

## DECISION OF THE ATHLETICS INTEGRITY UNIT IN THE CASE OF MS KSENIYA SAVINA

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### Introduction

1. In April 2017, the IAAF established the Athletics Integrity Unit ("**AIU**") whose role is to protect the integrity of the sport of Athletics, including fulfilling the IAAF's obligations as a Signatory to the World Anti-Doping Code. The IAAF has delegated implementation of the IAAF 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. Ms Ksenya Savina is a 29-year old Russian middle-distance runner who is an International-Level Athlete for the purposes of the ADR (the "**Athlete**").
3. This decision is issued by the AIU pursuant to Article 8.4.5 and Article 8.4.7 of the ADR.
4. Article 8.4.5 ADR provides that:

*"8.4.5 In the event that the Athlete or Athlete Support Person does not respond to the Notice of Charge by the specified deadline, the Athlete or Athlete Support Person will be deemed to have admitted the Anti-Doping Rule Violation(s) charged and to have acceded to the Consequences specified in the Notice of Charge and the Integrity Unit shall promptly issue a decision in accordance with Article 8.4.7."*

5. Article 8.4.7 ADR provides that:

*"8.4.7 In the event that [...] the Athlete or Athlete Support Person admits the Anti-Doping Rule Violation(s) charged and accedes to the Consequences specified by the Integrity Unit (or is deemed to have done so), a hearing before the Disciplinary Tribunal shall not be required. In such a case, the Integrity Unit:*

*(a) shall promptly issue a decision confirming [...] the commission of the Anti-Doping Rule Violation(s) and the imposition of the Specified Consequences [...];*

*(b) shall publicly Report that decision in accordance with Article 14; [...]"*

### The Athlete's commission of Anti-Doping Rule Violations

6. On 15 May 2018, the Athlete underwent an out-of-competition doping control in Ifrane, Morocco. The Athlete provided a urine sample numbered 4085363 (the "**Sample**").
7. On 14 June 2018, the WADA accredited laboratory in Cologne, Germany, reported an Adverse Analytical Finding for the presence of recombinant EPO ("**EPO**") in the Sample (the "**AAF**").
8. EPO is a Prohibited Substance under the WADA 2018 Prohibited List (S2: Peptide Hormones, Growth Factors, Related Substances and Mimetics). It is a Non-Specified Substance and is

prohibited at all times. The Athlete did not have a Therapeutic Use Exemption permitting the use of EPO.

9. On 15 June 2018, the AIU notified the Athlete of the AAF and imposed a provisional suspension on her pending resolution of her case. The Athlete was requested to provide an explanation for the presence of EPO in the Sample and was afforded the opportunity to request the analysis of her B Sample.
10. On 6 July 2018, the Athlete provided an explanation for the AAF. The Athlete's explanation was that her husband and coach, Aleksei Savin (the "**Husband/Coach**") had been prescribed EPO (Recormon) to treat chronic renal failure and their housekeeper must have mixed up his medication with hers (taken for back pain) whilst the housekeeper was laying the table for lunch at their apartment in Ifrane, Morocco.
11. On 7 July 2018, in support of the above explanation, the Athlete provided the AIU with a copy of the Husband/Coach's medical records dated 29 June 2018 from the Gemocod+ Clinic in Simferopol, Crimea (the **Clinic**) establishing a diagnosis of renal failure for a patient, Alexei Mikhailovich Savin.
12. The AIU decided to investigate the authenticity of the medical records provided by the Athlete and enlisted the assistance of the Russian Anti-Doping Agency (**RUSADA**) for that purpose.
13. On 15 and 16 August 2018, the investigations department of RUSADA, together with the police of the Republic of Crimea, visited the Clinic and they were informed by Clinic authorities (i) that the Clinic did not issue documents such as the one provided by the Athlete to the AIU and (ii) that there was no evidence of the prescribed medical treatment of the Husband/Coach in the Clinic's log books.
14. On 16 August 2018, the Chief Doctor of the Clinic confirmed in writing to RUSADA that the medical records provided by the Athlete to the AIU were forged.
15. On 3 April 2019, the AIU charged the Athlete with committing the following anti-doping rule violations:
  - 15.1. First Anti-Doping Rule Violation(s):
    - 15.1.1 Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample, pursuant to Article 2.1 ADR, by virtue of the presence of EPO in the Athlete's Sample; and
    - 15.1.2 Use of a Prohibited Substance, namely EPO, pursuant to Article 2.2 ADR.
  - 15.2. Second Anti-Doping Rule Violation(s):
    - 15.2.1 Tampering with any part of Doping Control, pursuant to Article 2.5 ADR, by providing fraudulent information to the AIU (in the form of forged documents) within the context of a disciplinary proceeding after she had received notice of her alleged First Anti-Doping Rule Violation; and
    - 15.2.2 Complicity, pursuant to Article 2.9 ADR, for assisting, aiding and conspiring with the Husband/Coach in the commission of his Anti-Doping Rule Violation of Tampering for having procured and submitted fraudulent information in the form of fabricated medical records in order to corroborate the Athlete's explanation for the AAF for EPO.

16. The Notice of Charge offered the Athlete the opportunity to admit the First and Second Anti-Doping Rule Violations and to accept a twelve (12) year sanction, or to request a hearing before the Disciplinary Tribunal, by no later than 13 April 2019.
17. On 11 April 2019, the Athlete wrote to the AIU but failed to address the substantive matters raised in the Notice of Charge.
18. On 12 April 2019, the AIU reminded the Athlete that she had until 13 April 2019 to confirm how she wished to proceed with her case. The Athlete once again failed to respond to the Notice of Charge within the given deadline.
19. On 15 April 2019, the Athlete was given a final opportunity to respond to the Notice of Charge and advised that, if she did not do so by 17 April 2019, she would be deemed to have waived her right to a hearing before the Disciplinary Tribunal, to have admitted the First and Second Anti-Doping Rule Violations and to have accepted the Consequences for those Anti-Doping Rule Violations specified in the Notice of Charge.
20. The Athlete failed to respond as required by the specified deadline of 17 April 2019 and she is therefore deemed, in accordance with Article 8.4.5 ADR, to have admitted the First and Second Anti-Doping Rule Violations and to have acceded to the Consequences specified in the Notice of Charge.

### **Consequences**

21. This constitutes the Athlete's First and Second Anti-Doping Rule Violations under the ADR.
22. On the basis that the Athlete is deemed to have admitted the First and Second Anti-Doping Rule Violations as specified above, the AIU confirms by this decision the following Consequences in her case:
  - 22.1. a period of Ineligibility of twelve (12) years<sup>1</sup> commencing on the date of this decision<sup>2</sup>; and
  - 22.2. disqualification of the Athlete's results since 16 May 2018 with all resulting consequences including the forfeiture of any titles, awards, medals, points and prize and appearance money pursuant to Articles 9 and 10.8 ADR.

### **Publication**

23. In accordance with Article 8.4.7(b) ADR, the AIU shall publicly report this decision on the AIU's website.

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<sup>1</sup> The total period of twelve years' Ineligibility is determined as follows. The sanction for a first anti-doping rule violation involving a Non-Specified Substance is four years in accordance with ADR 10.2.1. The sanction for a second anti-doping rule violation involving Tampering and Complicity is eight years in accordance with Article 10.7.1 ADR (i.e., twice the period of ineligibility of four years that would be applicable for Tampering if it were a first violation). In accordance with Article 10.7.6 ADR, the respective periods of Ineligibility for the first and second anti-doping rule violations run sequentially meaning that the Athlete's total period of Ineligibility is twelve years.

<sup>2</sup> The period of provisional suspension served by the Athlete to date is not credited against the total period of ineligibility to be served since the Athlete competed in breach of her provisional suspension at the 'Bruxelles Grand Prix' on 30 June 2018 and at the 'Kortrijk Guldensporenmeeting' on 14 July 2018.

### **Rights of Appeal**

24. This decision constitutes the final decision of the AIU pursuant to Articles 8.4.5 and 8.4.7 ADR.
25. In accordance with Article 13.2.4 ADR, the Athlete, RUSADA and WADA 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 Article 13.7 ADR.

**Monaco, 6 May 2019**