

INTERNATIONAL OLYMPIC COMMITTEE
IOC DISCIPLINARY COMMISSION
DECISION

REGARDING INETA RADEVICA
BORN ON 13 JULY 1981, ATHLETE, ATHLETICS (NATIONAL OLYMPIC COMMITTEE
OF LATVIA)

(Rule 59.2.1 of the Olympic Charter)

In application of the Olympic Charter and, in particular, Rule 59.2.1 thereof, and 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, 8, and 9 thereof:

I. FACTS

1. Ineta RADEVICA (the “**Athlete**”), participated in the Games of the XXX Olympiad, London 2012 (the “**2012 Olympic Games**”) as a member of the team of the National Olympic Committee of Latvia.
2. On the 7 and 8 August 2012, the Athlete competed in the Women’s Long Jump event (Qualifications and Finals) in which she ranked 4th.
3. On 8 August 2012, the Athlete was requested to provide a urine sample for a doping control. Such sample was identified with the number 2717780.
4. The A-Sample 2717780 was analysed during the 2012 Olympic Games by the WADA-accredited Laboratory in London. The 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 Laboratory 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 conducted 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 re-analysis 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 Oxandrolone metabolites, a Prohibited Substance (Class S1.1a – Anabolic Androgenic Steroids).
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:
 - Prof. Denis Oswald, Chairman;
 - Mrs. Gunilla Lindberg; and
 - Mr. Juan Antonio Samaranch.
12. The IOC has delegated the implementation of the Doping Control program for the 2012 Olympic Games to the International Testing Agency (the “**ITA**”). Such delegation includes the conduct of re-analysis of the samples collected during the 2012 Olympic Games and the related results management.
13. On 25 September 2018, the ITA notified the Athlete, through the National Olympic Committee of Latvia (the “**NOC**”), of the above-mentioned AAF and of the institution of disciplinary proceedings to be conducted by the Disciplinary Commission. By means of an AAF Appendix to be completed by the Athlete, the ITA 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, and of her right to request a copy of the laboratory documentation package.
14. The Athlete was also given the possibility to refer the matter for adjudication before the Court of Arbitration for Sport in Lausanne, Switzerland, by means of an arbitration agreement.
15. On 25 September 2018, the ITA also notified the International Association of Athletics Federations (the “**IAAF**”) of the above.
16. On 8 October 2018, the Athlete did not accept the AAF and requested the opening of the B-Sample and a copy of the A-Sample laboratory documentation package. The Athlete indicated that she would not attend the opening of the B-Sample.
17. On 18 October 2018, the ITA provided the Athlete with a copy of the A-Sample laboratory documentation package and informed her that the B-Sample opening would take place on 30 October 2018. The ITA also invited the Athlete to indicate her preferred dispute resolution method.
18. On 18 October 2018, the ITA invited the IAAF and the NOC to attend the B-Sample opening.
19. On 22 October 2018, the NOC indicated that it would not attend the B-Sample opening. The IAAF did not respond in writing.
20. On 23 October 2018, the Athlete informed the ITA that she elected to have the case be referred to the Disciplinary Commission and would not attend a hearing but rather submit a defence in writing.
21. On 30 October 2018, the B-Sample was opened at the Laboratory in the presence of an independent witness.

22. On 31 October 2018, the B-Sample analysis results were reported. The analysis confirmed the presence in the B-Sample of the Prohibited Substance detected in the A-Sample (Oxandrolone metabolites).
23. On 21 November 2018, the ITA informed the Athlete that the B-Sample analysis took place as scheduled and provided her with the B-Sample analysis report confirming the presence of Oxandrolone metabolites.
24. On 21 November 2018, the ITA also informed the IAAF of the results of the B-Sample analysis.
25. On 22 November 2018, the Athlete requested a copy of the B-Sample laboratory documentation package.
26. On 22 November 2018, the IAAF informed the ITA of the Athlete's provisional suspension.
27. On 18 December 2018, the ITA provided the Athlete with a copy of the B-Sample laboratory documentation package.
28. On 17 January 2019, the ITA informed the Athlete of the composition of the Disciplinary Commission and invited the Athlete to submit her written defence and accompanying evidence by the 7 February 2019.
29. On 5 February 2019, the Athlete provided the ITA with her written defence and evidence contesting the analysis results of her sample.
30. On 5 March 2019, the Laboratory provided its observations on the Athlete's allegations.
31. On 21 March 2019, the ITA referred the case to the Disciplinary Commission to issue its decision on the basis of the file.
32. On 12 April 2019, the Athlete provided her concluding statement, addressing the Laboratory's observations, to the Disciplinary Commission.

II. APPLICABLE RULES

33. 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."*
34. Art. 2 of the Rules provides that Article 2 of the Code applies to determine anti-doping rule violations.

35. 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.

1.1.1 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.

1.1.2 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.

1.1.3 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.

1.1.4 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.”

36. 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.”

37. 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.”

38. 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.”

39. 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.”

40. 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.”

41. 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.”

42. Art. 9.1 of the Rules provides as follows:

“Where more than one member of a team in a Team Sport has been notified of a possible anti-doping rule violation under Article 6 in connection with the London Olympic Games, the team shall be subject to Target Testing for the London Olympic Games.

In Team Sports, if more than one team member is found to have committed an anti-doping rule violation during the Period of the London Olympic Games, the team may be subject to Disqualification or other disciplinary action, as provided in the applicable rules of the relevant International Federation.

In sports which are not Team Sports but where awards are given to teams, if one or more team members have committed an anti-doping rule violation during the Period of the London Olympic Games, the team may be subject to Disqualification, and/or other disciplinary action as provided in the applicable rules of the relevant International Federation.”

III. SUBSTANCE OF THE CASE

43. 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. Oxandrolone metabolites.

44. The substance detected in the Athlete's sample is an anabolic steroid. It is listed in the WADA 2012 Prohibited List and in all subsequent lists under S1.
45. Art. 2.1 of the Code provides that the presence of a Prohibited Substance or its metabolites or markers in an athlete's sample constitutes an anti-doping rule violation. In particular, sufficient proof of an anti-doping rule violation under Art. 2.1 is established by the 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*".
46. The analysis of the B-Sample confirmed the presence of the Prohibited Substance present in the A-Sample.
47. Art. 3.2.1 of the Code states that "*WADA-accredited laboratories are presumed to have conducted Sample analysis and custodial procedures in accordance with the International Standard for Laboratories.*"
48. To rebut that presumption, the Athlete must not only show that there was a departure from the international standards, but also that the departure in question "*could reasonably have caused*" the AAF. If the Athlete cannot discharge that burden, then any such departure does not invalidate the analytical results.
49. The Athlete has submitted a written defence alleging departures by the Laboratory from the applicable international standards that would invalidate the analytical results.
50. The laboratory has answered in a detailed manner to any and each argument of the Athlete and concluded that they do not put the validity of the analytical results in question.
51. In her final statement, the Athlete has maintained that the analytical results were affected by departures and could not be relied.
52. Having reviewed the arguments made by the Athlete, the Disciplinary Commission finds that they do not invalidate the analysis results of her sample:
 - i. The Athlete refers to a rule 5.2.4.3.2.2 regarding laboratory analysts performing the A and B sample analysis which was part of the 2004 and 2008 versions of the International Standards for Laboratories ("**ISL**"). Such rule did require that the analyst performing the analysis would be different. This requirement has been removed in the subsequent versions of the ISL, from the 2012 version (in force and applicable at the time of the initial analysis performed by the WADA accredited laboratory of London and, more significantly in the ISL 2016, version... which was the ISL applicable at the time the re-analysis at stake in these proceedings were performed by the LAD. Potential departures from the ISL are determined by reference to the ISL in force at the time of the analysis and which the Laboratory is bound to apply, not by provisions of prior versions no longer in force. Pursuant to the Code, the ISL shall become effective on the date specified in the ISL (see Preamble to the Code and the Introduction to the ISL). In this case, the Laboratory performed the analysis in June 2018 (A-

Sample) and October 2018 (B-Sample) in accordance with the then applicable version of the ISL (*i.e.* the 2016 version) which came into force on 2 June 2016. The fact that re-analysis (or “Further Analysis”) has to be performed in accordance with the ISL in force at the time of the Further Analysis is even specifically confirmed in Art. 5.2.2.12.9 ISL. An argument based on outdated versions of the ISL has no merits.

- ii. The Athlete refers to typographical errors in the B-Sample laboratory documentation package. However, mere (and obvious) typographical errors do not constitute a relevant departure from the ISL, *i.e.* one which could reasonably be the cause of the AAF (see Art. 3.2 of the Code).
 - iii. The Athlete alleges that the Laboratory altered the internal standard / reference material when conducting the analysis (*i.e.* methylandrosterone for the A-Sample and methylandrosterone for the B-Sample). However, the identification criteria set out in the relevant technical documents are for the target compound of a prohibited substance, not for the internal standard / reference material as the Athlete alleges. The internal standard / reference material should enable the identification of the target compound of a prohibited substance in that relevant sample (See Art. 5.4 of the ISL and WADA Technical Document TD2015IDCR). In any event, the Laboratory has explained that the specific single compound used as internal standard was 5 α -androstane-17 α -methyl-3 β ,17 β -diol.
 - iv. The Athlete alleges that the Laboratory departed from the quality control and B-Sample confirmation requirements of the ISL. However, the laboratory documentation packages (in conjunction with the explanations from the Laboratory) confirm that the Laboratory has effectively conducted its analysis in compliance with required operating procedure standards and the ISL.
 - v. The Athlete argues that the Laboratory departed from the ISL as it did not conduct the B-Sample analysis no later than seven working days following notification of the AAF. However, the ISL only provides that the B-Sample analysis “*should*” take place (rather than “*shall*”) within that deadline. The ISL does not set a strict requirement but rather a recommendation. In practice, B-Sample analysis do often take place after a longer period of time. This is notably the case to accommodate the attendance by the Athlete and/or his or her representative. In this case, the Athlete herself requested the analysis of the B-Sample almost two weeks after notification of the AAF. She further did not object to the scheduled date at the time. The Athlete’s subsequent claim that the opening and analysis should have taken place, actually prior to the time of her own request is obviously baseless and even abusive.
53. The Athlete has failed to establish any material departures of the ISL, *i.e.* ones which could reasonably have caused the analytical result showing the presence of the Prohibited Substance, *i.e.* Oxandrolone metabolites. The analytical results are therefore valid and establish the presence of the mentioned Prohibited Substance in the Athlete’s urine sample, constituting an anti-doping rule violation.

54. In consideration of the above, the Disciplinary Commission finds that it is established to her comfortable satisfaction that the Athlete committed an anti-doping rule violation pursuant to Art. 2.1 of the Code consisting of the presence of a Prohibited Substance in her body.
55. Given the fact that the substance found is a classical doping substance and given the fact that the Athlete has not brought any explanation for its presence in her sample, the Disciplinary Commission observes that an anti-doping rule violation would also be established if the present circumstances were considered with regard to Art. 2.2 of the Code.
56. Under the Rules, the applicable consequences of the anti-doping rule violation specifically and only relate to the Olympic Games.
57. In application of Art. 7.1 and 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 medals, diplomas, pins etc.).
58. Accordingly, the results obtained by the Athlete at the Women's Long Jump event (Qualification and Finals) in which she ranked 4th shall be annulled.
59. The Athlete shall further hand back the diploma and pin she received.
60. In application of Art. 8.3 of the Rules, 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 managed by the 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, 8, and 9 thereof

THE DISCIPLINARY COMMISSION OF THE
INTERNATIONAL OLYMPIC COMMITTEE
DECIDES

- I. The Athlete, Ineta Radevica:
 - 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 a Prohibited Substance or its Metabolites or Markers in an athlete's bodily specimen),
 - ii) is disqualified from the events in which she participated upon the occasion of the 2012 Olympic Games, namely, the Women's Long Jump event, and
 - iii) has the diploma and pin obtained in the Women's Long Jump event withdrawn and is ordered to return them.
- 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 Latvia shall ensure full implementation of this decision.
- IV. The decision enters into force immediately.

Lausanne, 8 May 2019

In the name of the IOC Disciplinary Commission

Prof. Denis Oswald

Gunilla Lindberg

Juan Antonio Samaranch