



International Paralympic Committee  
Anti-Doping Committee

In the matter of:

INTERNATIONAL PARALYMPIC COMMITTEE  
(the *Applicant*)

Versus

Ms. Elena CHISTILINA  
(the *Respondent*)

The case is heard in front of the Hearing Body comprised of:

Dr. Toni Pascual, Chairperson of the IPC Anti-Doping Committee; and  
Ms. Nicki Vance, Mr. Joseph de Pencier, Dr. Matthias Strupler and Ms. Kate Rogowiec;  
Members of the IPC Anti-Doping Committee (together with the Chairperson, the *Hearing Panel*)

Hearing conducted on 02 August 2012 at 13:00 CET via teleconference.

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## Parties

1. The Applicant is the global governing body of the Paralympic Movement and, in particular, of the Paralympic Games. In addition, the IPC is the International Federation of several sports, including IPC Athletics. The IPC's registered offices are in Bonn, Germany.
2. The Respondent is a Russian athlete in the sport of IPC Athletics.

## Communication

3. In accordance with Article 14.1.1 of the IPC Anti-Doping Code 2011 (the *Code*), the Respondent (and other relevant persons) shall be notified of a Sample that is brought forward as an Adverse Analytical Finding by the IPC through the relevant National Paralympic Committee (*NPC*).

## Background

4. On 26 June 2012, the Respondent competed at the IPC Athletics European Championships in Stadskanaal, The Netherlands (the *Event*).
5. The Event was approved by IPC Athletics. Global Quality Sports (*GQS*) had been identified as the authorized sample collection agency.
6. After the Respondent completed her competition, she was requested to provide a sample for doping control for an in-competition test.
7. The Respondent provided a sample (sample number 2701390) (the *Sample*) and disclosed the use of gepoxin, panangin, and vitamin B as medications and/or supplements used in the last seven days before the doping control test.
8. The Respondent complied with the request, provided the Sample and signed the doping control form without adverse comment. By doing so, the Respondent indicated that she was satisfied with the sample collection procedures that had been followed in conducting the test. The Sample was sent for analysis to the WADA accredited laboratory in Cologne, Germany (Institute of Biochemistry - German Sports University Cologne, hereafter the *Laboratory*).



9. On 19 July 2012, the Laboratory reported an adverse analytical finding for Nikethamide metabolite N-ethylnicotinamide. This substance is classified as S6b. Stimulants on the World Anti-Doping Code (WADC) 2012 Prohibited List (the *Prohibited List*) and is prohibited in-competition. It is considered a “specified substance”.
10. The initial review by the IPC determined that the Respondent did not have an applicable Therapeutic Use Exemption (TUE) for this substance, and that there was no departure from the International Standard for Laboratories or International Standard for Testing that caused the Adverse Analytical Finding.
11. On 20 July 2012, the IPC notified the Respondent via NPC Russia of the adverse analytical finding in accordance with Article 7.2 of the Code. The Respondent was advised that she was provisionally suspended from the date of notification (20 July 2012) and that unless Articles 10.4 or 10.5 of the Code applies, the standard sanctions for a first-time violation would normally be:
  - automatic disqualification of any competition results in connection with an in-competition test, including forfeiture of any medals, points and prizes obtained on the date of sample collection (26 June 2012);
  - disqualification of all competition results including forfeiture of any medals, points and prizes obtained subsequent to the sample collection date (26 June 2012);
  - an ineligibility period of two (2) years; and
  - a financial sanction of €1.500 (Article 10.11 and Chapter 1.2, Section 2, IPC Handbook (‘Rules on the imposition of financial sanctions for anti-doping rule violations’)).

The Respondent was also advised of her rights, including the right to request a B sample analysis and the laboratory documentation package.

12. The notification included a form titled “Letter of Decision” for the Respondent to complete and return to the IPC by no later than 26 July 2012 at 17:00 hours CET.
13. The Respondent returned the signed Letter of Decision to the IPC in a timely fashion. In the Letter of Decision, the Respondent stated that she did not accept that she had committed an Anti-Doping Rule Violation; and she:
  - admitted to not having a valid Therapeutic Use Exemption (TUE) justifying the presence of the Prohibited Substance found in the Sample;
  - requested the analysis of the B sample; and



- challenged the provisional suspension.
- 14. With the Letter of Decision, NPC Russia also issued a letter stating that they had taken a disciplinary decision to suspend the Respondent and her coach from the Russian national team training camps and from the London 2012 Paralympic Games, and would apply any other disciplinary actions after receiving a formal decision from the IPC.
- 15. Upon receipt of the Letter of Decision and the supporting statements by the Respondent, she was informed that a Hearing (as defined in the Code) would be scheduled to address the provisional suspension.
- 16. On 31 July 2012, the Respondent submitted an additional statement to the IPC indicating that she has never taken any prohibited substances and has no idea how the substance got into her sample. She states that she only takes medication that is prescribed by the team doctor. She further refers to testing that took place in the period before and after the Event at which the Adverse Analytical Finding was reported, all of which have been negative.
- 17. The B sample analysis took place on 1 August 2012 in Cologne, Germany. The Respondent and the IPC chose not to have representatives present for the analysis. The B sample analysis report was received by the IPC on 2 August 2012 and immediately sent to the Respondent. The B sample analysis confirmed the results of the A sample (the presence of Nikethamide metabolite N-ethylnicotinamide).

### **The Hearing**

- 18. The Hearing took place on 02 August 2012 via conference call, in accordance with Article 8.1.6 of the Code.
- 19. The IPC was represented in the case by:
  - Dr. Peter Van de Vliet, IPC Medical & Scientific Director
  - Ms. Vanessa Webb, IPC Anti-Doping Manager
- 20. Attending the Hearing on behalf of the Respondent were:
  - Ms. Elena Victorovna Chistilina, the Respondent
  - Ms. Elena Savchenko, coach of the Respondent
  - Dr. Mikhail Beresnev, deputy chef de mission on medical issues of the Russian delegation for the London 2012 Paralympic Games



Mr. Lev Seleznev, Vice-President of NPC Russia and President of the Russian Sport Federation for People with Disabilities  
Ms. Katarina Pronina, translator

21. Mr. Ryan Montgomery, IPC Athletics Manager, attended the Hearing as the representative of IPC Athletics and as an observer.
22. Ms. Emilie Jones, IPC's legal advisor, attended the Hearing, accompanied by Mr. James O'Shea, junior solicitor and colleague of the IPC legal advisor.
23. The following outline of the facts and parties' positions is illustrative only and may not comprise every piece of information or submission made by the parties. The Hearing Body has carefully considered all the evidence and submissions provided by the parties, even if there is no specific reference in this recommendation.
24. At the beginning of the Hearing, the Chairperson informed the Respondent that since the lab analysis report of the B sample was received and confirmed the A sample, the Hearing would address both the case of the provisional suspension as well as the anti-doping rule violation. The Respondent agreed.
25. The Applicant's case is that the Respondent has violated Article 2.1 (Presence in Sample) of the Code. It asserts that there was no valid TUE and no departures from the Code that caused the adverse analytical finding.
26. The Respondent informed the Hearing Panel that two additional medications were not reported on the Doping Control Form: Ecdistenum and Citramonum. Both medications were received from the team doctor. The Respondent explained the use of the medication for asthenia (general fatigue). She confirmed regular use of all medications reported with the exception of Citramonum, which she only took at the Event. She confirmed that the medications were obtained directly from the team doctor and that she did not buy them herself.
27. When asked, the Respondent stated that she did not know the content of the medications. Dr. Beresnev identified these are herbal medicines, widely available in Russia.
28. The Respondent stated that she has been subject to doping control on multiple occasions throughout her career and is familiar with anti-doping. She requested



the B sample analysis because she was convinced that the Laboratory had made a mistake.

## **Analysis**

29. The principle of strict liability applies to anti-doping matters. An athlete is responsible for any Prohibited Substance found in his or her sample, and an Anti-Doping Rule Violation occurs whenever a Prohibited Substance is found in an athlete's sample (comment to Code Article 2.1.1.). The Respondent stated that she finds herself in a position where she is not able to explain what happened and therefore understands the consequences.
30. The Prohibited Substance found in the Respondent's Sample is classified as Class S6b. Stimulants on the Prohibited List and is prohibited in-competition. The Prohibited Substance is considered a "specified substance".
31. The B sample analysis confirmed the results of the A sample.
32. The Hearing Panel concludes that the explanation of the Respondent does not give grounds to questioning the presence of an anti-doping rule violation nor constitutes grounds for consideration of article 10.4 ("Elimination or Reduction of Period of Ineligibility for Specified Substances under Specific Circumstances") as no evidence was provided on how the prohibited substance entered the Respondent's body and that it was not used with the intention of enhancing her sport performance. Consequently, further discussion on the Respondent's challenge on the provisional suspension does not apply.

## **Recommendation to the IPC Governing Board**

33. The IPC Anti-Doping Committee recommends the following to the IPC Governing Board:
  - a. pursuant to Article 9 of the Code, the Respondent's individual results obtained at the 2012 IPC Athletics European Championships and at any other event from the date of 26 June 2012 onwards should be automatically disqualified, including forfeiture of any medals, points and prizes won;
  - b. pursuant to Article 10.2 of the Code, a two-year period of ineligibility should be imposed on the Respondent;



- c. pursuant to Article 10.9.3 of the Code, the Respondent shall receive credit for the period of provisional suspension and should therefore be declared ineligible from 20 July 2012 (date of notification) until 19 July 2014; and
  - d. pursuant to Article 10.11 of the Code and the IPC Handbook, Section 2, Chapter 1.2 ('Rules on the imposition of financial sanctions for anti-doping rule violations'), the financial sanction of €1.500,- should be imposed.
34. The IPC Anti-Doping Committee would like to remind the Respondent of her status of Ineligibility as set out in Article 10.10 of the Code.

#### **Appeal**

35. The Respondent is reminded of the appeal procedures set out in Article 13 of the IPC Anti-Doping Code.

Submitted to the IPC Governing Board on 6 August 2012 as a recommendation from the IPC Anti-Doping Committee in accordance with Article 8.5.2 of the IPC Anti-Doping Code 2011.

On 09 August 2012 the IPC Governing Board reviewed the above document and accepted the recommendation of the IPC Anti-Doping Committee.

A handwritten signature in black ink, appearing to read 'Xavier Gonzalez', is positioned above the typed name.

Mr. Xavier Gonzalez  
Chief Executive Officer  
International Paralympic Committee

- cc. Toni Pascual, Chairperson IPC Anti-Doping Committee  
Kerwin Clarke, WADA Results Management  
Peter Van de Vliet, IPC Medical & Scientific Director