

INTERNATIONAL OLYMPIC COMMITTEE

IOC DISCIPLINARY COMMISSION

DECISION

**REGARDING AKSANA MIANKOVA
BORN ON 28 MARCH 1982, BELARUS, 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:

I. FACTS

1. Aksana MIANKOVA (hereinafter the “**Athlete**”), participated in the Games of the XXX Olympiad, London 2012 (the “**2012 Olympic Games**”).
2. From 8 August 2012 to 10 August 2012, the Athlete competed in the Women’s hammer throw event (Qualification and Final) in which she ranked 7th and for which she was awarded a diploma.
3. On 7 August 2012, the Athlete was requested to provide a urine sample for a doping control (in competition). Such sample was identified with the number 2721029.
4. The A-Sample 2721029 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 two Prohibited Substances: dehydrochlormethyltestosterone (turinabol) and stanozolol.
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 26 May 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, which was initially scheduled to take place between 6, 7 or 8 June 2016. The Athlete was also informed of her right to request a copy of the laboratory documentation package.
13. On 1 June 2016, Mr Mike Morgan informed the IOC that he would act as the Athlete's counsel. He indicated that the Athlete would send a representative for the B-Sample opening and analysis and applied for a postponement of the process.
14. After various exchanges, a schedule was agreed in connection with the analysis of the B-Sample.
15. The opening of the B-Sample occurred on 16 June 2016 at the Laboratory in the presence of Mr Matsiulka, as the Athlete's representative, an independent witness and a representative of the IOC.
16. Mr Matsiulka also attended the analysis of the B-Sample conducted on 16 June 2016 and 17 June 2016.
17. The results of the B-Sample analysis were reported on 17 June 2016. They confirmed the presence in the B-Sample of the metabolites of two Prohibited Substances, namely dehydrochlormethyltestosterone (turinabol) and stanozolol.
18. On 1 July 2016, the IOC communicated the results of the B-Sample analysis and provided the A- and B-Sample documentation packages.
19. The Athlete was invited to indicate whether she accepted the Adverse Analytical Finding, whether she would attend the hearing of the Disciplinary Commission and/or she would submit a defence in writing. The Athlete was advised that the hearing of the Disciplinary Commission was planned to take place in the third week of July 2016.
20. On 6 July 2016, the Athlete's counsel requested the opportunity to review the laboratory documentation before responding to the IOC letter dated 1 July 2016.
21. On 29 July 2016, the IOC provided the Athlete, through her counsel, with additional documentation related notably to the handling of the sample in London and its transfer to Lausanne.
22. In the meantime, the hearing of the Disciplinary Commission had been postponed until after the Rio Olympic Games.
23. On 21 September 2016, the IOC informed the Athlete's counsel that the hearing of the Disciplinary Commission had been scheduled to be held on 18 October 2016. The Athlete

was invited to confirm whether she would attend and/or be represented at the hearing. She was further offered the possibility to submit a written defence.

24. On 4 October 2016, the Athlete, through her counsel, informed the IOC that the analytical results were not challenged.
25. In the same letter, the Athlete informed the IOC that neither she nor her counsel would attend the hearing.
26. In its communication, the Athlete's counsel underlined the fact that the Athlete did not challenge the analytical results and did not constitute any admission of intent, fault or negligence. The Athlete's right to make submissions in relation to the reported adverse analytical findings in further proceedings was further reserved.
27. On 12 October 2016, the IOC acknowledged receipt and indicated that the Disciplinary Commission would issue a decision on the basis of the file.
28. The NOC and the IF did not file any observations.
29. It is finally noted that samples provided by the same Athlete on the occasion of the Games of the XXIX Olympiad in Beijing in 2008 (the "**2008 Olympic Games**") were also subject to further analysis.
30. In this case, the analytical results also showed the presence of Prohibited Substances, namely dehydrochloromethyltestosterone (turinabol) and oxandrolone.
31. Corresponding disciplinary proceedings addressing this further matter have been conducted in parallel and a decision issued (BRT III – 020).

II. **APPLICABLE RULES**

32. 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."

33. Art. 2 of the Rules provides that Article 2 of the Code applies to determine anti-doping rule violations.
34. 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."*
35. 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.*
36. Art. 6.3.3 of the Rules provides as follows:
- "Notice to an Athlete or other Person who has been accredited pursuant to the request of the NOC, may be accomplished by delivery of the notice to the NOC. Notification to the Chef de Mission or the President or the Secretary General of the NOC of the Athlete or other Person shall be deemed to be delivery of notice to the NOC."*
37. 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."*
38. 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."*
39. 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.”

40. 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.”

III. **DISCUSSION**

41. The results of the analysis of the sample provided by the Athlete establish the presence in her sample of the metabolites of two Prohibited Substances, i.e. dehydrochloromethyltestosterone (turinabol) and stanozolol.
42. The substances detected are anabolic steroids. They are listed in the WADA 2012 Prohibited List and in all subsequent lists under S1.
43. The Disciplinary Commission notes that the Athlete does not challenge the analytical results.
44. Based on the above, the Disciplinary Commission finds that the Athlete has, at any event, committed an anti-doping rule violation pursuant to Art. 2.1 of the Code consisting in the presence of a Prohibited Substance in her body.
45. In addition, the Disciplinary Commission observes that the circumstances would also support a finding of an anti-doping rule violation based on Art. 2.2 of the Code.
46. The fact that doping substances which are “classical” doping substances and appear to have been broadly used at the time of the analysis were detected, supports this consideration.
47. Further, the fact that samples of the same Athlete collected on the occasion of the 2008 Olympic Games were also found to contain two Prohibited Substances, namely dehydrochloromethyltestosterone and oxandrolone, more than suggests that the Athlete has been doping on a regular basis throughout her career. She could evade detection until the new methods based on long-term metabolites finally exposed her.
48. Pursuant to the Rules, the consequences of an anti-doping rule violation are limited to consequences in connection with the 2012 Olympic Games.
49. In application of Art. 7.1 and/or Art. 8.1 of the Rules, the results achieved by the Athlete during the 2012 Olympic Games shall be annulled, with all resulting consequences (notably withdrawal of diploma).
50. In application of Art. 8.3 of the Rules, the further management of the consequences of the anti-doping rule violations and in particular the imposition of sanctions over and above those related to the 2012 Olympic Games shall be conducted by the International Association of Athletics Federations (“**IAAF**”).

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CONSIDERING the above, 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 in London in 2012 and, in particular, Articles 1, 2, 6.3.3, 7 and 8 thereof

THE DISCIPLINARY COMMISSION OF THE
INTERNATIONAL OLYMPIC COMMITTEE
DECIDES

- I. The Athlete, Aksana MIANKOVA:
 - (i) is found to have committed an anti-doping rule violation pursuant to the IOC Anti-Doping Rules applicable to the Games of the XXX Olympiad in London in 2012,
 - (ii) is disqualified from the Women's hammer throw event in which she participated upon the occasion of the Olympic Games London 2012,
 - (iii) has the diploma obtained in the Women's hammer throw event withdrawn and is ordered to return the same.
- II. The IAAF is requested to modify the results of the above-mentioned event accordingly and to consider any further action within its own competence.
- III. The National Olympic Committee of the Republic of Belarus shall ensure full implementation of this decision.
- IV. The National Olympic Committee of the Republic of Belarus shall notably secure the return to the IOC, as soon as possible, of the diploma awarded in connection with the Women's hammer throw event to the Athlete.
- V. This decision enters into force immediately.

Lausanne, 22 November 2016

In the name of the IOC Disciplinary Commission



Denis Oswald, Chairman



Gunilla Lindberg



Ugur Erdener