

International Paralympic Committee  
Anti-Doping Committee

In the matter of:

INTERNATIONAL PARALYMPIC COMMITTEE  
(the applicant, referred to as the *IPC*)

versus

Mr. Vadim RAKITIN  
(the respondent, referred to as the *Athlete*)

The case was heard in front of a hearing body comprised of:

Dr. Toni Pascual, Chairperson of the IPC Anti-Doping Committee; and  
Mr. George Tsamis, Mr. Joseph de Pencier, and Ms. Nicki Vance; members of the IPC  
Anti-Doping Committee (together with the Chairperson, the *Hearing Body*)

The hearing was conducted on 6 September 2012 at 17:00 BST in person at the IPC meeting room on the second floor of the NPC Services Centre, London 2012 Paralympic Village, London, England (the *Hearing*).

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## Parties

1. The IPC 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 Powerlifting. The IPC's registered offices are in Bonn, Germany.
2. The Athlete is a Russian athlete in the sport of IPC Powerlifting.

## Communication

3. In accordance with Article 14.1.1 of the IPC Anti-Doping Code 2011 (the *Code*), the Athlete (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. The Athlete competed at the London 2012 Paralympic Games (the *Event*) in the sport of powerlifting in class -90 kg on 4 September 2012 and came in seventh (7th) place in the competition.
5. The IPC is the organiser of the Event and, therefore, the Major Events Organiser in accordance with the Code. From 22 August 2012 until 9 September 2012, the IPC is the competent results management authority for all samples collected in connection with the Event.
6. The London Organising Committee of the Olympic and Paralympic Games had been identified by the IPC as the authorized sample collection agency.
7. On 23 August 2012, the Athlete was requested to submit a urine and blood sample for doping control for an out of competition test in London, England. The Athlete complied with the request and provided a urine sample (sample number 2720768) (the *Urine Sample*) and a blood sample (sample number 561791) (the *First Blood Sample*) and the Athlete's doctor declared that the Athlete had taken "vitamins, amino and riboksin" during the past seven (7) days before the doping control test on the doping control form.



8. On 25 August 2012, the Athlete was requested to submit a second blood sample. The Athlete complied with the request and provided a sample (sample number 561961) (the *Second Blood Sample*) and the Athlete's representative declared that the Athlete had taken certain other substances, which were written in the Russian language on the doping control form, during the past seven (7) days before the doping control test.
9. At each of the sample collections, the Athlete signed a doping control form without adverse comment. By doing so, the Athlete indicated that he was satisfied with the sample collection procedures that had been followed in conducting each of the tests. The First Blood Sample and the Second Blood Sample were sent for analysis to the Drug Control Centre, the King's College Laboratory, a WADA accredited laboratory based in Harlow, England during the Event (the *Laboratory*).
10. On 4 September 2012, the Laboratory reported an adverse analytical finding for each of (i) the First Blood Sample and (ii) the Second Blood Sample. There was no adverse analytical finding reported in the Urine Sample. For both blood samples, the Laboratory reported that "the growth hormone biomarker score was determined to be greater than the reporting threshold" (the *Prohibited Substance*), which is an adverse analytical finding classified as S2. Growth Hormone on the World Anti-Doping Code (WADC) 2012 Prohibited List (the *Prohibited List*) and is prohibited both in and out of competition.
11. The IPC conducted an initial review of each of the adverse analytical findings and determined in each case that the Athlete 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.
12. On 4 September 2012 at 21:00 BST, the IPC notified the Athlete via the Chef de Mission of NPC Russia of the adverse analytical findings in accordance with Article 7.2 of the Code. The Athlete was advised that he was suspended from the date of notification (4 September 2012) and that unless Article 10.5 of the Code applies, the standard sanctions for a first-time violation would normally be:
  - a. 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 the First Blood Sample collection (23 August 2012);



- b. disqualification of all competition results, including forfeiture of any medals, points and prizes obtained subsequent to the date of the First Blood Sample collection (23 August 2012);
  - c. an ineligibility period of two (2) years; and
  - d. a financial sanction of one thousand five hundred Euros (€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”)).
13. The Athlete was also advised of his rights, including the right to request a B sample analysis and the laboratory documentation package.
14. The notification included a form titled “Letter of Decision” for the Athlete to complete and return to the IPC by no later than 5 September 2012 at 10:00 BST at a meeting between the Athlete, a representative of NPC Russia, the IPC Medical & Scientific Director and the Chairperson of the Anti-Doping Committee and, if the Athlete wished, a translator (the *Meeting*).
15. At the Meeting, the IPC Medical & Scientific Director and the Chairperson of the Anti-Doping Committee explained the process to the Athlete, the Chef de Mission of NPC Russia and the team doctor of NPC Russia. Mr. David Julien, member of the WADA independent observer team was also present at the Meeting. The Athlete completed and returned the signed Letter of Decision to the IPC at the Meeting. In the Letter of Decision, the Athlete stated that he admits that he has committed an Anti-Doping Rule Violation and that he accepts the consequences as set out in the “Notification of an Adverse Analytical Finding”.
16. Following the Meeting, the IPC Anti-Doping Committee decided to call the Athlete to a hearing to seek further clarity in the case and, therefore, the IPC notified the Athlete of the same via NPC Russia on 5 September at 12:00 BST.

## Hearing

17. The Hearing took place on 5 September 2012 at 17:00 BST at the NPC meeting room on the second floor of the NPC Services Centre, Paralympic Village, London.
18. The IPC was represented in the case by:
  - Dr. Peter Van de Vliet, IPC Medical & Scientific Director; and
  - Ms. Vanessa Webb, IPC Anti-Doping Manager.



19. Attending the Hearing on behalf of the Athlete were:
  - Mr. Vadim Rakitin, the Athlete;
  - Mr. Mikhail Beresnev, Deputy Chef de Mission;
  - Ms. Ekaterina Pronina, Head of the International Department of NPC Russia and translator; and
  - Dr. Oleg Ermakov, team doctor.
20. Ms. Emilie Jones, IPC's legal advisor, attended the Hearing, acting as counsel to the IPC.
21. Mr. Jon Amos, Chairperson of the Sport Technical Committee of IPC Powerlifting attended the Hearing as the representative of IPC Powerlifting and as an observer.
22. Ms. Anna Volgina also attended the Hearing as a translator to the Hearing Body.
23. Mr. David Julien, member of the WADA independent observer team at the London 2012 Paralympic Games, attended as an observer.
24. 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.
25. The IPC summarised the case to date as outlined in the Background section above.
26. The Hearing Body asked the IPC whether (i) Article 10.6 (Aggravating Circumstances Which May Increase the Period of Ineligibility) and (ii) Article 10.9.2 (Timely Admission) should apply in this case. With respect to the first question, the IPC responded that as the Athlete had admitted the anti-doping rule violation promptly after being confronted with the anti-doping rule violation, the second paragraph of Article 10.6 should apply and therefore the period of ineligibility should not be increased. With respect to the second question, the IPC responded that the Hearing Body should consider timely admission and apply the period of ineligibility from the sample collection date under the first part of Article 10.9.2.
27. NPC Russia and the Athlete stated to the Hearing Body that they do not have any questions or comments for the Hearing Body.



28. In response to the Hearing Body's questions, the Athlete stated that he purchased ten (10) units of growth hormone in the form of powder contained in one single 2 ml bottle, which contained the Prohibited Substance (the *Product*) on the internet and it was delivered to him via mail. The Athlete only purchased one bottle because he could only afford any more.
29. The Athlete attended a pre-Games training camp in Russia prior to coming to London, which was attended by both Paralympic and able bodied athletes (the *Pre-Games Camp*). At the Pre-Games Camp, the Athlete dissolved the powder in medicinal water and subsequently injected the liquid containing the powder into his body on one single occasion on the morning of 18 August 2012 before his training on that day. The Athlete stated that he had purchased the medicinal water, which was used to dissolve the Product powder in, prior to the Pre-Games Camp.
30. The Athlete found out about the Product on the internet; a number of websites provide information on the Product and also purchased the Product online on "www.neotropin.com".
31. The Athlete has a shoulder injury, which first occurred during the winter of 2011 and has become worse over time. For his injury, the Athlete has received physiotherapy and taken anti-inflammatory medication. The Athlete purchased the Product in the hope of recovering from his shoulder injury quicker. However, the Athlete stated that he had not noticed any effect of the Prohibited Substance on his performance.
32. The Athlete's personal coach is Mr. Evgenii Pomochnikov who was not in attendance at the Hearing, but was present in London at the Event. The Athlete stated that his personal coach was not aware of the Athlete's use of the Product. The Athlete did not tell his coach because his coach would not have approved of the Athlete's use of the Prohibited Substance.
33. The Athlete has received anti-doping information in Russia, including a brochure from the Russian Anti-Doping Agency (RUSADA) at the Pre-Games Camp. He stated that knew that the Product contained a Prohibited Substance when he purchased the Product. The Athlete also knew that the Prohibited Substance would not be detected in a urine sample; he had learnt this on the Internet. The Athlete had never submitted a blood sample as part of a doping control previously and was not aware whether RUSADA conducted blood testing.

34. The Athlete informed the Hearing Body that he did not discuss the use of the Product with any other person. Further, the Athlete does not know of any other athlete in his team who has used the Prohibited Substance. The Athlete read on the internet that other athletes (whom he does not know personally) have used the Product and other similar products, but has not had any discussions with any other athletes about the Product in person.
35. As additional information, the Athlete stated that the product label on the Product was in English. The website said it was from China, but the Athlete did not see any origin on the product label.
36. The Athlete and his representatives agreed with the IPC that (i) Article 10.6 should not apply in this case as the Athlete admitted the anti-doping rule violation promptly and (ii) Article 10.9.2 should apply in this case.

## Analysis

37. For the reasons set out below, the Hearing Body concludes that the Athlete ought to be subject to a period of ineligibility of two (2) years. The period of ineligibility will start from the date of First Sample collection, 23 August 2012 in accordance with Article 10.9.2. In addition, the Athlete will be required to pay a financial sanction of one thousand five hundred Euros (€1,500) in accordance with Article 10.11.
38. The principle of strict liability applies to anti-doping rule violations. Article 2.1 of the Code states that it is an athlete's personal duty to ensure that no prohibited substance listed on the Prohibited List enters his or her body. An anti-doping rule violation occurs whenever a prohibited substance is found in an athlete's sample (comment to Code Article 2.1.1.). In this case, the Athlete confirms the use of the Prohibited Substance that was found in the First Blood Sample and the Second Blood Sample.
39. The Prohibited Substance found in the First Blood Sample and the Second Blood Sample is classified as class S2. Growth Hormone in the Prohibited List and is prohibited both in-and out-of-competition.
40. The Athlete admitted the anti-doping rule violation and accepted the consequences promptly following notification.



## Recommendation to the IPC Governing Board

41. The Hearing Body of the IPC Anti-Doping Committee recommends to the IPC Governing Board to impose a two (2) year period of ineligibility pursuant Article 10.2 of the Code. The period of ineligibility should start as of 23 August 2012.
42. The Hearing Body IPC Anti-Doping Committee recommends to the IPC Governing Board to impose a financial sanction to one thousand five hundred Euros (€1,500) pursuant to Article 10.11 of the Code.

Submitted to the IPC Governing Board on 7 September 2012 as a recommendation from the IPC Anti-Doping Committee in accordance with Article 8.5.2 of the Code.

On 08 September 2012 at 12:20 BST 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  
Jon Amos, Chairperson Sport Technical Committee IPC Powerlifting  
Kerwin Clarke, WADA Results Management  
Anders Solheim, Chairperson WADA Independent Observer Team London 2012 Paralympic Games