

**INTERNATIONAL OLYMPIC COMMITTEE**

**IOC DISCIPLINARY COMMISSION**

**DECISION**

**REGARDING VERA GANEEVA  
BORN ON 6 NOVEMBER 1988, ATHLETE, RUSSIAN FEDERATION, 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. Vera GANEEVA (hereinafter the “**Athlete**”), participated in the Games of the XXX Olympiad, London 2012 (the “**2012 Olympic Games**”).
2. On 3 August 2012, the Athlete competed in the Women’s discus throw event in which she ranked 23th.
3. On the same day, the Athlete was requested to provide a urine sample for a doping control (in competition). Such sample was identified with the number 2717342.
4. On her DCF, the Athlete did not indicate the use of any specific supplement, except vitamins.
5. The A-Sample 2717342 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.
6. 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.
7. 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.
8. 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.
9. 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: dehydrochloromethyltestosterone (turinabol).
10. The results were reported to the IOC in accordance with Art. 6.2.1 of the Rules.
11. 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.

12. 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
  - Mr Juan Antonio Samaranch (Spain)
  - Mr Ugur Erdener (Turkey)
13. 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. The Athlete was also informed of her right to request a copy of the laboratory documentation package.
14. On 1 June 2016, the Athlete sent directly to the IOC her completed AAF Notification Appendix in which she indicated that she did not accept the AAF. She further indicated that she requested the opening and analysis of her B-Sample and that she would not attend the process, either personally or through a representative. Finally, she requested a copy of the laboratory documentation package.
15. On 2 June 2016, the IOC informed the Athlete that the opening of her B-Sample was scheduled to take place on 7 June 2016 at the Laboratory, followed by the analysis of the sample.
16. The opening of the B-Sample took place on 7 June 2016 at the Laboratory.
17. As provided by the ISL, the opening of the sample was attended by an independent witness.
18. Mr Victor Berezov, Deputy Chief of the Russian Olympic Committee Legal Department, attended the opening of the sample on behalf of the NOC. An IOC representative also attended the process.
19. The results of the analysis were reported to the IOC on 10 June 2016. They confirmed the presence in the B-Sample of the Prohibited Substance already detected in the A-Sample: dehydrochloromethyltestosterone (turinabol).
20. On 13 June 2016, the IOC notified the B-Sample results to the Athlete. The Athlete was invited to indicate whether she accepted the Adverse Analytical Finding and whether she requested the B-Sample laboratory documentation package. The Athlete was further informed of the possibility to present her defence in writing and/or to attend the hearing of the Disciplinary Commission. The IOC finally indicated that the hearing should be scheduled to take place during the last week of June or the first part of July 2016.
21. On 20 June 2016, the Athlete sent to the IOC her completed Disciplinary Commission Form. She did not indicate whether she accepted the Adverse Analytical Finding resulting from the analysis of the B-Sample and whether she requested a copy of the B-Sample laboratory documentation package. She indicated that she would not attend the hearing of the Disciplinary Commission but that she would present her defence in writing.

22. In her Disciplinary Commission Form, the Athlete wrote the following comment:
- “At the moment, I don’t have the financial ability to pay for the documents with the sample B. According to my information amount is 2000-3000 euros. As soon as I collect all the necessary money for payment of documents I probably will ask for the documents in the sample B.”*
23. On the same day, the Athlete sent a letter to the IOC, in which she indicated that she never used any Prohibited Substance deliberately and consciously. She asserted that she had been subject to several anti-doping tests during her career and that none of them resulted in an Adverse Analytical Finding. She explained that she was very shocked and frustrated when she received the AAF Notification Letter.
24. The Athlete submitted that she found two suspicious food supplements that she used at the time of the 2012 Olympic Games: Mega Max Gainer and Max Protein and provided the IOC with pictures of the bags containing the supplements. She contended that when she started using these supplements, she felt sick and fizzy after only 2 days as if it were food poisoning. She asserted that she assumed to be victim of fake and low quality food supplements, which would have contained banned substances.
25. On 29 June 2016, the Athlete requested once again the A- and B-Sample laboratory documentation packages.
26. On 26 July 2016, the IOC provided the Athlete with a copy of the A- and B-Sample laboratory documentation packages as well as with additional documentation related to her sample, in particular the handling of the sample in London and its transfer to the WADA accredited laboratory in Lausanne.
27. In the same letter, the IOC invited the Athlete to file her written defence by 9 August 2016.
28. On 15 August 2016, the Athlete wrote to the IOC and asked the following question in relation to the definition of the extraction scheme of the screening of the batch in which her sample was analysed:
- “Could you please explain why Lot TBME and N pentane were used during sample preparation on the page “20 of”.*
29. On 12 September 2016, the IOC forwarded the Athlete’s query to the Laboratory. The Laboratory was asked to provide a brief explanation.
30. On 10 October 2016, the IOC provided the Athlete with the Laboratory’s explanations. The Athlete was invited to submit a written defence by 17 October 2016.
31. On 17 October 2016, the Athlete requested an extension of the deadline as her representative was currently reviewing the laboratory documentation packages.
32. On 19 October 2016, the IOC granted the requested extension and invited the Athlete to submit her written observations by 28 October 2016.
33. On 28 October 2016, the Athlete asked the IOC why *“M2-M4 are long-lived metabolites turinabol as the method Rodchenkova’t prove it.in connection with Rodchenkova fiction carried out a counter-synthesis of fiction and confirmed that M2-M4 are long-live metabolites turinabol.”*

34. On 15 November 2016, the IOC explained to the Athlete that long-term metabolites, which were not looked for in 2012, had been detected in her samples. The IOC further informed the Athlete that the hearing of the Disciplinary Commission was scheduled to be held on 12 or 13 December 2016. She was invited to indicate by 21 November 2016 whether she would participate in the hearing. She was further invited to submit a written defence within a deadline expiring on 1 December 2016.
35. On the same day, the NOC and IF were invited to file written observations.
36. On 22 November 2016, the Athlete informed the IOC that she would participate in the hearing via videoconference. She indicated that she would be assisted by an interpreter and that she was looking for a legal counsel.
37. On 6 December 2016, the Athlete was informed that the hearing of the Disciplinary Commission was confirmed to be held on the 12th December 2016. She was invited to communicate the contact details of her interpreter and legal counsel in order to organise the videoconference. She was further invited to submit her written defence by 8 December 2016.
38. The Athlete did not reply.
39. On 8 December 2016, the IOC requested again the Athlete to provide the necessary information in order to organise the videoconference. The Athlete was advised that failing a response, it would be assumed that she would not participate in the hearing and that in this case, the Disciplinary Commission would issue a decision on the basis of the file.
40. On 9 December 2016, the Athlete confirmed that she would participate in the hearing.
41. On 10 December 2016, Mr Jean-Pierre Morand, IOC external legal counsel, requested the Disciplinary Commission to include in the present proceedings the Report, Part 2 dated 9 December 2016 of the Independent Person, Mr Richard H. McLaren (the "**McLaren Report, Part 2**").
42. Neither the NOC nor the IF filed written observations.
43. The hearing of the Disciplinary Commission was held on 12 December 2016 at the IOC Headquarters in Lausanne, Switzerland.
44. The Athlete participated in the hearing via videoconference. She was assisted by Ms Xenia Kourgouzova, Interpreter.
45. The IOC was represented by Ms Tamara Soupiron, IOC legal counsel. She was assisted by Mr Jean-Pierre Morand and Mr Nicolas Français, IOC external legal counsels.
46. During the hearing, the Athlete submitted once again that she had never used any Prohibited Substance. She felt shocked when she received the notification letter from the IOC informing her that the analysis of her sample resulted in an AAF.
47. The Athlete explained that she prepared for the 2012 Olympic Games with her coach and husband, Mr Leonard Ganeeva. She trained in Portugal from December 2011 to April 2012 and in Czech Republic in April 2012. She was asked to return to Russia to finalise her preparation with the team and she suspected that somebody had put something in her food to compromise the results of her doping tests. She added that she had been training with Ukrainian and Belorussian athletes during this period and that she had been recommended

by some athletes to take a type of protein for training. She indicated that she used that protein mix only before the 2012 Olympic Games.

48. She submitted that she took some medication bought by her coach/husband in Ukraine during the preparation for the 2012 Olympic Games. She conceded that she was responsible for medications or supplements that she ingested.
49. The Athlete indicated that her documentation packages were examined by Russian specialists, who explained to her that the results might vary from person to person and that therefore the results of the tests were inconsistent.
50. Answering to the Disciplinary Commission, the Athlete indicated that she did not contest the analytical results.

## **II. APPLICABLE RULES**

51. 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.”*

52. Art. 2 of the Rules provides that Article 2 of the Code applies to determine anti-doping rule violations.
53. 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.”*

54. 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.*

55. 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.”*

56. 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.”*

57. 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.”*

58. 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.”*

59. 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**

60. The results of the analysis of the sample provided by the Athlete establish the presence in her sample of the metabolites of a Prohibited Substance, i.e. dehydrochlormethyltestosterone (turinabol).
61. The substance detected is an anabolic steroid. It is listed in the WADA 2012 Prohibited List and in all subsequent lists under S1.
62. During the hearing, she indicated that she does not contest the analytical results.
63. The Athlete simply denies having used performance-enhancing substances. As an explanation for the presence of the Prohibited Substance, she raises the hypothesis that the substances may have been contained in medication or food supplements bought in Ukraine by her coach/husband at that time. She also suspects that somebody would have contaminated her food during her preparation for the 2012 Olympic Games.
64. The Disciplinary Commission notes that the Athlete does not bring forth any concrete evidence to support her submissions.
65. Based on the analytical results establishing the presence of a Prohibited Substance in the Athlete's sample, the Disciplinary Commission finds that the Athlete has in any event committed an anti-doping rule violation pursuant to Art. 2.1 of the Code.
66. In addition, the Disciplinary Commission finds that an anti-doping rule violation is also established if the circumstances are considered in the perspective of art. 2.2 of the Code.
67. The Disciplinary Commission observes that the nature of the substance which was found in the Athlete's sample is consistent with intentional use of Prohibited Substances specifically ingested to deliberately improve performance. The fact that the metabolites of a doping substance, which is a "classical" doping substance, was found, supports this consideration.
68. Furthermore, the Disciplinary Commission observes that the fact that the substance in question may have been contained in food supplements would not exonerate the Athlete from having used it.
69. First, the use of food supplements in which a Prohibited Substance is an ingredient may just be a way of using deliberately such Prohibited Substance. The fact that the Prohibited Substance might be included in a food supplement does not make it less reprehensible to use than the substance in isolation.
70. Furthermore, athletes have been repeatedly warned to apply extreme caution when using food supplements, which may contain undeclared Prohibited Substances or which may have been contaminated during production. In this respect, the Athlete specifically admits that she was responsible for the medication, supplement and food ingested during her career.
71. With the mere hypothesis that the source of finding could be food supplement, the Athlete does not establish that she applied the required level of caution. Assuming for the sole purpose of discussion, that the source of the analytical finding would indeed be supplements in which the Prohibited Substance would have been included without the Athlete's knowledge, there is in any event no indication (not to speak of any evidence) in the Athlete's explanations that she satisfied the high duty of care and caution in choosing food supplements, which is expected from high-level athletes.

72. The Disciplinary Commission further observes that the substance found in the Athlete's sample is the same as the one detected in the overwhelming majority of cases of anti-doping violations, which were established in the course of the re-analysis process.
73. The fact that turinabol has been effectively and widely used as a doping substance, notably in Russia, is further corroborated by the McLaren Report, Part 2, which expressly mentions turinabol as the doping substance of choice in the period up to the 2012 Olympic Games.
74. Whilst the report does not include any element relating to the Athlete and thus it would not constitute a basis on which the Disciplinary Commission could draw any specific conclusion in this particular case, it nevertheless describes a context in which the finding of the substance at stake does not come as a surprise.
75. Finally, the Disciplinary Commission notes, and this to the Athlete's credit, that she was rather candid in her explanations, which were close to an admission to have ingested, at best, "uncontrolled" substances in 2012.
76. In conclusion, the Disciplinary Commission finds that an anti-doping violation is thus in any event established pursuant to both Art. 2.1 and Art. 2.2 of the Code.
77. The consequences of an anti-doping rule violation pursuant to the Rules are limited to consequences in connection with the 2012 Olympic Games.
78. 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 medal, diploma, pin etc.).
79. 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, Vera GANEEVA:
  - (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 (presence, and/or use, of Prohibited Substances or its Metabolites or Markers in an athlete's bodily specimen),
  - (ii) is disqualified from the event in which she participated upon the occasion of the Olympic Games London 2012, namely the Women's discus throw event.
- 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 Russian Olympic Committee shall ensure full implementation of this decision.
- IV. This decision enters into force immediately.

Lausanne, 27 January 2017

In the name of the IOC Disciplinary Commission



Denis Oswald, Chairman



Juan Antonio Samaranch



Ugur Erdener