Decision of the IBSF Doping Hearing Panel

in the matters of the provisional suspension of

Elena Nikitina, IF ID Number 130501
Mariia Orlova, IF ID Number 130502
Olga Potylitsyna, IF ID Number 130504
Aleksandr Tretiakov, IF ID Number 130402
Alexander Kasyanov, IF ID number 130619
Aleksei Pushkarev, IF ID number 130625
Ilvir Khuzin, IF ID Number 130617
Aleksandr Zubkov, IF ID Number 130635
Sergei Chudinov, IF ID Number 130493

hereinafter referred as the athletes and officials

To: each of the individual athletes and officials

Bobsleigh Federation of Russia
President Alexandr Zubkov
8 Luzhnetskaya Nab.
119991 Moscow, Russian Federation
By email: parkhomenko@rusbob.ru
Date: December 1, 2017

Introduction

1. During November 2017, the International Bobsleigh & Skeleton Federation (the "IBSF") has received several notifications from the International Olympic Committee (the "IOC"), informing that the IOC Disciplinary Commission (Oswald Commission) decided following up on the hearing on various dates in November, which have been conducted in the context of the Sochi 2014 forensic and analytic doping investigations, to sanction the athletes and officials.
2. The IBSF, following the above-mentioned decision of the Oswald Commission, sent, at the end of November 2017, notifications of provisional suspension to each of the athletes and officials. Copies of such notifications are attached as Annex 1.

3. Each of the athletes and the officials have been given the opportunity for a provisional hearing, as provided for in Art 7.9.3 of the IBSF Anti-Doping Rules (the "Rules"), by submitting any observations in writing by December 6, 2017.

4. Each of the individual athletes and officials requested an expedited hearing.

5. This hearing took place on December 1, 2017, before the IBSF Hearing Panel, chaired by Advocaat Dolf Segaar, and the members Prof. Dr. Ian Blackshaw and Prof. Dr. Peter Hemmersbach, at the Municom Congress Center at the Airport in Munich, Germany.

6. The athletes and officials were represented by their legal representative, Philippe Baertsch (Schellenberg Wittmer Ltd) of Geneva, Switzerland and accompanied by their Secretary General, Sergey Parkhomenko, who acted as their translator.

7. Having heard representations by their legal representative, and still awaiting the reasoned decision of the IOC and consistent with its earlier decision of January 6, 2017, the IBSF Hearing Panel came to the conclusion that there is still not yet sufficient evidence relating to the above-mentioned individual athletes and officials that would justify the provisional suspension of them being maintained for the time being.

8. The IBSF Hearing Panel invites the IOC to present the IBSF with a reasoned decision, as soon as possible, in order to potentially re-consider the position of the individual athletes and officials.

9. For ease of reference, attached as Annex 2, is a copy of the earlier decision of the IBSF Hearing Panel of January 6, 2017.

10. The parties did not request for any compensation of costs.

IBSF Doping Hearing Panel, December 1, 2017

[Signatures]

Advocaat Dolf Segaar

Prof. Dr. Ian Blackshaw

Prof. Dr. Peter Hemmersbach
To
Bobsleigh Federation of Russia
President Alexandr Zubkov
8 Luzhnetskaya Nab.
119991 Moscow, Russian Federation
By e-Mail: parkhomenko@rusbob.ru

23 November 2017

IOC Disciplinary Commission Decision related to anti-doping rule violation – Notification of
Provisional suspension for Elena NIKITINA, IF ID Number 130501

Dear Mr. President,

On 22 November 2017, the International Bobsleigh & Skeleton Federation has received a notification from the International Olympic Committee informing that the IOC Disciplinary Commission (Oswald Commission) decided following up on the hearing on November 6th 2017, which has been conducted in the context of the Sochi 2014 forensic and analytic doping investigations. As a result, Sochi 2014 Skeleton bronze medallist Elena NIKITINA had been sanctioned by the Disciplinary Commission of the IOC accordingly:

"The Athlete, Elena NIKITINA:

a) is found to have committed anti-doping rule violations pursuant to Article 2 of The International Olympic Committee Anti-Doping Rules applicable to the XXII Olympic Winter Games in Sochi, in 2014;

b) is disqualified from the event in which she participated upon the occasion of the XXII Olympic Winter Games in Sochi, in 2014, namely the Women’s Individual Skeleton Event, in which she ranked 3rd and for which she was awarded a bronze medal, a medallist pin and a diploma;

c) has the medal, the medallist pin and the diploma obtained in the Women’s Individual Skeleton Event withdrawn and is ordered to return the same to the International Olympic Committee.

II. The International Bobsleigh and Skeleton Federation is requested to modify the results of the above-mentioned event accordingly and to consider any further action within its own competence.

III. Elena NIKITINA is declared ineligible to be accredited in any capacity for all editions of the Games of the Olympiad and the Olympic Winter Games subsequent to the Sochi Olympic Winter Games.

IV. The Russian Olympic Committee shall ensure full implementation of this decision."
V. The Russian Olympic Committee shall notably secure the return to the International Olympic Committee, as soon as possible, of the medal, medallist pin and diploma awarded in connection with the Women's Individual Skeleton Event to the Athlete.

VI. This decision enters into force immediately.

*(Decision issued by the IOC Disciplinary Commission on November 22nd 2017 – Doc. SML-008)*

According to article 7.9 IBSF Anti-Doping Rules, the athlete is herewith provisionally suspended forthwith from November 23rd 2017.
The athlete is given an opportunity for a Provisional Hearing, as provided for in article 7.9.3 IBSF Anti-Doping Rules by submitting any observations in writing by November 30th 2017 to
antidoping@ibsf.org.

**ACTION TO BE TAKEN BY THE BOBSLEIGH FEDERATION OF RUSSIA**

1. Please confirm in writing that you have advised the athlete of the provisional suspension imposed by IBSF. The Bobsleigh Federation of Russia, herewith, is required to impose the provisional suspension of the athlete as from the receipt of this notification.
2. Please forward to us any written observations by the athlete that may serve as a provisional hearing.

Finally we draw your attention that Notice to an Athlete will be accomplished by delivery of the notice to the Bobsleigh Federation of Russia that is responsible for providing it to the Athlete, and if required, her representative, and we therefore request you to provide the Athlete with this notice forthwith.

Yours sincerely,

[Signature]

Ivo Ferriani
IBSF President

cc: IOC, WADA
To
Bobsleigh Federation of Russia
President Alexandr Zubkov
8 Luzhnetskaya Nab.
119991 Moscow, Russian Federation
By e-Mail: parkhomenko@rusbob.ru

23 November 2017

IOC Disciplinary Commission Decision related to anti-doping rule violation – Notification of
Provisional suspension for Mariia Orlova, IF ID Number 130502

Dear Mr. President,

On 22 November 2017, the International Bobsleigh & Skeleton Federation has received a notification from the International Olympic Committee informing that the IOC Disciplinary Commission (Oswald Commission) decided following up on the hearing on November 6th 2017, which has been conducted in the context of the Sochi 2014 forensic and analytic doping investigations. As a result, Sochi 2014 Women’s Skeleton participant Mariia ORLOVA had been sanctioned by the Disciplinary Commission of the IOC accordingly:

I. The Athlete, Mariia ORLOVA:

a) is found to have committed anti-doping rule violations pursuant to Article 2 of The International Olympic Committee Anti-Doping Rules applicable to the XXII Olympic Winter Games in Sochi, in 2014;

b) is disqualified from the event in which she participated upon the occasion of the XXII Olympic Winter Games in Sochi, in 2014, namely the Women’s Individual Skeleton Event, in which she ranked 6th and for which she was awarded a diploma;

c) has the diploma obtained in the Women’s Individual Skeleton Event withdrawn and is ordered to return the same to the International Olympic Committee.

II. The International Bobsleigh and Skeleton Federation is requested to modify the results of the above-mentioned event accordingly and to consider any further action within its own competence.

III. Mariia ORLOVA is declared ineligible to be accredited in any capacity for all editions of the Games of the Olympiad and the Olympic Winter Games subsequent to the Sochi Olympic Winter Games.

IV. The Russian Olympic Committee shall ensure full implementation of this decision.

V. The Russian Olympic Committee shall notably secure the return to the International Olympic Committee, as soon as possible, of the diploma awarded in connection with the Women’s Individual Skeleton Event to the Athlete.
VI. This decision enters into force immediately. ..

(Decision issued by the IOC Disciplinary Commission on November 22nd 2017 – Doc. SML-009)

According to article 7.9 IBSF Anti-Doping Rules, the athlete is herewith provisionally suspended forthwith from November 23rd 2017.
The athlete is given an opportunity for a Provisional Hearing, as provided for in article 7.9.3 IBSF Anti-Doping Rules by submitting any observations in writing by November 30th 2017 to antidoping@ibsf.org.

ACTION TO BE TAKEN BY THE BOBSLEIGH FEDERATION OF RUSSIA

1. Please confirm in writing that you have advised the athlete of the provisional suspension imposed by IBSF. The Bobsleigh Federation of Russia, herewith, is required to impose the provisional suspension of the athlete as from the receipt of this notification.

2. Please forward to us any written observations by the athlete that may serve as a provisional hearing.

Finally we draw your attention that Notice to an Athlete will be accomplished by delivery of the notice to the Bobsleigh Federation of Russia that is responsible for providing it to the Athlete, and if required, her representative, and we therefore request you to provide the Athlete with this notice forthwith.

Yours sincerely,

[Signature]

Ivo Ferriani
IBSF President

cc: IOC, WADA
23 November 2017

IOC Disciplinary Commission Decision related to anti-doping rule violation – Notification of Provisional suspension for Olga POTYLLITSYNA, IF ID Number 130504

Dear Mr. President,

On 22 November 2017, the International Bobsleigh & Skeleton Federation has received a notification from the International Olympic Committee informing that the IOC Disciplinary Commission (Oswald Commission) decided following up on the hearing on November 6th 2017, which has been conducted in the context of the Sochi 2014 forensic and analytic doping investigations. As a result, Sochi 2014 Women’s Skeleton participant Olga Potylitsyna had been sanctioned by the Disciplinary Commission of the IOC accordingly:

I. The Athlete, Olga POTYLLITSYNA:

   a) is found to have committed anti-doping rule violations pursuant to Article 2 of The International Olympic Committee Anti-Doping Rules applicable to the XXII Olympic Winter Games in Sochi, in 2014;

   b) is disqualified from the event in which she participated upon the occasion of the XXII Olympic Winter Games in Sochi, in 2014, namely the Women’s Individual Skeleton Event, in which she ranked 5th and for which she was awarded a diploma;

   c) has the diploma obtained in the Women’s Individual Skeleton Event withdrawn and is ordered to return the same to the International Olympic Committee.

II. The International Bobsleigh and Skeleton Federation is requested to modify the results of the above-mentioned event accordingly and to consider any further action within its own competence.

III. Olga POTYLLITSYNA is declared ineligible to be accredited in any capacity for all editions of the Games of the Olympiad and the Olympic Winter Games subsequent to the Sochi Olympic Winter Games.

IV. The Russian Olympic Committee shall ensure full implementation of this decision.

V. The Russian Olympic Committee shall notably secure the return to the International Olympic Committee, as soon as possible, of the diploma awarded in connection with the Women’s Individual Skeleton Event to the Athlete.
VI. This decision enters into force immediately."

*(Decision issued by the IOC Disciplinary Commission on November 22nd 2017 – Doc. SML-012)*

According to article 7.9 IBSF Anti-Doping Rules, the athlete is herewith provisionally suspended forthwith from November 23rd 2017.  
The athlete is given an opportunity for a Provisional Hearing, as provided for in article 7.9.3 IBSF Anti-Doping Rules by submitting any observations in writing by November 30th 2017 to antidoping@ibsf.org.

**ACTION TO BE TAKEN BY THE BOBSLEIGH FEDERATION OF RUSSIA**

1. Please confirm in writing that you have advised the athlete of the provisional suspension imposed by IBSF. The Bobsleigh Federation of Russia, herewith, is required to impose the provisional suspension of the athlete as from the receipt of this notification.  
2. Please forward to us any written observations by the athlete that may serve as a provisional hearing.  

Finally we draw your attention that Notice to an Athlete will be accomplished by delivery of the notice to the Bobsleigh Federation of Russia that is responsible for providing it to the Athlete, and if required, her representative, and we therefore request you to provide the Athlete with this notice forthwith.

Yours sincerely,

[Signature]

Ivo Ferriani  
IBSF President

cc: IOC, WADA
To
Bobsleigh Federation of Russia
President Alexandr Zubkov
8 Luzhnetskaya Nab.
119991 Moscow, Russian Federation
By e-Mail: parkhomenko@rusbob.ru

23 November 2017

IOC Disciplinary Commission Decision related to anti-doping rule violation – Notification of
Provisional suspension for Aleksandr Tretiakov, IF ID Number 130492

Dear Mr. President,

On 22 November 2017, the International Bobsleigh & Skeleton Federation has received a notification
from the International Olympic Committee informing that the IOC Disciplinary Commission (Oswald
Commission) decided following up on the hearing on November 6th 2017, which has been conducted
in the context of the Sochi 2014 forensic and analytic doping investigations. As a result, Sochi 2014
Skeleton Olympic Gold Medalist Aleksandr Tretiakov had been sanctioned by the Disciplinary
Commission of the IOC accordingly:

I. The Athlete, Aleksandr TRETIAKOV:

   a) is found to have committed anti-doping rule violations pursuant to Article 2 of The
      International Olympic Committee Anti-Doping Rules applicable to the XXII Olympic
      Winter Games in Sochi, in 2014;

   b) is disqualified from the events in which he participated upon the occasion of the XXII
      Olympic Winter Games in Sochi, in 2014, namely the Men’s Individual Skeleton Event,
      in which he ranked 1st and for which he was awarded a gold medal, a medallist pin and a
      diploma;

   c) has the medal, the medallist pin and the diploma obtained in the Men’s Individual Skeleton
      Event withdrawn and is ordered to return the same to the International Olympic
      Committee.

II. The International Bobsleigh and Skeleton Federation is requested to modify the results of the
above-mentioned event accordingly and to consider any further action within its own
competence.

III. Aleksandr TRETIAKOV is declared ineligible to be accredited in any capacity for all editions of
the Games of the Olympiad and the Olympic Winter Games subsequent to the Sochi
Olympic Winter Games.

IV. The Russian Olympic Committee shall ensure full implementation of this decision.
V. The Russian Olympic Committee shall notably secure the return to the International Olympic Committee, as soon as possible, of the medal, medallist pin and diploma awarded in connection with the Men's Individual Skeleton Event to the Athlete.

VI. This decision enters into force immediately.

(Decision issued by the IOC Disciplinary Commission on November 22nd 2017 – Doc. SML-022)

According to article 7.9 IBSF Anti-Doping Rules, the athlete is herewith provisionally suspended forthwith from November 23rd 2017.

The athlete is given an opportunity for a Provisional Hearing, as provided for in article 7.9.3 IBSF Anti-Doping Rules by submitting any observations in writing by November 30th 2017 to antidoping@ibsf.org.

ACTION TO BE TAKEN BY THE BOBSLEIGH FEDERATION OF RUSSIA

1. Please confirm in writing that you have advised the athlete of the provisional suspension imposed by IBSF. The Bobsleigh Federation of Russia, herewith, is required to impose the provisional suspension of the athlete as from the receipt of this notification.
2. Please forward to us any written observations by the athlete that may serve as a provisional hearing.

Finally we draw your attention that Notice to an Athlete will be accomplished by delivery of the notice to the Bobsleigh Federation of Russia that is responsible for providing it to the Athlete, and if required, her representative, and we therefore request you to provide the Athlete with this notice forthwith.

Yours sincerely,

Ivo Ferriani
IBSF President

cc: IOC, WADA
To
Bobsleigh Federation of Russia
President Alexandr Zubkov
8 Luzhnetskaya Nab.
119991 Moscow, Russian Federation
By e-mail: parkhomenko@rusbob.ru

29 November 2017

IOC Disciplinary Commission Decision related to anti-doping rule violation – Notification of
Provisional suspension for Alexander KAS'YANOVT, IF ID Number 130619

Dear Mr. President,

On 22 November 2017, the International Bobsleigh & Skeleton Federation has received a notification from the International Olympic Committee informing that the IOC Disciplinary Commission (Oswald Commission) decided following up on the hearing on November 23rd 2017, which has been conducted in the context of the Sochi 2014 forensic and analytic doping investigations. As a result, Sochi 2014 Four-Man’s Bobsleigh participant Alexander KAS’YANOVT had been sanctioned by the Disciplinary Commission of the IOC accordingly:

I. The Athlete, Alexander KAS’YANOVT:

a) is found to have committed anti-doping rule violations pursuant to Article 2 of The International Olympic Committee Anti-Doping Rules applicable to the XXII Olympic Winter Games in Sochi, in 2014;

b) is disqualified from the events in which he participated upon the occasion of the XXII Olympic Winter Games in Sochi, in 2014, namely:

(i) the Two-Man’s Bobsleigh Event, in which he ranked 4th for which he was awarded a diploma;

(ii) the Four-Man’s Bobsleigh Event, in which he ranked 4th for which he was awarded a diploma;

c) has the diplomas obtained in the above-mentioned Events withdrawn and is ordered to return the same to the International Olympic Committee.

II. The Russian Team is disqualified from the Four-Man’s Bobsleigh Event*. The corresponding diplomas are withdrawn and shall be returned to the International Olympic Committee.

III. The International Bobsleigh and Skeleton Federation is requested to modify the results of the above-mentioned events accordingly and to consider any further action within its own competence.

IV. Alexander KAS’YANOVT is declared ineligible to be accredited in any capacity for all editions of the Games of the Olympiad and the Olympic Winter Games subsequent to the Sochi Olympic Winter Games.
V. The Russian Olympic Committee shall ensure full implementation of this decision.

VI. The Russian Olympic Committee shall notably secure the return to the International Olympic Committee, as soon as possible, of the diploma awarded in connection with the Two-Man’s Event to the Athlete.

VII. The Russian Olympic Committee shall also secure the return to the International Olympic Committee, as soon as possible, of the diplomas awarded in connection with the Four-Man’s Bobsleigh Event to the members of the Russian Team.

VIII. This decision enters into force immediately.

"Two other members of the team, Mr. Aleksei PUSHKAREV (SML-031) and Mr. Ilvir KHUZIN (SML-032), have been disqualified as per the decisions of the Disciplinary Commission issued on 29 November 2017."

(Decision issued by the IOC Disciplinary Commission on November 29th 2017 – Doc. SML-030)

According to article 7.9 IBSF Anti-Doping Rules, the athlete is herewith provisionally suspended forthwith from November 29th 2017.

The athlete is given an opportunity for a Provisional Hearing, as provided for in article 7.9.3 IBSF Anti-Doping Rules by submitting any observations in writing by December 6th 2017 to antidoping@ibsf.org.

ACTION TO BE TAKEN BY THE BOBSLEIGH FEDERATION OF RUSSIA

1. Please confirm in writing that you have advised the athlete of the provisional suspension imposed by IBSF. The Bobsleigh Federation of Russia, herewith, is required to impose the provisional suspension of the athlete as from the receipt of this notification.

2. Please forward to us any written observations by the athlete that may serve as a provisional hearing.

Finally we draw your attention that Notice to an Athlete will be accomplished by delivery of the notice to the Bobsleigh Federation of Russia that is responsible for providing it to the Athlete, and if required, her representative, and we therefore request you to provide the Athlete with this notice forthwith.

Yours sincerely,

Ivo Ferriani
IBSF President

cc: IOC, WADA
To
Bobsleigh Federation of Russia
President Alexandr Zubkov
8 Luzhnetskaya Nab.
119991 Moscow, Russian Federation
By e-Mail: parkhomenko@rusbob.ru

29 November 2017

IOC Disciplinary Commission Decision related to anti-doping rule violation – Notification of Provisional suspension for Aleksei PUSHKAREV, IF ID Number 130625

Dear Mr. President,

On 22 November 2017, the International Bobsleigh & Skeleton Federation has received a notification from the International Olympic Committee informing that the IOC Disciplinary Commission (Oswald Commission) decided following up on the hearing on November 23rd 2017, which has been conducted in the context of the Sochi 2014 forensic and analytic doping investigations. As a result, Sochi 2014 Four-Man’s Bobsleigh participant Aleksei PUSHKAREV had been sanctioned by the Disciplinary Commission of the IOC accordingly:

I. The Athlete, Aleksei PUSHKAREV:

a) is found to have committed anti-doping rule violations pursuant to Article 2 of The International Olympic Committee Anti-Doping Rules applicable to the XXII Olympic Winter Games in Sochi, in 2014;

b) is disqualified from the event in which he participated upon the occasion of the XXII Olympic Winter Games in Sochi, in 2014, namely the Four-Man’s Bobsleigh Event, in which he ranked 4th for which he was awarded a diploma;

c) has the diploma obtained in the above-mentioned Event withdrawn and is ordered to return the same to the International Olympic Committee.

II. The Russian Team is disqualified from the Four-Man’s Bobsleigh Event*. The corresponding diplomas are withdrawn and shall be returned to the International Olympic Committee.

III. The International Bobsleigh and Skeleton Federation is requested to modify the results of the above-mentioned event accordingly and to consider any further action within its own competence.

IV. Aleksei PUSHKAREV is declared ineligible to be accredited in any capacity for all editions of the Games of the Olympiad and the Olympic Winter Games subsequent to the Sochi Olympic Winter Games.

V. The Russian Olympic Committee shall ensure full implementation of this decision.
VI. The Russian Olympic Committee shall notably secure the return to the International Olympic Committee, as soon as possible, of the diploma awarded in connection with the Four-Man’s Bobsleigh Event to the members of the Russian Team.

"Two other members of the team, Mr Alexander KAS"YANOV (SML-030) and Mr Ilvir KHUZIN (SML-032), have already been disqualified as per the decisions of the Disciplinary Commission issued on 29 November 2017."

*(Decision issued by the IOC Disciplinary Commission on November 29th 2017 – Doc. SML-031)*

According to article 7.9 IBSF Anti-Doping Rules, the athlete is herewith provisionally suspended forthwith from November 29th 2017. The athlete is given an opportunity for a Provisional Hearing, as provided for in article 7.9.3 IBSF Anti-Doping Rules by submitting any observations in writing by December 6th 2017 to antidoping@ibsf.org.

ACTION TO BE TAKEN BY THE BOBSLEIGH FEDERATION OF RUSSIA

1. Please confirm in writing that you have advised the athlete of the provisional suspension imposed by IBSF. The Bobsleigh Federation of Russia, herewith, is required to impose the provisional suspension of the athlete as from the receipt of this notification.
2. Please forward to us any written observations by the athlete that may serve as a provisional hearing.

Finally we draw your attention that Notice to an Athlete will be accomplished by delivery of the notice to the Bobsleigh Federation of Russia that is responsible for providing it to the Athlete, and if required, her representative, and we therefore request you to provide the Athlete with this notice forthwith.

Yours sincerely,

Ivo Ferriani
IBSF President

cc: IOC, WADA
To
Bobsleigh Federation of Russia
President Alexandr Zubkov
8 Luzhnetskaya Nab.
119991 Moscow, Russian Federation
By e-mail: parkhomenko@rusbob.ru

29 November 2017

IOC Disciplinary Commission Decision related to anti-doping rule violation – Notification of Provisional suspension for Ilvir KHUZIN, IF ID Number 130617

Dear Mr. President,

On 22 November 2017, the International Bobsleigh & Skeleton Federation has received a notification from the International Olympic Committee informing that the IOC Disciplinary Commission (Oswald Commission) decided following up on the hearing on November 23rd 2017, which has been conducted in the context of the Sochi 2014 forensic and analytic doping investigations. As a result, Sochi 2014 Four-Man’s Bobsleigh participant Ilvir KHUZIN had been sanctioned by the Disciplinary Commission of the IOC accordingly:

I. The Athlete, Ilvir KHUZIN:

a) is found to have committed anti-doping rule violations pursuant to Article 2 of The International Olympic Committee Anti-Doping Rules applicable to the XXII Olympic Winter Games in Soehl, in 2014;

b) is disqualified from the event in which he participated upon the occasion of the XXI I Olympic Winter Games in Sochi, in 2014, namely the Four-Man’s Bobsleigh Event, in which he ranked 4th for which he was awarded a diploma;

c) has the diploma obtained in the above-mentioned Event withdrawn and is ordered to return the same to the International Olympic Committee.

II. The Russian Team is disqualified from the Four-Man’s Bobsleigh Event*. The corresponding diplomas are withdrawn and shall be returned to the International Olympic Committee.

III. The International Bobsleigh and Skeleton Federation is requested to modify the results of the above-mentioned event accordingly and to consider any further action within its own competence.

IV. Ilvir KHUZIN is declared ineligible to be accredited in any capacity for all editions of the Games of the Olympiad and the Olympic Winter Games subsequent to the Sochi Olympic Winter Games.

V. The Russian Olympic Committee shall ensure full implementation of this decision.
VI. The Russian Olympic Committee shall notably secure the return to the International Olympic Committee, as soon as possible, of the diplomas awarded in connection with the Four-Man's Bobsleigh Event to the members of the Russian Team.

VII. This decision enters into force immediately.

Two other members of the team, Mr. Alexander KASYANOV (SML-030) and Mr. Aleksei PUSHKAREV (SML-031), have been disqualified as per the decisions of the Disciplinary Commission issued on 29 November 2017.

(Decision issued by the IOC Disciplinary Commission on November 29th 2017 – Doc. SML-032)

According to article 7.9 IBSF Anti-Doping Rules, the athlete is herewith provisionally suspended forthwith from November 29th 2017.

The athlete is given an opportunity for a Provisional Hearing, as provided for in article 7.9.3 IBSF Anti-Doping Rules by submitting any observations in writing by December 6th 2017 to antidoping@ibsf.org.

ACTION TO BE TAKEN BY THE BOBSLEIGH FEDERATION OF RUSSIA

1. Please confirm in writing that you have advised the athlete of the provisional suspension imposed by IBSF. The Bobsleigh Federation of Russia, herewith, is required to impose the provisional suspension of the athlete as from the receipt of this notification.

2. Please forward to us any written observations by the athlete that may serve as a provisional hearing.

Finally, we draw your attention that Notice to an Athlete will be accomplished by delivery of the notice to the Bobsleigh Federation of Russia that is responsible for providing it to the Athlete, and if required, her representative, and we therefore request you to provide the Athlete with this notice forthwith.

Yours sincerely,

[Signature]

Ivo Ferriani
IBSF President

cc: IOC, WADA
To
Bobsleigh Federation of Russia
President Alexandr Zubkov
8 Luzhnetskaya Nab.
119991 Moscow, Russian Federation
By e-Mail: parkhomenko@rusbob.ru

28 November 2017

IOC Disciplinary Commission Decision related to anti-doping rule violation – Notification of Provisional suspension for Alexandr Zubkov, IF ID Number 130635

Dear Mr. President,

On 24 November 2017, the International Bobsleigh & Skeleton Federation has received a notification from the International Olympic Committee informing that the IOC Disciplinary Commission (Oswald Commission) decided following up on the hearing on November 6th 2017, which has been conducted in the context of the Sochi 2014 forensic and analytic doping investigations. As a result, Sochi 2014 Olympic Gold Medalist Alexandr Zubkov had been sanctioned by the Disciplinary Commission of the IOC accordingly:

I. The Athlete, Alexandr ZUBKOV:

a) is found to have committed anti-doping rule violations pursuant to Article 2 of The International Olympic Committee Anti-Doping Rules applicable to the XXII Olympic Winter Games in Sochi, in 2014;

b) is disqualified from the events in which he participated upon the occasion of the XXII Olympic Winter Games in Sochi, in 2014, namely:

(i) the Two-Man’s Bobsleigh Event, in which he ranked 1st and for which he was awarded a gold medal, a medallist pin and a diploma;

(ii) the Four-Man’s Bobsleigh Event, in which he ranked 1st and for which he was awarded a gold medal, a medallist pin and a diploma;

(c) has the medals, medallist pins and the diplomas obtained in the above-mentioned Events withdrawn and is ordered to return the same to the International Olympic Committee.

II. The International Bobsleigh and Skeleton Federation is requested to modify the results of the above-mentioned events accordingly to consider any further action within its own competence.

III. Alexandr ZUBKOV is declared ineligible to be accredited in any capacity for all editions of the Games of the Olympiad and the Olympic Winter Games subsequent to the Sochi Olympic Winter Games.

IV. The Russian Olympic Committee shall ensure full implementation of this decision.
VI. This decision enters into force immediately."

*(Decision issued by the IOC Disciplinary Commission on November 24nd 2017 — Doc. SML-028)*

According to article 7.9 IBSF Anti-Doping Rules, the person (the former athlete) is herewith provisionally suspended forthwith from November 28th 2017. The person is given an opportunity for a Provisional Hearing, as provided for in article 7.9.3 IBSF Anti-Doping Rules by submitting any observations in writing by December 5th 2017 to antidoping@ibsf.org.

**ACTION TO BE TAKEN BY THE BOBSLEIGH FEDERATION OF RUSSIA**

1. Please confirm in writing that you have advised the person of the provisional suspension imposed by IBSF. The Bobsleigh Federation of Russia, herewith, is required to impose the provisional suspension of the person as from the receipt of this notification.
2. Please forward to us any written observations by the person that may serve as a provisional hearing.

Finally we draw your attention that Notice to the person will be accomplished by delivery of the notice to the Bobsleigh Federation of Russia that is responsible for providing it to the person, and if required, her representative, and we therefore request you to provide the person with this notice forthwith.

Yours sincerely,

![Signature]

Ivo Ferriani
IBSF President

cc: IOC, WADA
To
Bobsleigh Federation of Russia
President Alexandr Zubkov
8 Luzhnetskaya Nab.
119991 Moscow, Russian Federation
By e-Mail: parkhomenko@rusbob.ru

28 November 2017

IOC Disciplinary Commission Decision related to anti-doping rule violation – Notification of Provisional suspension for Sergei Chudinov, IF ID Number 130493

Dear Mr. President,

On 27 November 2017, the International Bobsleigh & Skeleton Federation has received a notification from the International Olympic Committee informing that the IOC Disciplinary Commission (Oswald Commission) decided following up on the hearing on November 6th 2017, which has been conducted in the context of the Sochi 2014 forensic and analytic doping investigations. As a result, Sochi 2014 Men’s Skeleton participant Sergei Chudinov had been sanctioned by the Disciplinary Commission of the IOC accordingly:

I. The Athlete, Sergei CHUDINOV:

a) is found to have committed anti-doping rule violations pursuant to Article 2 of The International Olympic Committee Anti-Doping Rules applicable to the XXII Olympic Winter Games in Sochi, in 2014;

b) is disqualified from the events in which he participated upon the occasion of the XXII Olympic Winter Games in Sochi, in 2014, namely the Men’s Individual Skeleton Event, in which he ranked 5th and for which he was awarded a diploma;

c) has the diploma obtained in the above-mentioned Event withdrawn and is ordered to return the same to the International Olympic Committee.

II. The International Bobsleigh and Skeleton Federation is requested to modify the results of the above-mentioned event accordingly and to consider any further action within its own competence.

III. Sergei CHUDINOV is declared ineligible to be accredited in any capacity for all editions of the Games of the Olympiad and the Olympic Winter Games subsequent to the Sochi Olympic Winter Games.

IV. The Russian Olympic Committee shall ensure full implementation of this decision.

V. The Russian Olympic Committee shall notably secure the return to the International Olympic Committee, as soon as possible, of the diploma awarded in connection with the Men’s Individual Skeleton Event.
VI. This decision enters into force immediately."

*(Decision issued by the IOC Disciplinary Commission on November 27th 2017 – Doc. SML-001)*

According to article 7.9 IBSF Anti-Doping Rules, the person (the former athlete) is herewith provisionally suspended forthwith from November 28th 2017.
The person is given an opportunity for a Provisional Hearing, as provided for in article 7.9.3 IBSF Anti-Doping Rules by submitting any observations in writing by December 5th 2017 to antidoping@ibsf.org.

**ACTION TO BE TAKEN BY THE BOBSLEIGH FEDERATION OF RUSSIA**

1. Please confirm in writing that you have advised the person of the provisional suspension imposed by IBSF. The Bobsleigh Federation of Russia, herewith, is required to impose the provisional suspension of the person as from the receipt of this notification.
2. Please forward to us any written observations by the person that may serve as a provisional hearing.

Finally we draw your attention that Notice to the person will be accomplished by delivery of the notice to the Bobsleigh Federation of Russia that is responsible for providing it to the person, and if required, her representative, and we therefore request you to provide the person with this notice forthwith.

Yours sincerely,

Ivo Ferriani
IBSF President

cc: IOC, WADA
Decision of the IBSF Doping Hearing Panel

in the matters of the provisional suspension of

Elena Nikitina, License number SNRUSWO21119921

Maria Orlova, License number SNRUSW140419881

Olga Potylitsyna, License number SNRUSW170919891

Aleksandr Tretiakov, License number SNRUSM190419851
To: each of the individual Athletes

Bobsleigh Federation of Russia
President Alexandr Zubkov
8 Luzhnetskaya Nab.
119991 Moscow, Russian Federation

By email: parkhomenko@rusbob.ru

Date: January 6, 2017

I Introduction

1. The International Bobsleigh & Skeleton Federation (the "IBSF") has sent on December 30, 2016 a notification to Elena Nikitina, License number SNRUSWO21119621, Maria Orlova, License number SNRUSW140419881, Olga Potylitsyna, License number SNRUSW170919891 and Aleksandr Tretiakov, License number SNRUSM190419851, hereinafter collectively referred to as the "Athletes".

2. The notification to the Athletes from the IBSF followed a letter of December 22, 2016 the IBSF received from the International Olympic Committee informing that it has opened investigations related to an alleged anti-doping rule violation of the Athletes in connection with the Olympic Winter games 2014 in Sochi, Russia. The alleged anti-doping rule violation has been described in more detail in the IOC Notification letter of December 22, 2016 addressed to each of the Athletes. This letter described the alleged anti-doping rule violation of the Athletes as follows (the letter of one of the aforementioned athletes is cited. Besides the sample numbers and dates the letters to the other athletes are identical):

"6. The McLaren Independent Investigation Report – Part II issued on 9 December 2016 and the supporting documentation indicates that the doping control conducted by the IOC on the occasion of the Olympic Games Sochi 2014 may have been tampered, without limitation, by manipulation of sample(s) in the WADA accredited laboratory in Sochi.

7. Based on the information in our possession, the B-samples n° 2891755 and n° 2890474 notably appear to have been surreptitiously opened and the urine collected on 15 February 2014, respectively 23 February 2014, replaced by a different urine (scratches and marks evidence indicates tampering).

8. At this stage, the alleged anti-doping rule violation is "tampering or attempted tampering with any part of Doping Control" pursuant to Article 2 of The International Olympic
Committee Anti-Doping Rules applicable to the XXII Olympic Games in Sochi, in 2014 (hereinafter: "IOC Anti-Doping Rules"). Further violations which might be brought to light in the course of further investigations are reserved.

9. Pursuant to Rule 59.2.2.4 of the Olympic Charter and Article 6.2.5 of the IOC Anti-Doping Rules, we inform you that Disciplinary Commission has been constituted to investigate and conduct the disciplinary proceedings.

10. The Disciplinary Commission shall consist of Mr Denis Oswald (Chairman, Switzerland), who is a member of the IOC Legal Affairs Commission, Mr Tony Estanguet (France) who is member of the IOS Legal Affairs Commission, and Mr Juan Antonio Samaranch (Spain), who is an IOC Vice-President.

11. The Disciplinary Commission will first conduct an investigation in order to further determine the circumstances of the potential anti-doping violation(s), notably your role and/or the role of other persons in regard of the alleged anti-doping rule violation.

12. As a first step, you are invited to provide any explanation or relevant information you might have in regard of the above mentioned circumstances by email (legal.antidoping@olympic.org) or by fax (+41 21 621 63 57) until 9 January 2017.”

3. The IBSF informed each of the Athletes by individual letters on December 30, 2016 that they are provisionally suspended forthwith from that day in accordance with article 7.9 of the IBSF Anti-Doping Rules ("ADR"), version January 1, 2015.

4. The Athletes have requested by email on January 2, 2017 in accordance with article 7.9.3 of the IBSF ADR the opportunity for a Provisional Hearing on a timely basis after imposition of the Provisional Suspension.

5. The Provisional Hearing took place on January 3, 2017 by means of Skype conference before the Doping Hearing Panel, except for Olga Potylitsyna who was heard in a conference call on the same day. On behalf of the Doping Hearing Panel of the IBSF Dr. Alessia di Gianfrancesco, Dr. Prof. Ian Blackshaw, (chairman) Mr. Dolf Segaar, sports lawyer and Raik Bauerfeind, IBSF Anti-doping officer were present. On behalf of the Athletes a translator and the chairman of the Russian Bobsleigh Federation, Mr Alexandr Zubkov participated as well.

II. Opinion of the Athletes

6. Since each of the Athletes provided the Doping Hearing Panel with similar arguments against their provisional suspension, the Doping Hearing Panel considered it appropriate and efficient to combine the current report and decision of each individual matter into one. Each of the
Athletes provided the Doping Hearing Panel with a written explanatory note, in which they described the procedure of the doping control(s) they were subject to.

7. The Doping Hearing Panel considers the following relevant with regard to the opinion of each of the Athletes:
   - The Athletes are elite athletes already for a number of years.
   - During those years none of the Athletes tested positive or were convicted for committing any other anti-doping rule violation. Each of them were tested on various occasions.
   - IOC has stated in its letter of December 22, 2016 that the B samples notably appear to have been surreptitiously opened and the urine collected was replaced by a different urine (scratches and marks evidence indicates tampering). Each of the Athletes have confirmed (verbally and in writing) that the doping procedures in 2014 that they were subject to were adequate and according to the rules of testing. All formalities that have to be complied with and all documents that needed to be filled out have been complied with and filled out in good order.
   - Each of the Athletes have declared that they have not been confronted with the alleged tampering of their samples before they read about it in the New York Times or through the McLaren Report II of December 9, 2016. Copies of these confirmations have been provided to the Doping Hearing Panel in Russian and in English translations.
   - Each of the Athletes have offered full support with regard to any investigation into the matter. President Zubkov offered similar support on behalf of the Russian Bobsleigh Federation.

8. The Athletes have emphasized not to be involved in any anti-doping rule violation and not to play or have played any role in the allegations of tampering as mentioned in the McLaren Report II and the notification letter of the IOC. They therefore requested the Doping Hearing Panel to lift the provisionalary suspension.

III. Considerations of the Doping Hearing panel

A. Applicable Anti-Doping Rules

9. According to article 20.7 of the ADR 2015 the rules have come into full force and effect on 1 January 2015 (the "Effective Date"). The ADR of the IBSF shall not apply retroactively to matters pending before the Effective Date. Since the current matters relating to the Athletes were not pending before the Effective Date the ADR 2015 of the IBSF will apply here.
B. McLaren-reports

10. The Doping Hearing Panel has taken strong notice of the systemic Russian doping control manipulation and cover up that is mentioned in the McLaren-reports. The second report even sharpens the picture and confirms the findings of the first report and identifies summer, winter, and Paralympic athletes involved in the doping cover-up and manipulation (p.4 of McLaren Report II).

11. However, the McLaren Report II makes as well very clear that it has not assessed the sufficiency of evidence to prove an anti-doping rule violation of an athlete. The Doping hearing Panel refers to page 35-36 of the McLaren Report II:

"The IP ("Independent Person") is not a Results Management Authority under the World Anti-Doping Code and therefore does not have the authority to bring forward ADRV cases against individual athletes. Accordingly the IP has not assessed the sufficiency of the evidence to prove an ADRV by any individual athlete. Rather, for each individual Russian athlete, where relevant evidence of possible manipulation to conceal positive tests has been uncovered in the investigation, the IP has identified that evidence and will have provided it to WADA. The different types of evidence provided with respect to any individual athlete are like strands in a cable. It will be up to each Results Management Authority to determine whether the provided strands of evidence, standing alone or together build a sufficiently strong cable to support an ADRV in an individual case. Alternatively, the information may simply provide intelligence of that athlete as "benefiting from alleged manipulations to conceal positive doping tests" and may inform possible future targeted testing by the federation." (Emphasis by authors).

12. The Doping Hearing Panel has concluded from the above in combination with the letter of IOC of December 22, 2016 that the evidence that has been brought forward to WADA by the Independent Person is not (yet) sufficient evidence to bring forward already an Anti-Doping Rule Violation in the current matters of the Athletes:

"At this stage the alleged anti-doping rule violation is "tampering or attempted tampering with any part of Doping Control pursuant to Article 2 of the International Olympic Committee Anti-Doping Rules applicable to the XXII Olympic Games in Sotchi 2014 (...) Further violations which might be brought to light in the course of further investigations are reserved."

(...)"

"The Disciplinary Commission will first conduct an investigation in order to further determine the circumstances of the potential anti-doping violation(s), notably your role and/or the role of other persons in regard of the alleged anti-doping rule violation."
The Doping Hearing Panel has not received any information of the IOC that support IOC's conclusion that already at this stage there is sufficient evidence to determine an anti-doping rule violation by the Athletes. According to the Doping Hearing Panel the IOC implicitly acknowledges with its letter of December 22, 2016 that sufficient evidence is still lacking where the Disciplinary Committee does not act on an alleged violation, but instead first conducts further investigation.

C. IBSF ADR on Provisional Suspension

13. Article 7.9.2 of the ADR of the IBSF provides the opportunity to the IBSF Anti-Doping Administrator or its delegate to impose a Provisional Suspension on the Athletes or other Person against whom the anti-doping rule violation is asserted.

14. In this respect also article 3.1 of the IBSF ADR is relevant, which says:

3.1 Burdens and Standards of Proof

"IBSF shall have the burden of establishing that an anti-doping rule violation has occurred. The standard of proof shall be whether IBSF has established an anti-doping rule violation to the comfortable satisfaction of the hearing panel bearing in mind the seriousness of the allegation which is made. This standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt."

15. On the one hand McLaren Report II makes crystal clear that athletes of all kind of sports in Russia were involved in the doping cover up and manipulation. On the other hand it made clear as well that it has not assessed the sufficiency of the evidence in each individual case.

16. The Doping Hearing Panel has analyzed the letter of the IOC of December 22, 2016 as such that the evidence in the cases of the Athletes is not (yet) sufficient to come to the conclusion already now that the Athletes committed an anti-doping rule violation. The IOC refers to article 2 of the IOC Anti-Doping Rules, applicable in Sochi and claims the alleged anti-doping rule violation to be "tampering or attempted tampering of any Doping Control". Nevertheless the Doping Hearing Panel has not received any evidence of the involvement of the Athletes with that violation. Whereas the Doping Hearing Panel has to comply with the standard of proof provision of article 3.1 of the IBSF ADR, mentioned in paragraph 14 above, the sole conclusion in the letter of IOC is not sufficient to come to the establishment of an anti-doping rule violation of the Athletes that would support the current provisional suspension. Again, the fact that IOC itself concluded to conduct further investigations before following up on the alleged anti-doping rule violation, supports the above view of the Doping Hearing Panel.
IV Decision

17. Article 6 of the European Convention on Human Rights protects the right to a fair trial and, in particular, guarantees the presumption of innocence until proved guilty. Article 3.1 of the ADR of the IBSF as cited above in paragraph 14 places in that context the burden of proof on the IBSF. In cases as the subject where there are no Adverse Analytical Findings other means of evidence are needed to proof an anti-doping rule violation.

18. The Doping Hearing Panel comes to the conclusion that McLaren Report II provides sufficient reason to conduct further investigation by both the IOC and the IBSF into the role of the Athletes in "tampering or attempted tampering of any Doping Control", as being in line with article 3.1 of the ADR of the IBSF, but at the same time it comes to the conclusion that at this very moment there is not (yet) sufficient evidence against the Athletes that would justify the provisional suspension. The Doping Hearing Panel invites the IOC to share any outcome of its investigation with the IBSF in order to potentially reconsider the position of the Athletes in this respect.

19. The Doping Hearing Panel of the IBSF concludes therefore to lift the provisional suspension of Elena Nikitina, Maria Orlova, Olga Potylitsyna, and Aleksandr Tretjakov, with immediate effect as of the date of signing of this decision, with reference to article 7.9.3 sub 2(c) of the ADR of the IBSF. This Decision of the Panel is entirely without prejudice to the pending investigation of the IOC (referred to above) and does not, in any way whatsoever, preempt the outcome of such investigation.

20. Parties did not request for any compensation of costs.

IBSF Doping Hearing Panel, January 6, 2017

Dr. Alessia di Gianfrancesco

Prof. Dr. Ian Blackshaw

Dolf Segaar