IC investigators approached Ms. Bazdyreva and attempted to interview her regarding the ARD whistleblower allegations. Ms. Bazdyreva refused to be interviewed and was hostile towards the IC investigators. Her conduct has led the investigators to conclude that she waived her right to explain her statements in the secret recordings and the allegations made against her.

In the secret tape recordings, Ms. Bazdyreva talks knowledgeably about the drug parabolan, which is banned under the Code, and washout periods. She explains to the whistleblower that she stopped taking the drug 90 days prior to the Russian Championships, so she "didn't have to worry" [about testing positive]. Additionally, she talked about the side effects anabolic steroids have on others and that she doesn't experience the same side effects. She questions the whistleblower on the packaging, taste and identifying features of PEDs.

WADA laboratory experts conducted an analysis of Ms. Bazdyreva's haematological profile, which returned a normal result based on three readings. Conversely, her steroid profile tested as suspicious as her test results indicated a significantly suppressed (low) [T]. However, it was further observed that her (T) levels were consistently low, which increased the difficulty in determining if such levels were natural or influenced by doping. Analysis of five in-competition test samples for Ms.

Bazdyreva, were negative for doping. Nevertheless, Ms. Bazdyreva's prior recorded statements evidenced her awareness and use of washout periods to circumvent in-competition testing.

The secret recordings clearly show Ms. Bazdyreva describing and confirming her doping regime and use of washout periods. Ms. Bazdyreva's actions confirm that she contravened Code article 3.1 and Code article 2.2 "Use by an Athlete of a Prohibited Substance or a Prohibited Method" and committed an ADRV.

Therefore Anastasiya Bazdyreva is the subject of an IC sanction package that has been submitted to WADA, who forwarded it to the IAAF. IAAF informed ARAF on 08 August 2015.

#### ***18.5.3 Ms. Ekaterina Poistogova***

Ms. Poistogova was identified in the ARD secret video recordings admitting to taking a number of prohibited substances. During the 2015 European Indoor Athletics Championships in Prague, IC investigators attempted to interview Ms. Poistogova to discuss the allegations against her. Ms. Poistogova agreed to the interview and, during the interview, she denied having ever taken prohibited substances or having ever discussed such substances with fellow athletes. She also rejected the accusation that her coach Mr. Vladimir Kazarin had ever given her banned substances.

During the interview Ms. Poistogova was required to provide a urine sample for the in-competition testing at the championships. While she was out of the interview room, Ms. Poistogova was overheard speaking in Russian to her coach, Dr. Igor Gubchenko. The IC investigator heard Ms. Poistogova describing to Dr. Gubchenko the drugs on which the IC investigators had questioned her. One of the IC investigators heard Dr. Gubchenko instruct Ms. Poistogova in Russian to "calm down." After speaking with Dr. Gubchenko, Ms. Poistogova refused to return to the interview, and investigators concluded that she was not willing to assist them any further with their inquiries.

Analysis of the ARD secret tape recording made on 21 October 2014, demonstrate Ms. Poistogova describing how she “prepares for summer” competition, by taking ten pills of oxandrolone. During the secret recordings Ms. Poistogova was questioned as to why she used such a small amount of oxandrolone. Ms. Poistogova explained that she understood that the “detectable” time frame for such drugs was three months. Her awareness of a timeline for detection of the drug’s presence indicates her knowledge, planning and use of washout periods to thwart drug detection. During the ARD secret recordings, Ms. Poistogova also admitted to “doing EPO.”

Expert review of her haematological and steroid profiles returned normal readings but, when read in conjunction with her statements and countermeasure practices, which demonstrates active planning around the washout periods for Oxandrolone, the biological results appear to be misleading.

Ms. Poistogova denied any use of a prohibited substance when interviewed by IC investigators in Prague and made further denials in a follow up interview in June 2015 in Moscow. However, her admissions in the ARD secret video recordings demonstrate that Ms. Poistogova has contravened Code article 2.2 “Use by an Athlete of a Prohibited Substance or a Prohibited Method” and committed an ADRV.

Therefore Ekaterina Poistogova is the subject of an IC sanction package that has been submitted to WADA, who forwarded it to the IAAF. IAAF informed ARAF on 08 August 2015.

#### ***18.5.4 Ms. Kristina Ugarova***

Ms. Kristina Ugarova was identified as a speaker in the ARD secret tape recordings in which she discusses her PED use in her training regime. IC investigators attempted to contact Ms. Ugarova via e-mail on three separate occasions requesting to interview her regarding the ARD allegations. She failed to respond to any of the e-mails and, as a result, investigators concluded that she did not wish to assist with the IC investigation.

In the ARD secret recordings, Ms. Ugarova is heard speaking about her optimism that when she joined the Moscow team, her doping program would be combined better with her training regime. Ms. Ugarova admits that her coach, coach Epishin, gave her a course of steroids, but she had to give them back because she became injured. Ms. Ugarova stated she took such pills at regionals and as a result ran faster than coach Epishin's other female athletes. While in other secret recordings, Russian coach Mokhnev explains to the whistleblower that Ms. Ugarova had to pay 50,000 roubles to cover up her [biological] test results.

Additionally, Ms. Ugarova tells the whistleblower that she understood coach Epishin arranged with coach Melnikov that some athletes could run on "green lanes" at the European Championships in return for payment. Ms. Ugarova indicated that the cost for "green lane" access is charged to the athletes and added to their end of season "doping bill."

IC investigators requested a review of Ms. Ugarova's ABP profile in order to evaluate whether the ABP test results corroborate the evidence discovered during the IC investigation. Ms. Ugarova's results indicate a strong suspicion of doping during competition in 2012. Analysis evidenced that Ms. Ugarova had an extremely high off-score, high HGB, and low Ret % in June 2012; all of which are outside the 99% limits. Interestingly, Ms. Ugarova's personal best performance results were in 2012, when she did not submit to urine tests. As a result, WADA laboratory experts informed IC investigators that such circumstances are indicative for patterns of doping.

Ms. Ugarova possesses knowledge of systematic doping regimes controlled by coaches and, in her secretly recorded statements, she demonstrated knowledge as to which coaches are in violation of doping laws. During the secret recordings, Ms. Ugarova admitted to previous doping activities and she insinuated she would continue to use doping substances.

It is on these findings that IC investigators believe that Ms. Ugarova has contravened Code article 2.2 "Use by an Athlete of a Prohibited Substance or a Prohibited Method,"



article 2.8 “Administration or Attempted administration to any Athlete Out-of-Competition of any Prohibited Substance or any Prohibited Method” and article 2.9 “Complicity - Assisting, encouraging, aiding, abetting, conspiring, covering up or any other type of intentional complicity involving an anti-doping rule violation.”

Therefore Kristina Ugarova is the subject of an IC sanction package that has been submitted to WADA, who forwarded it to the IAAF. The IAAF informed ARAF on 08 August 2015.

#### ***18.5.5 Ms. Mariya Savinova-Farsonova***

Ms. Mariya Savinova-Farsonova was identified in the ARD secret recordings as an athlete that was highly likely doping in athletic competition.

IC investigators contacted Ms. Savinova-Farsonova via e-mail requesting to interview her regarding the allegations and statements made in the ARD documentary. Ms. Savinova-Farsonova refused to communicate with IC investigators over Skype or any other telephonic method and limited her communications to e-mail correspondence only. However, given that e-mail contact alone would not enable IC investigators to establish the true identity behind the e-mail correspondence, communication with the athlete ceased.

In the ARD secret recordings the whistleblower and coach Melnikov discussed the difference in athletics between an “American win” and a “Russian win.” Coach Melnikov stated when a Russian wins the two questions always asked are, “did they try their best and what were they on?” In relation to Ms. Savinova-Farsonova, Mr. Melnikov advised the whistleblower, that “they poured so much into her.” Additionally, Ms. Savinova-Farsonova states [in relation to running fast], “there is no other way to do it, everyone in Russia is on pharma.”

Throughout these recordings, Ms. Savinova-Farsonova made various comments in relation to doping. She is heard explaining that she knows it is bad for her health, but

no one has problems; and that their “dosage levels aren’t that of horses.” Later she acknowledges that the “washout” periods for the drugs, oral turinabol, oxandrolone and parabolane are slower for throwers than others, because they have a slower metabolism. Ms. Savinova-Farsonova stated that when she injected testosterone, her testosterone level jumped to 150, but when she took oxandrolone her testosterone levels never got that high. In conclusion, the secret recordings show that Ms. Savinova-Farsonova has an in-depth knowledge of doping regimes, dosages, physiological effects of doping and new PEDs.

WADA laboratory experts reviewed Ms. Savinova-Farsonova’s ABP profiles, which reflected that her steroid passport was normal. Conversely, her haematological passport was considered as “likely doping” by two of the three WADA laboratory experts who reviewed her ABP profiles. WADA laboratory experts specifically pointed to Ms. Savinova-Farsonova’s doping test taken during the 2011 World Championships, which they termed as very suspicious.

Based on Ms. Savinova-Farsonova’s statements and her demonstration of in-depth knowledge of doping in the ARD secret tape recordings, IC investigators believe she has breached Code article 2.2 “Use or Attempted Use by an Athlete of a Prohibited Substance or a Prohibited Method.” This finding is further reinforced by Mr. Melnikov’s statement that they “pumped so much into her.”

Therefore Mariya Savinova-Farsonova is the subject of an IC sanction package that has been submitted to WADA, who forwarded it to the IAAF. The IAAF informed ARAF on 08 August 2015.

## **18.6 Conclusions**

The IC earlier identified 9 sanctioned athletes where normal procedures were followed with respect to notification regarding abnormal ABPs and the consequent finding of an ADRV. Apart from these cases, and based on the sample investigated by the IC, the IC

finds that there was a total collapse of this process for the remaining athletes identified in this chapter. The IC has noted a cumulative lapse of action from the IAAF, ARAF and RUSADA in conjunction with pursuing suspicious profiles. As a result of this widespread inaction, the Olympic Games in London were, in a sense, sabotaged by the admission of athletes who should have not been competing, and could have been prevented from competing, were it not for the collective and inexplicable laissez-fair policy adopted by the IAAF, ARAF and RUSADA.

The IC finds that the following chain of events led to the collapse of the anti-doping system:

1. RUSADA acted in a manner that enabled athletes to continue competing by declaring samples to be negative for AAFs and not cancelling certain competition results – leading to further appeals to CAS;
2. IAAF was inexplicably lax in following up suspicious blood (and other) profiles;
3. ARAF was inexplicably lax in following up notifications from IAAF, equally the IAAF failed to act expeditiously in following up on results management;
4. The delays by both the IAAF and ARAF led to athletes competing in the London 2012 Olympics who should have been prevented from competing (and who were/are later sanctioned);
5. There are inconsistencies in the proposed sanctions by IAAF and the eventual sanctions;
6. There are unexplained delays in getting the CAS appeals argued and decided; and
7. There was no interaction between ARAF and RUSADA once IAAF notifications were given, leading to CAS proceedings later withdrawn.

While this series of inexplicable decision-making demonstrates a significant breakdown of anti-doping process and procedure, the IC notes that, at this stage of the inquiry,

which remains to be supplemented as a result of the extension of the Terms of Reference of the IC, there is generally insufficient evidence to conclude that the delays in follow-up were the result of payments by athletes or systematic collusion among the three organizations.

Furthermore, the almost total lack of cooperation from athletes the IC sought to be interviewed impeded the IC's ability to corroborate allegations of collusion and extortion.

### **18.7 Additional IC Findings**

1. The ARD documentary allegations that there was a scheme to provide Russian athletics athletes having abnormal ABPs with delayed testing notification cannot be confirmed at this time on the evidence the IC possesses.
2. There was considerable delay by the IAAF Anti-Doping department, varying between 18 months and 25 months, in informing the athlete and the ARAF of the investigation into an athlete's potential ADRV based on the ABP. This resulted in athletes being able to compete in the London 2012 Olympics and other world athletics events. Furthermore, the notification letters were not always consistent in offering a two-year sanction in exchange for a prompt admission.
3. If an athlete chose a provisional suspension, if it was offered, then the IAAF took anywhere from 18 months (Bakulin) to 25 months (Kirdyapkin) to follow up to determine if ARAF had investigated or initiated disciplinary proceedings.
4. After initial notification by the IAAF of a possible ADRV the ARAF took up to more than 2 years to take action on the notifications it received.

## Chapter 19: The Ministry of Sport of the Russian Federation

According to its website, The Ministry of Sport of the Russian Federation (Minsport) is a federal executive body responsible for the development and implementation of state policy and normative legal regulations in the sphere of physical culture and sports. Minsport also manages the prevention of doping in sport and state property in the sphere of physical culture and sports.<sup>115</sup>

It operates directly and through subordinate organizations in collaboration with other federal executive bodies, executive bodies of subjects of the Russian Federation, local authorities, public associations and other organizations.<sup>116</sup>

Minsport is governed by the Constitution of the Russian Federation, federal constitutional laws, federal laws, acts of the President of the Russian Federation and the Government of the Russian Federation, international treaties of the Russian Federation and the 2012 resolution of the Government of the Russian Federation officially re-establishing the Ministry.<sup>117</sup>

### 19.1 IC Interview with Minsport Representative Natalia Zhelanova

The IC interviewed Natalia Zhelanova, advisor to the Minister of Sport in Russia and former Head of Anti-Doping within the Ministry of Sport. Ms. Zhelanova is also a member of the WADA Finance and Administration Committee. The interview took place on 02 July 2015 in Moscow. Below are some of the relevant statements made by Ms. Zhelanova when asked about the doping allegations:

1. In response to the ARD allegations that Russian law forbids the transport of blood and biological samples out of Russia, Ms. Zhelanova provided an excerpt

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<sup>115</sup> Ministry of Sport of the Russian Federation, 2015. [Online] Available at: <http://www.minsport.gov.ru/en/> [Accessed 8 September 2015].

<sup>116</sup> *Ibid.*

<sup>117</sup> *Ibid.*

of the relevant law in which no such provision exists. According to Russian law, only an informal and non-specific permission by RUSADA is required in order to be able to transport samples out of Russia.

2. Ms. Zhelanova stated that, following the broadcast of the ARD documentary, RUSADA launched an internal investigation, from which a final report is expected by the end of the year.
3. Ms. Zhelanova confirmed that Mr. Balakhnichev approached her concerning some problems with IAAF, of which she later informed WADA. Although Mr. Balakhnichev denied this exchange had taken place when approached by WADA, Ms. Zhelanova stands by her assertion that, in fact, they did communicate on this issue.
4. Ms. Zhelanova mentioned that ARAF is completely independent (including financially independent) from Minsport and as such sets up its own sponsorship contracts.
5. Ms. Zhelanova stated that Minsport is not involved in any financial transfers to IAAF.
6. According to Ms. Zhelanova, in 2008 Russia's anti-doping legislation was not very strong. Additionally, some long-serving coaches were completely against new and stronger anti-doping rules. In the coaches' opinion Minsport has a duty to protect athletes who are caught cheating. She stated that it has been, and still is, a hard fight, especially to change the mentality of some coaches.
7. Ms. Zhelanova categorically denied that she ever influenced the work of the Moscow laboratory director or RUSADA with respect to hiding athletes' negative tests results.
8. She emphasized that the main focus of Minsport is to finance RUSADA and the Moscow laboratory and to provide official public statements to the media.

## 19.2 Allegations against Minsport

While Ms. Zhelanova, maintained that the Moscow laboratory and RUSADA are wholly independent from Minsport, throughout the course of this investigation various sources have asserted that this “independence” exists on paper only and that, in fact, Minsport exerts a strong influence over both the Moscow laboratory and RUSADA.

With respect to the Moscow laboratory, witness statements, including that of its Director, Rodchenkov, suggest that pressure, not related solely to the quality management of the laboratory, is exerted towards Director Rodchenkov for the purpose of concealing athletes’ negative test results. The IC was unable, however, to corroborate some of the more general statements such as: “the Ministry of Sport decides which of the athletes get banned or not,” that were made by independent sources.

As indicated elsewhere in this Report (see Chapter 13), the IC has found sufficient evidence to recommend that the accreditation of the Moscow laboratory be revoked and that its Director be removed from his position.

The IC has not been able to corroborate claims that actual operational interference occurs with the direct involvement of Minsport, but concludes that the extent of the pressures and influence are such that it is not credible to believe that Minsport was unaware that such activities were occurring.

An observation of concern to the IC in this context is that Minsport has been completely passive in the matter of inquiring into the allegations made against RUSADA. It would, in the view of the IC, have been reasonable to expect Minsport to conduct its own inquiry, or to have appointed an independent third party for such purpose, rather than permitting RUSADA, in effect, to examine itself. The IC finds that a fair and unbiased investigation into the ARD and other allegations is not possible when an implicated party is conducting the investigation. The lack of vigorous oversight by Minsport suggests that Minsport may be attempting to conceal the de facto relationships it has with RUSADA.

The IC was further informed, in confidential statements, that there are close relationships between senior members of RUSADA and the Ministry of Sport, leading to information leaks and employees not being willing to speak openly out of fear of retaliation.

Equally concerning is Minsport's failure to involve law enforcement officials to inquire into the alleged criminal acts of ARAF representatives. In response to this topic, Ms. Zhelanova stated that this is outside the responsibility of the Ministry.

The IC is of the opinion that Minsport did not provide the known whistleblowers, or any as of yet unknown informants, with the possibility to confide in a context that would take such allegations seriously and follow up on them in an independent manner.

Furthermore, the repeated statements, by various unrelated witnesses of influence over the Moscow laboratory and RUSADA, the apparent lack of oversight into the RUSADA investigation and the refusal to engage law enforcement to investigate the alleged criminal acts of ARAF reflect poorly on Minsport and the discharge of its responsibility for proper governance in Russian sport.

### **19.3 IC Meeting with the Russian Minister of Sport**

The IC considered it important to meet with Vitaly Mutko, the Russian Minister of Sport. Depending upon the Findings and Recommendations in this Report, his Ministry may be called upon to implement certain actions. It was appropriate, therefore, to provide him with an opportunity to help the IC in its investigation and to take advantage of his publicly expressed desire to assist the IC.

A meeting with the full IC occurred in Zurich on 22 September 2015 at the Hotel Baur au Lac. Minister Mutko, who was in Zurich primarily to attend FIFA meetings relating to the 2018 World Cup, was unaccompanied by any of his staff. Alexey Sorokin, the



CEO of the Russian Local Organising Committee for the World Cup attended along with an interpreter. The IC had its own interpreter, but the “official” interpretation was done by the Minister’s interpreter. The meeting lasted for two hours.

The Minister spoke in general terms on a number of topics, including:

1. His ministry gives money to build up the best laboratories and the best methods of testing athletes in the interests of clean sport; no conditions are set by the government.
2. He is conscious of the difficulty in changing the attitudes of the senior coaches and the athletes trust their coaches.
3. He and the other ministers are tired of being attacked and criticized all the time.
4. He is disgusted with the whistleblowers, does not believe their allegations and says they had no right to make the recordings and that such tapings are matters for the public prosecutors.
5. He knew nothing about the 450,000€ transfer (see Chapter 18); he did not respond to why there had been no investigation, other than to say he would speak to the Minister of the Interior about it.
6. He said he did not know anything about the “blackmailing” that had been reported to WADA.
7. He was unaware that the athletes had refused to speak with the IC.
8. He said he was unaware of FSB involvement in the laboratory; the secret service in any country does its job.
9. There had been investigations and certain people had been fired.
10. He is waiting for the IC Report; he will do anything necessary to improve the situation and is open to any recommendations.

At the conclusion of the meeting, the IC said that, at the Minister's invitation, it would attempt to formulate recommendations that might be of assistance to the Minister for the future. In the meantime, however, the Minister should know that the IC would likely be very critical regarding some of the conduct in Russia that had come to light as a result of its investigation.

#### **19.4 IC Findings**

1. There are inconsistent versions of what has happened within Russia regarding investigation and actions subsequent to the ARD documentary.
2. Ms. Zhelanova stated that an investigation had occurred and that a report was expected by the end of the year (2015).
3. Another version was that all of the athletes implicated had been interviewed, that they had all denied any complicity and that the matter was, therefore, dropped.
4. The Minister said that investigations had occurred and that certain people had been fired.
5. There was evident institutional knowledge that coaches expected Russian sports officials to protect their athletes from the consequences of doping.
6. It is inexplicable that Minsport would allow RUSADA, as the subject of several of the allegations in the ARD documentary, to investigate itself.
7. Minsport did nothing to investigate the serious allegations of criminal conduct on the part of Russian sport officials.
8. Many individuals were unwilling to speak candidly regarding relationships between Minsport, RUSADA and the Moscow laboratory out of fear for reprisals.
9. The IC was unable to corroborate allegations of direct influence by Minsport on the activities of RUSADA and the Moscow laboratory.

10. Moscow laboratory director Rodchenkov had direct access to the Minister for purposes of funding requests for laboratory equipment.

## **Chapter 20: The World Anti-Doping Agency**

The World Anti-Doping Agency (WADA) is a foundation created by notarial deed in Switzerland in November 1999. Its legal seat is, therefore, in Switzerland, but its principal office is located in Montreal, Canada. It has branch offices in Lausanne, Switzerland, Johannesburg, South Africa, Tokyo, Japan and Montevideo, Uruguay.

WADA promotes and coordinates the fight against doping in sport internationally. It consists of representatives, equally divided between the Olympic Movement and public authorities and its funding is derived in equal shares from both stakeholder groups.

In 2003, WADA adopted the World Anti-Doping Code (Code), after extensive consultations among all stakeholders and unanimous approval of the proposed terms of the Code, which came into effect as of 01 January 2004. The Olympic Movement stakeholders took the necessary steps to incorporate the Code within their respective rules, all of which was accomplished prior to the Opening Ceremony of the 2004 Olympic Games in Athens, Greece. Subsequent versions of the Code were adopted in November 2007, to come into force on 01 January 2009 and in November 2013, to come into effect on 01 January 2015. Any reference to the Code in this Report is to the version applicable to the particular time or event.

The public authorities elected to adopt an International Convention Against Doping in Sport (Convention) under the aegis of UNESCO, which was approved by the Conference of Parties in November 2005 and which came into effect in 2006, upon ratification by 30 member states. More than 180 countries have ratified the Convention to date. Pursuant to the terms of the Convention, the public authorities agree, *inter alia*, to use the Code as an element in their commitment to the fight against doping in sport.

WADA acts through an Executive Committee and Foundation Board. It has a number of committees, including Finance and Administration, Education, Health, Medicine and Research and Ethics committees and sub-committees, chief among which, for purposes of this Report, is the List Committee, which reviews on an annual basis the list of prohibited substances and methods, and recommends any changes to the WADA

Executive Committee and Foundation Board. Such changes, made prior to 30 September of each year, are published and come into force on 01 January the following year.

WADA accredits laboratories on the basis of technical competence and the capacity of the director of the laboratory. Accredited laboratories are subjected to regular reviews and accreditation may be suspended or withdrawn in the event of substandard performance. WADA also publishes applicable standards to be maintained for operational purposes, including a Laboratory Code of Ethics.

Information relative to international coordination of testing and reporting on test results, whereabouts and testing distribution plans is maintained by WADA in a secure computerized system known as Anti-Doping Administration & Management System (ADAMS), which has been acknowledged as providing sufficient data protection to comply with all known requirements. Much, but not all, of the information necessary for complete compliance has been entered in ADAMS and WADA has encouraged, but has not forced, all Signatories and those required to provide whereabouts information to use the system.

WADA has devoted much time and resources to assisting stakeholders to become Code compliant and has published considerable educational and outreach materials in aid of that objective. Compliance audits are, however, few and rudimentary and are based on self-reporting by Code Signatories. In the period of almost 12 years of the existence of the Code, WADA has been particularly benign and has rarely, if ever, used its authority to declare a signatory to be non-compliant (unlike, for example, its conduct regarding laboratory accreditation). It is difficult to imagine how a signatory could not manage to become Code compliant after 12 years of being subject to the Code. Perhaps the time may have come for WADA to try another means of attracting the necessary attention.

Pursuant to the Code, the ultimate forum for the resolution of any dispute relating to doping or the application of the Code is the Court of Arbitration for Sport (CAS). WADA is provided with an independent right of appeal to CAS in the event that it

decides that a Code signatory has not properly applied the provisions of the Code. WADA has exercised this right on many occasions.

WADA also has the duty to monitor Code compliance by Code Signatories. It is this responsibility that has led to the establishment of the Independent Commission (IC). The compliance responsibility does not enable WADA to issue sanctions against a party that is Code non-compliant. WADA is limited, in the event that it identifies non-compliance, to advising the responsible authority, such as the International Olympic Committee (IOC), the applicable international federation (IF) and UNESCO of such non-compliance. It then becomes the responsibility of the notified parties to take the appropriate action. For the IOC, it may mean that a country may not bid to host the Olympic Games, that a particular sport may not participate in the Games, or even that a country may not participate in the Olympic Games. For the IFs, it may mean that one of its national federations may be suspended or even expelled. For UNESCO, the parties to the Convention will be advised of the non-compliance and should proceed to determine the appropriate actions with respect to the non-compliant party.

The introduction in the 2015 Code of investigation obligations in the Code and the accompanying ISTI has added a new dimension to the compliance monitoring. The investigation by the IC reveals that WADA is ill equipped to full fill its responsibilities in relation to these new obligations. In order to fulfil its compliance obligations WADA must itself have investigatory capabilities and expertise in the review of ADOs proper investigative performance under the ISTI. This amounts to the development of a compliance regulatory role for WADA.

WADA's challenges are extensive, since its activities must transcend distance, culture, attitudes, customs, beliefs and politics. Code compliance can only be successful when all parties commit to honouring values-based compliance and maintain a strong anti-doping culture that seeks to serve athletes, irrespective of their nationality or federation. When violations of the Code are alleged, WADA must act not only to ensure enforcement of regulations, but also to protect all clean athletes, who expect an atmosphere of fair play within the applicable rules as well as the intrinsic spirit of sport.

There is little dispute regarding the philosophical basis for doping-free sport. The Code makes such basis clear, as does the Olympic Charter, which binds the Olympic Movement.

It is the matter of compliance with the Code that is at the root of the matters dealt with in this Report. The ARD allegations included that there were not only complete compliance failures, but also institutional failures to deal with doping or suspected doping in a timely manner. Some of those institutions had both operational and monitoring responsibilities pursuant to the Code. They include, for purposes of this Report, the All-Russian Athletics Federation (ARAF), the Russian Anti-Doping Agency (RUSADA), the International Association of Athletics Federations (IAAF) and WADA itself.

As noted elsewhere in this Report (see Chapter 10), the major portion of the findings relating to the IAAF has been withheld pending decisions on the matters referred by the IC to Interpol for consideration of possible criminal prosecution by appropriate authorities. The IC has included findings in respect of ARAF (see Chapter 11) and RUSADA (see Chapter 12) and considers it should also, on the basis of the investigative efforts, include certain findings regarding WADA.

## **20.1 IC Findings**

1. WADA faces pressures from stakeholders to undertake more and more responsibilities in the fight against doping in sport, but without concomitant increases in the resources necessary to accomplish the necessary activities.
2. WADA's coordination of the fight against doping in sport could be made easier if the use of ADAMS was compulsory and that all providers of data required

pursuant to the Code not capable of direct entries into ADAMS assume any additional costs of the incorporation of the necessary data.

3. Now implementing the third version of the Code, WADA needs to continue its educational role, but also to insist on compliance by all Signatories.
4. Actual and potential conflicts of interest at the WADA Executive Committee and Foundation Board make decisive actions regarding Code compliance unnecessarily difficult to achieve.
5. WADA continues to face a recalcitrant attitude on the part of many stakeholders that it is merely a service provider and not a regulator.
6. While consensus and compliance, where possible, are preferable, WADA has been unduly tentative with signatories in requiring compliance and timely action.
7. WADA staff have the necessary scientific and technical qualifications and have the required abilities to administer the world anti-doping program and to deal with scientific and compliance issues. They need to hire staff who will be able to run international investigations throughout multiple jurisdictions in order to assist in the investigation aspects of doping and ensure compliance with the ISTI.
8. WADA has been effective in changing the focus of anti-doping programs to that of protecting the clean athletes.



9. Delays in the implementation of actions required in cases of suspected doping can compromise the effectiveness of anti-doping programs.
10. WADA is not aware of all contractual relationships at accredited laboratories that may have an impact on the operational capabilities of the laboratories.
11. WADA is not necessarily aware of all circumstances in which doping control officers have been interfered with or when obstruction of their duties may have occurred.
12. WADA needs to develop a whistle blower assistance and protection program to facilitate the encouraging of whistle blowers activities.

## **Chapter 21: Summary of IC Findings**

This chapter is a summary of the Independent Commission (IC) findings, in thematic format, that have been identified throughout the Report.

### **With respect to the Moscow laboratory**

1. [Chapter 9] Grigory Rodchenko, director of the Moscow accredited laboratory was specifically identified as an aider and abettor of the doping activities.
2. [Chapter 13] The IC investigation found violations of ISL article 4.1.8 in respect of the Moscow laboratory.
3. [Chapter 13] The reported presence of the security services (FSB) within the laboratory setting in Sochi and at the Moscow laboratory, actively imposed an atmosphere of intimidation on laboratory process and staff, and supported allegations of state influence in sports events.
4. [Chapter 13] The direct interference into the laboratory's operations by the Russian State significantly undermines the laboratory's independence.
5. [Chapter 13] Many tests that the laboratory has conducted should be considered highly suspect.
6. [Chapter 13] Assessed as a whole, the IC finds that these investigative reports demonstrate strong corroborating evidence that the Moscow laboratory has been involved in a widespread cover-up of positive doping tests.

7. [Chapter 13] The IC further finds that at the heart of the positive drug test cover-up is Dir. Rodchenkov. He not only accepted, but also requested money in order to execute the concealment positive test results, which makes him equally responsible for incidents where coaches or officials extorted athletes even if he was not personally made aware of the extortion.
8. [Chapter 13] The IC finds that Dir. Rodchenkov's statements regarding the destruction of the samples are not credible. They purport to explain the destruction of a large number of potentially important samples on the basis of an alleged inconsistent understanding of the clear instructions received and acknowledged by Rodchenkov.
9. [Chapter 13] WADA officials and IC members conducted two subsequent interviews of Dir. Rodchenkov on 26 March 2015 and 30 June 2015, where on both occasions, he admitted to intentionally destroying the 1,417 samples in order to limit the extent of WADA's audit and to reduce any potential adverse findings from subsequent analysis by another WADA accredited laboratory.
10. [Chapter 13] The intentional destruction of the 1,417 samples done with the purpose of obstructing WADA's ability to conduct follow up analysis on the samples was corroborated by another staff member who heard similar admissions directly from Dir. Rodchenkov.
11. [Chapter 13] [Regarding unmarked samples of unknown origins] The IC finds that the testing of samples is a highly improper practice and a violation of the ISL standards and the Code.
12. [Chapter 13] The only reasonable conclusion is that the unmarked samples were provided (the documentation in respect of which was ordered to be destroyed)

for purposes of monitoring drug use, clearance times and maintenance of certain levels below thresholds that might produce Adverse Analytical Findings (AAF) in proper testing circumstances.

13. [Chapter 13] The Moscow laboratory is not operationally independent from RUSADA or the Ministry of Sport. Its impartiality, judgment and integrity were compromised by the surveillance of the FSB within the laboratory during the Sochi Winter Olympic Games.
14. [Chapter 13] The apprehension of surveillance by the staff in the Moscow laboratory caused by FSB representatives regularly visiting the laboratory and weekly discussions occurring between the Moscow laboratory Director and the Russian Security service affect the impartiality, judgment and integrity of the laboratory.
15. [Chapter 13] The IC concludes that there was direct intimidation and interference by the Russian state with the Moscow laboratory operations.
16. [Chapter 13] The Moscow laboratory Director was paid indirectly by one of the whistleblowers to conceal a doping test taken while the athlete was knowingly competing dirty. The go-between who received the money is a known performance-enhancing substances trafficker.
17. [Chapter 13] There is strong corroborating evidence that the Moscow laboratory has been involved in a widespread cover-up of positive doping tests.
18. [Chapter 13] Director Rodchenkov was also an integral part of the conspiracy to extort money from athletes in order to cover up positive doping test results.

19. [Chapter 14] The IC discovered the existence of a second laboratory in Moscow, apparently having the same testing capabilities as the WADA accredited laboratory. Its precise use is unknown. The laboratory is known as the “Laboratory of the Moscow Committee of Sport for Identification for Prohibited Substances in Athlete Samples” and is controlled by the city of Moscow government. The laboratory Director is Dr. Giorgi Bezhanishvili, a forensic toxicologist.
20. [Chapter 14] There is sufficient corroborated evidence to conclude that the second laboratory was assisting in the cover-up of positive doping results by way of the destruction of samples.
21. [Chapter 14] Pre-screened samples that were not positive could then be sent to the accredited laboratory.
22. [Chapter 14] Such evidence was given on a confidential basis due to fear of reprisals against the witnesses providing the evidence.
23. [Chapter 19] Moscow laboratory director Rodchenkov had direct access to the Minister for purposes of funding requests for laboratory equipment.

**With respect to RUSADA:**

1. [Chapter 9] RUSADA had a practice of providing advance notice of out-of-competition tests.

2. [Chapter 9] The IC determined that there were many examples of inadequate, incorrect or inexistent whereabouts filings on the part of Russian athletes participating in athletics.
3. [Chapter 9] The IC determined that there were many occasions on which Russian athletes participating in athletics were given advance notice of proposed out-of-competition tests and were thus able to avoid being tested or take steps to render the tests ineffective.
4. [Chapter 9] The IC determined that there were many examples of missed tests on the part of Russian athletes participating in athletics.
5. [Chapter 9] The IC found examples of the use of false identities for purposes of evading testing.
6. [Chapter 12] RUSADA DCOs routinely accept bribes from the athletes, thereby ensuring that the doping control test will not be effective.
7. [Chapter 9] There was intimidation of the DCO, both direct and in relation to the DCO's family members.
8. [Chapter 12] RUSADA DCOs routinely do not follow the International Standard for Testing despite being trained as to how to conduct tests.
9. [Chapter 12] RUSADA DCOs do not always complete a mission when first given to them, but await the filing of new whereabouts information reflecting a location closer to Moscow where they are based.

10. [Chapter 12] RUSADA allowed athletes under current anti-doping sanctions to compete during the period of the sanctions, contrary to a specific Code prohibition.
11. [Chapter 12] RUSADA DCOs routinely do not follow the International Standard for Testing despite being trained as to how to conduct tests.
12. [Chapter 12] A review of a sampling of RUSADA's reporting procedures showed significant gaps in reporting and unexplained deficiencies in submissions to ADAMS. DCFs were either not entered into ADAMS or were significantly delayed. An increased effort in DCF submissions will assist in generating a timely and transparent results management process, subject to the integrity of the overall operations of testing and that process.
13. [Chapter 12] The IC review revealed that RUSADA has a favourable record of collecting samples and conducting analysis for particular substances that are of high risk for athletes in comparison to other NADOs, for example EPO and IRMS analysis.
14. [Chapter 12] RUSADA hGH testing has been insufficient and questions remain regarding the methods applied by the Moscow laboratory for ESAs on behalf of RUSADA.
15. [Chapter 12] The inaccuracy and non-compliance of the "whereabouts" information for Russian athletes is obstructing out-of-competition testing and timely notification of athletes for other potential violations. An increased effort in this area will complement effective target testing for RUSADA.

16. [Chapter 12] Allegations of collusion between coaches and RUSADA have established major concerns about RUSADA's functioning as an impartial institution.
17. [Chapter 12] As incidents of inaction regarding reporting and DCF filings are attributed to RUSADA, a review of the applicable processes, specifically implementation and enforcement, is required in order to provide the international community with confidence that the issues discovered are being suitably addressed.
18. [Chapter 12] Athletes under current anti-doping sanctions were allowed to compete during the period of the sanctions, contrary to a specific Code prohibition. It is highly unlikely that this could have occurred without the knowledge and consent of both RUSADA and ARAF.
19. [Chapter 12] TDPs, no matter how well designed, can be compromised by advance notice of out-of-competition testing, false or inaccurate whereabouts information, interference by coaches and officials, evidence of all of which was discovered by the IC investigation.
20. [Chapter 13] RUSADA is routinely requesting limited benchwork examination in completing testing of samples.
21. [Chapter 14] It is not credible to believe that the existence and capabilities of the second laboratory were unknown to ARAF and RUSADA.
22. [Chapter 17] In the later stages of the IC investigation, IDTM DCOs proved themselves to be more reliable and effective in their role than their RUSADA counterparts.



23. [Chapter 18] RUSADA acted in a manner that enabled athletes to continue competing by declaring samples to be negative for AAFs and not cancelling certain competition results – leading to further appeals to CAS.
24. [Chapter 18] The ARD documentary allegations that there was a scheme to provide Russian athletics athletes having abnormal ABPs with delayed testing notification cannot be confirmed at this time on the evidence the IC possesses.

#### **With respect to ARAF**

1. [Chapter 9] The athlete Anastasiya Bazdyreva aggressively refused to cooperate with the IC investigators.
2. [Chapter 9] [Regarding Anastasiya Bazdyreva] The athlete's coach, her doctor (Igor Gubchenko) and the interim ARAF president (Mr. Zelichenok) refused to cooperate with the IC investigators.
3. [Chapter 9] The athlete interview of Ekaterina Poistogova was interrupted after the athlete spoke with her doctor (Igor Gubchenko).
4. [Chapter 9] The interim ARAF president (Mr. Zelichenok) demanded that the IC investigators not speak with the athletes.
5. [Chapter 9] [Regarding the DCO mission to the Yunost training camp] The responsible team official denied that most of the athletes were present, thereby obstructing the doping control process.

6. [Chapter 9] [Regarding the DCO mission to the Yunost training camp] The responsible team official asserted that the DCO had no right to test the athletes (in a private hotel), such ill-founded contention further obstructing the doping control process.
7. [Chapter 9] Medications and syringes were present in the athletes' room.
8. [Chapter 9] Coaches and athletes had received instructions following the ARD documentary not to speak with the IC and not to sign any documents.
9. [Chapter 9] Coaches claimed that the DCO had no right to test athletes who were not in the Registered Testing Pool (notwithstanding IAAF rules).
10. [Chapter 9] Coaches were complicit in attempting to prevent access to athletes for testing, thereby obstructing the doping control process.
11. [Chapter 9] There are clear cases of refusals to be tested involved, which should be investigated and acted upon, including Dyldin.
12. [Chapter 9] Athletes were instructed to record information that was not true in their DCFs, such as times of notification.
13. [Chapter 9] The fact that 9 AAFs for EPO resulted from the tests on that Saransk training camp mission underscores the reasons for the resistance to the tests.
14. [Chapter 9] The dates of the reported events at the Saransk training camp make it clear that, contrary to some assertions, the practice of doping in athletics in Russia remains very much current, even following the ARD documentary.

15. [Chapter 9] Athletes deliberately gave their coach's number as their whereabouts contact, to avoid direct contact by DCOs and to provide additional time before giving a sample.
16. [Chapter 9] No athletes answered the DCO calls. The IC considers it likely that this conduct was based upon instructions from the coaching or support staff.
17. [Chapter 9] Deliberate efforts were made to stretch the time between notice and the provision of samples for analysis, to provide opportunity for obstructive actions in relation to the tests.
18. [Chapter 9] The doctor/observer refused to provide his name when requested to do so by the DCO.
19. [Chapter 9] Coaches have a financial interest in protecting their athletes from doping tests that might produce positive findings.
20. [Chapter 9] Coaches attempted to intimidate and threaten the DCO in the course of his duties as DCO.
21. [Chapter 9] Coach Nikitin lied about the presence of targeted athletes at the Saransk training camp, in an effort to prevent the athletes from being tested.
22. [Chapter 9] Having considered the two circumstances involving Ms. Pecherina, the IC prefers the statements made in the first ARD documentary, when she was not being influenced by one or more off-screen parties.
23. [Chapter 9] There is insufficient evidence to support the figure of 99% of members of the Russian national athletics team as dopers. That said, Ms.

Pecherina was a member of the national team and can be taken to be aware of significant doping going on around her.

24. [Chapter 9] Evidence of extensive PED use is supported and confirmed by audio and video evidence. It is also documented by witness statements that corroborate the original allegations of the German television documentary and which provide further details regarding the extensive use of PEDs and blood doping within the Russian federation.
25. [Chapter 9] Within the scope of this investigation, there is clear evidence of a “Systemic Culture of Doping in Russian Sport” perpetuated, in part, although not exclusively, through coaches and administrators, whose collective actions at times extended beyond mere administrative violations into potentially criminal acts.
26. [Chapter 9] This network created an atmosphere in which an athlete’s choice was frequently limited to accepting the prescribed and mandated doping regimen or not being a member of the national team.
27. [Chapter 9] The coaches wrongfully encouraged their athletes, or athletes chose to believe that all other nations were following similar illicit training methods, thereby creating a self-justification that ‘sport doping’ and the non-enforcement of violations were competitive necessities and perhaps even patriotic obligations.
28. [Chapter 11] There has been cover-up and delay by ARAF in the investigating of athletes with abnormal passport profiles who should have been banned, and prevented from participating in the London Olympics. Several of these athletes were allowed to compete and some went on to win medals.

29. [Chapter 11] The IC investigation found overwhelming evidence against a number of senior national team coaches who were involved in collusion to illicitly obtain details of suspicious ABP testing results against their athletes. Such conduct demonstrates an embedded and institutionalized process designed to secure winning at any cost.
30. [Chapter 11] The IC found evidence that several coaches at senior level and the ARAF Chief Medical Officer were committing violations of the Code articles 2.6, 2.8 and 2.9 over many years.
31. [Chapter 11] Former President Balakhnichev is ultimately responsible, both individually and as an ARAF representative, for the wrongful actions that occurred while he was President.
32. [Chapter 11] The examination of the conduct and standards of ARAF senior coaches has revealed that a number of them were found to be in violation of WADA Code 2.8 and 2.9 and subsequently recommended for appropriate sanctions.
33. [Chapter 11] For at least two coaches, digital recordings and forensic analysis confirm their involvement in the trafficking of prohibited substances.
34. [Chapter 11] On the secret whistleblower recordings, coaches discussed with athletes, in their own words, how ABP testing can be circumvented, the problems ARAF has had with preventing ABP from capturing violations of their athletes and what they can do about it in the future, including the suggestion of administering newly developed PEDs that will escape detection.
35. [Chapter 11] As a result of the IC investigation, ARAF Chief Medical Officer, Dr. Portugalov, has been reported for committing offenses under articles 2.8 and 2.9

of the Code, which not only undermines his position as a medical professional, but also demonstrates a complete disregard for the health and well-being of the athletes.

36. [Chapter 11] As of June 2015, there continues to exist widespread doping taking place at the OTC in Saransk, despite the ongoing and well-publicized investigation into doping on the Russian athletics team. Russian coaches apparently felt it was safe enough for six out of ten race walkers, who tested positive, to continue doping as part of their training program, supporting cheating within athletics.
37. [Chapter 11] There was active use of blood transfusion equipment at the OTC, which is supported by forensic analysis demonstrating systematic use of this type of equipment to gain sporting advantage.
38. [Chapter 11] The former Director of the OTC was sanctioned for the possession of the blood transfusion equipment at the Center.
39. [Chapter 11] OTC Head Coach, Viktor Chegin, who is the subject of separate IAAF and RUSADA investigations, is responsible for the events that have occurred at the OTC and will be formally reported by the IC for offenses and recommended for sanctions.
40. [Chapter 11] The intentional delay and obstruction of the DCO's mission that was created by the coaches at the OTC during the unannounced ITDM doping mission in June 2015 possibly assisted some of the remaining four athletes to escape a positive sample detection.

41. [Chapter 12] Athletes under current anti-doping sanctions were allowed to compete during the period of the sanctions, contrary to a specific Code prohibition. It is highly unlikely that this could have occurred without the knowledge and consent of both RUSADA and ARAF.
42. [Chapter 13] There was collusion between the President of ARAF and the laboratory Director Rodchenkov to conceal positive drug tests by swapping clean samples for known dirty “A” samples at the Moscow lab. Athletes paid both the President and the Director for the benefit of such services.
43. [Chapter 13] At least one elite world marathoner paid her coach, Melinkov and the medical director of ARAF, Portugalov, annual sums of money, a portion of those monies being to protect her from receiving a positive drug result from her doping activities.
44. [Chapter 13] Interviews with athletes and secret recordings led to the finding that within Athletics, (which is the only sport that the IC was mandated to investigate) there were a series of high-level individuals involved, who, for monetary payments, conspired to conceal positive doping samples, leading to the conclusion that there was likely a system in Russia for cover-ups in doping.
45. [Chapter 14] It is not credible to believe that the existence and capabilities of the second laboratory were unknown to ARAF and RUSADA.
46. [Chapter 15] The Deputy Director General of the Russian Federal Research Center of Physical Culture and Sports (VNIIFK), Dr. Sergey Portugalov, who is also the Chief of the ARAF’s medical commission, provided banned substances to Russian athletes and was very active in the conspiracy to cover-up athletes’ positive tests in exchange for a percentage of their winnings.

47. [Chapter 15] Dr. Portugalov was the subject of a sanctions package containing evidence the IC had gathered which it turned over to WADA, recommending a lifetime ban from sport. The IC is informed that its sanctions package has been submitted to IAAF with the acceptance by WADA of the proposed IC recommendation. The sanctions package and report was forwarded to ARAF on 08 August 2015 for further consideration.
48. [Chapter 15] The IC finds that not only did Dr. Portugalov supply PEDs to athletes and coaches, but also administered the doping programs and even injected athletes himself.
49. [Chapter 15] The IC finds that it was demonstrated that Dr. Portugalov's actions over many years are in violation of Code Item 2.8 "Administration or Attempted Administration to any Athlete Out-of-Competition of any Prohibited Substance or any Prohibited Method that is prohibited Out-of-Competition" and Code Item 2.9 "Complicity - Assisting, encouraging, aiding, abetting, conspiring, covering up or any other type of intentional complicity involving an anti-doping rule violation, attempted anti-doping rule violation or violation of Article 10.12.1 by another person."
50. [Chapter 18] There was no interaction between ARAF and RUSADA once IAAF notifications were given, leading to CAS proceedings later withdrawn.
51. [Chapter 19] There was evident institutional knowledge that coaches expected Russian sports officials to protect their athletes from the consequences of doping.



### **With respect to the Russian Federation (Ministry of Sport)**

1. [Chapter 9] Russian law enforcement agencies were involved in the efforts to interfere with the integrity of the samples.
2. [Chapter 12] Regardless of Ms. Zhelanova's statement that RUSADA acts independently, although financed by the Ministry, the IC has serious doubts that it is truly independent. Various sources reported to the IC that there is more influence than structurally indicated by the Ministry of Sport.
3. [Chapter 19] There are inconsistent versions of what has happened within Russia regarding investigation and actions subsequent to the ARD documentary.
4. [Chapter 19] Ms. Zhelanova stated that an investigation had occurred and that a report was expected by the end of the year (2015).
5. [Chapter 19] Another version was that all of the athletes implicated had been interviewed, that they had all denied any complicity and that the matter was, therefore, dropped.
6. [Chapter 19] The Minister said that investigations had occurred and that certain people had been fired.
7. [Chapter 19] It is inexplicable that Minsport would allow RUSADA, as the subject of several of the allegations in the ARD documentary, to investigate itself.

8. [Chapter 19] Minsport did nothing to investigate the serious allegations of criminal conduct on the part of Russian sport officials.
9. [Chapter 19] Many individuals were unwilling to speak candidly regarding relationships between Minsport, RUSADA and the Moscow laboratory out of fear for reprisals.
10. [Chapter 19] The IC was unable to corroborate allegations of direct influence by Minsport on the activities of RUSADA and the Moscow laboratory.

#### **With respect to the IAAF**

1. [Chapter 9] There was potential interference with the integrity of the samples, thwarted only by the extraordinary evasive actions taken by the DCO.
2. [Chapter 9] The IC found examples of outright refusals by athletes, despite notification and evidence that the tester was an official DCO.
3. [Chapter 10] The IC investigation ultimately corroborated the whistleblower's allegations of a multifaceted and complex conspiracy involving members of the athletic community within the IAAF and ARAF.
4. [Chapter 10] The IC investigation found evidence of breaches of processes and rules of the Code and ISL Standards, as well as IAAF rules and processes by IAAF officials.

5. [Chapter 18] For the reasons mentioned above, and given that the IAAF only sent the ARAF official notification of Sergey Kirdyapkin's abnormal ABP on October 1, 2012, which is nearly one year after the IAAF initially informed ARAF of his abnormal ABP (Kirdyapkin was an athlete included on the list of November 18, 2011), the IC considers that there was an excessive time delay.
6. [Chapter 18] [Regarding Vladimir Kanaykin] The IC finds that the IAAF ought to have expedited the results management report to ARAF because of the pending London 2012 Games.
7. [Chapter 18] [Regarding Vladimir Kanaykin] The IC finds that following initial contact there was an excessive delay of 18 months before the IAAF followed up with ARAF.
8. [Chapter 18] [Regarding Valeriy Borchin] The IC finds that following initial contact there was an excessive delay of 21 months before the IAAF followed up with ARAF regarding the potential ADRV.
9. [Chapter 18] [Regarding Olga Kaniskina] The IC finds that the IAAF ought to have expedited the results management report to ARAF because of the pending London 2012 Games in which the athlete competed.
10. [Chapter 18] [Regarding Sergey Bakulin] The IC finds that the IAAF ought to have expedited the matter to an ABP expert panel prior to the pending 2012 London Games.

11. [Chapter 18] [Regarding Asli Cakir Alptekin] The IC finds that the IAAF ought to have expedited the matter to an ABP expert panel prior to the pending 2012 London Games.
12. [Chapter 18] There was considerable delay by the IAAF Anti-Doping department, varying between 18 months and 25 months, in informing the athlete and the ARAF of the investigation into an athlete's potential ADRV based on the ABP. This resulted in athletes being able to compete in the London 2012 Olympics and other world athletics events. Furthermore, the notification letters were not always consistent in offering a two-year sanction in exchange for a prompt admission.
13. [Chapter 18] If an athlete chose a provisional suspension, if it was offered, then the IAAF took anywhere from 18 months (Bakulin) to 25 months (Kirdyapkin) to follow up to determine if ARAF had investigated or initiated disciplinary proceedings.
14. [Chapter 18] After initial notification by the IAAF of a possible ADRV the ARAF took up to more than 2 years to take action the notifications it received.
15. [Chapter 18] IAAF was inexplicably lax in following up suspicious blood (and other) profiles.

16. [Chapter 18] ARAF was inexplicably lax in following up notifications from IAAF, equally the IAAF failed to act expeditiously in following up on results management.
17. [Chapter 18] The delays by both the IAAF and ARAF led to athletes competing in the London 2012 Olympics who should have been prevented from competing (and who were/are later sanctioned).
18. [Chapter 18] There are inconsistencies in the proposed sanctions by IAAF and the eventual sanctions.
19. [Chapter 18] There are unexplained delays in getting the CAS appeals argued and decided.

#### **With respect to WADA**

1. [Chapter 20] WADA faces pressures from stakeholders to undertake more and more responsibilities in the fight against doping in sport, but without concomitant increases in the resources necessary to accomplish the necessary activities.
2. [Chapter 20] WADA's coordination of the fight against doping in sport could be made easier if the use of ADAMS was compulsory and that all providers of data required pursuant to the Code not capable of direct entries into ADAMS assume any additional costs of the incorporation of the necessary data.

3. [Chapter 20] Now implementing the third version of the Code, WADA needs to continue its educational role, but also to insist on compliance by all Signatories.
4. [Chapter 20] Actual and potential conflicts of interest at the WADA Executive Committee and Foundation Board make decisive actions regarding Code compliance unnecessarily difficult to achieve.
5. [Chapter 20] WADA continues to face a recalcitrant attitude on the part of many stakeholders that it is merely a service provider and not a regulator.
6. [Chapter 20] While consensus and compliance, where possible, are preferable, WADA has been unduly tentative with signatories in requiring compliance and timely action.
7. [Chapter 20] WADA staff have the necessary scientific and technical qualifications and have the required abilities to administer the world anti-doping program and to deal with scientific and compliance issues. They need to hire staff who will be able to run international investigations throughout multiple jurisdictions in order to assist in the investigation aspects of doping and ensure compliance with the ISTI.
8. [Chapter 20] WADA has been effective in changing the focus of anti-doping programs to that of protecting the clean athletes.

9. [Chapter 20] Delays in the implementation of actions required in cases of suspected doping can compromise the effectiveness of anti-doping programs.
10. [Chapter 20] WADA is not aware of all contractual relationships at accredited laboratories that may have an impact on the operational capabilities of the laboratories.
11. [Chapter 20] WADA is not necessarily aware of all circumstances in which doping control officers have been interfered with or when obstruction of their duties may have occurred.
12. [Chapter 20] WADA needs to develop a whistle blower assistance and protection program to facilitate the encouraging of whistle blowers activities.

**With respect to the Lausanne Laboratory**

1. [Chapter 16] The IC has not discovered evidence that would support otherwise culpable conduct on the part of the Lausanne laboratory in relation to the destruction of the samples.
2. [Chapter 16] The Lausanne laboratory acted contrary to specific instructions received from WADA to retain the 67 samples transferred to it from the Moscow laboratory.
3. [Chapter 16] The IC is not satisfied with the explanations given for the destruction of the samples transferred from the Moscow laboratory.

4. [Chapter 16] The prohibited substance discovered in one of the transferred samples was at a level lower than that which the Moscow laboratory was able to discover.
5. [Chapter 16] As a result of the destruction of the samples transferred from the Moscow laboratory, there is insufficient corroborating evidence to support the allegations by Mr. Popov of a conspiracy involving coach Melnikov and director Rodchenkov to ensure that certain athletes were to have samples substituted in the event of positive tests, for which a fee would be paid to Rodchenkov.

## **Other Findings**

1. [Chapter 9] The hotel management confirmed the presence of the athletes targeted for testing.
2. [Chapter 17] IDTM took internal independent measures to conduct an investigation following the release of the ARD documentary, which resulted in the dismissal of staff implicated in the documentary.



## **Chapter 22: Summary of IC recommended sanctions**

The preceding chapters of this report dealt with individuals and organizations that were included in the allegations aired in the German ARD documentary on 03 December 2014. As a result of the IC investigation into these allegations, the IC has sufficient evidence to recommend sanction packages as described below in respect of the following people:

### **22.1 Doctor**

#### ***22.1.1 Dr. Sergey Nikolaevich Portugalov (Chief of the ARAF Medical Commission)***

Dr. Portugalov is the subject of an IC sanction package that was submitted to WADA and has been submitted by WADA to the IAAF with a recommendation for a lifetime ban from sport. This package was forwarded by the IAAF to ARAF on 08 August 2015 (for more details see Chapter 10).

### **22.2 Coaches**

#### ***22.2.1 Alexey Melnikov (Senior Coach and Head Coach for Russia for endurance)***

Mr. Melnikov is the subject of an IC sanction package that was submitted to WADA and has been submitted by WADA to the IAAF with a recommendation for a lifetime ban from sport. This package was forwarded by the IAAF to ARAF on 08 August 2015 (for more details see Chapter 11).

#### ***22.2.2 Vladimir Kazarin (Russian National Team 800m Coach)***

Mr. Kazarin is the subject of an IC sanction package that was submitted to WADA and has been submitted by WADA to the IAAF with a recommendation for a lifetime ban from sport. This package was forwarded by the IAAF to ARAF on 08 August 2015 (see Chapter 11 for more details).

#### ***22.2.3 Vladimir Mokhnev (Russian Coach for endurance run distances of 1000 - 3000m).***

Mr. Mokhnev is the subject of an IC sanction package that was submitted to WADA and has been submitted by WADA to the IAAF with a recommendation for a lifetime ban from sport. This package was forwarded by the IAAF to ARAF on 08 August 2015 (for more details see Chapter 11).

#### ***22.2.4 Viktor Chegin (Russian Race Walking Coach)***

Mr. Chegin is the subject of an IC sanction package that was submitted to WADA and has been submitted by WADA to the IAAF with a recommendation for a lifetime ban from sport. This package was forwarded by the IAAF to ARAF on 08 August 2015. (for more details see Chapter 11)

### **22.3 Athletes mentioned in ARD Documentary Subject to IC sanction package**

#### ***22.3.1 Ekaterina Poistogova (Russian middle distance runner)***

Ms. Poistogova is the subject of an IC sanction package that was submitted to WADA and has been submitted by WADA to the IAAF with a recommendation for a lifetime ban from sport. This package was forwarded by the IAAF to ARAF on 08 August 2015 (for more details see Chapter 18).

#### ***22.3.2 Anastasiya Bazdyreva (400m and 800m Russian runner)***

Ms. Bazdyreva is the subject of an IC sanction package that was submitted to WADA and has been submitted by WADA to the IAAF with a recommendation for a lifetime ban from sport. This package was forwarded by the IAAF to ARAF on 08 August 2015 (for more details see Chapter 18).

#### ***22.3.3 Mariya Savinova- Farnosova (800m Russian runner)***

Ms. Savinova-Farnosova is the subject of an IC sanction package that was submitted to WADA and has been submitted by WADA to the IAAF with a recommendation for a lifetime ban from sport. This package was forwarded by the IAAF to ARAF on 08 August 2015 (for more details see Chapter 18).

#### ***22.3.4 Kristina Ugarova (1500m Russian runner)***

Ms. Ugarova is the subject of an IC sanction package that was submitted to WADA and has been submitted by WADA to the IAAF with a recommendation for a lifetime ban from sport. This package was forwarded by the IAAF to ARAF on 08 August 2015 (for more details see Chapter 18).

#### ***22.3.5 Tatjana Myazina (800m Russian runner)***

Ms. Myazina is the subject of an IC sanction package that was submitted to WADA and has been submitted by WADA to the IAAF with a recommendation for a lifetime ban from sport (for more details see Chapter 18).

## **22.4 Other Athletes not mentioned in ARD documentary but investigated as a result of the work of the IC**

In addition to the above, a number of other athletes not already mentioned in this report came to the attention of the IC as warranting further investigation in terms of potential violations of the WADA code. However in each of the following cases the IC considered that, on the basis of the evidence available to it, there was insufficient evidence to discharge the burden of proof required to sanction these athletes.

Below is a summary of the information received from third parties and in some instances from the athlete themselves over the course of an interview with the IC.

### **22.4.1 *Anna Alminova***

Anna Alminova is a 30-year old female Russian middle-distance runner who represented Russia at the 2008 Olympic Games and won a gold medal at the 2009 European Indoor Championships, which was later annulled following the discovery of a doping violation.

She was the subject of a secret video recording. The video was taken on 11 November 2014 at around 19:00 hours. Alminova was present with Stepanova and her infant child, as well as her husband Vitaly Stepanov in the restaurant of Hotel Kapriz, Chelpon-Ata, Kyrgyzstan. Stepanova asks Alminova if she has ever had a situation where she was running “dirty” at the Russian Championships. To which Alminova replies “I had it once.”

In the context of doping, Stepanova goes on to ask whether Portugalov prepared her, to which Alminova confirms that Portugalov did.

Alminova admits that she could not run under 4:00 minutes for 1500m without doping. The IC is aware of two occasions in which Alminova ran under 4-minutes and both results were later annulled as part of the sanction imposed in 2011.

As a result of the recording, the IC requested a review of Alminova's ABP profiles. Alminova's profile is categorized as "Atypical (Sequence HGB, Sequence OFFS)". Her steroidal profile between July 2014 and February 2015 has been categorized as normal (for the discussion on delayed notification see Chapter 11).

While these disclosures are clearly contrary to the Code, the IC has not been able to determine a precise time frame for these breaches, and therefore cannot exclude the possibility that they may have fallen within the period for which Alminova has already been sanctioned. The IC is, therefore, unable, on its own initiative, to recommend that further action be taken, but would recommend that the IAAF further investigate this athlete.

#### ***22.4.2 Svetlana Cherkasova***

Svetlana Cherkasova, age 36, is a female Russian middle distance runner specializing in the 800m. In 2008, she was banned for two years and nine months along with seven other female Russian athletes for tampering with/manipulating doping samples. The tampering was discovered after DNA tests were conducted on their samples. Cherkasova competed at the 2004 Olympic Games, where she ranked third in the semi-finals. She is currently retired.

Cherkasova came to the attention of the investigation due to a secret recording in which Kazarin states that the whistleblower could run faster than Cherkasova, even though Cherkasova was doping and the whistleblower was not.

The team sought to interview Cherkasova to establish whether she could provide information regarding the ARD documentary or doping regimes within ARAF. There were, however, no contact details for Cherkasova in ADAMS and Open Source and media searches did not reveal any alternative means by which to contact her.

The investigative team requested a review of Cherkasova's ABP profiles. There was no blood or steroid profile available for analysis.

The IC notes that, following an in-competition test administered in July 2012, Cherkasova's urine sample tested positive for salbutamol. She was not banned, but the test is listed on ADAMS as an AAF.

Given that the statement by Kazarin in the secret recording could not be corroborated because it was not possible to contact Cherkasova, it is the belief of the IC that the statement by Kazarin alone does not meet the burden of proof required to recommend sanctions against this athlete. The IC is, therefore, unable, on its own initiative, to recommend that further action be taken. However, should the athlete decide to come out of retirement, the IAAF should closely examine her return to sport.

#### ***22.4.3 Aleksey (AKA Alexej) Farsonov***

Aleksey (AKA Alexej) Farsonov is a Russian male 1500m track athlete. He is married to the Olympic World and European 800m Champion, Mariya Savinova-Farsonova, who was implicated in the ARD German documentary and is the subject of an IC recommended sanction package.

Farsonov came to the attention of the investigation after being identified in a secret recording taken by the whistleblower, stated to have been taken on 19 November 2014, at Mariya Savinova-Farsonova's home in Podolsk, Russia.

Farsonov discusses on the recordings metabolites and the blood and steroid passport with the whistleblower and Mariya.

Farsonov explains how turinabol and nandronol work in a body and he goes on to mention how HGH works and optimum times for ingestion. He explains that the peptide TB500 is not detectable but is potentially cancerous.

Farsonov gives a detailed explanation of prohormones and how they have better "wash-out" times than Oxandrolon.

Savinova-Farsonova states that she consulted Farsonov on how to take HGH Farsonov

recalls that in the winter it was dangerous for Savinova because she was getting tested twice a month.

Farsonov states that he believes it is impossible to win medals without doping.

Farsonov talks about liquid Oxandrolone. He explains that the Russians invented Oxandrolone and how the detection time is only 11 days. He describes how Oxandrolone is administered and remarks that he believes that Epishin's athletes were prepared on liquid, as opposed to the tablet form, otherwise they would have been caught.

Farsonov says that Kazarin will "hide" his athletes, who he knows are "dirty," and arrange for them not to be tested. Farsonov believes that rather than directly manipulating samples, Kazarin will control who is tested and when. It is not clear from this evidence how he has come to this conclusion.

This recording clearly demonstrates that Farsonov possesses extensive knowledge of doping drugs and the doping regimes controlled by coaches. His statements indicate that his knowledge of use, trends, and developments of PEDs is current.

IC investigators sought to interview Farsonov to establish whether he could provide the IC with information regarding the allegations presented in the ARD video or doping regimes within ARAF. Farsonov categorically refused to talk to IC investigators in person and would only accept to communicate via e-mail.

The recording demonstrates that Farsonov is a source of knowledge regarding anti-doping counter-measures for his wife, but there is no direct evidence that he is using PEDs to improve his own performance. For this reason, the IC believes that the information contained within the secret recording does not meet the burden of proof required to recommend sanctions against this athlete. The IC is, therefore, on its own initiative, unable to recommend that further action be taken.

#### **22.4.4 Yekaterina Kupina**

Yekaterina Kupina is a 29-year old female Russian 800m runner coached by Vladimir Mikhnev. Kupina's best performances were in 2012 and 2013. Currently she is ranked 39th in the world for the women's 800m.

Kupina came to the attention of the investigators after being identified in the whistleblower's secret recording, in which she discusses her PED regime.

This recording was taken on 12 July 2014 at Kazanskaya Train Station, Moscow and features Mikhnev in discussion with the whistleblower.

Mikhnev states that one of his athletes wants to leave his team. When asked why, his reply is "I don't know why, I don't give her any pharma. I just don't want to spend as much money on her as I'm spending on Kupina."

Mikhnev goes on to say that when Kupina was on Parabolan last year [circa 2013] she passed a doping control test on the 15th day, whereas others were "clean" for 21 days before their doping control [this is taken to mean that she stopped taking the drug 15 days before the doping test and passed]. However, Mikhnev admits to paying 7,000 roubles (\$212 USD) to get the athlete's sample through the test. Mikhnev explains that he was amazed Kupina cleared through the testing process.

Kupina was subject of another Audio recording on 01 September 2014 featuring Mikhnev.

Mikhnev stated that he had spent a lot on peptides for Kupina. Mikhnev discloses that he had spent about 200,000 roubles on Kupina because she was "under control" meaning on the IAAF list.

IC investigators interviewed Kupina in regard to the allegations made in the ARD documentary. During her interview, Kupina provided the following information:

1. Kupina ran under the tutelage of Coach Mikhnev between August 2012 and June 2014.



2. Kupina believes she is tested more than other athletes, but, when probed further, could not name any athletes who were not being tested.
3. Kupina declared that she had won 70,000 roubles for her Olympic accomplishments and did not give any of her prize money to her coach or anyone else. No one had ever asked her for any money.
4. She denies ever taking any PEDs, even when asked specifically about parabolan and banned peptides.

The IC notes that Kupina began the interview in a friendly and polite manner. As the questioning progressed, however, she became agitated. She gave the investigators the impression that she deflected answers by over-explaining simple points.

The IC requested a review of Kupina's ABP profiles. Kupina's hematological passport and steroid passport were both normal.

The IC does not believe that the information in the recordings alone sustains the required burden of proof to recommend sanctions against this athlete for an ARDV. The IC is, therefore, on its own initiative, unable to recommend that further action be taken.

## **CHAPTER 23: IC Recommendations**

### **23.1 Preamble**

The Independent Commission (IC) considers that certain introductory comments should be made regarding its recommendations.

The mandate of the IC was to examine into the allegations made on the television programs aired by ARD German television, with particular reference to athletics in Russia and the IAAF.

While there are reliable indications that sports in Russia, other than athletics, are affected by doping, the IC considered this to be outside its Terms of Reference.

Although the IC report and recommendations are confined to Russia and athletics, the IC wishes to make it clear that, in its considered view, Russia is not the only country, nor athletics the only sport, facing the problem of orchestrated doping in sport.

The IC has provided certain results of its investigations to Interpol. Interpol has agreed to launch an integrated inquiry into the criminal nature of actions on the part of a number of actors appearing in the course of the investigations. Because of this, certain portions of the IC report will be held back until the police authorities have concluded their own investigations and have decided upon the possible prosecution of criminal charges. Once that stage has been reached, the IC will release that portion of its report.

Athletics is an important sport within the Olympic Movement and Russia is an important country in world sport. Such importance should be reflected by leadership in the fight against doping in sport, not the reverse. The IC has found that not only was leadership in the fight against doping in sport lacking, but also that there were organized efforts on the part of many senior coaches and officials, inside and outside

Russia, to promote doping and make it possible for such efforts to be successful, including the cover-up of certain positive cases of doping.

IFs exercise exclusive governance of their sports in order to nurture the development of the sport that each IF represents. The International Olympic Committee (IOC) recognizes a single IF per sport for purposes of the participation of that sport in the Olympic Movement. Any conduct at the highest levels of an IF that permits evasion, deception and extortion to be the modus operandi of the IF, to the detriment of its members and the sport itself, results in inexcusable transgressions of their mission and abuse of the trust of all those involved in the sport.

Leadership implies responsibility and acceptance of the consequences of non-compliance, regardless of the importance of a sport or a particular country. It is no answer that athletics is too important to be required to comply with anti-doping rules, that the IAAF is too important to be accountable, or that Russia is too important to be sanctioned. It is precisely because all are so important that sanctions proportional to the seriousness of the conduct must be imposed. Athletics, the IAAF and Russia have the means and opportunity to change their conduct.

It is not relevant for purposes of this report that the IAAF and RUSADA may conduct more tests than certain other sports and countries. It is obvious that what has been done has been insufficient as well as tainted. The current exercise is not a search for the lowest common denominator. Quantitative testing is no substitute for qualitative testing.

The IC expects that at least part of the response to this Report will be a predictable concern that some “innocent” athletes may be excluded from participation in competitions if the recommendations in the Report are adopted by the appropriate organizations. “Innocent” athletes, around the world and in Russia, are already suffering as a result of the conduct identified in this Report: they need protection. The root cause of any non-participation is not the Report, but rather the unacceptable conduct of those responsible for the situation giving rise to the IC investigation and

Report. It is they who must assume the responsibility for their actions. The unacceptable conduct can easily be solved by those responsible, who must assume their responsibilities to protect the clean athletes, and thereby enable the clean athletes to participate once again. Timely action on their part should mean that no significant competitions will be missed.

The IC offered, in writing, to meet with the Russian Minister of Sport prior to completing and issuing its Report. A meeting was held in Zurich on 21 September 2015, in the course of which the Minister was invited to provide any comments or information that he considered relevant and was advised in general terms of the state of the IC's investigation and likely directions.

## **23.2 Specific Recommendations**

### ***With respect to the Moscow Laboratory***

1. THAT the Director of the Moscow Laboratory, Grigory Rodchenkov, be permanently removed from his position.
2. THAT the WADA accreditation of the Moscow Laboratory be revoked.
3. THAT pending any decision regarding revocation of accreditation, the Moscow Laboratory be provisionally suspended from all testing activities and that all samples collected in Russia be sent for analysis at other accredited laboratories. WADA staff shall oversee the completion and transfer of the work in progress at the Moscow laboratory to other accredited laboratories.

4. THAT any eventual reaccreditation process in respect of the Moscow Laboratory focus, in addition to scientific expertise and quality control, on measures that will ensure that it operates, in fact, entirely independently from any other agency, institution, government ministry or other outside influence.
5. THAT the Moscow Laboratory promptly and continuously disclose to WADA the terms of all contracts regarding scientific and other assistance provided to it, as well as any other information requested by WADA.

*With respect to RUSADA*

1. THAT RUSADA be declared Code non-compliant.
2. THAT the Code non-compliant status of RUSADA shall remain in effect until WADA determines otherwise pursuant to a reasoned decision.
3. THAT WADA should consider removing non-compliance status only upon receiving and approving a comprehensive report on how the failures identified by the IC will be resolved. In particular, such report should provide for all necessary measures to ensure the independence and autonomy of any eventual accredited laboratory in Russia, including sufficient multi-year funding to enable it to function as contemplated by the world anti-doping program.

4. THAT RUSADA be required to submit its annual test distribution plans to WADA for approval until such time as WADA may determine that such a process is no longer necessary.
5. THAT RUSADA DCOs be monitored as determined by WADA personnel to ensure that all testing is conducted in conformity with the International standard for testing and investigations (ISTI).
6. THAT RUSADA shall, using all possible means, ensure that no details of out-of-competition tests are communicated to coaches, athletes or any other party in advance of such tests.
7. THAT RUSADA shall initiate, and report to WADA on, actions taken in respect of any coaches, officials or athletes who may interfere or attempt to interfere with any testing procedure.
8. THAT RUSADA investigate the circumstances of those athletes and coaches who the IC attempted to contact and interview, but who refused to meet with or communicate with IC investigators and report to the Ministry of Sport and WADA on its findings prior to 31 December 2015.
9. THAT RUSADA shall fulfil its compliance duty to report to WADA on any interference by any party or organization in any aspect of its responsibility.

10. THAT RUSADA shall ensure prompt action is taken with respect to suspicious ABPs or test results, including its participation in any subsequent appeals taken by any party to CAS.
11. THAT RUSADA continue to offer and organize anti-doping courses for coaches, officials and athletes, the content of which shall be approved by WADA.
12. THAT RUSADA shall ensure that foreign athletes present in the Russian Federation are subject to testing upon request of other ADOs or on its own initiative.

*With respect to ARAF*

1. THAT WADA shall immediately declare ARAF to be Code non-compliant. (The IC would have no objection to and suggests that ARAF might, should it prefer, agree to an immediate provisional suspension in order to begin remedial actions to achieve Code compliance as quickly as possible.)
2. THAT ARAF shall undertake an internal investigation regarding non-compliant Code conduct of any of its officials, coaches and athletes identified in the IC Report and since 01 January 2011, and shall report in writing to the WADA Foundation Board within six months of the issuance of this Report.

3. THAT ARAF, as a condition of lifting any suspension or provisional suspension, shall satisfy WADA that its officials, coaches and athletes act in accordance with the Code.
4. THAT ARAF shall ensure that it acts on a timely basis with respect to any suspicious cases submitted to it by the IAAF or by WADA.
5. THAT ARAF shall provide and implement appropriate means and resources to enable athletes and other whistleblowers to report on Code non-compliant situations, whether directly to ARAF or through the WADA hot line and shall actively promote an open environment that will encourage such conduct. ARAF shall report to WADA on remedial actions it has taken.
6. THAT ARAF shall report to WADA on any anti-doping practices or procedures within its relationship with the IAAF that seem to be outside established authority or different from prior practices.
7. THAT the cases of those individuals identified by the IC for appropriate discipline by IAAF be pursued as expeditiously as possible, accompanied by provisional sanctions.
8. THAT WADA recommend to the IOC that it not accept any entries from ARAF (or the Russian NOC in respect of athletics) until ARAF has been declared Code compliant pursuant to a reasoned decision by WADA.



9. THAT Dr. Sergey Nikolaevich Portugalov be permanently removed from his position as Chief of the ARAF Medical Commission.
10. THAT before any International Event entries are accepted from ARAF, ARAF must provide the IAAF, the Ministry of Sport and WADA with a list of all athletes and coaches provided with doping substances and/or counselled by Dr. Sergei Nikolaevich Portugalov regarding doping.
11. THAT ARAF propose to the IAAF reasonable terms of office limitations for its senior officers.

*With respect to the Russian Federation*

1. THAT the Russian Ministry of Sport shall ensure that RUSADA and any eventual accredited laboratory have adequate budgets to ensure that, in such a large and important sports country, an effective anti-doping program can effectively be implements.
2. THAT all necessary steps be taken to remove and prevent any actions by state agencies (including the FSB) that may affect the independence of the anti-doping program in Russia.
3. THAT all necessary steps shall be taken to ensure that RUSADA and ARAF understand and comply with their anti-doping responsibilities.

4. THAT all necessary steps shall be taken to ensure that Russian athletes and athlete support personnel do not travel abroad to train using false identities to confound their whereabouts obligations.
5. THAT medical advisors holding official government positions should not be office holders or otherwise involved in national sport federations or IF medical commissions.
6. THAT Dr. Sergey Nikolaevich Portugalov be permanently removed from his position at the All-Russian Research Institute of Physical Culture and Sports and not employed or participate in any government program involving any sport.
7. THAT the Russian Ministry of Sport take all necessary steps to ensure that samples collected in Russia can promptly be sent to other WADA-accredited laboratories without delay or hindrance and to communicate the applicable process to WADA
8. THAT the Russian Ministry of Sport ensure the complete operational independence of RUSADA.
9. THAT the Russian Ministry of Sport create and implement processes that will guarantee the complete independence of any WADA-accredited laboratory in the Russian Federation and that it take advantage of WADA expertise in such matters as it may choose.

10. THAT to demonstrate its commitment to doping free sport in the Russian Federation, the Russian Ministry of Sport invite the responsible authority under the International Convention Against Doping in Sport (UNESCO Convention) to select the Russian Federation for purposes of auditing its compliance with the UNESCO Convention at the earliest possible opportunity.
11. THAT notwithstanding its responsibilities for matters of state security, the FSB be invited not to interfere in the international obligations of the Russian Federation in relation to Code-related activities of RUSADA and the Moscow laboratory.
12. THAT neither accredited nor non-accredited laboratories be used for purposes of monitoring athlete compliance with their Code obligations.
13. THAT the Ministry of Sport shall have the power to define and oversee the conditions under which the director of any accredited laboratory in the Russian Federation can be removed from office for reasons of professional misconduct, including non-compliance with the Code.
14. That the Ministry of Sport should have the power to intervene and terminate the position of any coach found to have engaged in non-complaint Code conduct independent of any national federation for whom the coach may work.

### *With respect to the IAAF*

The IC has withheld most of the contents of the chapter on the IAAF in order to not compromise the continuing efforts in respect of information provided to Interpol. There are very serious criminal allegations in the ARD documentary. The IC is in possession of information which has been passed on to Interpol for the purposes of an integrated investigative activity, Operation Augeas. Therefore, most of the IC's Recommendations in respect of the IAAF are being withheld until such time as the full chapter is released.

1. THAT the IAAF establish the position of Chief Compliance Officer in matters of anti-doping, with complete independence and sufficient financial and personnel support to enable it to monitor Code compliance, including target testing, results management, and whereabouts.
2. THAT the IAAF establish the position of Ombudsperson (independent of the IAAF, but paid for by the IAAF), to whom athletics athletes and other personnel can have access for advice and assistance whenever they may be subject to pressures to use doping substances and methods.

### *With respect to WADA*

1. THAT WADA shall make all the declarations and take all the actions recommended in this Report.

2. THAT WADA ensure that all suspicious test results described in this Report and any subsequent Report are followed-up promptly and thoroughly and that outcomes be reported on a timely basis.
3. THAT WADA shall ensure that Test distribution plans of NADOs considered to be high risk are sufficiently rigorous to avoid gaps such as were found in the course of the IC investigation.
4. THAT findings of Code non-compliance are major deterrents to ineffective anti-doping programs. Sixteen years after the formation of WADA is more than enough time to enable ADOs to develop and implement adequate anti-doping programs; failure to have done so amounts to indifference to the protection of clean athletes.
5. THAT, recognizing the inherent conflicts of interest that exist within the WADA Executive Committee and Foundation Board, WADA consider establishment of an independent mechanism that will have the power to make or recommend such findings of non-compliance.
6. THAT WADA exclude Russian membership on the Foundation Board and all committees and working groups of WADA until ARAF and RUSADA have been determined to be Code compliant pursuant to a reasoned decision by WADA
7. THAT no meetings of WADA, its Executive Committee and any of its committees or working groups take place in Russia until RUSADA and ARAF have been declared Code compliant as recommended above

8. THAT it is a mandatory element in the International Standard for Testing and Investigations for DCOs to complete doping control forms with full and complete disclosure and they and others are to report promptly to WADA in relation to any hindrance encountered in sample collection, or, transporting or shipping samples from Russia.
9. THAT atypical test results in any samples tested by any accredited laboratory be automatically identified, reported to and promptly followed-up by the appropriate Anti-Doping Organisations, including verification of analysis menus employed and requesting additional testing for exogenous testosterone, regardless of reported t/e ratios.
10. THAT WADA insist that RUSADA, along with all other Code Signatories, comply with its obligations to provide complete and timely data for ADAMS by 31 December 2015.
11. THAT WADA urge the Russian Federation and other government members to accelerate the number and robustness of compliance audits in relation to the International Convention Against Doping in Sport (UNESCO Convention).
12. THAT the WADA Compliance Working Group report to each WADA Foundation Board meeting on specific steps taken by WADA to protect the interests of clean athletes in the particular reporting period.

13. THAT any country with Code non-compliant legislation be declared to be Code non-compliant.
14. THAT in any situation regarding Code compliance that it considers to be urgent, (for example, the non-authorized destruction of samples by an accredited laboratory) WADA be given the power, after consultation, to make a provisional declaration of non-Code compliance, which shall thereupon come into immediate effect, subject to the outcome of any appeal that may be taken to CAS (no preliminary measures).
15. THAT WADA add the names of Grigory Rodchenkov and Sergei Portugalov and coaches Viktor Mikhailovich Chegin, Vladimir Kazarin, Aleksey Melnikov and Valdimir Mokhnev, to its Prohibited Advisor List.
16. THAT all accredited laboratories be required to submit to WADA all contracts regarding services rendered by third parties to the laboratories.
17. THAT WADA develop and implement a whistleblower assistance and protection policy and train its staff to be careful in how they respond to and handle whistleblower information.
18. In order to be able to engage in and adequately manage international investigations, WADA must hire appropriately qualified staff and allocate appropriate budgets and resources for that purpose.