

## DECISION OF THE ATHLETICS INTEGRITY UNIT IN THE CASE OF MR ANDREY SILNOV

### INTRODUCTION

1. World Athletics has established the Athletics Integrity Unit (**AIU**) whose role is to protect the integrity of the sport of Athletics, including fulfilling World Athletics' obligations as a Signatory to the World Anti-Doping Code (**Code**). World Athletics has delegated implementation of the World Athletics Anti-Doping Rules (**ADR**) to the AIU, including but not limited to the following activities in relation to International-Level Athletes: Testing, Investigations, Results Management, Hearings, Sanctions and Appeals.
2. This matter concerns a violation of the prohibition against participation during Ineligibility by Mr Andrey Silnov (the **Athlete**), a 38-year-old high jumper from Russia<sup>1</sup>.
3. This decision is issued by the AIU pursuant to Rule 8.5.6 ADR, which provides as follows:

*8.5.6 In the event that the Athlete or other Person either (i) admits the violation and accepts the proposed Consequences or (ii) is deemed to have admitted the violation and accepted the Consequences as per Rule 8.5.2(f), the Integrity Unit will promptly:*

- (a) issue a decision confirming the commission of the violation(s) and the imposition of the specified Consequences (including, if applicable, a justification for why the maximum potential sanction was not imposed);*
- (b) Publicly Report that decision in accordance with Rule 14;*
- (c) send a copy of the decision to the Athlete or other Person and to any other party that has a right, further to Rule 13, to appeal the decision (and any such party may, within 15 days of receipt, request a copy of the full case file pertaining to the decision)."*

### FACTUAL BACKGROUND

4. In April 2021, the Court of Arbitration for Sport (**CAS**) issued a decision confirming that the Athlete had committed an anti-doping rule violation (**ADRV**) pursuant to Rule 32.2(b) of the IAAF Competition Rules 2012-13 and imposed a period of Ineligibility of four (4) years upon him from 7 April 2021 to 6 April 2025.<sup>2</sup>
5. Rule 40.11(a) of the IAAF Competition Rules 2012-13 specifies the prohibition against participation during Ineligibility as including, inter alia, participating in any capacity in any Competition or activity authorised or organised by a Member or a Club or other member organisation of a Member:

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<sup>1</sup> <https://worldathletics.org/athletes/russia/andrey-silnov-14224009>.

<sup>2</sup> CAS 2020/O/6761: <https://www.athleticsintegrity.org/downloads/pdfs/disciplinary-process/en/CAS-2020.O.6761-World-Athletics-v.-RUSAf-Silnov.pdf>.

- 11.(a) *Prohibition against Participation during Ineligibility: no Athlete or other Person who has been declared Ineligible may, during the period of Ineligibility, participate in any capacity in any Competition or activity, other than in authorised anti-doping education or rehabilitation programmes, which are authorised or organised by the IAAF or any Area Association or Member (or any Club or other member organisation of a Member) or Signatory (or Signatory's member or a club or other member organisation of a Signatory's member) or in competitions authorised or organised by any professional league or any international or national-level organization. [...]*
6. Further, Rule 10.14.1(a) of the 2021 World Athletics Anti-Doping Rules (**Rules**) provides as follows:
- 10.14 Status during Ineligibility or Provisional Suspension**
- 10.14.1 Prohibition against participation during Ineligibility or Provisional Suspension:*
- (a) *No Athlete or other Person who has been declared Ineligible or is subject to a Provisional Suspension may, during a period of Ineligibility or Provisional Suspension, participate in any capacity in a Competition or activity (other than authorised anti-doping Education or rehabilitation programs) authorised or organised by any Signatory, Signatory's member organisation, or a club or other member organisation of a Signatory's member organisation, or in Competitions authorised or organised by any professional league or any international or national level event organisation or any elite or national-level sporting activity funded by a governmental agency.*
7. The details of the CAS decision were published on the Russian Athletics Federation (**RusAF**) website<sup>3</sup> and the World Athletics website.<sup>4</sup> The Athlete was also included on the Global List of Ineligible Persons available for viewing on the AIU website.<sup>5</sup>
8. On 21 May 2021, the Athlete filed an appeal against the CAS decision (CAS 2021/A/8024).
9. On 11 August 2021, the Moscow Region Athletics Federation (a member organisation of RusAF, a World Athletics Member Federation) organised an Athletics competition in the name of former Olympic Champion, Yuri Borzakovskiy (the **Athletics Event**). The Athlete was invited to the Athletics Event because the high jump section of the Event was dedicated to his former coach, Mr Evgeny Zagorulko, who had died in April 2021.

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<sup>3</sup> <https://rusathletics.info/135935>.

<sup>4</sup> <https://www.worldathletics.org/news/news/aiu-welcomes-guilty-verdicts-against-nine-russian-athletes-based-on-evidence-underlying-mclaren-reports>.

<sup>5</sup> <https://www.athleticsintegrity.org/disciplinary-process/global-list-of-ineligible-persons?athleteName=silnov&role=&country=&sex=&sanction=&discipline=&secondaryDiscipline=&infraction-year-from=&infraction-year-to=&eligibility-year-from=&eligibility-year-to=#filters>.

10. The Athlete attended the Athletics Event and gave awards to prize winners as part of an awards ceremony. This was confirmed in the Moscow Region Athletics Federation's Instagram post on 12 August 2021, which included a photograph of the Athlete standing in front of a podium of young athletes at a medal ceremony.
11. On 24 September 2021, the AIU wrote to the Athlete and alleged that, notwithstanding his ongoing appeal against the CAS decision, he had breached the prohibition on participation during the period of Ineligibility based on his participation in the Athletics Event and requested an explanation.
12. Between 7 October and 9 December 2021, the Athlete engaged with the AIU to provide further information and clarification, and the AIU conducted its investigation into the alleged violation.
13. On 30 June 2022, the CAS confirmed to the parties that the Athlete's appeal filed on 21 May 2021 was deemed withdrawn as the Athlete had not made the requisite payment for the advance of costs. A Termination Order was rendered by CAS in accordance with its rules and the CAS decision imposing the period of Ineligibility of four (4) years became final and binding.
14. The AIU thereafter reviewed the evidence from its investigation and the Athlete's explanation and concluded that the Athlete's attendance and participation in the Athletics Event was a breach of Rule 10.14.1(a) of the Rules as he was prohibited against participating in any capacity in any activity authorised or organised by a member organisation of a World Athletics Member Federation.
15. On 22 September 2022, the AIU charged the Athlete with breaching the prohibition against participation during Ineligibility set out in Rule 10.14.1(a) of the Rules.
16. Following an agreed extension of time, the Athlete filed his response to the Charge on 1 December 2022 and requested that the Charge and the Consequences be determined by the Disciplinary Tribunal. A preliminary conference was held between the parties on 15 December 2022.
17. Following without prejudice correspondence between the AIU and the Athlete, on 6 January 2023, the Athlete signed an admission and acceptance form in which he admitted that he had committed a violation of the prohibition against participation during Ineligibility by participating in the Athletics Event on 11 August 2021 and accepted the applicable Consequences for such violation as being a period of Ineligibility of one (1) year<sup>6</sup> commencing from the end of the original period of Ineligibility imposed upon him, i.e., from 7 April 2025 to 6 April 2026.

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<sup>6</sup> The period of Ineligibility to be imposed under Rule 10.14.3 is a period of Ineligibility equal in length to the original period of Ineligibility which may be adjusted based on the Athlete's degree of Fault and other circumstances of the case.

## CONSEQUENCES

18. On the basis that the Athlete has admitted the breach of the prohibition against participation during Ineligibility under Rule 10.14.1, in accordance with Rule 10.14.3,<sup>7</sup> the AIU confirms by this decision the following Consequences:
  - 18.1. a period of Ineligibility of one (1) year commencing on 7 April 2025.
19. The Athlete has accepted these Consequences for the breach of Rule 10.14.1 and has expressly waived his right to have them determined by the Disciplinary Tribunal at a hearing.

## PUBLICATION

20. In accordance with Rule 8.5.6(b), the AIU shall publicly report this decision on the AIU's website.

## RIGHTS OF APPEAL

21. This decision constitutes the final decision of the AIU pursuant to Rule 8.5.6.
22. Further to Rule 13.2.3, WADA and the Russian Anti-Doping Agency (**RUSADA**) have a right of appeal against this decision to the Court of Arbitration for Sport in Lausanne, Switzerland, in accordance with the procedure set out at Rule 13.6.1.
23. If an appeal is filed against this decision by WADA or RUSADA, the Athlete will be entitled to exercise his right of cross-appeal in accordance with Rule 13.2.4.

Monaco, 18 January 2023

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<sup>7</sup> The AIU considers that the imposition of a further period of 4 years for a breach of the terms of his Ineligibility would be disproportionate having regard to the fact that the breach amounted to (i) handing out prizes to young athletes and (ii) posing for a photograph(s), on a single occasion at a regional competition that had been organised in honour of his former coach and to which he had been invited. Taking into consideration the Athlete's degree of Fault and the overall circumstances of the case, including the fact that the Athlete admitted the breach without the need for a hearing, the AIU considers that the 4-year period may be adjusted to 1 year.