

INTERNATIONAL OLYMPIC COMMITTEE

IOC DISCIPLINARY COMMISSION

DECISION

**REGARDING YULIYA ZARIPOVA
BORN ON 26 APRIL 1986, RUSSIAN FEDERATION, ATHLETE, ATHLETICS**

(Rule 59.2.1 of the Olympic Charter)

Pursuant to the Olympic Charter and, in particular, Rule 59.2.1 thereof, and pursuant to the IOC Anti-Doping Rules applicable to the Games of the XXX Olympiad, London 2012 (the “**Rules**”) and, in particular, Articles 1, 2, 6.3.3, 7 and 8 thereof:

1. FACTS

1. Yuliya ZARIPOVA (hereinafter the “**Athlete**”), participated in the Games of the XXX Olympiad, London 2012 (the “**2012 Olympic Games**”).
2. From 4 August 2012 to 6 August 2012, the Athlete competed in the Women’s 3000m steeplechase event (Round 1 and Final) in which she ranked 1st and for which she was awarded a gold medal.
3. On 6 August 2012, on the occasion of the Final, the Athlete was requested to provide a urine sample for a doping control (in competition). Such sample was identified with the number 2716981.
4. The A-Sample 2716981 was analysed during the 2012 Olympic Games by the WADA-accredited Laboratory in London. Such analysis did not result in an adverse analytical finding at that time.
5. After the conclusion of the 2012 Olympic Games, all the samples collected upon the occasion of the 2012 Olympic Games were transferred to the WADA-accredited “Laboratoire suisse d’analyse du dopage” in Lausanne, Switzerland (“the **Laboratory**”) for long-term storage.
6. The IOC decided to perform further analyses on samples collected during the 2012 Olympic Games. These additional analyses were notably performed with improved analytical methods in order to possibly detect Prohibited Substances which could not be identified by the analysis performed at the time of the 2012 Olympic Games.
7. The IOC decided that the reanalysis process would be conducted as a regular A and B sample analysis, without resorting to a splitting of the B-sample.
8. The remains of the A-Sample were analysed by the Laboratory and resulted in an Adverse Analytical Finding (“**AAF**”) as it showed the presence of the metabolites of a Prohibited Substance: dehydrochlormethyltestosterone (turinabol).
9. The results were reported to the IOC in accordance with Art. 6.2.1 of the Rules.
10. Further to the verifications set forth in Art. 6.2.2 of the Rules and in application of Art. 6.2.3 of the Rules, the IOC President, Mr Thomas Bach, was informed of the existence of the AAF and the essential details available concerning the case.

11. Pursuant to Art. 7.2.4 of the Rules, the IOC President set up a Disciplinary Commission, consisting in this case of:
 - Mr Denis Oswald (Chairman, Switzerland), who is a member of the IOC Legal Affairs Commission;
 - Mrs Gunilla Lindberg (Sweden)
 - Mr Ugur Erdener (Turkey)
12. On 20 July 2016, the IOC notified the Athlete, through her NOC, of the above-mentioned AAF and of the institution of disciplinary proceedings to be conducted by the Disciplinary Commission. The IOC also informed the Athlete of her right to request the opening and analysis of the B-Sample and to attend this process, either in person and/or through a representative. The Athlete was also informed of her right to request a copy of the laboratory documentation package.
13. The Athlete did not reply.
14. On 28 July 2016, the IOC invited once again the Athlete through her NOC to indicate whether she accepted the Adverse Analytical Finding, whether she would attend the opening and analysis of the B-Sample and whether she requested a copy of the laboratory documentation package. The IOC further informed the Athlete that the opening and analysis of the B-Sample was scheduled to take place on 8 or 9 August 2016.
15. On 8 August 2016, the IOC granted the Athlete an additional deadline until 10 August 2016 to complete and return the AAF Notification Appendix. The Athlete was advised that in the event she did not respond, the IOC might elect not to proceed with the analysis of the B-Sample and to proceed directly to the procedure before the Disciplinary Commission.
16. On 10 August 2016, the IOC sent a reminder directly to the Athlete.
17. On 12 August 2016, the IOC advised the Athlete that in accordance with Art. 6.3.3 of the Rules, notice to an athlete might be accomplished by delivery of the notice to the NOC and therefore the previous notices were deemed to be notified to her.
18. In the same communication, the Athlete was informed that the IOC had decided not to proceed with the analysis of the B-Sample. She was invited to indicate by 17 August 2016 whether she would attend the hearing of the Disciplinary Commission and/or whether she would present a defence in writing.
19. On 26 September 2016, the IOC granted the Athlete an additional deadline until 5 October 2016 to complete and return the Disciplinary Commission Form. She was advised that failing to reply within the deadline, the Disciplinary Commission would issue a decision on the basis of the file.
20. On 11 October 2016, the Athlete was advised that the Disciplinary Commission would issue a decision on the basis of the file. She was invited to submit a written defence by 21 October 2016.
21. On the same day, the NOC and the IF were invited to file written observations.
22. On 12 October 2016, the IAAF informed the IOC that the Athlete had been found to have already committed an anti-doping rule violation, confirmed by the Court of Arbitration for Sport ("**CAS**") in a decision dated 24 March 2016, declaring the Athlete ineligible for a

period of 2 years and 6 months and including also a disqualification of all her results from 20 July 2011 to 25 July 2013.

23. The IAAF confirmed that the Athlete's results from the 2012 Olympic Games were therefore covered by the disqualification.
24. The IAAF confirmed that the CAS decision was final and binding under IAAF Rules.

2. APPLICABLE RULES

25. Art. 1 of the Rules provides as follows:

"Application of the Code – Definition of Doping – Breach of the Rules

1.1 The commission of an anti-doping rule violation is a breach of these Rules.

1.2 Subject to the specific following provisions of the Rules below, the provisions of the Code and of the International Standards apply mutatis mutandis in relation to the London Olympic Games."

26. Art. 2 of the Rules provides that Article 2 of the Code applies to determine anti-doping rule violations.

27. Art. 2.1 of the Code provides that the following constitutes an anti-doping rule violation:

"Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample.

2.1.1 It is each Athlete's personal duty to ensure that no Prohibited Substance enters his or her body. Athletes are responsible for any Prohibited Substance or its Metabolites or Markers found to be present in their Samples. Accordingly, it is not necessary that intent, fault, negligence or knowing Use on the Athlete's part be demonstrated in order to establish an anti-doping violation under Article 2.1.

2.1.2 Sufficient proof of an anti-doping rule violation under Article 2.1 is established by either of the following: presence of a Prohibited Substance or its Metabolites or Markers in the Athlete's A Sample where the Athlete waives analysis of the B Sample and the B Sample is not analysed; or, where the Athlete's B Sample is analysed and the analysis of the Athlete's B Sample confirms the presence of the Prohibited Substance or its Metabolites or Markers found in the Athlete's A Sample.

2.1.3 Excepting those substances for which a quantitative threshold is specifically identified in the Prohibited List, the presence of any quantity of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample shall constitute an anti-doping rule violation.

2.1.4 As an exception to the general rule of Article 2.1, the Prohibited List or International Standards may establish special criteria for the evaluation of Prohibited Substances that can also be produced endogenously."

28. Art. 2.2 of the Code provides the following constitutes an anti-doping rule violation:

"Use or Attempted Use by an Athlete of a Prohibited Substance or a Prohibited Method.

2.2.1 *It is each Athlete's personal duty to ensure that no Prohibited Substance enters his or her body. Accordingly, it is not necessary that intent, fault, negligence or knowing Use on the Athlete's part be demonstrated in order to establish an anti-doping rule violation for Use of a Prohibited Substance or a Prohibited Method.*

2.2.2 *The success or failure of the Use or Attempted Use of a Prohibited Substance or Prohibited Method is not material. It is sufficient that the Prohibited Substance or Prohibited Method was Used or Attempted to be Used for an anti-doping rule violation to be committed."*

29. Art. 7.1 of the Rules provides as follows:

"A violation of these Rules in Individual Sports in connection with Doping Control automatically leads to Disqualification of the Athlete's results in the Competition in question, with all other consequences, including forfeiture of any medals, points and prizes."

30. Art. 8.1 of the Rules provides as follows:

"An anti-doping rule violation occurring or in connection with the London Olympic Games may lead to Disqualification of all the Athlete's results obtained in the London Olympic Games with all consequences, including forfeiture of all medals, points and prizes, except as provided in Article 8.1.1."

31. Art. 8.1.1 of the Rules provides as follows:

"If the Athlete establishes that he or she bears No Fault or Negligence for the violation, the Athlete's results in the Competitions (for which the Athlete's results have not been automatically Disqualified as per Article 7.1 hereof) shall not be Disqualified unless the Athlete's results in Competitions other than the Competition in which the anti-doping rule violation occurred were likely to have been affected by the Athlete's anti-doping rule violation."

32. Art. 8.3 of the Rules provides as follows:

"The Consequences of Anti-Doping Rule Violations and the conduct of additional hearings as a consequence of hearings and decisions of the IOC, including with regard to the imposition of sanctions over and above those relating to the London Olympic Games, shall be managed by the relevant International Federation."

33. Art. 15.1 of the World Anti-Doping Code (2015) provides as follows:

"Subject to the right to appeal provided in Article 13, Testing, hearing results or other final adjudications of any Signatory which are consistent with the Code and are within the Signatory's authority, shall be applicable world wide and shall be recognized and respected by all other Signatories".

3. DISCUSSION

34. The Disciplinary Commission observes that a decision covering all the potential consequences to be drawn from anti-doping rule violations committed on the occasion of the Olympic Games has already been issued and has become final and binding.

35. This decision covers notably all consequences provided for in Art. 7 and/or 8 of the Rules.

36. The IOC is a Code signatory and has to recognise and implement such decision to the extent it concerns the disqualification of the results obtained at the Olympic Games.
37. In view of the above-mentioned decision and of the fact that the IOC must recognise it, there is no longer any interest to continue the present proceedings and to issue a decision.
38. These proceedings shall therefore be filed.
39. The Disciplinary Commission invites the IOC to implement the existing decision, which in this case includes the following:
 - formal record of the correction of the results of the Women's 3000m steeplechase event (as already corrected by the IAAF),
 - withdrawal of the gold medal, diploma and medallist's pin awarded to the Athlete in connection with the Women's 3000m steeplechase event. The Athlete shall be required to return them.
40. The NOC, which has also to recognise and implement the decision, is invited to secure the return of gold medal, diploma and medallist's pin.
41. The Disciplinary Commission finally observes that since the decision includes a sanction of 2 years and 6 months, it probably already covers all further consequences beyond the 2012 Olympic Games. This is however an issue to be considered by the IAAF.

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CONSIDERING the above, pursuant to the Olympic Charter the World Anti-Doping Code and the IOC Anti-Doping Rules applicable to the Games of the XXX Olympiad in London in 2012,

THE DISCIPLINARY COMMISSION OF THE
INTERNATIONAL OLYMPIC COMMITTEE
DECIDES

- I. The proceedings are filed.
- II. The IOC and the Russian Olympic Committee are invited to implement the existing decision disqualifying i.a. the Athlete's results achieved on the occasion of the 2012 Olympic Games.
- III. The IAAF is invited to consider whether to proceed or not with result management in respect of consequences beyond the Olympic Games, which could go beyond the scope of the already issued decision.

Lausanne, 10 November 2016

In the name of the IOC Disciplinary Commission



Ugur Erdener



Denis Oswald, Chairman



Gunilla Lindberg