

INTERNATIONAL OLYMPIC COMMITTEE

IOC DISCIPLINARY COMMISSION

DECISION

**REGARDING KIRILL IKONNIKOV
BORN ON 5 MARCH 1984, 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:

1. FACTS

1. Kirill IKONNIKOV (hereinafter the “**Athlete**”), participated in the Games of the XXX Olympiad, London 2012 (the “**2012 Olympic Games**”).
2. From 3 August 2012 to 5 August 2012, the Athlete competed in the Men’s hammer throw event (Qualification and Final) in which he ranked 5th and for which he was awarded a diploma.
3. On 5 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 2717358.
4. The A-Sample 2717358 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 26 May 2016, the IOC notified the Athlete, through his 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 his 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 his right to request a copy of the laboratory documentation package.
13. Neither the NOC nor the Athlete replied.
14. On 2 June 2016, the IOC informed the NOC that the Athlete did not send his completed AAF Notification Appendix.
15. On 3 June 2016, the NOC informed the IOC that the Athlete had not returned his completed AAF Notification Appendix. The NOC however confirmed that the Athlete had been duly informed of the communication dated 26 May 2016.
16. On 22 June 2016, the IOC sent a reminder to the NOC. Since the Athlete had been registered as a potential team member of the Russian Olympic Committee for the Olympic Games Rio 2016, it could reasonably be assumed that the Athlete had been recently in contact with his NOC. The NOC was therefore asked to do its best efforts to assist the IOC in contacting the Athlete.
17. In the same communication, the IOC reminded that in accordance with Art. 6.3.3 of the Rules, notices to an athlete could be accomplished by delivery to the NOC. Accordingly, the NOC was advised that the disciplinary proceedings would proceed in any event on the basis of the already effected notices.
18. In this context, the IOC also reminded that in accordance with Art. 6.2.6 lit.b of the Rules, the absence of a request to analyse the B-Sample would be deemed as a waiver thereof.
19. Neither the NOC nor the Athlete reply.
20. On 2 July 2016, the NOC sent a reminder to the NOC and required the NOC to confirm that the Athlete had been notified.
21. The NOC did not reply.
22. On 12 July 2016, the IOC sent another reminder to the NOC.
23. The NOC did not reply.
24. On 4 October 2016, the IOC sent a further communication in which he reminded the Athlete, that he had been notified of the AAF and of his right to request the analysis of the B-Sample through notice to his NOC.

25. Failing a request to conduct such analysis, the Athlete was deemed to have waived his right to request the analysis of the B-sample.
26. The IOC further informed the Athlete that it had decided to pursue the disciplinary proceedings on the basis of the A-Sample analysis results only.
27. In the same communication, the IOC informed the Athlete of his right to present a defence in writing and/or to attend the hearing of the Disciplinary Commission. The Athlete was granted a deadline until 12 October 2016 to indicate whether he would attend the hearing of the Disciplinary Commission, either personally and/or through a representative, and a deadline until 14 October 2016 to submit a written defence.
28. On the same day, the IOC wrote to the NOC and noted that in accordance with the email dated 3 June 2016 received from the NOC, the Athlete had effectively received the AAF Notification Letter. The IOC further referred to Art. 6.3.3 of the Rules and to the fact that notification to the Athlete had in any event occurred through notification to the NOC. The IOC invited the NOC to indicate by 12 October 2016 whether an NOC representative would attend the hearing of the Disciplinary Commission. The NOC was finally invited to file written observations by 14 October 2016.
29. Neither the Athlete, nor the NOC nor the IF did reply.

2. APPLICABLE RULES

30. 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.”*

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

32. 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."*

33. 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.*

34. Art. 6.2.6 of the Rules provides as follows:

"The IOC President or a person designated by him shall promptly notify the Athlete or other Person concerned, the Athlete's or other Person's chef de mission, the International Federation concerned and a representative of the Independent Observer Program of:

- a) *The adverse analytical finding;*
- b) *The Athlete's right to request the analysis of the B sample or, failing such request, that the B sample may be deemed waived;*
- c) *the scheduled date, time and place for the B Sample analysis if the Athlete chooses to request an analysis of the B Sample or if the IOC chooses to have the B sample analysed;*
- d) *the right of the Athlete and/or the Athlete's representative to attend the B sample opening and analysis if such analysis is requested;*
- e) *the Athlete's right to request copies of the A and B sample laboratory package, which includes information as required by the International Standard for Laboratories;*
- f) *the anti-doping rule violation or, where applicable, instead of the information in (a) to e), the factual basis of the other anti-doping rule violation(s), and if applicable, the additional investigation that will be conducted as to whether there is an anti-doping rule violation;*
- g) *the composition of the Disciplinary Commission.*

It shall be the responsibility of the chef de mission to inform the relevant National Anti-Doping Organisation of the Athlete."

35. 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.”

36. 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.”

37. 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.”

38. 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.”

39. 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.”

3. DISCUSSION

40. The results of the analysis of the sample provided by the Athlete establish the presence in his sample of the metabolites of a Prohibited Substance, i.e. dehydrochloromethyltestosterone (turinabol).
41. The substance detected is an anabolic steroid. It is listed in the WADA 2012 Prohibited List and in all subsequent lists under S1.
42. The Disciplinary Commission notes that the Athlete has been duly notified of the AAF.
43. In this respect, the Disciplinary Commission observes that the NOC confirmed on 3 June 2016 that the Athlete had actually received the IOC’s letter dated 26 May 2016.
44. In any event, notification of the AAF and all further communications addressed to the Athlete through his NOC shall be deemed as duly notified by delivery to the NOC in accordance with Art. 6.3.3 of the Rules.

45. This applies in particular to the notification of the question regarding the exercise of the right of the Athlete to request the analysis of the B-Sample. Such question was duly included in the AAF notification letter.
46. The Athlete, having been duly notified, did not request the analysis of the B-Sample. Such may be deemed waived pursuant to Art. 6.2.6 lit b of the Rules.
47. Since the IOC decided not to conduct the B-Sample analysis, the analytical results are in this case solely based on the results of the A-sample.
48. Such results establish the presence of metabolites of a Prohibited Substance, i.e. dehydrochlormethyltestosterone (turinabol) in the sample, which the Athlete provided upon the occasion of the 2008 Olympic Games.
49. Based on the above results, the Disciplinary Commission finds that the Athlete has committed an anti-doping rule violation pursuant to Art. 2.1 of the Rules consisting in the presence of a Prohibited Substance in his bodily sample.
50. Pursuant to Art. 2.1.2 of the Rules, *“Sufficient proof of an anti-doping rule violation under Article 2.1 is indeed established by the following: presence of a Prohibited Substance or its Metabolites or Markers in the Athlete’s A Sample where the Athlete waives the analysis of the B Sample and the B Sample is not analysed.”*
51. In addition, the Disciplinary Commission observes that the circumstances appear to also support a finding of anti-doping rule violation based on art. 2.2 of the Rules.
52. The fact that a doping substance which is a “classical” doping substance broadly used at the time of the analysis supports this consideration.
53. There is indeed a simple and straightforward explanation for the fact that dehydrochlormethyltestosterone (turinabol) was found in the Athlete’s sample, i.e. its use as doping agent for the purpose of performance enhancement.
54. The consequences of an anti-doping rule violation pursuant to the Rules are limited to consequences in connection with the 2012 Olympic Games.
55. 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.).
56. 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

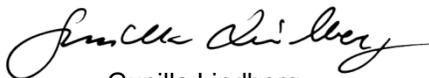
- I. The Athlete, Kirill IKONNIKOV:
 - (i) is found to have committed an anti-doping rule violation pursuant to the IOC Anti-Doping Rules applicable to the Games of the XXX Olympiad in London in 2012 (presence, and/or use, of Prohibited Substances or its Metabolites or Markers in an athlete's bodily specimen),
 - (ii) is disqualified from the event in which he participated upon the occasion of the Olympic Games London 2012, namely the Men's hammer throw event, in which he ranked 5th and for which he was awarded a diploma,
 - (iii) has the diploma obtained in the Men'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 Russian Olympic Committee shall ensure full implementation of this decision.
- IV. The Russian Olympic Committee shall notably secure the return to the IOC, as soon as possible, of the diploma awarded in connection with the Men's hammer throw event to the Athlete.
- V. This decision enters into force immediately.

Lausanne, 19 October 2016

In the name of the IOC Disciplinary Commission



Denis Oswald, Chairman



Gunilla Lindberg



Ugur Erdener