



INTERNATIONAL
OLYMPIC
COMMITTEE

IOC Disciplinary Commission's Report to the IOC Executive Board

Lausanne, 2 December 2017

For the Disciplinary Commission:

The Chair

Mr Samuel Schmid, former President of the Swiss Confederation, Member of the IOC Ethics Commission

The Members

Mr Robin Mitchell, Vice-Chair of the IOC Medical and Scientific Commission, Member of the IOC Ethics Commission

Mrs Yang Yang, Athletes' Representative on the IOC Ethics Commission

Mr Andrew Ryan, Executive Director of ASOIF

Mr Wolfgang Schobersberger, Representative of the International Winter Sports Federations

With the support of Mrs Pâquerette Girard Zappelli, IOC Chief Ethics and Compliance Officer



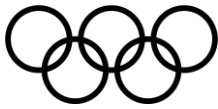
Table of contents

1	Introduction	4
1.1	The IOC Executive Board decision on 19 July 2016	4
1.2	IOC DC methodology and timing	5
2	Elements reviewed by the IOC DC	6
2.1	Russian Sports Structure	6
2.1.1	Ministry of Sports	6
2.1.2	Centre of Sports Preparation of National Teams of Russia (CSP)	7
2.1.3	Russian Federal Research Centre of Physical Culture and Sport (“VNIIFK”)	7
2.1.4	Russian National Anti-Doping Agency	7
2.1.5	Moscow Anti-Doping Laboratory	7
2.1.6	Russian Olympic Committee	8
2.1.7	Organising Committee for the Olympic Winter Games Sochi 2014 (SOCOG)	8
2.2	Information at the disposal of the IOC DC	9
2.2.1	ARD Programme on 4 December 2014	9
2.2.2	WADA’s Independent Commission First Report	9
2.2.3	Consequences of the WADA’s Independent Commission First Report	10
2.2.4	WADA’s Independent Commission’s Final Report	11
2.2.5	Dr Grigory Rodchenkov’s declarations in the New York Times	11
2.2.6	WADA’s Independent Person’s Preliminary Report	11
2.2.7	WADA’s Independent Person’s Final Report	12
2.2.8	<i>Icarus</i> – Documentary produced by Mr Bryan Fogel	12
2.2.9	Analysis of the Evidentiary Disclosure Package (EDP)	13
2.2.10	Laboratory Information Management System of Moscow Laboratory	15
2.2.11	WADA’s position on RUSADA’s compliance	16
2.3	Forensic and Biological Analysis	17
2.3.1	ESC-LAD Forensic Analysis	17
2.3.2	CHUV Biological Analysis	19
2.3.3	Aggregated results of the Forensic and Biological Analysis	20
2.4	Observations made by representatives of the Russian authorities	21
3	Conclusions by the IOC Disciplinary Commission	24
3.1	Conclusions regarding the factual aspects	24
3.2	Conclusions regarding the legal aspects	26
4	Recommendations to the IOC Executive Board	28
	Appendices to the IOC Disciplinary Commission’s Report	30



List of acronyms

AAF	Adverse Analytical Findings
ADRV	Anti-Doping Rule Violation
ARAF	All Russia Athletics Federation
ASOIF	Association of the Summer Olympic International Federations
CAS	Court of Arbitration for Sport
CHUV	Lausanne University Hospital
CRC	WADA's Compliance Review Committee
CSP	Centre for Sports Preparation of National team of Russia
Denis Oswald DC	IOC Disciplinary Commission chaired by Mr Denis Oswald
DPM	Disappearing Positive Methodology
EDP	Evidentiary Disclosure Package
ESC-LAD	School of Criminal Justice, Faculty of Law, Criminal Justice and Public Administration
IAAF	International Association of Athletics Federation
IC	Independent Commission of WADA
IF	International Sport Federation
IOC	International Olympic Committee
IOC DC	IOC Disciplinary Commission chaired by Mr Samuel Schmid
IOC EB	IOC Executive Board
IP	Independent Person appointed by WADA (Professor Richard McLaren)
ISL	International Standards for Laboratories
LAD	Laboratoire Suisse d'Analyse du Dopage
LIMS	Laboratory Information Management System
NOC	National Olympic Committee
OCOG	Organising Committee of the Olympic Games
ROC	Russian Olympic Committee
RUSADA	Russian Anti-Doping Agency
SOCOG	Organising Committee for the Olympic Winter Games Sochi 2014
TUE	Therapeutic Use Exemption
UNIL	University of Lausanne
VNIIFK	Russian Federal Research Centre of Physical Culture and Sport
WADA	World Anti-Doping Agency



1 Introduction

1.1 The IOC Executive Board decision on 19 July 2016

Following the publication on 16 July 2016 of the World Anti-Doping Agency (WADA)'s Independent Person (IP) Preliminary Report, the IOC Executive Board (IOC EB) took a number of measures on 19 July 2016 (see Appendix I).

As part of the measures, it was decided not to organise or give patronage to any sport event or meeting in Russia and not to grant any accreditation to any officials of the Russian Ministry of Sport or any person implicated in the IP Preliminary Report for the Games of the XXXI Olympiad in Rio de Janeiro 2016. With regards to the athletes, it was decided to reverse the rule of the “presumption of innocence” for the Russian athletes. Finally, with regard to the Russian Ministry of Sport and its subordinated organisations, which are beyond the IOC reach, it was left to UNESCO and WADA to take further measures pursuant to the UNESCO Convention against Doping in Sport and to the WADA Code.

Regarding the alleged facts related to the Olympic Winter Games Sochi 2014, which are under the authority of the IOC, the IOC EB established two IOC Disciplinary Commissions:

The first commission chaired by Mr Samuel Schmid (IOC DC): *“following the Rule 59 of the Olympic Charter, the IOC EB has today started disciplinary actions related to the involvement of officials within the Russian Ministry of Sports and other persons mentioned in the report because of violations of the Olympic Charter and the World Anti-Doping Code. To accelerate this procedure, the IOC EB has established a Disciplinary Commission and has, following Bye-law 1 to Rule 59 of the Olympic Charter, delegated the task of establishing the facts and granting the hearing required by Bye-law 3 to Rule 59, and by natural justice.”*

Thus the mission of the IOC DC was not to assess the value of the IP Reports, but to establish the facts on the basis of documented, independent and impartial evidence.

Mr Guy Canivet, Vice-Chair of the IOC Ethics Commission and former member of the French Constitutional Court, was initially appointed as Chair of this Disciplinary Commission; following his resignation for personal imperative reasons, Mr Samuel Schmid, member of the IOC Ethics Commission and former President of the Swiss Confederation, took over the lead of this Disciplinary Commission.

The second commission chaired by Mr Denis Oswald (Denis Oswald DC) in order to *“initiate reanalysis, including forensic analysis, and a full inquiry into all Russian athletes who participated in the Olympic Winter Games Sochi 2014 and their coaches, officials and support staff.”* and to take decisions regarding the individual athletes' situations related to the possible violation of the WADA Code.



1.2 IOC DC methodology and timing

The IOC DC reminds that it has no investigation power similar to the one of the Law Enforcement Agencies. Thus it is dependent on the information available in the public domain, the elements published by the IP and the information shared voluntarily by the persons concerned.

The IOC DC started its activities during the Olympic Games Rio de Janeiro 2016 by discussing simultaneously with Mr Vitaly Smirnov, Chair of the newly created Russian Independent Public Anti-Doping Commission, and with Prof. Richard McLaren in the view of obtaining the transmission of all documents upon which his Preliminary Report was based.

Unfortunately, for confidentiality reasons, Prof. Richard McLaren was unable to share these elements at the time; thus the IOC DC had to wait for their publication under the name of Evidentiary Disclosure Package (EDP) on 9 December 2016 along with the final Report by Prof. Richard McLaren.

Prof. Richard McLaren then provided a strong support helping the IOC DC to finalise its analysis of the independent evidence such as the EDP on which the two IP Reports are based.

The mandate of Prof. Richard McLaren was neither to establish evidence of anti-doping rules violations by individual athletes nor to provide evidence of a level being able to stand legal challenges in Court. Therefore, the IOC agreed on the need for a more documented forensic and biological analysis. The University of Lausanne, School of Criminal Justice (ESC-LAD) was mandated to conduct the forensic analysis and the Lausanne University Hospital (CHUV) to carry out the biological analysis. The methodology report by the ESC-LAD was transmitted in August 2017; the results of the forensic and biological analysis of the individual samples (127 B-Sample bottles, collected from the Russian athletes in Sochi, analysed in priority) were finalised at the end of November 2017.

The IOC DC was also in contact with the various International Federations involved regarding their evaluation of their respective sport situation in relation to the Russian athletes.

In the respect of the basic principles of Natural Justice and as this was required by the IOC EB's decision on 19 July 2016, the right to be heard was offered to the Russian main actors directly or indirectly involved in the set-up of the system. This offer was made with the guarantee that the confidentiality of the information and explanations provided will be strictly respected.

The IOC DC also interviewed orally and/or in writing some of these main actors involved in order to better understand their respective involvement.

Since its creation in July 2016, the IOC Disciplinary Commission gathered an enormous amount of information; some of this information was transmitted confidentially. In order to avoid differentiation between confidential and non-confidential information, the IOC DC took the decision not to publish any of these elements as it would not be appropriate to publish only a part of the documentation upon which the IOC DC's conclusions are based. Thus, this report presents a synthesis of the findings rather than a listing of all the elements reviewed.



The timing of the elaboration of this report was influenced by the various deadlines mentioned above and detailed in part 2.2 of this report.

2 Elements reviewed by the IOC DC

2.1 Russian Sports Structure

During the period of time prior to the publication of the EDP, the IOC DC considered the importance of understanding the organisation of the sports entities in Russia at the time of the facts considered by the IP Reports. The following explanations constitute a short summary of all the information gathered from the public domain.

2.1.1 Ministry of Sports

The organisation of sports in Russia appeared to be, at the time of the facts, primarily governed by the Constitution and the Russian Federal Law on Physical Culture and Sport.

The system of Russian sport was built around the Ministry of Sport and various entities under its responsibility. The Ministry controlled every sphere related to sports in the country, including its mass development, hosting international events, elite athletes and team preparation for international competitions and Olympic Games, sport sciences and researches, anti-doping, ..., etc. The National Sports Federations were working in direct contact with the Ministry of Sport.

In July 2007, at the time of the election of Sochi to host the XXII Olympic Winter Games 2014, Mr Vyacheslav Fetisov was the Head of the Federal Agency for Physical Culture and Sports of Russia (ROSSPORT).

On 12 May 2008, Mr Vitaly Mutko was nominated as the Minister of Sport, Tourism and Youth, and became on 21 May 2012, Minister of Sport of the Russian Federation. The Minister of Sport was assisted in his task by five Deputy Ministers, in particular regarding anti-doping, by the Deputy Minister Mr Yuri Nagornykh.

The activity of the Ministry of Sport was funded by the Federal budget; therefore, it was responsible for the budget planning and financing in sports.

On 15 December 2006, the then Minister of Sport, Mr Fetisov, signed the guarantee on behalf of the Government of the Russian Federation, that during the Olympic Winter Games Sochi 2014, the WADA Code and IOC Anti-Doping Rules would be strictly enforced; this included the delivery of a laboratory compliant with the rules of International Standards for Laboratories (ISL).

Main actors from the Ministry of Sport mentioned in the IP Reports

- Minister: Mr Vitaly Mutko
- Deputy Minister: Mr Yuri Nagornykh
- Advisor: Ms Natalia Zhelanova



2.1.2 Centre of Sports Preparation of National Teams of Russia (CSP)

The CSP was a federal budgetary institution under the responsibility of the Ministry of Sport, specialised in the sports training of the Russian national team. Particularly, its tasks were to ensure the correct functioning of the system of selection and centralised training of athletes, as well as the participation of national teams to sports events.

Persons from the CSP mentioned in the IP Reports

- Deputy Director: Ms Irina Rodionova
- Analyst and advisor to the Deputy Minister: Mr Alexey Velikodniy.

2.1.3 Russian Federal Research Centre of Physical Culture and Sport (“VNIIFK”)

The VNIIFK was also a federal budgetary institution under the responsibility of the Ministry of Sport, providing both scientific and methodologic assistance to the athletes.

Persons from the VNIIFK mentioned in the IP Reports

- Deputy Director: Mr Sergei Portugalov (also former Head of the Medical Commission of the All-Russian Athletics Federation - ARAF)

2.1.4 Russian National Anti-Doping Agency

The Russian National Anti-Doping Agency (“RUSADA”) was established on 1 January 2008 pursuant to the UNESCO Anti-Doping Convention and the WADA Code. As for all national anti-doping agencies, WADA is responsible for RUSADA’s compliance with the WADA Code (see point 2.2.3 below).

RUSADA was financed through subsidies from the Ministry of Sport. Its management was composed of the General Director, Mr Ramil Habriev, Executive Director, Mr Nikita Kamaev, and the Chairman of the Board of Directors, Mr Viatcheslav Sinev.

Mr Viatcheslav Sinev and Mr Nikita Kamaev both died respectively on 3 and 14 February 2016.

Persons from the RUSADA mentioned in the IP Reports

- Executive Director: Mr Nikita Kamaev

2.1.5 Moscow Anti-Doping Laboratory

The Moscow Anti-Doping Laboratory (Moscow Laboratory) has been established in the 70s in the view of the preparation for the 1980 Summer Olympic Games in Moscow; it was under the responsibility of and financed by the Ministry of Sport. In 2008, the Moscow Laboratory obtained its WADA accreditation.

On 19 November 2013, the accreditation of the Moscow Laboratory was suspended by a WADA decision and was only reinstated on 20 May 2014. Despite the suspension of the Moscow Laboratory, the Sochi Laboratory, operating under the management of the Moscow Laboratory’s Director, Dr Grigory Rodchenkov, obtained in January 2014 from WADA the authorisation to conduct doping controls during the Olympic Games from 27 January to 15 April 2014.

Dr Grigory Rodchenkov is the key person mentioned in the IP Report.



2.1.6 Russian Olympic Committee

Russia played a key role in the history of the Olympic Movement. General Alexei de Boutowsky was one of the founding IOC Members in 1894; the Russian delegation participated to the Olympic Games for the first time in Paris in 1900 and the Russian Olympic Committee was recognised for the first time in March 1911. In Vienna on 7-9 May 1951, the IOC Session recognised the National Olympic Committee of Union of the Soviet Socialist Republic (USSR). The “All-Russia Olympic Committee” was founded on 1st December 1989 by the Russian Federation; under the name of “Olympic Committee of Russia” (ROC), it was recognised by the IOC Session in Monaco in September 1993.

The ROC is a non-profit organisation, its Statutes have been approved by the IOC and are fully compliant with the Olympic Charter.

The Ministry of Sport, according to the government structure, was dealing directly with the National Federations, in particular with regard to anti-doping matters.

Nevertheless, according to the Olympic Charter (Rules 27, 40, 43 and 44), the ROC main missions are the promotion of sport movement and its Olympic ideals in the Russian Federation, the organisation of the participation of the Russian delegation in the Olympic Games and other multi-sports events, as well as the fight against doping in sport in Russia.

As part of its responsibility in the fight against doping, the ROC’s main responsibility is to ensure that it enters competitors in the Olympic Games who are fully aware and compliant with the WADA Code.

The ROC activities are financed by Federal State bodies, its members’ contributions, donations and income from ROC activities. Sponsoring and marketing programmes are the ROC’s largest sources of income.

For each edition of the Olympic Games, a Host City Contract (HCC) is signed between the IOC, the Host City and the National Olympic Committee of the country. On 4 July 2007, in Guatemala City, the HCC was signed by the IOC, the City of Sochi and the ROC. This contract defined the obligations for the City of Sochi and of the ROC, for which they were individually and collectively liable.

Persons from the ROC mentioned in the IP Reports

- Member of the Executive Committee as representative of the Ministry of Sports: Mr Yuri Nagornykh
- Accredited as ROC Staff during London and Sochi Olympic Games as Head of Monitoring and Management of Anti-Doping Programmes: Ms Irina Rodionova.

2.1.7 Organising Committee for the Olympic Winter Games Sochi 2014 (SOCOG)

One of the obligations provided by the HCC (Article. 4) was to establish an organising committee “*jointly and severally liable for all commitments entered into individually and collectively concerning the planning, organisation and staging of the Games [...]*”. Pursuant to Article 24-b of the HCC, SOCOG had to put in place and carry out doping controls, in accordance with the provision of the WADA Code and the IOC Anti-Doping Rules applicable at the time of the Games.



As a consequence, the CEO of SOCOG, Mr Dmitry Chernyshenko, signed a Specific Agreement with Dr Grigory Rodchenkov, acting as the director of the “Anti-Doping Centre” Federal State Unitary Enterprise, in order to fulfil the doping control, including operational aspects, in accordance with the WADA Code and the ISL and Anti-Doping Rules set-up by the IOC.

The SOCOG was dissolved on 12 August 2014, at the end of the dissolution process provided by the Russian legislation.

2.2 Information at the disposal of the IOC DC

The IOC DC analysed all the information at its disposal, those confidential as well as those in the public domain. This part of the report summarises the IOC DC’s findings and analysis of these various elements.

2.2.1 ARD Programme on 4 December 2014

On 3 December 2014, the ARD broadcasted a programme named “*Top-Secret Doping: How Russia makes its Winners*”, describing a sophisticated system to cover-up doping within the All-Russia Athletics Federation (ARAF). The allegations revealed in this program concerned primarily the IAAF.

The documentary implicated a number of Russian athletics athletes, coaches and doctors, the RUSADA and the Moscow Laboratory. This programme was mainly based on the witness’ statements made by Mr Vitaly Stepanov, former employee of RUSADA, and his wife Mrs Yulia Stepanova, elite Russian track and field athlete who was suspended for doping during two years from 2013 to 2015. Their statements were supported by secret footage and audio recordings.

Following this programme, on 16 December 2014, WADA announced the creation of an Independent Commission (IC), chaired by Mr Richard Pound, IOC Member, member of the WADA Foundation Board and former WADA President, along with Prof. Richard McLaren and Mr Günter Younger.

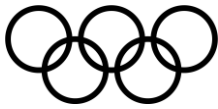
2.2.2 WADA’s Independent Commission First Report

After ten months of deep investigation, the WADA IC published its First Report on 9 November 2015 (see Appendix II). The IOC DC strongly recommends a thorough reading of this Report, which is very comprehensive.

According to this First Report, the following elements could be highlighted:

- This First Report followed a long investigation including a great number of hearings, the analysis of audio and video material, scientific evidence, cyber analysis and related corroborative documents and statements. This Report stated that, in the sports of track and field, “*the investigation has confirmed the existence of widespread cheating through the use of doping substance and methods to ensure or enhance the likelihood of victory for athletes and teams.*”¹

¹ Independent Commission Report #1, page 10



- This Report exposed not only the existence of an extensive use of doping products by Russian athletics athletes, but also a deeply rooted culture of doping and cheating involving doctors, coaches and laboratory personnel, as well as the financial exploitation of some of the athletes who had to pay in order to access the doping “programmes” and/or to “cover” the positive results allowing them to continue to participate in international competitions.
- One of the major actors identified was Dr Grigory Rodchenkov, director of the Moscow Laboratory; he was at the heart of doping activities and of the positive drug tests cover-up; he had direct access within the Ministry of Sport to request funds for the laboratory equipment. The Report showed that in his position he was not only accepting but also requesting money in order to execute the concealment of positive tests of Russian athletics athletes. Furthermore, he admitted during an interview to have intentionally destroyed 1’417 samples at the end of 2014 in order to limit the extent of the WADA’s audit, of which he was previously informed by WADA².
- With regard to ARAF, the Report highlighted the responsibility of its president, Mr Valentin Balakhnichev, who along with the Moscow Laboratory’s director Dr Grigory Rodchenkov, set-up a system to conceal positive tests; also involved was the ARAF’s Head of Medical Commission and Deputy Director General of the Russian Federal Research Centre of Physical Culture and Sports (VNIIFK), Dr Sergey Portugalov.

2.2.3 Consequences of the WADA’s Independent Commission First Report

- French Judiciary Investigation regarding IAAF’s officials

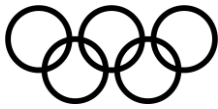
Through INTERPOL, the WADA IC forwarded a number of information to the French judiciary authorities, which opened a criminal investigation. This investigation is still ongoing.

In his quality as President of the IAAF, Mr Lamine Diack was an IOC Member and later an IOC Honorary Member. As part of the criminal investigation by the French Judiciary, Mr Lamine Diack was arrested in November 2015. Immediately after his arrest, the IOC Executive Board, upon recommendation by the IOC Ethics Commission, suspended Mr Lamine Diack on 9 November 2015 from all his rights linked to his IOC Honorary membership. Mr Lamine Diack resigned from his IOC Honorary membership the following day.

- WADA’s decision regarding RUSADA

On 10 November 2015, WADA suspended RUSADA with immediate effect, stated conditions for its reinstatement and started a procedure lead by the WADA Compliance Review Committee (CRC) to ensure the compliance of the Russian entity with these conditions. This procedure is still ongoing.

² Independent Commission Report #1, page 204



2.2.4 WADA's Independent Commission's Final Report

On 14 January 2016, the WADA IC published its Final Report, revealing details of the information delivered to the French judicial authorities and presenting developments following the release of the First Report (see Appendix III).

The IOC DC strongly recommends a thorough reading of the IC Final Report, which confirms the findings exposed in its First Report.

2.2.5 Dr Grigory Rodchenkov's declarations in the New York Times

On 12 May 2016, the New York Times published the declarations made by Dr Grigory Rodchenkov who fled Russia on 17 November 2015. He revealed a new level of doping in Russia, in particular the manipulation of the sample bottles, which notably affected the anti-doping control during the Olympic Winter Games Sochi 2014 (see Appendix IV).

On 19 May 2016, WADA appointed Prof. Richard McLaren as an Independent Person (IP), to analyse these new allegations as well as the evidence provided by Dr Grigory Rodchenkov.

Following the transmission of these new elements and within the framework of a criminal investigation, the US authorities included Dr Grigory Rodchenkov in their Witness Protection Programme.

2.2.6 WADA's Independent Person's Preliminary Report

After two months of investigation, Prof. Richard McLaren published his Preliminary Report on 16 July 2016 (see Appendix V). The IOC DC strongly recommends a thorough reading of this Report, which is very comprehensive.

According to this Preliminary Report, the following elements could be highlighted:

- After having conducted a number of witness interviews, reviewed thousands of documents (electronically or in hard copy) provided by Dr Grigory Rodchenkov and conducted cyber, forensic and biological analysis, the IP confirmed the general veracity of the declaration by Dr Grigory Rodchenkov.
- These investigation sources showed an effective and efficient method named "Disappearing Positive Methodology" (DPM), enabling the Moscow Laboratory to report positive screen findings as a negative analytical results after the decision was taken on who would benefit from the cover-up ("Save" or "Quarantine"). This Report mentioned that this system was in place from 2011 to 2015. Due to the improvement of the detection methodology at international level, the DPM had to evolve to the tampering of sample A and later samples A and B.
- The IP investigation, including UK forensic analysis, confirmed that the caps of the urine sample bottles could be removed without leaving any evidence visible to the untrained eyes, even though marks on the bottles could be detected with the use of macroscopic technology.



- The biological analysis of the salt content of samples from Olympic Winter Games Sochi 2014, provided by the IOC on the selection by the IP team, confirmed the addition of salt in a proportion higher than what should be found in urine of a healthy human being, in order to alter the urine density.
- From these findings, Prof. Richard McLaren reached the conclusion of the existence of a “*State-dictated failsafe system*”, including the activity of the Moscow Laboratory operating “*under State directed oversight and control of its anti-doping operational system*”.

2.2.7 WADA’s Independent Person’s Final Report

The Final Report by the IP, Prof. Richard McLaren, published on 9 December 2016, confirmed the key findings of the Preliminary Report regarding an organised system (see Appendix VI). The IOC DC strongly recommends a thorough reading of this Report, which is very comprehensive.

The highlight of this Final Report is the publication of a part of the documents in Russian language transmitted to Prof. Richard McLaren by Dr Grigory Rodchenkov (EDP 1 to 1225). This documentary evidence was retrieved from hard drives and backups of Dr Grigory Rodchenkov’s computer. This electronic data has been authenticated by an official and professional verification. It is understood that the IP decided to publish only the most relevant parts of the documented evidence.

After discrepancies in the unofficial English translations of the EDP published on 9 December 2016 were noticed, WADA requested an official English translation of all these EDP, which was published in May 2017. The IOC DC’s analysis is solely based on this official English translation.

The IOC DC noted the evolution in the wording used by Prof. Richard McLaren. The “*State-run system*” was amended to “*An institutional conspiracy existed across summer and winter sports athletes who participated with Russian officials within the Ministry of Sport and its infrastructure, such as the RUSADA, CSP and the Moscow Laboratory, along with the FSB for the purposes of manipulating doping controls.*”

2.2.8 Icarus – Documentary produced by Mr Bryan Fogel

The documentary *Icarus* was announced in the article published by the New York Times in May 2016. However, despite various requests by the IOC DC, the documentary was made available to the IOC DC only on 5 August 2017, through a private broadcasting firm.

The two-hours documentary is an aggregation of filmed images of Mr Bryan Fogel’s meetings, telephone and Skype conversations with Dr Grigory Rodchenkov, as well as of his personal experience of doping in connection with his participation in a famous amateur cycling competition. In particular, the documentary explained how Mr Bryan Fogel contacted Dr Grigory Rodchenkov to obtain doping products for his personal use and their usage protocol to avoid the risk of positive doping control results. All this is presented with the artistic approach of a filmmaker.



The documentary does not reveal any major new elements of evidence than those published in the Final IP Report; it illustrates the scenario revealed by Dr Grigory Rodchenkov in the New York Times' press article in May 2016. However, the documentary shows Dr Grigory Rodchenkov insisting on the importance of the doping programme in Russia, mentioning in particular that during the Olympic Games Beijing 2008 two thirds of the Russian athletes, as well as half of the Russian athletes who participated in the Olympic Games London 2012, were doped. He also confirmed the importance of his participation in the set-up of the methodology/technology of the doping system in Russia.

2.2.9 Analysis of the Evidentiary Disclosure Package (EDP)

A large part of the EDP is constituted of emails exchanged by Dr Grigory Rodchenkov with people from other Russian entities under the responsibility of the Ministry of Sport, such as the CSP, RUSADA, Moscow Laboratory and staff of the Ministry of Sport. Some of these emails have attachments such as spreadsheets/lists related to doping control or information on athletes' biological profile. The EDP is also constituted of athletes' scheduled tests results, athletes' pre-departure testing prior to international events, athletes' washout schedules, list of athletes taking prohibited substances ("Sochi Duchess list"), architectural drawings of the Sochi Laboratory, ..., etc. The EDP also includes the forensic and biological analysis prepared in the UK by a forensic expert at the IP's request.

In all these email exchanges produced, many names in the address bar (from, to and cc) have been blacked out by the IP in order to protect the confidentiality of these persons. For this reason, Prof. Richard McLaren was unable to share with the IOC DC the original messages. As a consequence, the IOC DC is not able to confirm who was really aware of the information exchanged in the various emails.

The main electronic elements cover the period from July 2012 (EDP0061, 1188-1219³) to July 2015 (EDP0882). The lack of email exchanges between 20 January 2014 (EDP0275) and 2 March 2014 (EDP0276), corresponds to the period of the Olympic Winter Games Sochi 2014. The IOC DC understands, from one of the witnesses, that this is due to the fact that during this period the Russian members of staff were mainly using their mobile devices to communicate, i.e. short text messages and phone calls.

The biggest part of the published emails regarding the tests results and concrete decisions "Save" or "Quarantine" were exchanged between Dr Grigory Rodchenkov and Mr Alexey Velikodniy (from CSP), from 20 May 2013 (EDP0080) to 10 July 2015 (EDP0882). These emails did sometimes include discussions with persons from RUSADA, such as Mr Nikita Kamaev (EDP0271,0279, 0297,0299, 0310,0582); occasionally Mrs Irina Rodionova (from CSP) was also mentioned as part of the decisions process (EDP0438,0482,0484,0718-720).

³ The EDP numbers mentioned in this section are non-exhaustive examples.



The email system is based on three phases:

- The first phase – email transferring the 7-figures number of the test with its results including the substance found;
- Second phase – email adding the athletes number, the capital letter A plus 4 figures, in order to allow the identification of the athlete concerned, sometimes including the competitions results and/or the athletes' nationality; and
- Third phase – email including the decision “Save” or “Quarantine”, with sometimes reference to the Vice-Minister as being part of the decision.

A number of examples of exchanges of emails showed that the “Save” or “Quarantine” decisions were mainly based either on the nationality of the athletes concerned (foreigners being systematically “Quarantine” – EDP0127-128, 0134, 0141, 0178, 0181) or on the effective sportive results of the Russian athletes (best athletes being “Save” - EDP0152, 0178, 0181, 0216).

Regarding the main actors involved, the following analysis can be made:

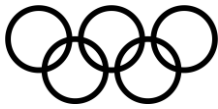
The Vice-Minister Mr Yuri Nagornykh has been copied or mentioned as a reference for the decision in a very large number of emails, either in December 2012 with Mrs Natalia Zhelanova (EDP0061, 1206) or within the exchange between Dr Grigory Rodchenkov and Mr Alexey Velikodniy (EDP 0087, 0095, 0097, 0104, 0106, 0157, 0220-221, 0260, 0299, 0319, 0342, 0351, 0413-415, 0502-504, 0514-0518, 0566, 0571, 0576, 0636, 0671-672, 0689 and 0786). The significant number of emails exchanged, as well as the chronology of the information exchanged within these emails, demonstrate the direct link between both Dr Grigory Rodchenkov, Mrs Natalia Zhelanova, Mr Alexey Velikodniy and the Vice-Minister Mr Yuri Nagornykh. Even though these EDP do not include any messages sent directly by the Vice-Minister, it is impossible to conclude that he was not aware of the system in place. Similar conclusions can be reached regarding Mrs Natalia Zhelanova.

Various statements made available to the IOC DC as well as the analysis of the Moscow Laboratory LIMS (see below point 2.2.10) confirm this conclusion.

In one exchange of emails between Dr Grigory Rodchenkov and Mr Alexey Velikodniy regarding a footballer (EDP0514-518), Mr Velikodniy mentioned that *“the decision is with VL for consideration and approval (YD is going to see VL today)”*⁴. This single reference could not be considered as sufficient to demonstrate the personal involvement of the then Minister of Sport.

This analysis was confirmed by Prof. McLaren during the press conference on 9 December 2016: answering a question by a journalist regarding Mr Vitaly Mutko, Prof. Richard McLaren answered *“your question about Mr Mutko was: did he know? information is provided to the ministry and like any hierarchical organisation it flows upwards in the organisational structure. So I would think that the information came to him through the ministry. But it was the deputy minister who was in charge of the process I described. I don't have any direct evidence as to whether he knew or didn't know. I have met with him, I have discussed*

⁴ “VL” are believed to be the initials of the First and Middle name of Mr Vitaly Leonid Mutko



the matter with him, he didn't indicate to me that he knew." No independent and impartial evidence has contradicted this declaration.

some exchanges illustrate the involvement of Dr Grigory Rodchenkov in the decision process: discussion on the best formula to tamper with the samples, i.e. addition of salt and dilution linked with gravity (EDP0771, 0805, 0826-839, 0861-862), recommendation to ask for Therapeutic Use Exemption ("TUE") to cover-up the positive results (EDP0303 and 0715), information of Mr Alexey Velikodniy about the imminent control by WADA (EDP0633).

Dr Grigory Rodchenkov also warned of the risks of "saving" athletes with too high quantities of doping substance, in order to safeguard the credibility of the Moscow Laboratory outside the country (EDP0108, 0147, 0231, 0647, 0873, 0879-882). In others, he requested his counterparts to destroy the emails for security reasons, in particular when they were linked with the formula of tampering the samples (EDP0091, 0180, 0775). Also in March 2014, Dr Grigory Rodchenkov showed his discontent vis-à-vis the continuation of the system after the Olympic Winter Games Sochi 2014 (EDP0279, 0282, 0285).

In addition to the email exchanges, the great number of documents, lists and excel spreadsheets produced by Dr Grigory Rodchenkov, were the basis of the samples selection for the forensic and biological analysis.

The IOC DC understood that only a limited number of the emails and documents, transmitted by Dr Grigory Rodchenkov, were made public by Prof. Richard McLaren.

Dr Grigory Rodchenkov's made a detailed oral statement, confirmed by a written affidavit with attachments, including his diaries' extracts for the period between 13 January 2014 and 24 April 2014⁵. This allowed the IOC DC to gain a better understanding of the facts, in particular Dr Grigory Rodchenkov's relationship with the various individuals involved in the scheme, and to corroborate the objective evidence regarding the existence of a systemic doping scheme in Russia, in particular during the period of the Olympic Winter Games Sochi 2014.

The results of the ESC-LAD forensic analysis as well as the CHUV biological analysis (detailed below) confirmed the existence of the tampering system during the Olympic Winter Games Sochi 2014.

2.2.10 Laboratory Information Management System of Moscow Laboratory

At the end of October 2017, WADA's Independent Intelligence and Investigations Department acquired new intelligence concerning the former Moscow Laboratory, i.e. an electronic file which was likely the Laboratory Information Management System (LIMS) database of the Moscow Laboratory. This LIMS contains the testing data for the period between January 2012 to August 2015. The Report of WADA on the analysis of these new findings will be published as soon as all the elements have been analysed.

⁵ Extracts of Dr Grigory Rodchenkov's diary were translated in English as part of the attachments to the affidavit.



WADA, Intelligence and Investigation Department, verified the authenticity of the database to ensure that it has not been manipulated. In a confidential Interim Report, the Head of the WADA Intelligence and Investigation Department noted he was sufficiently satisfied the electronic file is an authentic copy of the Moscow Laboratory LIMS, as the database was subject to a rigorous authentication process.

This database contains an enormous number of individual samples results.

WADA is currently analysing all these data, prioritising these analysis through a target group of samples having presumptive Adverse Analytical Findings (AAF).

The head of WADA, Intelligence and Investigation Department, already considers that these new elements *“strongly support the existence of Programme of protection for Russian athletes. A key feature of that Programme was the complicity of the Moscow Laboratory and the DPM and Sample Swapping practices. While the LIMS data is not in itself a sufficient evidence to establish an anti-doping rule violation of “Use”, it is nonetheless credible evidence that can be used to complement other evidential holdings”*.

The Final Report by WADA on the analysis of all these presumptive AAF will be published at a later date.

In the view of the results of the analysis to be carried out by WADA, possible individual consequences will have to be taken by the competent International Federation and/or the appropriate authorities. WADA has already organised a meeting with the IFs in order to provide support on the understanding of this new evidence.

The IOC DC notes that the preliminary findings given on these new independent and impartial evidence confirm the existence of a systemic doping scheme in Russia.

2.2.11 WADA’s position on RUSADA’s compliance

On 16 November 2017, the WADA Foundation Board decided to follow the recommendations by the Compliance Review Committee (CRC) and maintain its decision regarding RUSADA’s non-compliance. In its recommendations, the WADA’s CRC noted that it has been impressed with the commitment by the new RUSADA’s Director General and Staff in reforming RUSADA, as well as their speedy work to correct the critical non-conformities identified during the WADA audit. However, the CRC stated that some conditions were still to be met:

- the procedure put in place and agreed upon with WADA to give access to “Closed Cities” unfortunately is not correctly implemented and is not functioning as the entry in such a city was denied to a Doping Control Officer;
- the Russian authorities are yet to accept Prof. Richard McLaren findings of a conspiracy involving individuals from the Ministry of Sport, CSP, RUSADA, FSB and the Moscow Laboratory to cover evidence of doping.

As a consequence, RUSADA’s compliance with the WADA Code is still pending.



2.3 Forensic and Biological Analysis

2.3.1 ESC-LAD Forensic Analysis

Following the publication of the EDP on 9 December 2016, the IOC conducted an analysis of the UK forensic report (EDP 0902) “Examination relating to urine sample bottles of BERLINGER, requested by Prof. Richard McLaren IP”. For the benefit of the two IOC DCs, the IOC decided to request an in-depth and documented forensic analysis, in particular by involving the manufacturers Berlinger Group and by the examination of a sufficient number of bottles of the same production lot as those used during the Olympic Winter Games Sochi 2014. This forensic analysis was established at a standard sufficient to be reliable in a Court of Law. The Lausanne University (UNIL), School of Criminal Justice (ESC), of the Faculty of Law, Criminal Justice and Public Administration, in collaboration with the Laboratoire Suisse d’Analyse du Dopage (LAD), was asked to conduct this forensic analysis on 10 March 2017, regarding the potential marks on the inside of the cap of the sample bottles.

The mandate included the development and validation of a documented methodology and subsequently the analysis of the questioned bottles and control samples from the Olympic Winter Games Sochi 2014.

On 1st December 2017, the Swedish National Forensic Centre has finalised the scientific and forensic review of the methodology.

The IOC DC strongly recommends a thorough reading of the ESC-LAD report by Prof. Christophe Champod (see Appendix VIII).

From this report, the IOC DC highlighted the following elements:

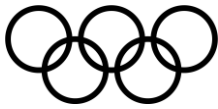
The forensic analysis provides that “*for each bottle under examination two propositions are at stake:*

- *either the bottle has been initially closed according to regular instructions, then forcibly opened using metallic tools and resealed with the same cap;*
- *or the bottle has not been subject to the above-described alleged tampering method, but has been used and closed following regular instructions without any wrong doing.”⁶*

The development of the methodology by the ESC-LAD is based on a sufficient number of specimens of bottles designated as “Sochi compatible” (having an ergot on the glass bottle), meaning that the bottles are from the same production lot and assembled with the compatible part as the bottles effectively used during the Olympic Winter Games Sochi 2014.

The report explained that for the purpose of its analysis, the ESC-LAD designed a tool based on the description given by Dr Grigory Rodchenkov and aiming to be easily used and leaving a minimum of marks. They developed a specific methodology to successfully open the closed bottles using this tool allowing the tampering of its content.

⁶ Summary of methodology and status report on 30 November 2017 by Prof. Christophe Champod, ESC-LAD, page 11



This methodology, developed by using a very high level of microscope, considers three types of marks on known samples, such as any visible alteration on the inner part of the transparent plastic cap:

- “*F marks*” that are typical of those observed consecutive to the manufacturing process either at Berlinger or its suppliers;
- “*U marks*” that are typical of those observed on the inside of the cap and that are left either by the spring, the metallic ring or the glass container when the bottle is regularly closed; and
- “*T marks*” that are typical of those observed consecutive to a tampering activity associated with the use of a tool inserted between the plastic cap and the glass container or due to the movement of the metal ring when forced up, or the unscrewing of the cap⁷.

The report by ESC-LAD confirmed the general conclusions of the UK forensic analysis, meaning that it was possible to open the BEREK-KIT® bottles and tamper with its content; such manipulation caused detectable marks, visible only under a microscope, “*T marks*”, which are distinguishable from the other marks associated with normal usage or manufacturing process.

The ESC-LAD used this specific methodology to analyse the 232 samples from the Olympic Winter Games Sochi 2014 collected from the Russian athletes as well as 32 additional control samples and single/double blind samples. The ESC-LAD carried out tests on a first group of three batches totalling 163 bottles, including 127 questioned samples bottles.

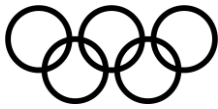
Following this forensic examination of the questioned bottles, three possible conclusions can be reached while answering the two propositions at stake⁸:

- Multiple “*T marks*” (alongside with “*U marks*” and “*F marks*”): *“these results are more than a 1’000 times more probable if the bottle has been initially closed, then forcibly opened and resealed with the same cap, rather than if it has been used and closed following regular instructions without any wrong doing”.*
- One or more isolated “*T marks*” (alongside with “*U marks*” and “*F marks*”): *“the results are neutral, meaning that they provide no more weight to one proposition versus the other”.*
- No “*T marks*” (only “*U marks*” and “*F marks*”): *“the observations are more than 10 times probable if they are consecutive to a normal closing of the bottle rather than if there was tampering”.*

Implementing this methodology, the ESC-LAD analysed the three batches of a total of 163 bottles, including 127 questioned bottles, 12 positive/negative control and 24 single/double blind samples, from Russian athletes as well as athletes from other countries. All conclusions reached have been subjected to a blind peer-review process by a second team of examiners.

⁷ Summary of methodology and status report on 30 November 2017 by Prof. Christophe Champod, ESC-LAD, extract of page 8

⁸ Summary of methodology and status report on 30 November 2017 by Prof. Christophe Champod, ESC-LAD, pages 11-12



The conclusions reached at the examination of the 127 questioned bottles break down as follows:

- 25 bottles (20% of the total of the questioned bottles) bear multiple so-called “*T marks*”,
- 18 bottles (14% of the total of the questioned bottles) showed isolated so-called “*T marks*”, and
- 84 bottles (66% of the total of the questioned bottles) showed no so-called “*T marks*”⁹.

An additional analysis has been carried out to determine, from the position of the “*T marks*” within the inside of the cap, the initial state of closure of the sample bottles.

The analysis of the position of the marks in the inside of the cap of the questioned bottles bearing multiple “*T marks*” demonstrates that 15 of these bottles were initially not fully closed; facilitating thus the opening of the bottles with the use of tools. These results could be interpreted as the demonstration that the different persons, who effectively closed the BREG-KIT® bottles, intentionally did not fully close the cap.

The IOC DC can conclude that not only it was possible to open the BREG-KIT® bottles but that at least 20% of the total of the first batch of the questioned 127 bottles analysed have most probably been opened and that at least 15 of the questioned bottles were most probably not fully closed.

2.3.2 CHUV Biological Analysis

In addition to the forensic examination of the marks visible on the BREG-KIT® bottles, the IOC requested analysis of urine specimens collected among athletes having participated to the Olympic Winter Games Vancouver 2010 and Sochi 2014. This analysis aimed to establish an adequate and specific reference population based on the measurements made on the samples collected on the occasion of the Olympic Winter Games Vancouver 2010.

The values thus obtained had to be compared with the values of all the samples collected from Russian athletes in Olympic Winter Games Sochi 2014. This analysis was carried out by Prof. Michel Burnier, Head of the Service of Nephrology and Hypertension, Department of Medicine, University Hospital of Lausanne (CHUV). The IOC DC strongly recommends a thorough reading of the CHUV Report (see Appendix IX).

According to this biological analysis report, the following elements could be highlighted:

- This biological analysis aimed to assess the distribution of urinary sodium, potassium, chloride and calcium concentrations, calculated for each parameter the mean \pm standard deviation and upper and lower 95% confidence intervals, the median with the 5% and % percentiles. This in order to establish standard deviations and to establish reference values among top level athletes for the two editions of the Olympic Winter Games Vancouver 2010 and Sochi 2014.

The analysis was based upon 250 samples for the Olympic Winter Games Vancouver 2010 and 130 samples from Sochi 2014; the samples from Vancouver 2010 concerned athletes from all over the world, including Russians, whereas the samples from Sochi 2014 concerned only

⁹ Summary of methodology and status report on 30 November 2017 by Prof. Christophe Champod, ESC-LAD, pages 13



Russian athletes. The two genders were adequately represented in the samples from the two editions of the Olympic Winter Games.¹⁰

- According to this biological expertise, regarding urinary sodium concentration, the values measured in Vancouver 2010 samples are relatively homogeneous and without clear outliers; all values are physiologically plausible.
- In contrast, among the samples collected in Sochi 2014, 13 samples (5 men and 8 women) were definitely completely out of range and above 3 standard deviations from the mean of Vancouver 2010 samples, but also above 2 standard deviations of the mean of Sochi 2014 samples. These very high sodium concentrations are incompatible with a normal sodium intake in humans, strongly suggesting a manipulation of the content of the samples (i.e. an addition of sodium chloride)¹¹.

The IOC DC can conclude from this biological analysis that the content of at least 13 samples collected in Sochi 2014 was tampered with.

Furthermore, the IOC DC noticed that the addition of salt in the content of the samples necessarily implies the opening of the sample bottles. As a consequence, the result of this biological analysis confirms the likelihood that the sample bottles were in fact tampered with.

2.3.3 Aggregated results of the Forensic and Biological Analysis

The IOC decided to undertake analysis of all the samples of the Russian athletes who participated in the Olympic Winter Games Sochi 2014. However, in order to manage the tight deadline, a first batch of 127 samples has been prioritised.

The aggregated results of these first forensic analysis, along with the biological salt analysis of the same 127 samples of the Russian athletes, who have participated in the Olympic Winter Games Sochi 2014, can be summarised as follows:

- Samples with high salt content: 10 samples show multiple “*T marks*”, 2 samples with isolated “*T marks*” and 1 without “*T marks*”¹²;
- Samples with normal salt content: 15 samples show multiple “*T marks*”, 16 samples with isolated “*T marks*” and 83 without “*T marks*”;

Even if some of the 218 Russian athletes, who effectively participated in the Olympic Winter Games Sochi 2014, were tested more than once, the figure of the aggregated results of the forensic and biological analysis shows that a significant number of samples of Russian athletes were affected by the system in place during the Olympic Winter Games Sochi 2014.

¹⁰ Report by Prof. Michel Burnier, 6 October 2017, page 3

¹¹ Report by Prof. Michel Burnier, 6 October 2017, page 23

¹² One sample result showing high salt content in a bottle bearing no “*T marks*”; this demonstrates, as explained in the report by Prof. Christophe Champod (pages 11-12), that bottles could have been opened without leaving any marks.



The Denis Oswald DC filed disciplinary procedures against the concerned individual athletes, in particular based on the aggregated forensic and biological analysis' results. The Denis Oswald DC has already published its first decisions (all decisions can be found on www.olympic.org). As of present day, 25 Russian athletes have been found to have committed anti-doping rules violations, pursuant to Article 2 of the IOC Anti-Doping Rules Applicable to the XXII Olympic Winter Games Sochi 2014. As a consequence, these athletes were disqualified for their participation at the different events of the Olympic Winter Games Sochi 2014, their medals and diplomas were withdrawn and they were declared ineligible to be accredited in any capacity for all future editions of the Games of the Olympiad and the Olympic Winter Games.

These first decisions confirm that indeed individual athletes have benefitted from the system described in the IP Reports.

2.4 Observations made by representatives of the Russian authorities

On 1st March 2017, speaking at a meeting on the preparation for the Winter Universiade 2019 in Krasnoyarska, Mr Vladimir Putin, President of the Russian Federation, publicly declared that “[...] *in Russia there has never been and, I hope, will never be a State-doping support system; on the contrary there will only be anti-doping actions*”; however he has also mentioned that “[...] *our anti-doping system failed, it is our fault, we should spell it out and admit it.*”¹³

By a letter sent on 21 August 2017 to the IOC President, the Minister of Sport, Mr Pavel Kolobkov, and the President of the Olympic Committee of Russia, Mr Alexander Zhukov, expressed their “*sincere regret for the serious violations that took place*” and assured “*that all organisations and agencies involved are taking necessary steps to prevent it in the future*”. They also mentioned “*while the problem of doping is faced not only by Russia, we are well aware that doping is indeed a serious challenge to our country; but Russia does not have, nor has it ever had, any State-sponsored or institutional system of doping. Violations were committed by individuals who grossly violated legal and moral norms and will get the punishment they deserve.*” Furthermore, they explained that officials, in particular those in charge of the compliance with international anti-doping standards, as well as heads of a number of national sports organisations, have been replaced and that athletes and coaches have been disqualified for life. During a meeting with the IOC DC, a Russian witness restated that there has never been any State-sponsored or institutional system of doping in Russia, but that it might have been of a systemic nature.

The Russian officials operating during the Olympic Winter Games Sochi 2014 denied having access to the Sochi Laboratory and thus to have been informed of any manipulation of the samples.

¹³ Press articles in English: Russia Today, 02.03.2017; Sputnik News, 01.03.2017; SkyNews, 02.03.2017, USA Today Sports, 01.03.2017



Other Russian officials involved in sports management with regards to the respect of the WADA Code also deny their participation to and the existence of any State-run doping system in Russia. Their explanations underline that their interactions with the Director of the Moscow Laboratory were solely within the framework of their respective duties. They also noted that at the time they fully trusted Dr Grigory Rodchenkov who was then respected by everybody and highly regarded.

The former CEO of SOCOG declined any responsibility, mentioning that the laboratory's operations and management of the tests results' analysis were out of the OCOG's scope.

In a statement transmitted on 14 November 2017, the Investigative Committee of the Russian Federation confirmed that it was still conducting a criminal investigation against Dr Grigory Rodchenkov. It explained that the experts mandated by its investigators denied the assertions, according to Prof. Richard McLaren's report, about the replacement of positive doping samples with clean ones as well as the possibility to open the BEREK-KIT® bottles without breaking its integrity.

The Deputy Prime Minister of the Russian Federation, Mr Vitaly Mutko, declared in a letter dated 9 October 2017 that "*State-doping support system has never ever existed in the Russian Federation*"; that "*individual officials who worked in different sports organisations and might have been connected to each other, unfortunately, violated the anti-doping rules. They were dismissed from the office and have become witnesses or suspected in the ongoing criminal investigation.*"

During a meeting with the Chair of the IOC DC on 17 November 2017, Mr Mutko confirmed his position as mentioned above, in particular that all the individuals involved were dismissed. Mr Mutko also reminded that Dr Grigory Rodchenkov had been in the past always internationally recognised as a reliable expert, and that WADA was fully aware about his position in the Moscow Laboratory, despite the suspicion of trafficking doping products. WADA also regularly confirmed the accreditation of the Moscow Laboratory and even congratulated the Sochi Laboratory for its efficiency during the Olympic Winter Games Sochi 2014.

Mr Mutko stated that, at the time, he had contacts with Dr Grigory Rodchenkov only in the framework of his responsibilities, such as budgetary purposes (research and equipment) as the Laboratory's budget was part of the overall budget under his Ministry. He also explained that during the Olympic Winter Games Sochi 2014, a great number of security staff was involved to ensure that the premises of the Laboratory were secured. Such measures were needed considering the substances and the bio-medical equipment used in this Laboratory. Mr Mutko also raised the point that a number of Russian athletes' trainers were foreigners and thus could not have been involved in the system.

Finally, Mr Mutko explained the measures taken in the view of the reinstatement of RUSADA and agreed to support any requests of cooperation with the Investigative Committee of the Russian Federation.

Following the meeting on 17 November 2017, Mr Mutko sent a first written statement with appendices mentioning in particular that "*between 2011 and 2015, the Ministry of Sport financed the collection and analysis of 12 to 20 thousand samples of Russian athletes annually: this activity resulted in revealing 160 to 200 anti-doping rules violations per year*"; that "*in 2014, RUSADA revealed the highest number of anti-*



doping rules violations by national athletes as compared to other national anti-doping organisations; this confirms the effectiveness of the anti-doping programme implemented in Russia”; that “the anti-doping activities at the Sochi Olympic Games involved 485 experts in various fields and 142 doping control officers, including 28 RUSADA officers, 24 invited foreign officers and 90 invited Russian officers, who carried out their functions in accordance with the procedures set out by WADA”; and that “all this shows the true character of Russian State Policy against doping in sport and proves that there can be no State support for doping or involvement of Russia’s authorities in covering up doping cases”.

Mr Mutko further confirmed his oral declarations by a last statement, including attachments, received by the IOC DC at the time of finalising this report.



3 Conclusions by the IOC Disciplinary Commission

The IOC DC discussed and assessed all the information and elements, including oral witnesses, gathered during the 17 months of its activities. Due to the extreme gravity of the allegations, as well as the extent of this report, the IOC DC decided that the establishment of the facts and its subsequent conclusions should only be based upon documented, independent and impartial evidence.

From this analysis, the IOC DC drew two types of conclusions on the factual and the legal aspects.

3.1 Conclusions regarding the factual aspects

- 1) The analysis of the documented, independent and impartial elements, including those confidentially transmitted to the IOC DC, is corroborated by the forensic analysis performed by the ESC-LAD and the biological analysis carried by the CHUV. This enables the confirmation of the existence of the Disappearing Positive Methodology as well as a tampering methodology, in particular during the Olympic Winter Games Sochi 2014, as described in the Final Report by Prof. Richard McLaren.

The IOC DC confirms the seriousness of the facts, the unprecedented nature of the cheating scheme and, as a consequence, the exceptional damage to the integrity of the IOC, the Olympic Games and the entire Olympic Movement.

The Russian officials admitted wrongdoing by individuals within Russian institutions but never “State doping support system”.

The IOC DC has not found any documented, independent and impartial evidence confirming the support or the knowledge of this system by the highest State authority.

- 2) The results of the re-analysis of the previous Olympic Games samples from Beijing 2008 and London 2012 initiated by the IOC (on a total of 114 Anti-Doping Rule Violations (ADRV) for these two editions of the Olympic Games, 39 ADRV representing 34% affected Russian athletes), as well as the decisions already taken by the Denis Oswald DC regarding the samples from the Olympic Winter Games Sochi 2014, confirm a widespread culture of doping in Russia, affecting numerous sports for a long period of time.

However, the analysis of the objective evidence (especially the EDP) shows that the “almost 1’000” athletes named in the IP’s Reports did not all benefit from the DPM, as either they were not all marked as “Save” or, for some others, the evidence was insufficient to allow IFs’ disciplinary procedures, as confirmed by WADA. Furthermore, the results of the forensic and biological analysis, being from the UK Laboratory or the ESC-LAD / CHUV, were unable to establish that all the samples of the Russian athletes who participated to the Olympic Winter Games Sochi 2014, were tampered with.

- 3) The IOC DC also reviewed the findings of the IC Chaired by Mr Richard Pound, in the light of the documented objective elements mentioned above. This analysis demonstrates that these



activities within the Russian sport organisations, with the support of the Moscow Laboratory, gave the opportunity to some of the actors to obtain a financial gain by encouraging the athletes to purchase the doping substances and, in case of positive tests results, to receive payment to conceal them.

- 4) While analysing various experts' reports on the doping situation at the time of the former German Democratic Republic (GDR)¹⁴, the IOC DC sees some similarities but considers that the system in the former GDR was different from the one described in the IC and the IP's Reports.
- 5) The IOC DC noted that the system progressed along with the evolution of the anti-doping technologies: initially the DPM was based on cheating in the reporting mechanism ADAMS, subsequently it escalated into a more elaborated method to report into ADAMS by creating false biological profiles; ending with the tampering of the samples by way of swapping "dirty" urine with "clean" urine. This required a methodology to open the BEREK-KIT® bottles, the constitution of a "clean urine bank" and a tampering methodology to reconstitute the gravity of the urine samples. This was confirmed by the results of the UNIL-ESC / CHUV forensic and biological analysis.

The IOC DC noted from oral witnesses that there was an evolution around 2011-2012: prior to this time, individual athletes were required to purchase doping products and/or to pay to cover-up their individual test results, when it seems that, as part of the scheme during the Olympic Winter Games Sochi 2014, the programme covered the costs of the manipulation of the doping tests.

- 6) Within this evolution of the system, the analysis of the evidence as well as the movie *Icarus*, shows that Dr Grigory Rodchenkov played a key role. Due to his scientific abilities he was able to set-up detection methods to improve the fight against doping, to publish scientific articles and participate to experts' observatory programmes, winning so a great international credibility. This enabled him on one hand, as an anti-doping expert, to gain access to the international expertise and strategy, in particular, during the Olympic Games London 2012, which helped him to contribute to the development of the specific system to be operational during the Olympic Winter Games Sochi 2014.

On the other hand, this knowledge allowed Dr Grigory Rodchenkov to design better doping products and protocols, ensuring that they would be less detectable and to establish a methodology to cover-up doping tests.

- 7) The detailed analysis of the e-mail exchanges attached to the IP Reports, (see above point 2.3) allows to confirm the involvement of a number of individuals within the Ministry of Sport and its subordinated entities, such as CSP, VNIIFK, RUSADA, Moscow and Sochi Laboratories. All the independent and impartial evidence as well as the results of the forensic and biological analysis confirm this conclusion.

¹⁴Publication "Doping in der DDR", by Spitzer/Franke and "Sicherungsvorgang Sport" by Spitzer; discussion with Mr Roland Jahn, German journalist and a former Eastern Germany dissident who was appointed as Federal Commissioner for the Stasi Records in March 2011.



Nevertheless, the independent and impartial evidence do not allow the IOC DC to establish with certitude either who initiated or who headed this scheme.

On many occasions, reference was made on the involvement at the Minister of Sport's level, but no indication, independent or impartial evidence appeared to corroborate any involvement or knowledge at a higher level of the State.

This assertion is confirmed by Prof. Richard McLaren's change of wording in his Final Report: in his Preliminary Report, he considered the existence of a "*State-dictated failsafe system*", including the activity of the Moscow Laboratory operating "*under State directed oversight and control of its anti-doping operational system*"; but, in his Final Report, he amended the wording to "*An institutional conspiracy existed across summer and winter sports athletes who participated with Russian officials within the Ministry of Sport and its infrastructure, such as the RUSADA, CSP and the Moscow Laboratory, along with the FSB for the purposes of manipulating doping controls.*"

- 8) In addition to the above conclusions, the IOC DC considers that the various Russian institutions are considered to be administratively and/or legally responsible, as demonstrated in the second part of these conclusions.

3.2 Conclusions regarding the legal aspects

- 9) The Ministry of Sports, on behalf of the State, undertakes to ensure the respect of the international commitments of the State stated in the UNESCO International Convention Against Doping in Sport and thus to ensure that the WADA Code is implemented and respected by all the entities within the country, including at regional and local level.

The analysis of the documented, independent and impartial evidence, as explained above, demonstrates the failure to respect the WADA Code within the various entities under the responsibility of the Russian Ministry of Sport. As leading the Ministry of Sport, the then Russian Minister had the ultimate administrative responsibility for the acts perpetrated at the time within the Russian Ministry or the entities under its responsibility.

Furthermore, the analysis of the independent and impartial evidence shows the failure of the Ministry of Sport to respect the guarantees, which were given in December 2006 on behalf of the Government of the Russian Federation, regarding the respect of the WADA Code and the IOC Anti-Doping Rules during the Olympic Winter Games Sochi 2014.

- 10) The IOC DC notes that neither the IC's nor the IP's Reports mentioned the participation of the Russian Olympic Committee (ROC) in the system. No findings appeared during the IOC DC's investigation to contradict these statements.

However, as explained above (see point 2.1.6), pursuant to the Olympic Charter (Rule 27.2), the ROC is responsible for promoting the fundamental principles and values of Olympism in Russia, including the implementation of the WADA Code. The ROC also decides upon the entry of the athletes participating in the Russian delegation at the Olympic Games (Paragraph 2.1 of Bye-law



to Rules 27 and 28). During the Olympic Games, the Russian competitors, team officials and other team personnel of the ROC are placed under the responsibility of the ROC's Chef de Mission (Paragraph 4 of Bye-law to Rules 27 and 28); they must respect and comply with the Olympic Charter and the WADA Code, which is mandatory for the whole Olympic Movement (Rules 40 and 43). The ROC is responsible for ensuring that the Russian competitors are fully aware and comply with the Olympic charter and the WADA Code (Paragraph 4 of Bye-law to Rule 44).

As a consequence, the ROC has to be held legally responsible for the failure to respect the Olympic Charter and the WADA Code by the Russian delegation during the Olympic Winter Games Sochi 2014.

Furthermore, by signing on 4 July 2007, the Host City Contract for the XXII Olympic Winter Games in 2014, the ROC undertook to fulfil the contractual obligations set-out in the HCC (see points 2.6 and 2.7 above). Particularly, pursuant to Article 24-b of the HCC, ROC was jointly and severally liable, with the SOCOG, to put in place a laboratory and to carry out doping controls in accordance with the provisions of the WADA Code.

The analysis of the documented, independent and impartial evidence, as explained above, demonstrates the failure by the ROC to ensure the respect the WADA Code during the Olympic Winter Games Sochi 2014 as well as its various legal obligations.

As a consequence, the ROC must be held legally responsible for the breach of its legal and contractual obligations.

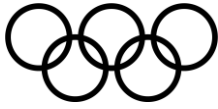
- 11) The IOC DC noted that SOCOG has never been mentioned in the IP Reports regarding the scheme in place during the Olympic Winter Games Sochi 2014.

As explained above under point 2.1.7, SOCOG was responsible to enter into contract with a laboratory to be operational during the Olympic Winter Games Sochi 2014. The fact that the laboratory must be accredited by WADA does not affect the joint responsibility of SOCOG and the ROC to appoint a laboratory effectively respecting the ISL. The fact that SOCOG did not consider itself to be responsible for the operation of the Sochi Laboratory does not change the contractual responsibility of appointing a laboratory complying with the WADA Code.

The above analysis of the various objective and documented evidence, including the forensic and biological analysis, demonstrates the failure of the Sochi Laboratory to respect the ISL.

As SOCOG has been dissolved on 12 August 2014, the legal responsibility of this entity became obsolete on that date; however, the ROC has to take this responsibility as, pursuant to Article 24-b of the HCC, it was jointly and severally liable with SOCOG.

- 12) The IOC DC takes into consideration the expression of regret by the Russian authorities, in particular by the current Minister of Sport and by the President of the ROC, regarding the failure of the anti-doping system in Russia.



4 Recommendations to the IOC Executive Board

The IOC DC recommends to the IOC EB,

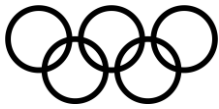
on one hand, to approve the above conclusions regarding both the factual and legal aspects; and,

on the other hand, to take into consideration that:

- all the IOC DC's conclusions, on both factual and legal aspects, confirm the systemic manipulation of the anti-doping rules and system in Russia, through the Disappearing Positive Methodology and during the Olympic Winter Games Sochi 2014, as well as the various levels of administrative, legal and contractual responsibility, resulting from the failure to respect the respective obligations of the various entities involved.
- the operational side of the fight against doping, regulation and practical terms, was under the authority of the Russian Ministry of Sport, according to the governmental structure; therefore, the then Minister of Sport has to bear the major part of the administrative responsibility;
- even if the ROC did not have the operational responsibility nor was it involved in the operations regarding the fight against doping during the Olympic Winter Games Sochi 2014, it has to bear the legal and contractual responsibility pursuant to the Olympic Charter and the HCC; and
- WADA decided not to reinstate RUSADA, as this entity is still not fulfilling all its obligations under the WADA Code, despite the measures already undertaken by the Russian authorities in the field of the fight against doping.

As a consequence, the IOC DC recommends to the IOC EB:

- to take the appropriate measures that should be strong enough to effectively sanction the existence of a systemic manipulation of the anti-doping rules and system in Russia, as well as the legal responsibility of the various entities involved (i.e. including uniform, flag and anthem);
- while protecting the rights of the individual Russian clean athletes; and
- to take into consideration the multiple costs incurred by the two IOC DCs, in particular those linked to the investigations, the various expertise and the re-analysis of the samples of the Olympic Games.



Lausanne, 2 December 2017

The International Olympic Committee Disciplinary Commission:

A handwritten signature in blue ink that reads "Samuel Schmid".

Samuel Schmid, Chair

A handwritten signature in blue ink that reads "Robin Mitchell".

Robin Mitchell

A handwritten signature in blue ink that reads "Yang Yang".

Yang Yang

A handwritten signature in blue ink that reads "Andrew Ryan".

Andrew Ryan

A handwritten signature in blue ink that reads "W. Schobersberger".

Wolfgang Schobersberger



Appendices to the IOC Disciplinary Commission's Report

List of links referred to throughout the document

- I. [IOC EB statement 19 July 2016](#)
- II. [WADA IC Report 9 November 2015](#)
- III. [WADA IC Report 14 January 2016](#)
- IV. [New York Times article 12 May 2016](#)
- V. [WADA IP Report 16 July 2016](#)
- VI. [WADA IP Report 9 December 2016](#)
- VII. [ESC-LAD Forensic Analysis Report, Prof. Christophe Champod, 30 November 2017](#)
- VIII. [Biological Analysis Report, Prof. Michel Burnier, 6 October 2017](#)