
DECISION OF THE ATHLETICS INTEGRITY UNIT IN THE CASE OF MS ELENA ORLOVA

Introduction

1. In April 2017, World Athletics¹ 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. World Athletics has delegated implementation of the World Athletics Anti-Doping Rules ("ADR") to the AIU, including but not limited to the following activities: Testing, Investigations, Results Management, Hearings, Sanctions and Appeals.
2. Ms. Elena Orlova was, at the time of the relevant events, a Senior Manager of the Russian Athletics Federation ("RusAF" or "the Federation") and subject to the ADR pursuant to Article 1.6 ADR.
3. This decision is issued pursuant to Article 8.4.5 ADR which 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.

[...]

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, 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 (including, if applicable, a justification for why the maximum potential sanction was not imposed)".*

The commission of Anti-Doping Rule Violations

4. Between July and November 2018, the AIU conducted an investigation into explanations and supporting documents provided to the AIU by Russian Athlete, Mr Danil Lysenko ("the Athlete"), for Whereabouts Failures that he had committed, in particular for failing to provide his Whereabouts information to the AIU for Q2 2018 and Q3 2018 by the deadlines specified by the AIU.
5. The AIU investigation concluded that the explanations advanced by the Athlete were false and that documents provided in support of those explanations had been forged.

¹ Formerly the International Association of Athletics Federations ("IAAF")

6. On 10 April 2019, the Athlete attended an interview with the AIU pursuant to the ongoing investigation and admitted that the documents and explanations that he had provided to the AIU were false and fabricated and that the false explanations and fabricated documents had involved unnamed persons from the Federation.
7. Following the Athlete's admissions during his interview with the AIU on 10 April 2019, the AIU further investigated the matter. That investigation revealed that senior RusAF officials, including Ms Orlova, had been involved and/or were complicit in the provision of the false explanations and forged documents to the AIU.²
8. On 21 November 2019, the AIU therefore issued Ms Orlova with a Notice of Charge³ which alleged the commission of the following Anti-Doping Rule Violations:
 - i. **Tampering or Attempted Tampering** with any part of Doping Control under Article 2.5 of the 2018 and 2019 IAAF Anti-Doping Rules; and
 - ii. **Complicity** under Article 2.9 of the 2018 and 2019 IAAF Anti-Doping Rules;Ms Orlova was also charged with the following breaches of the ADR:
 - iii. **Refusal or failure to report an Anti-Doping Rule Violation** under Article 5.10.2 of the 2018 and 2019 IAAF Anti-Doping Rules; and
 - iv. **Refusal or failure to cooperate with investigations** under Article 5.10.3 of the 2018 and 2019 IAAF Anti-Doping Rules.
9. On 11 December 2019, following a request from Mr Valentin Borodin on behalf of Ms Orlova of that date, the AIU agreed to extend the deadline for Ms Orlova to respond to the Notice of Charge until 31 December 2019.
10. Ms Orlova failed to respond to the Notice of Charge by that deadline.
11. On 5 January 2020, Mr Borodin wrote to the AIU and copied Sport Resolutions, the Disciplinary Tribunal Secretariat, and confirmed that Ms Orlova did not admit the Charges brought against her by the AIU, but that she was unable to bear the legal costs of preparing a defence or participating in a hearing by the Disciplinary Tribunal.
12. On 7 January 2020, following a request from the AIU that Ms Orlova confirm her position, Mr Borodin confirmed that Ms Orlova understood her inability to request a hearing meant that she would face certain consequences, but reiterated that she denied the charges laid against her.

² Ms Orlova was interviewed by the AIU in the course of its investigation on 28 May 2019 and 5 November 2019. Ms Orlova was also subject to a Demand issued to RusAF by the AIU in accordance with Article 15.8.3 of the 2019 IAAF Anti-Doping Rules on 25 April 2019 and executed on 16 May 2019 (“the **Federation Demand**”) and was further issued with an individual Demand in accordance with Article 5.10.5 of the 2019 IAAF Anti-Doping Rules on 17 May 2019 (“the **Device Demand**”). Ms Orlova filed an objection to the Device Demand with the Disciplinary Tribunal and that objection was heard and then rejected by the Chair of the Disciplinary Tribunal in a decision issued on 15 July 2019 whereby an Order was issued for Ms Orlova to comply with the terms of the Device Demand within no more 7 days (“the **Order**”). Ms Orlova failed to do so. Therefore, on 26 August 2019, the AIU instigated disciplinary proceedings against Ms Orlova for failing to comply with the provisions of the 2019 IAAF Anti-Doping Rules, in particular, for failing to comply with the Device Demand and failing to comply with the Order. In a [decision dated 21 August 2020](#), Ms Orlova was found to have failed to comply with the 2019 IAAF Anti-Doping Rules in both respects and was issued with a period of ineligibility of six (6) years from 21 August 2020 in accordance with Article 12 of the 2019 IAAF Anti-Doping Rules.

³ See [Annex](#).

13. Therefore, on 9 January 2020, the AIU wrote to Ms Orlova (via Mr Borodin) and confirmed that Ms Orlova could potentially benefit from *pro bono* legal assistance to defend herself against the charges brought by the AIU via Sport Resolutions and invited Mr Borodin to take instructions and revert to Sport Resolutions by no later than 14 January 2020 as to whether Ms Orlova wished for Sport Resolutions to seek *pro bono* counsel on her behalf.
14. The AIU also confirmed that if Ms Orlova failed to respond or if her instructions were that she did not want to seek *pro bono* assistance through Sport Resolutions, then the AIU would deem Ms Orlova to have waived her right to a hearing before the Disciplinary Tribunal with all resulting consequences.
15. On 17 January 2020, Sport Resolutions confirmed that Ms Orlova had failed to contact them to request that they obtain *pro bono* counsel on her behalf, or at all.
16. In accordance with Article 8.4.5 ADR, Ms Orlova is therefore deemed to have admitted the Anti-Doping Rule Violations (and breaches of the ADR) set out in the Notice of Charge and to have acceded to the specified Consequences.

Consequences

17. Article 10.3.1 ADR provides for the periods of ineligibility to be imposed for Anti-Doping Rule Violations under Article 2.5 (Tampering or Attempted Tampering with any part of Doping Control) and Article 2.9 (Complicity) as follows:

“10.3 Ineligibility for Other Anti-Doping Rule Violations

[...]

10.3.1 For an Anti-Doping Rule Violation under Article 2.3 or Article 2.5 that is the Athlete or other Person(s) first anti-doping offence, the period of Ineligibility imposed shall be four years, unless in a case of failing to submit to Sample collection, the Athlete can establish that the commission of the Anti-Doping Rule Violation was not intentional (as defined in Article 10.2.3), in which case the period of Ineligibility shall be two years.

[...]

10.3.4 For an Anti-Doping Rule Violation under Article 2.9 that is the Athlete or other Person(s) first offence, the period of Ineligibility imposed shall be a minimum of two years, up to four years, depending on the seriousness of the violation.”

18. Article 10.7.4 ADR also provides as follows:

“10.7.4 Additional Rules for Certain Potential Multiple Offences

- (a) *For purposes of imposing sanctions under Article 10.7, an Anti-Doping Rule Violation will only be considered a second Anti-Doping Rule Violation if the Integrity Unit can establish that the Athlete or other Person committed the second Anti-Doping Rule Violation after the Athlete or other Person received notice, or after the Integrity Unit made a reasonable attempt to give notice, of the first alleged Anti-Doping Rule Violation. If the Integrity Unit cannot establish this, the Anti-Doping Rule Violations shall be considered together as one single Anti-Doping*

Rule Violation for sanctioning purposes, and the sanction imposed shall be based on the Anti-Doping Rule Violation that carries the more severe sanction.

19. Since the Anti-Doping Rule Violations asserted against Ms Orlova were committed simultaneously and without prior notice of a first alleged Anti-Doping Rule Violation, the violations pursuant to Article 2.5 ADR and Article 2.9 ADR shall be considered together as a single violation under the ADR and the sanction based on the Anti-Doping Rule Violation of the two that carries the more severe sanction. The period of Ineligibility to be imposed is therefore four (4) years in accordance with Article 10.3.1 ADR.

Decision

20. On the basis that Ms Orlova is deemed to have admitted to committing the Anti-Doping Rule Violations under Article 2.5 ADR and Article 2.9 ADR (and other breaches of the ADR) set out in the Charge, the AIU confirms by this decision the following Consequences for a first Anti-Doping Rule Violation:

- 20.1. **a period of Ineligibility of four (4) years** pursuant to Article 10.3.1 ADR, commencing on 21 November 2019 in accordance with Article 10.10.2 (a).

Publication

21. In accordance with Article 8.4.7(b) ADR, the AIU shall publicly report this decision on the AIU's website⁴.

Rights of Appeal

22. This decision constitutes the final decision of the AIU pursuant to Article 8.4.7 ADR.
23. Further to Article 13.2.4 ADR, WADA, the Russian Anti-Doping Agency (“**RUSADA**”) and Ms Orlova 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 13.7.2 ADR.

Monaco, 16 February 2021

⁴ <https://www.athleticsintegrity.org/disciplinary-process/first-instance-decisions>

ANNEX

CONFIDENTIAL

Ms. Elena ORLOVA
Senior Manager
Russian Athletics Federation

E-mail: [REDACTED]

Ref: AIU 18-337

Monaco, 21 November 2019

Notice of Charge under the IAAF Anti-Doping Rules

Dear Ms. Orlova

This is a very important letter. It explains that you are charged with violations of the 2019 International Association of Athletics Federations ("IAAF") Anti-Doping Rules (the "2019 IAAF ADR") and 2018 IAAF Anti-Doping Rules (the "2018 IAAF ADR"). This may result in a significant period of ineligibility, including a ban from all administrative activities such as serving as an official, director, officer, employee, or volunteer. You should therefore give this letter your full and most urgent attention and **we strongly advise you to seek legal advice.**

Capitalised terms used but not defined in this letter have the same meaning as defined in the 2019 IAAF ADR.

A. NOTICE OF CHARGE UNDER THE IAAF ANTI-DOPING RULES ("IAAF ADR")

1. I write to inform you that the Athletics Integrity Unit (the "AIU"), on behalf of the International Association of Athletics Federations ("IAAF"), has decided to charge you with one or more anti-doping rule violations.
2. The anti-doping rule violations are asserted by the AIU in connection with your participation in (i) a scheme by RusAF officials¹ to submit false narratives to the AIU, supported by fake documents, in explanation for the Whereabouts Failures of Russian athlete, Danil Lysenko (the "**Athlete**") and (ii) a concerted and co-ordinated attempt by RusAF officials to obstruct the AIU's efforts to investigate the matter.

B. SUMMARY OF FACTS

3. The following facts describe how the scheme of deceit came into operation, how it was executed with the involvement of senior RusAF officials and how, when the scheme was eventually exposed, the same RusAF officials sought to obstruct the AIU's investigation of the matter at every turn.²

B1. FALSE EXPLANATIONS AND FAKE DOCUMENTS

- (i) *The Athlete's Whereabouts Failures*

¹ Including its officers, employees and other associated persons

² For ease of reference, a list of individuals involved in the scheme (or who are otherwise referred to in this section B) is attached at **Exhibit 1.**

4. In accordance with Article 2.4 of the 2018 ADR, it is a violation of the IAAF Anti-Doping Rules for an athlete to commit three Missed Tests and/or Filing Failures³ (together, "**Whereabouts Failures**") within a twelve-month period. Any combination of three Whereabouts Failures amounts to a violation of Article 2.4. The Consequences for three Whereabouts Failures for a first anti-doping rule violation includes a period of ineligibility of up to two (2) years subject to a reduction to a minimum of one (1) year depending on the athlete's degree of Fault.
5. The Athlete's first Whereabouts Failure concerned a Missed Test on 19 September 2017.⁴
6. The Athlete's second Whereabouts Failure concerned a Filing Failure for the Athlete's failure to provide the AIU with a Whereabouts Filing for Quarter 2 of 2018 by the deadline of 31 March 2018 (the "**Second Whereabouts Failure**").⁵
7. The Athlete's third Whereabouts Failure concerned a Filing Failure for the Athlete's failure to provide the AIU with a Whereabouts Filing for Quarter 3 of 2018 by the deadline of 30 June 2018 (the "**Third Whereabouts Failure**").^{6 7}
8. On 25 July 2018, the AIU confirmed the Third Whereabouts Failure and informed the Athlete that he could apply for an administrative review of the decision by no later than 8 August 2018,⁸ a deadline that was subsequently brought forward to 30 July 2018 due to his intended participation as an Authorised Neutral Athlete ("**ANA**") in the European Championships in Athletics to be held in Berlin from 6-12 August 2018. The AIU's letter of 25 July 2018 was copied to RusAF.
9. On 27 July 2018, the Athlete provided his first explanation to the AIU and submitted a request for an administrative review of the AIU's decisions to confirm the Second and Third Whereabouts Failures against him.⁹

(ii) The Medical Explanation

10. In respect of the Second Whereabouts Failure, the Athlete explained the following in his communication of 27 July 2018:

"In March I was in a training camp in Portugal. As the mobile roaming is very expensive for us outside of Russia I ran out of money on my phone at the end of the training camp. I thought I would update the whereabouts information on 31 March when at home. When I was travelling home on 31 March I did not feel well and at night was taken to hospital with the preliminary diagnosis acute appendicitis. I spent one week at the hospital (see the epicrisis in Appendix 2) and I was lucky to avoid serious health problems and operations. But with all that I could not enter the information into the system myself and really missed the deadline as I missed the letter informing that the deadline was over also because I do not understand English. Only after the hospital I saw the reminder letter from RusAF Antidoping Coordinator insisting that I have to provide the whereabouts information as soon as possible, which I did and thought that everything was OK".

11. In support of his explanation for the Second Whereabouts Failure, the Athlete provided (i) a screenshot of his ADAMS profile, (ii) a medical certificate entitled "Epicrisis" from a medical centre in

³ As defined in the International Standard for Testing and Investigations.

⁴ ID07232 & ID07233.

⁵ ID07241.

⁶ ID07247.

⁷ The Athlete subsequently ended up accruing a total of five Whereabouts Failures in the 12-month period beginning 19 September 2017: a Missed Test effective 19 September 2017, a Filing Failure effective 1 January 2018, a Filing Failure effective 1 April 2018 and two Filing Failures effective 1 July 2018.

⁸ ID07248.

⁹ ID07254.

Moscow called "SD Clinic" (together with an English translation), (iii) a list of his competitions in 2018, (iv) scans of his passport travel stamps, and (v) a copy of his doping control forms.¹⁰ The Epicrisis medical certificate from the SD Clinic indicated that he had been admitted to the clinic in Moscow on 1 April 2018 with a diagnosis of "appendicitis" and had undergone an ultrasound of the kidneys and abdomen, an x-ray of his lungs, and blood and urine analysis. The certificate also indicated that he had stayed at the clinic until 7 April 2018 when he was discharged following a diagnosis of "irritable colon".

12. In respect of the Third Whereabouts Failure, the Athlete stated in his explanation that he had been in a car accident in "*mid-June*" and had become so distracted by his injuries and by the damage to his car that he had neglected to make a Whereabouts Filing for Q3 2018 as required.
13. On 2 August 2018, the AIU rejected the Athlete's explanations for the Second and Third Whereabouts Failures¹¹ and, on 3 August 2018, issued a Notice of Charge to the Athlete for a violation of Article 2.4 ADR based on the First, Second and Third Whereabouts Failures.¹²
14. On the same day, 3 August 2018, the Athlete was notified by the IAAF's Doping Review Board that they had revoked the Athlete's ANA status pending the outcome of the AIU's investigation into the three Whereabouts Failures.¹³
15. On 6 August 2018, in response to the Athlete's medical explanation for the Second Whereabouts Failure, the AIU requested that the Athlete provide by 10 August 2018 either (i) a copy of the full medical records relating to his hospital admission and treatment at the SD Clinic in Moscow between 1-7 April 2018, including the images from the ultrasound and x-ray assessments and the results of the urine and blood analysis, or (ii) his signed medical consent authorising the AIU to access his medical records directly from the clinic.¹⁴ The AIU also asked for the contact details of the Athlete's treating doctor (Dr Ulyanova NP) and relevant head of department (Dr Denisova AM), so that the AIU was in a position to contact them directly should the need arise.
16. The Athlete replied to the AIU on the same day to advise (emphasis added) that:

"...the place of my stay in the Krasnogorsk clinic during an attack of appendicitis is indicated in the form of the clinic. If you have desire to see the authenticity of my examination, call these phones. You will be fully explained. yours faithfully Lysenko".
17. On 7 August 2018, the AIU wrote to the Athlete asking him again to complete and return a signed medical consent form so that the AIU could access his medical records directly.¹⁵
18. The Athlete did not return his signed medical consent form to the AIU as requested. Nor did he provide the AIU with the contact details for either Dr Ulyanova or Dr Denisova. Instead, he sent an e-mail to the AIU on 7 August 2018 stating that he was looking to hire a lawyer and that his lawyer would revert to the AIU shortly.¹⁶
19. On 9 August 2018, the AIU wrote to the Athlete asking him to confirm the full address of the Krasnogorsk clinic in which he had been treated for "*an attack of appendicitis*" in April 2018. The Athlete did not reply.¹⁷

¹⁰ ID07254.

¹¹ ID07270.

¹² ID07271.

¹³ ID00995 & ID07583.

¹⁴ ID07276 & ID01136.

¹⁵ ID01159 & ID07278.

¹⁶ ID01160.

¹⁷ ID07280.

20. On 9 August 2018, Paul Greene, an attorney based in the United States, confirmed to the AIU that he had been retained by the Athlete to represent him in the matter.¹⁸
21. On 19 September 2018, the AIU wrote to the Athlete through Paul Greene to notify him that the AIU was investigating a further potential anti-doping rule violation (viz. Tampering) in addition to the previous charge of Whereabouts Failures under Article 2.4 ADR (as the AIU had reserved the right to do in its letter on 3 August 2018) and to ask him for disclosure of his client's medical records (as previously requested) by 26 September 2018.
22. On 20 September 2018, the Athlete's counsel advised the AIU that the Athlete had been mistaken in stating that he had stayed at the Krasnogorsk clinic from 1-7 April 2018 and confirmed that the Athlete had stayed at the "Moscow clinic" (i.e. the SD Clinic). In response to the AIU's request on 6 August 2018, the Athlete's counsel attached four medical records relevant to his stay at the SD Clinic, including the results of a urine analysis from the SD Clinic dated 2 April 2018 signed by Uliyanova NP, the results of a biochemical blood screening from the SD-Clinic dated 2 April 2018, the results of an abdominal ultrasound dated 1 April 2018 stamped by the Multidisciplinary Medical Centre "SD-CLINIC" and a partially handwritten note of flurography dated 1 April 2018 stamped by the Multidisciplinary Medical Centre "SD-CLINIC". Finally, the Athlete's counsel stated that his client "tells me he requested all the information related to his hospital stay already but it has apparently been somewhat of a challenge getting the records. For this reason, I ask for a 14-day extension for Mr Lysenko to provide the requested records [from 26 September] until 10 October".
23. On 4 October 2018, the Athlete sent the AIU through counsel a sworn written statement in which he explained in greater detail the circumstances of his purported treatment at the SD Clinic between 1 and 7 April 2018 (the "**4 October Statement**"). In material part, the 4 October Statement stated as follows:
"
6. *My flight departure time from Portugal was March 31 at 23.10, I arrived in Moscow on April 1 at 6:25 to Domodedovo airport. Earlier, I've told you that I arrived on 31 March. Today I managed to get my passenger itinerary, which shows that was mistaken, apparently after a while I forgot the right date. I will send the itinerary today.*
 7. *Upon arrival, I asked my friend Denis Sidorov to meet me at the airport and to take me to hospital. The doctor had recommended me to go to the Krasnogorsk hospital, but I decided to go to a private clinic, because I did not see any difference. Immediately after arrival, my friend found the "SD Clinic" on the Internet and we went to the SD Clinic, by 9 a.m. on April 1.*
 8. *I was examined by a therapist, I did not remember his last name. He inquired about the complaints, examined me and said that I need to undergo the medical check up of the abdominal organs and have tests. After medical check up the doctor said that I need further medical observation and treatment. On that day, I stayed in the hospital until approximately 3-4pm, after that I took a taxi and went to my friend Denis's apartment (to Khimki, a city in Moscow Region).*
 9. *I underwent medical treatment at that clinic for a week, in the morning I came there by taxi, sometimes my friend drove me there. Every day they checked my temperature, gave me 1 tablet 3 times a day, the first days the pain did not remit.*

¹⁸ ID07585.

10. *In the hospital they gave me bouillon every day, I followed the diet. After lunch, I slept a little and then went to my friend's apartment either by taxi or subway.
....."*

24. On 4 October 2018, the Athlete's counsel also provided the AIU with an additional set of medical documents purported to have been given to the Athlete by the SD Clinic.¹⁹ The medical documents included a biochemical blood screening, ultrasound results, urine analysis results, x-ray results and a discharge document. All of these additional documents purportedly originated from the SD Clinic in Moscow.

(iii) The AIU investigation into the Medical Explanation

25. The sworn 4 October Statement was reviewed by the AIU and found to be inconsistent with the Athlete's previous explanations to the AIU in at least the following respects:

- (a) in the Athlete's initial explanation on 27 July 2018, he said that he had a preliminary diagnosis of acute appendicitis and that he had been "*lucky to avoid serious health problems and operations*". He also disclosed on 27 July 2018 an Epicrisis document which suggested that he had stayed in the Surgical Department of the SD Clinic from 1 to 7 April 2018. However, there was no indication of a diagnosis of acute appendicitis in the 4 October Statement, nor any indication of an emergency health situation with the Athlete upon his admission on 1 April 2018;
- (b) in the Athlete's e-mail on 6 August 2018, he advised the AIU that he had been treated in a clinic in Krasnogorsk, 20km to the north-west of Moscow. The 4 October Statement confirmed that he had not been treated in Krasnogorsk but at the SD Clinic in Moscow; and
- (c) in the Athlete's initial explanation on 27 July 2018, he said that he had been taken to hospital "*at night*". The sworn 4 October Statement confirmed on the other hand that he had gone to the SD Clinic with his friend, Denis Sidorov, "*by 9am*" on the morning of 1 April 2018.

26. The sworn 4 October Statement was also inconsistent with the Athlete's medical records submitted to the AIU on the same date:

- (a) the Athlete referred to the fact that he had been treated by a male doctor whereas the discharge document recorded that the doctor in charge of his case was a female doctor, namely, Dr Nadezdha Ulyanova (Ulyanova N. P);
- (b) the Athlete referred to the fact that he had attended the SD Clinic as an outpatient only. The discharge document stated to the contrary that he had spent two nights in the SD Clinic (02/04/2018 – "*1 day and night in the in-patient department*"; and 03/04/2018 – "*2 day and night under observation*"). In this regard, the discharge document supported the position in the originally submitted Epicrisis; and
- (c) the Athlete's legal counsel acknowledged the "*obvious discrepancies with the initial set of medical records that were given to Mr Lysenko and provided to the IAAF previously*", but simply stated that "*this is what he was given*".

27. Moreover, the medical records disclosed to the AIU on 4 October 2018 were also inconsistent in terms of their content, notably compared to the medical documents submitted by Paul Greene to the AIU on 20 September 2018. More particularly, there were differences in the summary results for the urine analysis on 2 April 2018 and the individual record of the same results (notably in the results for the specific gravity and mucus readings). The blood analysis and biochemical blood analysis

¹⁹ ID07292.

results on 2 April 2018 were also materially different in a number of the recorded parameters (creatinine, AST, ALT, sodium, and potassium amongst others).

28. Due to the numerous inconsistencies that were evident in the medical documents disclosed by the Athlete, the AIU proceeded between July and November 2018, in co-operation with RUSADA, to investigate the Athlete's medical explanation further, in particular, the authenticity of the documents that had been provided to the AIU in support of that explanation.
29. The conclusions of the joint AIU/RUSADA investigation were *inter alia* the following:
- (a) the building at the address of the alleged SD Clinic (119034, Moscow, Maly Levshinsky pereulok 7, bld. 3) had been demolished in the winter of 2017, some months before the Athlete claimed to have been treated there;
 - (b) the photographs on the SD Clinic website of the building said to be at 119034, Moscow, Maly Levshinsky pereulok 7, bld. 3 in Moscow were in fact photographs of a building used by an insurance company, Garmed, at another address in Moscow, approximately 20kms away, and the pictures of the interior of the SD Clinic were in fact taken from a website of another medical clinic called "Euro Medclinic" (www.emhc.ru);
 - (c) no business licence had ever been issued to an entity by the name of SD Clinic (or CD Clinic);
 - (d) no practising licences had ever been issued to individuals with the names of either "Ulyanova Nadezhda Pavlovna" or "Denisova Anna Mikhailovna" for the conduct of medical activities;
 - (e) SD Clinic did not exist as a legal entity and purported to operate from a fake address in Moscow using licences that had been issued to other companies; and
 - (f) the medical explanation for the Athlete's Second Whereabouts Failure was false.
- (iv) *The Car Accident Explanation*
30. At the time of providing his first explanation on 27 July 2018, the Athlete explained that the Third Whereabouts Failure (*i.e.* his failure to make a timely Whereabouts Filing for Q3 of 2018) was due to his involvement in a car accident in Moscow in "*mid-June*".
31. On 30 July 2018, the AIU sent the Athlete a letter asking for further details of his car accident. Specifically, the AIU asked the Athlete to confirm the date and precise location of the car accident as a matter of priority.
32. On 31 July 2018, the Athlete provided additional information regarding the alleged car accident; in particular, he confirmed that the accident had taken place in Moscow on 20 June 2018 at approximately 8am as he was leaving from the Moscow Circular road onto the Leningradsky road.²⁰ The Athlete included as annexes to this explanation photographs of his driving licence, his car registration documents, his damaged car and his face with a bruise on his forehead.²¹
- (v) *The Athlete's Admissions in Interview*
33. On 16 January 2019, the AIU requested that the Athlete make himself available for an interview (with his attorney, Paul Greene) on a date between 16 January and 15 February 2019.²²

²⁰ ID07261.

²¹ ID07261.

²² ID07304, ID07305 & ID02786.

34. On 5 February 2019, the AIU was informed by Paul Greene that he no longer represented the Athlete²³ and, on 18 February 2019, Artem Patsev, a lawyer who has previously acted for RusAF, informed the AIU that he had been retained by the Athlete as his new legal counsel.²⁴
35. On 10 April 2019, the Athlete was interviewed by the AIU in the presence of Artem Patsev.²⁵ During the course of the interview, the Athlete admitted that the documents and explanations that he had provided to the AIU relating to his medical explanation and his stay at the SD Clinic were false and fabricated. The Athlete further admitted that “*people from the Federation*” had helped him create the story, and that “... [*it was a commonly made decision to develop this story.*”
36. At the end of the interview with the AIU on 10 April 2019, the Athlete voluntarily provided his mobile telephone to the AIU for imaging purposes. The AIU took a copy of the contents of the phone for the purposes of its further investigation into the matter.

(vi) Further AIU Investigation into RusAF's involvement in the Athlete's explanations

37. Following the Athlete's admissions during his interview on 10 April 2019, the AIU further investigated the matter and its investigations revealed, as set out below, that RusAF senior officials had indeed been involved or were complicit in the provision of false explanations and fake documents to the AIU.

RusAF involvement in provision of the Medical Explanation

38. Following the AIU's letter on 25 July 2018 notifying the Athlete of his third Whereabouts Failure, RusAF management met at RusAF's offices in Moscow the following day, on 26 July 2018, to discuss the Athlete's situation, to establish what had happened, and to decide what was to be done about it.²⁶ This meeting was described as highly unusual and reflected the importance of Danil Lysenko as an elite athlete with ANA status and good prospects of winning a medal at the World Championships in September 2019 and the Summer Olympic Games in 2020.²⁷
39. The meeting was instigated by Dmitry Shlyakhtin, who was not in the office that day, and was chaired by Alexander Parkin with Elena Ikonnikova, Andrei Kruporushnikov, Yuriy Borzakovskiy, Evgeny Zagorulko, the Athlete and later Elena Orlova²⁸ in attendance.²⁹ During the first part of the meeting, Alexander Parkin attempted to find out who was responsible for the Athlete's three Whereabouts Failures, and a blame game ensued.³⁰ The Athlete was unable to communicate any satisfactory explanation for his Filing Failures.³¹ Later, upon request from Alexander Parkin to try and remember his activities during those periods, the Athlete recalled he had been ill in Portugal and had had a car accident. Later again, Alexander Parkin instructed the Athlete and Elena Orlova³² to go to an office and begin writing an explanation to send to the AIU.³³
40. Immediately following the meeting at RusAF on 26 July 2018, the Athlete and his coach, Evgeny Zagorulko, went out into the corridor and telephoned Artur Karamyan, the President of the Moscow Athletics Federation and a RusAF Board Member. Evgeny Zagorulko asked Artur Karamyan

²³ ID07235 & ID03078.

²⁴ ID07319 & ID03193.

²⁵ ID03655.

²⁶ ID03655.

²⁷ ID04692 & ID04688.

²⁸ In this section B, you are referred to by name and in the third person

²⁹ ID04692, ID04735, ID04647 & ID07231.

³⁰ ID04688, ID04647, ID04735, ID04692, ID04693 & ID07231.

³¹ ID04647, ID04692, ID04693, ID04735 & ID04688.

³² The Athlete cannot read, write or speak in English, and Elena Orlova is fluent in English.

³³ ID04647, ID04735, ID07579, ID04692 & ID07566.

- whether he could provide the Athlete with a medical certificate for the relevant dates. Artur Karamyan indicated that his wife worked at a medical clinic in Krasnogorsk and it could be done. Following this call, the Athlete went to an office to work on an explanation with Elena Orlova.³⁴
41. The Athlete left RusAF in the afternoon of 26 July 2018 and later Elena Orlova instructed him via WhatsApp to return the following day with copies of his doping control forms and his passport.³⁵ During the evening of 26 July 2018, Elena Orlova worked on producing a written explanation in English to be submitted on behalf of the Athlete, working together with Artem Patsev (who was advising RusAF at the time, and is also fluent in English). As of the early hours of 27 July 2018, the Athlete's explanation made no mention of a visit to a clinic or a car accident.³⁶
42. The following day, on 27 July 2018, Evgeny Zagorulko gave the Epicrisis document to the Athlete early in the morning, and the Athlete delivered it to Elena Orlova at the Federation later that same morning.³⁷
43. Following receipt of the Epicrisis document on 27 July 2018, Elena Orlova searched for translations of key words from Russian into English, including "Epicrisis", "clinic", "CRP test" and "medical record".³⁸ The Athlete left RusAF in the course of the afternoon³⁹ and later Elena Orlova prepared a document in English entitled "Written statement on filing failures – explanations from Danil Lysenko", in which was included the falsified medical epicrisis document from the fake SD Clinic. Elena Orlova e-mailed this statement to the Athlete in English and provided him with detailed instructions of how he was to send it to the AIU. The Athlete did as he was instructed and sent the explanation to the AIU.⁴⁰
44. Separately, on 27 July 2018, RusAF sent the AIU an official letter that was jointly signed by the RusAF President, Dmitry Shlyakhtin, and Head Coach, Yuriy Borzakovskiy, in which they appealed for the Athlete to be treated leniently by the AIU on the basis that he was a very forgetful and absent-minded person "*with a low level of self-organisation*".⁴¹
45. On 6 August 2018, the AIU requested that the Athlete provide, among other things, a copy of the full medical records relating to his hospital admission and treatment at the SD Clinic in Moscow between 1-7 April 2018, including the images from the ultrasound and x-ray assessments and the results of the urine and blood analysis,⁴² to support the details in the original epicrisis. This prompted a response to the Athlete from Elena Orlova, who was by then in Berlin for the European Athletics Championships,⁴³ of "*Oh shit*"⁴⁴ and a response in turn from the Athlete to Elena Orlova of "*Simply hardcore*". Arrangements were made for the Athlete to meet the President of RusAF, Dmitry Shlyakhtin, at RusAF's offices in Moscow the next day.⁴⁵
46. Following the Athlete's e-mail to the AIU on 6 August 2018 in which he referred to his stay in the Krasnogorsk clinic, early on 7 August 2018, Elena Orlova told the Athlete by email and text message that the lawyer had said not to tell anyone about his hospital visit and that "*about last [the*

³⁴ ID07579.

³⁵ ID00808 & ID00809.

³⁶ ID07570, ID07125 & ID07571.

³⁷ ID07579.

³⁸ ID06664, ID06667, ID06668, ID06670 & ID06672.

³⁹ ID00808, ID00809, ID07231 & ID07579.

⁴⁰ ID00836.

⁴¹ ID07252.

⁴² ID07276, ID01136 & ID01124.

⁴³ ID04692.

⁴⁴ ID01137, Russian colloquialism was used by Elena Orlova to express disappointment.

⁴⁵ ID01130, ID01142 & ID01155.

AIU] letter, will write everything tomorrow".⁴⁶ She also told the Athlete, with reference to the medical documents, that the "original had to be prepared gradually".⁴⁷

47. On 7 August 2018, in the morning, Dmitry Shlyakhtin was due to meet the Athlete in the RusAF offices. However, he postponed the meeting until the next day as instead he had to have a meeting in the Ministry.⁴⁸
48. In the early hours of 8 August 2018, Elena Orlova sent another email to the Athlete, Alexander Parkin, RusAF's Executive Director and Andrei Kruporushnikov, RusAF's Sports Director, and copied in the RusAF President, Dmitry Shlyakhtin, stating *"that the additional documents which IAAF has requested little by little need to be prepared – will float up all full ultrasound and x-ray pictures, all blood analysis count in general everything mentioned in the hospital epicrisis."*⁴⁹ The Athlete responded to Elena Orlova in the morning to say: *"Hello. And where from to get that all?"*⁵⁰
49. Later that morning, on 8 August 2018, the Athlete met Evgeny Zagorulko, his coach, at the RusAF offices where the Athlete was to attend the meeting with Dmitry Shlyakhtin at 11:00am.⁵¹ This meeting had been postponed from the day before by Dmitry Shlyakhtin.⁵² By midday, the Athlete was in a hall of RusAF's offices, and shortly after he left the building.⁵³
50. On 8 August 2018, Artur Karamyan added Alexander Parkin into his phone as a contact.⁵⁴ Later, Alexander Parkin telephoned Artur Karamyan, but the connection was bad and Artur Karamyan stated *"whatever it is that you need, just write to me"*.⁵⁵ Alexander Parkin then wrote a Viber message to Artur Karamyan concerning the AIU e-mail of 6 August 2018 requesting the supporting information for the Epicrisis stating that the *"IAAF is asking Danil to provide certificates mentioned in certificate. I don't know what the certificate was...I think you need to give him a task to come to hospital to yours and to have the required x-rays and what else is needed so that later everything will not look sewn together with white string"*.⁵⁶
51. On 9 August 2018, Dmitry Shlyakhtin forwarded a message via WhatsApp to the Athlete which had been sent to Dmitry Shlyakhtin, stating that *"it is necessary in any laboratory to pass general analysis of blood, urine and feces on an empty stomach and in any medical center to do an X-ray examination of the lung, ultrasound of the kidneys, ultrasound of the organs of the abdominal cavity, we will tell later where to hand over all references"*.⁵⁷
52. In the period 14 and 15 August 2018, the Athlete duly underwent the medical tests, as mentioned in the WhatsApp messages from Dmitry Shlyakhtin, at a hospital in Birska and later received the test results ("**Birska Certificates**").⁵⁸ During this period, on 14 August 2018, the Athlete sent WhatsApp messages to his mother asking her to confirm the time of his ultrasound examination, and what he needed to bring for it.⁵⁹

⁴⁶ ID01139.

⁴⁷ ID07043.

⁴⁸ ID01142 & ID01155.

⁴⁹ ID01202.

⁵⁰ ID01207.

⁵¹ ID07579.

⁵² ID01142 & ID01155.

⁵³ ID01227 & ID07579.

⁵⁴ ID01241.

⁵⁵ ID07578.

⁵⁶ ID01248 (The Russian colloquialism used by Alexander Parkin is used to mean should not look unauthentic or inaccurately done).

⁵⁷ ID01281 & ID01282.

⁵⁸ ID01440, ID01441, ID01442, ID01443, ID01444, ID01445 & ID01446.

⁵⁹ ID01410 & ID01411.

53. On 17 August 2018, the Athlete sent six photographs of the Birsk test results of 14 and 15 August 2018 by email to Artur Karamyan,⁶⁰ upon the instruction of his coach, Evgeny Zagorulko.⁶¹
54. On 22 and 24 August 2018, Artur Karamyan e-mailed Alexander Parkin with the subject line being “*Finished Epicrisis*”.⁶²
55. On 27 August 2018, Alexander Parkin forwarded to Elena Ikonnikova the “*Finished Epicrisis*” e-mail from Artur Karamyan, with two attachments entitled “Lysenko 1” and “Lysenko 2”. These attachments comprised separate pages of a new two-page epicrisis document from the fake SD Clinic contained a blend of information from the original fake one-page epicrisis document, coupled with the more detailed, genuine medical results found in the Birsk Certificates. Alexander Parkin asked Elena Ikonnikova to “*have a look at the treatment, are there any suspicious moments*”.⁶³ Elena Ikonnikova responded the same day stating “*It seems no. All is ok.*”⁶⁴
56. On 31 August 2018, Artur Karamyan sent the Athlete four medical documents from the fake SD Clinic in an email with the subject line “*Certificates*”.⁶⁵ These four documents contained many of the results and values to be found in the Birsk Certificates. The Athlete acknowledged receipt and thanked Artur Karamyan by email, and forwarded Arthur Karamyan’s email plus the attached certificates to his (the Athlete’s) lawyer.
57. On 8 September 2018, the Athlete e-mailed Artur Karamyan stating “*Hello! I would like to ask you, could you send me photos of clinic in Krasnogorsk? I need to know how it looks like at least. Thank you.*”⁶⁶ Up until this date, the Athlete still believed that the clinic providing the false medical documents was in Krasnogorsk.⁶⁷
58. On 14 September 2018, the AIU informed the Athlete’s counsel that it was investigating another anti-doping rule violation by the Athlete (viz. Tampering).⁶⁸
59. On 19 September 2018, the AIU requested copies of full medical records from the SD clinic, the Krasnogorsk clinic, and their tax ID numbers.⁶⁹ The Athlete forwarded this email and letter to Elena Orlova and Elena Ikonnikova shortly after receipt. He then sent a separate email to Elena Orlova stating that he had “*translated everything he sent me, but I don’t know what to do with it*”.⁷⁰ Elena Orlova responded to the Athlete stating “*if you work with an American lawyer, then decide everything with him*”.⁷¹
60. On 20 September 2018, the Athlete sent a message to his mother admitting that his explanations were false and that the SD Clinic did not exist.⁷² The same day, in the evening, the Athlete told his friend Dennis that he was talking variously to his lawyer, the interpreter, Evengiy Zagorulko, Artur Karamyan and Alexander Parkin, and that he had no idea what the SD Clinic looked like.⁷³ He also

⁶⁰ ID01440, ID01441, ID01442, ID01443, ID01444, ID01445, ID01446 & ID07579.

⁶¹ ID07579.

⁶² ID01500 & ID01576.

⁶³ ID01500 & ID01576.

⁶⁴ ID01576, ID01583, & ID01589.

⁶⁵ ID04936 & ID01665.

⁶⁶ ID01726.

⁶⁷ ID07579.

⁶⁸ ID07584.

⁶⁹ ID07284 & ID01829.

⁷⁰ ID07054.

⁷¹ ID01830.

⁷² ID01889.

⁷³ ID01890, ID01893 & ID01894.

- spoke with his mother informing her that his lawyer had asked him to write an explanation about his supposed visit to the clinic, and that he would have to make something up.⁷⁴
61. On 21 September 2018, the Athlete told his friend Stasyan "*I've never been at the clinic at all, and we have to make it as if I was, so there can be some difficulties getting the certificate. But they are supposed to be kinda aware, I don't know much myself*".⁷⁵
62. On 24 September 2018, the Athlete met Artur Karamyan in the Moscow Regional Athletics Federation offices. Shortly thereafter, Artur Karamyan sent the Athlete an email with the two-page epicrisis, and he and the Athlete went by car to see the site of the fake SD Clinic. At the site, the Athlete took four photographs of the two-page epicrisis document (three of the first page and one of the second) and sent two jpeg images (of page one and page two) to Paul Greene at midday.⁷⁶ The geo-location data embedded in the two images received by Paul Greene, indicated the photographs were taken at the site of the fake SD Clinic. One hour later, the Athlete sent Alexander Parkin the two-page epicrisis – "Lysenko 1" and "Lysenko 2".⁷⁷
63. The next day, 25 September 2018, the Athlete returned to the location of the fake SD Clinic and took 13 photographs of the demolished building in Moscow where it was supposed to be, to send to his lawyer.⁷⁸ That evening, the Athlete emailed the fake SD Clinic asking for the OGRN and INN numbers for the clinic,⁷⁹ and immediately after forwarded that email to his lawyer.⁸⁰ Minutes later, the Athlete told a friend, Diana Aftakhova on WhatsApp that it "*Feels like I'm facing a 4-year ban now ... They just dig too deep and if they gonna learn I was lying to them about the clinic. Then it's 4.*"⁸¹
64. On 28 September 2018, the Athlete sent an email to info@sd-clinik.ru, the email address found of the website of the fake SD Clinic, requesting that the SD Clinic provide "*my medical records number 65 34/18. Also, 1. Biochemical blood screening. 2. General urine analysis. 3. Ultrasound examination of the abdominal cavity. 4. Results of fluorography.*"⁸² Later that day, the Athlete received a response from "sdclinic@bk.ru" (a different email address to that which he sent his request⁸³) saying "*Good afternoon! Copies of references in the attachment.*" The response attached the four fake medical documents which Artur Karamyan had sent to the Athlete on 31 August 2018, and also included a third version of the Epicrisis (now three pages).⁸⁴ The Athlete forwarded this email and attached fake documents to his lawyer on 2 October 2018.⁸⁵
65. On 3 October 2018, the Athlete attended a meeting at RusAF's headquarters with Alexander Parkin⁸⁶ for the purposes of drafting his written explanation to be sent to the AIU.⁸⁷ Alexander Parkin told the Athlete that he needed his friend to support his explanation, stating "*you have to provide this information to the lawyers, because they have to support that, the situation with the relevant facts. Because nobody is going to believe you after this false certificate*". The Athlete and Alexander Parkin agreed that the friend would be lined up to corroborate the Athlete's version of

⁷⁴ ID01889.

⁷⁵ ID01923.

⁷⁶ ID01996, ID01997, ID01998, ID01999, ID02000 & ID02008.

⁷⁷ ID07057.

⁷⁸ ID02060, ID02061, ID02062, ID02063, ID02064, ID02065, ID02066, ID02067, ID02068, ID02069, ID02070, ID02071 and ID02072.

⁷⁹ ID02078.

⁸⁰ ID02079.

⁸¹ ID02080, ID02081, ID02082, ID02083, ID02084, ID02085, ID02086, ID02087, ID02088, ID02089, ID02090, ID02091, ID02092, ID02093, ID02094 & ID02095.

⁸² ID02137.

⁸³ The domain "@bk.ru" is a generic mainstream Russian email domain, not unlike using "@gmail.com".

⁸⁴ ID02140.

⁸⁵ ID02194.

⁸⁶ ID07578, ID07579 & ID02215.

⁸⁷ ID02214.

events in the event that the AIU were to investigate further the circumstances of the Athlete's visits to the clinic during the week in question.⁸⁸

66. Immediately after the meeting at RusAF on 3 October 2018, the Athlete sent his friend Dennis a series of WhatsApp audio messages stating "*I was at the Federation today, we discussed everything, it's all clear, and there's a task for you. I'll explain you that... Here it is: I arrived on April 1 in the morning to Domodedovo. Arrival was at 6.25 a.m., closer to 7 a.m. I was out and we two went to SD-clinic to Moscow. We did it from Domodedovo. It was April, left at the place, I took the tests, on an empty stomach, that kind of thing. And it was inpatient care, so I was there at the clinic all day long, and late afternoon, at around 5p.m. I kinda visited you at your home in Khimki. And all those 6-7 days I was at yours. During the day I was undergoing treatment at hospital and in the evening was at your place*".⁸⁹ Dennis replied to the Athlete to say "*Listen you'll anyway have to write all that plan because via audio message I didn't get that much. My head aches. So you'll write, tell me all that*".⁹⁰
67. The following day, the Athlete exchanged a series of WhatsApp messages with Dennis going over in detail Dennis' fictitious role in the forthcoming explanation to be sent to the AIU.⁹¹ He then submitted the sworn 4 October Statement to the AIU through counsel, which included the four documents originally sent by Artur Karamyan to the Athlete, that he forwarded to Paul Greene. The documents contained detailed analyses to support the epicrisis document. The accompanying e-mail⁹² stated that "*there are some obvious discrepancies with the initial set of medical records that were given to Mr. Lysenko and provided to the IAAF previously. It goes without saying that Mr. Lysenko can only ask for the records but has no control over this. It is of note that Mr. Lysenko has insisted to me that he did NOT stay overnight in the hospital even though the new discharge documents indicates that he was "in-patient."*
68. On 13 October 2018, the Athlete told his friend, Nastia that "*If I am caught once again...that...do you remember I told you we had falsified the certificates and all this. IAAF has started to check everything, they do not believe I was in hospital, and request for unbelievable evidence, and if they discover we cheat on them, I can be disqualified for 4 years.*"⁹³

RusAF involvement in the Car Accident Explanation

69. On 30 July 2018, the AIU requested further information regarding the date and location of the car accident that the Athlete claimed to have taken place in mid-June. This request was received by the Athlete and RusAF in the early evening. Approximately two hours later, the Athlete sent Elena Orlova a number of photographs taken moments before of his car registration document, his driver's licence, and of the damage to his car. Elena Orlova was already in possession of additional photographs taken by the Athlete at the time and location of the accident, which included ones with the vehicle registration number of the white car which the Athlete hit in the accident of 18 July 2018.
70. On 31 July 2018, in the morning, the Athlete and Elena Orlova had the following WhatsApp conversation (emphasis added):

Orlova: "*Danil, hello. Couple of questions more – when the accident happened were you going to Novogorsky or back to Moscow? Did you go to the training?*"

⁸⁸ ID07578.

⁸⁹ ID02215 & ID02217.

⁹⁰ ID02218, ID02219, ID02220, ID02232, ID02233, ID02234 & ID02235.

⁹¹ ID02258, ID02259, ID02260, ID02261, ID02262, ID02263, ID02264, ID02265, ID02266, ID02267, ID02268, ID02269, ID02270, ID02271 & ID02272.

⁹² ID07292.

⁹³ ID02340.

Athlete: "Hello. I was going to the institute. From Novogorsk. 18 July."⁹⁴

71. By 12:45pm on 31 July 2018, Elena Orlova sent the Athlete an e-mail entitled, in English, "*additional information fro [sic] the AIU following the request*" which attached an explanation, in English, providing selective details of the car accident that had been requested by the AIU. The explanation stated that the police had not attended, however the Athlete was in possession of a police report and had communicated to his friends that the police had attended the scene.⁹⁵ The explanation attached some, but not all, of the photographs provided by the Athlete to Elena Orlova the day before and recorded that "*the accident happened on 20 June at around 8.00 am*" (emphasis added).⁹⁶
72. Some of the photographs included in the explanation were cropped in such a way that the presence of the other car was removed, and those images with the other car's vehicle registration number taken by the Athlete on 18 July 2018 were not included. Finally, the images included in the explanation were of scans of the original images sent by the Athlete to Elena Orlova, whereby all identifying metadata had been removed.
73. On 31 July 2018, the Athlete forwarded the English explanation written by Elena Orlova with accompanying scanned photographs, to the AIU.

B2. FALSE NARRATIVE: THE TIMELINE

74. The key facts establishing the false narratives that have been perpetuated by RusAF officials in the Athlete's case are further presented below in the format of a chronology for ease of reference.

Date	AIU – Danil Lysenko communications	RusAF – Danil Lysenko communications and actions of RusAF officials
July		
25	AIU notifies Athlete of Third Whereabouts Failure	
26		RusAF President convenes the Athlete and his coach to a meeting with senior officials where Athlete is told to prepare an explanation with Elena Orlova's help
26		Athlete's coach, Evgeny Zagorulko, contacts Artur Karamyan to procure fake Epicrisis document from the SD Clinic
27		Athlete delivers Epicrisis document to the Federation and Elena Orlova prepares the Athlete's explanation for the AIU including details of the car accident (Third Whereabouts Failure) and medical visit (Second Whereabouts Failure)
27	Athlete submits first explanation to AIU	
30	AIU seeks more information about the date and location of car accident	
31		Athlete tells Elena Orlova that the car accident took place on 18 July 2018

⁹⁴ ID00892, ID00893, ID00894, ID00895, ID00896, ID07579, ID00627, ID00628, ID00629, ID00630, ID00631, ID00632, ID00633, ID00634, ID00635, ID00636, ID00637, ID00638, ID00639, ID00640, ID00641, ID00642, ID00643, ID00644 & ID00645.

⁹⁵ ID00633, ID00645, ID00660 & ID00876.

⁹⁶ ID07261.

31	Athlete provides AIU with an explanation prepared by RusAF stating that the car accident took place on <u>20 June 2018</u>	
Aug		
6	AIU seeks full medical records for the medical explanation and testing set out in the Epicrisis document (Second Whereabouts Failure)	
6	Athlete replies direct to AIU that information is available from the hospital in Krasnogorsk	
6		Elena Orlova's reaction to the AIU letter is " <i>Oh shit</i> " and tells Athlete not to say anything about the hospital visit, " <i>about last letter, I'll write everything tomorrow</i> "
6		A meeting is arranged at the Federation between the RusAF President, Dmitry Shlyakhtin, and the Athlete.
7		The meeting at the Federation between the Athlete and Dmitry Shlyakhtin is postponed by Dmitry Shlyakhtin to the following day.
8		Elena Orlova sends " <i>float up</i> " e-mail to Athlete and senior RusAF officials saying that that the additional documents requested by the AIU need to be prepared " <i>gradually</i> ". RusAF President is copied on the e-mail.
8		The Athlete arrives at the Federation, where he meets Evgeny Zagorulko, in preparation for a meeting at 11:00am with RusAF President, Dmitry Shlyakhtin
8		Alexander Parkin asks Artur Karamyan to assist in preparation of the medical documents and " <i>what else is needed so that later everything will not look sewn together with white string</i> "
9		RusAF President forwards a message to the Athlete telling him the medical tests that he needs to undergo " <i>in any hospital</i> " and that he will be told later where to send the results
		All RusAF officials know by "mid-August" that the original Epicrisis document is a fake
14		Athlete attends hospital in Birsk and undergoes tests as instructed
17		Athlete sends Birsk test results to Artur Karamyan as instructed by Evgeny Zagorulko
22		Artur Karamyan sends an email entitled " <i>Finished epicrisis</i> " to Alexander Parkin
24		Artur Karamyan again sends " <i>Finished epicrisis</i> " to Alexander Parkin
27		Alexander Parkin asks Elena Ikonnikova to look at the Epicrisis document and to confirm whether <i>there are any "suspicious moments"</i> . She replies " <i>All is ok.</i> "

31		Artur Karamyan sends the four medical documents to the Athlete for forwarding to the AIU
Sep		
14	AIU rejects Athlete's explanation and informs Athlete that it is investigating a further violation (Tampering)	
19	AIU requests copies of full medical records from the SD clinic, the Krasnogorsk clinic, and their tax ID numbers	
20	Athlete tells AIU that he incorrectly told them that he had stayed in a clinic in Krasnogorsk	
20		Athlete admits the false explanation to his mother and friends and confirms that he has never been to the clinic
24		Athlete and Artur Karamyan meet at Moscow Regional Federation offices. Artur Karamyan sends Athlete a further 2-page Epicrisis. The two then travel to the demolished site of the SD Clinic. Athlete sends geolocated epicrisis to Paul Greene
25		Athlete returns to the site of the SD Clinic and takes photographs of the demolished building, which he later sends to Paul Greene
Oct		
3		Athlete attends a meeting at RusAF with Alexander Parkin to discuss and finalise his explanation, including a role for his friend, Dennis
3		Athlete contacts Dennis to tell him his role, and how he has to corroborate Athlete's explanation if ever contacted by AIU
4	Athlete submits a sworn statement to AIU with the 2-page Epicrisis	
13		Athlete tells a friend that his medical certificates were falsified and, if AIU finds out, he can face a longer sanction

B3. OBSTRUCTION OF AIU INVESTIGATION

75. Following the Athlete's admission in interview with the AIU on 10 April 2019 regarding the involvement of RusAF officials in the scheme, the AIU continued to pursue its investigation with a view to identifying all those at the Federation who were involved in the scheme and their respective roles within it. This resulted in the immediate term in the AIU issuing Demands for the purposes of (i) calling relevant persons to interview and (ii) inspecting and/or copying their electronic devices (personal or working) for evidence of relevance to the investigation.
76. Following issue of the Demands, however, the AIU proceeded to be met with repeated attempts by RusAF to obstruct the investigation (through various delays, refusals, failures to assist and destruction of evidence) and a co-ordinated deceit amongst senior RusAF officials designed to

create a false narrative that the Athlete alone was responsible for the false explanation and forged documents relating to his Whereabouts Failures.

77. At the interview of Dmitry Shlyakhtin, the President of RusAF, on Thursday, 25 April 2019, the AIU issued a Demand to RusAF (“the **Federation Demand**”) to provide for the inspection, copying and/or downloading of any records or files and/or any electronic storage devices (such as cloud based servers, computers, hard drives, tapes, disks, mobile telephones, laptop computers, tablets and other mobile storage devices) in which information relevant to the investigation may be stored⁹⁷. The Federation Demand was to be executed the following day in Moscow, 26 April 2019, at RusAF’s offices, by an accredited external service provider with offices in Moscow. On the evening of 25 April 2019, the service provider withdrew its support to the AIU, and the Federation Demand was unable to be executed.
78. The AIU conducted a first round of interviews with the following nine persons between 25 April and 22 July 2019:
- Dmitry Shlyakhtin, 25 April 2019, Monaco
 - Ivan Yurkov, 3 May 2019, Doha, Qatar
 - Alexander Parkin, 14 May 2019, Istanbul, Turkey
 - Yuriy Borzakovskiy, 17 May 2019, Monaco
 - Artur Karamyan, 22 May 2019, Monaco
 - Elena Orlova, 27 May 2019, Monaco
 - Elena Ikonnikova, 28 May 2019, Monaco
 - Andrei Kruporushnikov, 19 June 2019, Monaco
 - Evgeny Zagorulko, 22 July 2019, Istanbul, Turkey
79. The purpose of these first-round interviews was to obtain each person’s recollection of the relevant events, notably of the initial meeting held with Athlete and his coach at RusAF’s offices on 26 July 2018, and to establish the extent of each person’s knowledge of the scheme. All those who were interviewed denied any knowledge or involvement of themselves or of any other RusAF officials in the fabrication of the Athlete’s story. They stated that the only person from RusAF who had been involved in any way in the process had been Elena Orlova and only then to provide a translation service for the Athlete and nothing more.
80. The majority of these interviews followed a further interview with the Athlete on 13 May 2019. In this second interview, the Athlete presented the AIU with a very similar recollection of events conforming to those of the RusAF officials. He said that he recalled being told off by officials at the meeting on 26 July 2018 but he was adamant that no one at RusAF had ever said anything about providing false explanations to the AIU. After the meeting, he recalled that he and Elena Orlova had gone to another room to write his explanation to the AIU in English. The Athlete said that he told Elena Orlova about his sickness and she told him that he needed some documents to prove it. This was when he had gone off and ordered the Epicrisis document from someone in Moscow. He stated that he had acted entirely on his own in this regard and without prompting from anyone at RusAF.
81. The AIU finally procured a service provider to image devices to support the Federation Demand⁹⁸ and proceeded to execute the Federation Demand on 16 May 2019. Despite Dmitry Shlyakhtin’s assurances, as President of RusAF, that he would procure the full co-operation of RusAF employees, two of its employees, Elena Ikonnikova and Elena Orlova, refused to hand over their mobile devices in compliance with the Federation Demand. The AIU was therefore obliged to issue individual Device Demands to both individuals on 17 May 2019. Both individuals challenged their

⁹⁷ Dmitry Shlyakhtin agreed to the Federation Demand on behalf of RusAF on 25 April 2018.

⁹⁸ Following the withdrawal of the first service provider, a second service provider was procured and also withdrew at the last minute, whereby a third service provider (confidentially procured) delivered the services required on 16 May 2019.

Device Demands by way of a formal objection to the Chair of the IAAF Disciplinary Tribunal and, in both cases, the challenge was rejected. The AIU is currently pursuing disciplinary proceedings against Elena Ikonnikova and Elena Orlova under Article 12 of the 2019 ADR for a failure to comply with the Device Demand and/or the Order of the Chair of the IAAF Disciplinary Tribunal.

82. It was agreed between the AIU and Dmitry Shlyakhtin that he could not provide his own computer or mobile telephone for imaging pursuant to the upcoming Federation Demand, citing that his electronic devices are the property of the Russian Government for which he works and are protected by Russian Federal law. The AIU has therefore had no opportunity to review any data from his devices relating to his involvement (or otherwise) in the matter.
83. In respect of the few electronic devices that the AIU was able to image pursuant to the Federation Demand and/or individual Device Demands, the AIU instructed the international consultancy firm, Deloitte, to conduct a digital forensic analysis in relation to the deletions and data spoliation of the devices concerned. The findings of Deloitte's review are set out in a report dated 21 November 2019 ("**the Deloitte Report**"⁹⁹) and confirm that anti-forensic tools or other methods were applied to delete a significant number of documents after the Federation Demand was issued on 25 April 2019. In particular, the Deloitte Report confirms that Alexander Parkin ran a data wiping application called CCleaner for a period of 13 hours on 28 April 2019 which resulted in the deletion of approximately 169,000 artefacts from his computer hard drive.¹⁰⁰ Artur Karamyan, having delayed the AIU from imaging his computer with two hard drives on 16 May 2019, re-formatted one hard drive on 24 May 2019, and a presence of anti-forensic programmes was detected on the other.
84. The AIU's independent review of the electronic devices handed over by RusAF individuals pursuant to the Federation Demand and/or individual Device Demands has revealed that multiple documents were deleted or were attempted to have been deleted from the devices concerned, some of which may have been relevant to the case. Further, some relevant documents and communications missing from individuals' devices have been found either received or sent on other persons' devices including evidence relating to Elena Orlova, Elena Ikonnikova, Alexander Parkin, Evgeny Zagorulko, Artur Karamyan, Dmitry Shlyakhtin, Andrei Kruporushnikov and Danil Lysenko.
85. The AIU conducted a second round of interviews in Istanbul, Turkey between 4 and 6 November 2019 of the following eight persons:
- Dmitry Shlyakhtin, 4 November 2019
 - Alexander Parkin, 4 November 2019
 - Elena Orlova, 5 November 2019
 - Elena Ikonnikova, 5 November 2019
 - Evgeny Zagorulko, 5 November 2019
 - Yuriy Borzakovskiy 6 November 2019
 - Artur Karamyan, 6 November 2019
 - Andrei Kruporushnikov, 6 November 2019
86. The second round interviews proceeded along very similar lines to the first round in that RusAF officials continued to provide the AIU with false, misleading or incomplete information in relation to (i) their knowledge of the scheme (ii) their involvement in it and (iii) the contacts they had had between each other in the matter. This was despite a significant number of the relevant electronic communications being put to the persons concerned contradicting their positions.
87. The AIU interviewed the Athlete for a third time in Istanbul on 7 November 2019. He continued to maintain that nobody from the Federation was involved in fabricating the documents and that he took sole responsibility for his actions. The Athlete did confirm that which he had admitted in the

⁹⁹ Exhibit 5.

¹⁰⁰ Exhibit 5, section 3.7.2.

second interview, namely, that he had lied to the AIU about the date of the car accident, which he said had been in order to justify his Third Whereabouts Failure.¹⁰¹

88. In the week of 11 November 2019 following the second (and third round) interviews, the AIU was contacted by Dmitry Shlyakhtin who said that he had since had frank discussions with Alexander Parkin and the Athlete about the case and that both were ready to come back and tell the AIU the full truth of the matter.
89. The AIU therefore interviewed Alexander Parkin for a third time on 15 November 2019. Alexander Parkin told AIU investigators as follows¹⁰²:
- that there had been a conspiracy from start to finish of which the Athlete was neither the instigator nor the driver;
 - everyone at the Federation knew by "mid-August" 2018 that the documents were fake and that the story was fabricated;
 - that he was guilty of having done nothing to prevent or stop the conspiracy from happening;
 - that he did not confess to the AIU in his first or second interviews because he thought it might all pass; and
 - that he ran the anti-forensic tool CCleaner overnight on 28 April 2019 which deleted information, some of which may have been relevant to the investigation.
90. The AIU interviewed the Athlete for a fourth time on 16 November 2019 and he told AIU investigators¹⁰³:
- that Evgeny Zagorulko had been responsible for obtaining the original Epicrisis document from Artur Karamyan following the meeting at the Federation on 26 July 2018 and he, the Athlete, had delivered the document to RusAF the following day;
 - that he had only recently found out that his "flags" were Filing Failures as opposed to Missed Tests;¹⁰⁴
 - that he had received the forwarded WhatsApp from Dmitry Shlyakhtin on 9 August 2018; and
 - that he had met with Alexander Parkin at the Federation on 3 October 2018 when they had concocted the story for the friend to corroborate the Athlete's version of events.

C. SUMMARY OF EVIDENCE OF ANTI-DOPING RULE VIOLATIONS

91. Upon review of the available information and materials from the investigation, the principal evidence on which the AIU relies, including the evidence of your anti-doping rule violations, is summarized below.

¹⁰¹ ID04456 & ID07565.

¹⁰² ID07578.

¹⁰³ ID07579.

¹⁰⁴ This demonstrates that the Athlete could not have dictated the explanations to Elena Orlova verbatim in Russian, only using her as a translation service. His explanation would have been responding to a specific hour on a specific day for a missed test, yet her explanations in English were designed to cover an indiscriminate period during which he was incapable of filing his whereabouts.

92. **At all material times, you were aware that the Athlete had been notified by the AIU that he had accumulated three (3) Whereabouts Failures within a twelve-month period in breach of the IAAF ADR 2018 and that he faced a potential ban from the sport.**

In particular and for example:

- You attended a meeting on 26 July 2018 which concerned the Athlete's Whereabouts Failures and were instructed to assist the Athlete with his explanations for two of them, which you subsequently did on two separate occasions, on 27 July 2018 and 31 July 2018;¹⁰⁵
- On 26 July 2018, you were forwarded correspondence from the AIU by Elena Ikonnikova concerning the deadline for the Athlete to request an administrative review of Whereabouts Failures confirmed against him;¹⁰⁶
- In early August 2018, you assisted in engaging legal representation for the Athlete in relation to his request for administrative review of the Whereabouts Failures.¹⁰⁷

93. **You knew that the Athlete's explanations in relation to his Second and Third Whereabouts Failures were false and that the Epicrisis was a fabrication and you were complicit and participated in the provision to the AIU of these false explanations, the Epicrisis and also the provision of further fabricated documents required to support the Epicrisis**

In particular and for example:

- In his interview, the Athlete stated that at the 26 July 2018 meeting:
"...we decided that I have to write an explanatory note without any, without the support of any certificates that they are ... That I admit that this is my fault and I agree to take any punishment for this fault."¹⁰⁸
- Later, Alexander Parkin instructed the Athlete and you¹⁰⁹ to go to an office and begin writing an explanation to send to the AIU.¹¹⁰
- After a short time, the Athlete went to an office to work on an explanation with you.¹¹¹ According to the Athlete:
"...we were writing this explanatory note, or this confession, so we were writing this document in the Russian language and then she let me go because she, she would translate it."
- The Athlete left RusAF in the afternoon of 26 July 2018, and later you instructed him via WhatsApp to return the following day with copies of his doping control forms and his passport.¹¹²
- During the evening of 26 July 2018, you worked on producing a written explanation in English to be submitted on behalf of the Athlete, working together with Artem Patsev (who was advising RusAF at the time, and is also fluent in English).

¹⁰⁵ ID03655, ID04456, ID04692, ID07579, ID07566, ID00830, ID00831 & ID07039.

¹⁰⁶ ID07126.

¹⁰⁷ ID07140.

¹⁰⁸ ID07579.

¹⁰⁹ The Athlete cannot read, write or speak in English, and Elena Orlova is fluent in English.

¹¹⁰ ID07579, ID07566, ID04647.

¹¹¹ ID07579.

¹¹² ID00808 & ID00809.

- As of the early hours of 27 July 2018, the Athlete's explanation made no mention of a visit to a clinic or a car accident.¹¹³
- The Athlete returned to the Federation the following day and met with you, this time with the forged Epicrisis medical document and a new explanation that he had been hospitalised at the SD Clinic for one week with acute appendicitis. The Athlete said:

“And so I took this medical, medical certificate, went to the Federation, and at the Federation I went to Elena Orlova again. And I told her that “We are supposed, we have to write a new explanatory note, a new explanation including there, the information that I was at a hospital, so I was ill, et cetera. And here is the certificate.”¹¹⁴

- After drafting the new explanatory note, you suggested to the Athlete to explain the Third Whereabouts Failure using the car accident. According to the Athlete, you stated:

“Remember, you mentioned the car accident. Maybe we should include this car accident here as well.” And she told me “While the decision is yours, I will write as you tell me.” And I told her, “If it helps to close the second flag, of course let’s write about the car accident as well.”¹¹⁵

- The Athlete left RusAF in the course of the afternoon¹¹⁶, and later you prepared a document in English entitled "Written statement on filing failures – explanations from Danil Lysenko", in which was included the falsified medical epicrisis document from the fake SD Clinic. The Athlete did as he was instructed and sent the explanation to the AIU.¹¹⁷
- You e-mailed the Athlete with the English-language explanation, together with detailed instructions for how this should be downloaded and submitted to the AIU:

“Hello | In file attachment 1. download 2. print 3. where the text ends, sign 4. scan all pages in one file again - everything should be in color (not black and white) 5. send from your mail in person to the address [these addresses are in the address bar (copy them from here, so as not to be mistaken) | whereabouts@athleticsintegrity.org | [REDACTED] | Missed-test@athleticsintegrity.org | in line copy address Lena Ikonnikova | antidoping@rusathletics.info | subject copy from this letter | Put a notification of receipt and reading - in the mail.ru | don't send it to anyone else - Evgeny Petrovich knows and pray! | May all the forces of the world help you.”

- The Athlete duly followed your precise instructions to the letter and emailed you with many thanks. You further instructed him to: *“Check that the files are deleted from the basket too, and do not show anyone”*.¹¹⁸
- The Athlete replied, *“Done, everything deleted.”*
- Later that evening, the Athlete wrote to you, *“Thank you very much! How can I thank you?”*¹¹⁹ to which you responded in three separate whatsapp messages over 21 minutes that evening:

¹¹³ ID07123, ID07124 & ID07125.

¹¹⁴ ID07579.

¹¹⁵ ID07579.

¹¹⁶ ID07579.

¹¹⁷ ID00836.

¹¹⁸ ID00834.

¹¹⁹ ID00837.

“Danichka, we have to wait for the decision at first. And I did it not for the sake of gratitude. But because of the soul call. I believe in your brilliant sports future.... I'd like to see your victories and records very much... The world record performed by you would be the best gratitude 😊😊”.

- On 30 July 2018, the AIU requested further information regarding the date and location of the car accident that the Athlete claimed to have taken place in mid-June. This request was received by the Athlete and RusAF in the early evening. Approximately two hours later, the Athlete sent you a number of photographs taken moments before of his car registration document, his driver's licence, and of the damage to his car. You were already in possession of additional photographs taken by the Athlete at the time and location of the accident, which included ones with the vehicle registration number of the white car which the Athlete hit in the accident of 18 July 2018.
- On 31 July 2018, in the morning, the Athlete and you had the following WhatsApp conversation (emphasis added):

Sender questions (Elena Orlova)	Recipient responses (Athlete)
WhatsApp 31/07/18 09:23:01 <i>Danil, hello. Couple of more questions more – when the accident happened were you going to Novogorsky or back to Moscow? Did you go to the training?</i>	
	WhatsApp 31/07/18 09:46:32 <i>I was going to the institute</i>
	WhatsApp 31/07/18 09:46:38 <i>From Novogorsk</i>
	WhatsApp 31/07/18 09:46:40 <i>Hello</i>
	WhatsApp 31/07/18 09:47:04 <i>18 July</i>

- By 12:45pm on 31 July 2018, you sent the Athlete an e-mail entitled, in English, "*additional information fro [sic] the AIU following the request*" which attached an explanation, in English, providing selective details of the car accident that had been requested by the AIU. The explanation stated that the police had not attended, however the Athlete was in possession of a police report and had communicated to his friends that the police had attended the scene.¹²⁰ The explanation attached some, but not all, of the photographs provided by the Athlete to you the day before and recorded that "*the accident happened on 20 June at around 8.00 am*" (emphasis added).¹²¹
- Some of the photographs included in the explanation were cropped in such a way that the presence of the other car was removed, and those images with the other car's vehicle registration number taken by the Athlete on 18 July 2018 were not included. Finally, the images included in the explanation were of scans of the original images sent by the Athlete to you whereby all identifying metadata had been removed.

¹²⁰ ID00666

¹²¹ ID00912

- On 31 July 2018, the Athlete forwarded the English explanation written by you with accompanying scanned photographs, to the AIU.
- On 6 August 2018, the AIU requested documents from the Athlete to support the falsified Epicrisis document that the Athlete had submitted under your instructions on 27 July 2018. The Athlete forwarded this request to you on the same day and you responded with one word as follows:

“ б л и н ” (Translated: “Oh shit”)

- In the early hours of 7 August 2018, you sent an e-mail to the Athlete stating that the lawyer had said to provide nothing to the AIU and indicated that the original documents requested by the AIU needed to be prepared gradually:

“Danil, the lawyer said to provide nothing. The original has to be prepared gradually, but not to be sent now. I’ll write you the text of the letter for that Tony Jackson – will send it separately; 1 carefully copy the text and send in response to the last letter received from your mail; 2 in the address line there is the BCC – that’s where you put my address and a address [2] antidoping@rusathletics.info; in BCC exactly; Lena”

- On 8 August 2018, you also sent an e-mail to the Athlete, Andrei Kruporushnikov, Alexander Parkin and copied Dmitry Shlyakhtin with Subject: Doping documents, stating that the additional documents to support the original Epicrisis requested by the AIU on 6 August 2018 needed to be prepared and would “float up”:

“good night the point is that the additional documents which IAAF has requested little by little need to be prepared - will float up all full ultrasound and x-ray with pictures, all blood analysis counts in general everything mentioned in the hospital epicrisis”

- The Athlete responded to your e-mail above on the same day asking you where he was supposed to get this information:

“Hello. And where from to get that all?”

94. **Further information demonstrates that, until about 9 August 2018, you were directly involved in the Athlete’s case, in a capacity beyond that of only a translator, and must have known therefore that the Athlete’s explanations were false and the Epicrisis was a fabrication**

In particular and for example:

- On 27 July 2018, at 7:30pm, you were informed of the AIU’s response to RusAF’s official letter sent earlier that evening.¹²² You were an addressee together with the Director General of RusAF and the Anti-Doping Manager. The letter had been translated for you into Russian by another staff member.
- On 30 July 2018, you sent the Athlete an email telling him to “now wait” in relation to the submission of his explanation to the AIU.¹²³
- On 31 July 2018, after midday, you sent the Athlete an English-language explanation for him to forward to the AIU, which he duly did 15 minutes later, copying you into his email.¹²⁴

¹²² ID00828.

¹²³ ID07038.

¹²⁴ ID07039 & ID00912.

- On the 31 July 2018, you also sent the Athlete a copy of his response to the AIU's request for further information about his car accident to be forwarded to the AIU.
- Later that day, following the Athlete's provisional suspension, you wrote to the Athlete stating, "Danechka, at any time. Do not hesitate. Write. Call. Just talk or something need. Take care. You are strong. You can achieve a lot. I will always support you".¹²⁵
- On 4 August 2018, you wrote to the Athlete stating, "Hello. I don't know how much it will help you, but many team representatives and coaches and athletes asked me to give you words of support. They believe in you and really want to see you again and soon in the stadium. No one condemns. They disagree with the decision of the IAAF and the form of presentation. They are for you and they say it is necessary to fight. Take care".¹²⁶
- On 6 August 2018, the Athlete sent you his duly signed power of attorney.¹²⁷ A few minutes later, you replied "well done", and went on to state "about Friday and the phone call, we will decide. I'll call you".¹²⁸
- On 7 August 2018, while in Berlin following the AIU's request for further information, you instructed the Athlete via an SMS message, stating: "The lawyer said to not send anything concerning the hospital to anybody. About last letter, I'll write everything tomorrow. He also considers the request is strange. Lena".¹²⁹
- On the same day, you instructed the Athlete to reply to the AIU as follows, "carefully copy the text of the letter (preferably at the computer) and send Jackson in response to that last letter (and BCC me and anti-doping) and also copy the subject of the letter Dear Mr. I am seeking to hire a lawyer. Bets [sic] regards, Danil Lysenko". Later that day, the Athlete followed your instructions and sent your exact text to the AIU.¹³⁰
- On 8 August 2018, you sent the Athlete's lawyer a copy of the Notice of Charge issued to the Athlete by the AIU, indicating "we have the time by 13 August 2018 only" in relation to the deadline to respond.¹³¹
- On 9 August 2018, in the late afternoon, the Athlete's lawyer acknowledged that you were no longer working on the Athlete's case, and that it had been great working with you.¹³²
- Later on 9 August 2018, after the Athlete had forwarded you an AIU request for further information relating to the Krasnogorsk clinic, you replied informing him that you had been "switched off" from the case and that Sergey Rybakov was to replace you as the main contact on all matters related to your case with the American lawyers. You further stated if the Athlete needed advice or help, that he should call you.¹³³
- On 19 September 2018, the Athlete sent you an email asking for your assistance, in that he had translated everything his lawyer had sent him, but that he did not know what to do with it. You

¹²⁵ ID01066.

¹²⁶ ID01106.

¹²⁷ ID07143.

¹²⁸ ID01126.

¹²⁹ ID01139.

¹³⁰ ID01160.

¹³¹ ID01193.

¹³² ID07151.

¹³³ ID01288.

replied stating, “Hello if you are working with American Lawyer, then decide everything with him”.¹³⁴

95. **You have been responsible for obstructing or delaying the AIU's investigation**

In particular and for example:

- On 16 May 2019, you refused to hand over your electronic devices to AIU representatives in compliance with the Federation Demand.
- On 17 May 2019, you refused to hand over your electronic devices to AIU representatives for imaging in response to an individual Device Demand issued by the AIU.
- You filed an objection to your individual Device Demand in an application to the Chair of the IAAF Disciplinary Tribunal which was rejected.
- You subsequently failed to comply with the Chair's order by providing all of your electronic devices to the AIU for imaging.
- Disciplinary proceedings under Article 12 ADR are currently ongoing in your case.

96. **You have provided false, misleading or incomplete information to the AIU during the course of its investigation.**

In particular and for example, you made the following false, misleading or inaccurate/incomplete statements in interview with the AIU:

(i) On 28 May 2019¹³⁵:

- You stated that after you had left for the European Championships in Berlin and an agreement with American lawyers had been made that you were not involved in the matter at all;
- You maintained that you had translated documents, including about the explanation relation to a car accident, but that you did not remember any details;
- despite you sending the Athlete his detailed explanations about the car accident to send to the AIU, and being copied on his e-mail to the AIU on 31 July 2018, you claimed that you did not know when the Athlete sent that explanation to the AIU.
- You denied having any communication at all with Dmitry Shlyakhtin or Alexander Parkin about the matter after the meeting took place on 26 July 2018

(ii) On 5 November 2019¹³⁶:

- You maintained that you had only translated the Athlete's explanations;
- You stated that you had had no communication with anyone about the provision of false explanations or falsified medical documents;
- You confirmed that you did not find out that the explanation for the car accident was falsified until your first interview with the AIU on 28 May 2019;

¹³⁴ ID01830.

¹³⁵ ID04692.

¹³⁶ ID07566.

- You maintained that you had not had any other communication with the Athlete about the accident save for translating what he said and him sending you pictures;
- When shown copies of WhatsApp messages between you and the Athlete on 31 July 2018 relating to the car accident, you could not explain why the 20 June 2018 date had been included in the Athlete's explanation to the AIU despite the Athlete confirming to you in a WhatsApp message that the date of his accident was 18 July. You simply stated that the Athlete had told you the accident occurred on 20 June 2018 and that is what you translated.
- You state that the reaction in your e-mail to the Athlete on 8 August 2018 to the AIU's request for supporting medical documents made on 6 August 2018 was related to your frustration with translating medical documents;
- When asked what you meant when you wrote that documents needed to be prepared gradually in your e-mail of 8 August 2018, you said that you meant that the Athlete should just go to the hospital to get all the medical documents and that he should prepare to collect the documents
- When asked to clarify what you meant in your e-mail of 8 August 2018 to the Athlete and other RusAF personnel about preparation of documents, you stated that this referred to the requirement to provide a full pack of documents, including everything that was in the epicrisis. You could not recall what had prompted you to send this e-mail.
- You could not explain why the Athlete had sent you an e-mail asking where to get the supporting documents for the Epicrisis. You stated that he was quite strange.

97. **Documents on your device(s) have been deleted or were attempted to have been deleted, some of which may have been relevant to the case. Some relevant documents and communications missing from your device(s) have been found either sent or received on other persons' devices.**

In particular and for example, the following SMS and WhatsApp messages which were not found on the device you provided, have been found on other persons' devices:

- Your WhatsApp message to the Athlete instructing him to bring doping forms and his passport on 26 July 2018.
- The WhatsApp messages you received from the Athlete sending you photographs in relation to the car accident, on 30 July 2018.
- The WhatsApp messages you sent to the Athlete on 31 July 2018 asking for further information from the Athlete about the car accident.
- The WhatsApp messages you received from the Athlete providing further information about the car accident, including the message in which he stated the accident occurred on 18 July 2018.
- The SMS text you sent to the Athlete on 7 August 2018 advising him not to send anything concerning the hospital to anybody, and that you would write everything tomorrow.

In particular and for example, the following e-mails which were not found on the device you provided, have been found on other persons' devices:

- Your e-mail to the Athlete in response to the AIU's request for further information on 6 August 2018 of "*oh shit*".

- The email from the Athlete in turn to you on 6 August 2018 stating, “*simply hardcore*”.
- The email you sent to the Athlete on 7 August 2018 telling him that “*originals need to be prepared gradually*”.
- The “*float up*” email from you of 8 August 2018;
- The Athlete’s response to your “*float up*” email on 8 August 2018 asking you where he could get the documents requested by the AIU.
- The emails you sent to the Athlete with the attached English language explanations, instructing him how to send the explanations to the AIU;
- The email you sent to the Athlete on 9 August 2018 advising that you had been “*switched off*” from his case.

98. The documents enclosed with this Notice of Charge constitute the evidence that the AIU relies upon in support of the Charge. The AIU reserves the right to introduce any further evidence, including during the course of proceedings before the Disciplinary Tribunal (if necessary).

D. APPLICABLE IAAF RULES

99. The asserted anti-doping rule violations occurred in 2018 and 2019.
100. The 2018 IAAF ADR was in force from 6 March 2018 until the entry into force of the 2019 IAAF ADR on 1 January 2019.
101. In view of the above, the relevant facts occurring in 2018 shall be subject to the 2018 IAAF ADR and the relevant facts occurring in 2019 shall be subject to the 2019 IAAF ADR.
102. As concerns the applicable procedural rules, the 2019 IAAF ADR shall apply.

E. CHARGE

103. You are hereby charged with committing the following anti-doping rule violations (the “**Charge**”):
- (a) **Tampering or Attempted Tampering with any part of Doping Control** under Article 2.5 of the 2018 and 2019 IAAF ADRs.

Conduct which subverts the Doping Control process but which would not otherwise be included in the definition of Prohibited Methods. Tampering shall include, without limitation, intentionally interfering or attempting to interfere with a Doping Control official, providing fraudulent information to an Anti-Doping Organization, or intimidating or attempting to intimidate a potential witness.

"Tampering" is defined in the 2018 and 2019 IAAF ADRs as meaning "altering for an improper purpose or in an improper way; bringing improper influence to bear; interfering improperly; obstructing, misleading or engaging in any fraudulent conduct to alter results or to prevent normal procedures from occurring".

Further, under Article 5.10.9 of the 2018 and 2019 IAAF ADRs:

If an Athlete or other Person obstructs or delays an investigation (e.g., by providing false, misleading or incomplete information or documentation and/or by tampering or destroying any documentation or other information that may be relevant to the investigation), proceedings may be brought against him for violation of Article 2.5 (Tampering or Attempted Tampering)

- (b) **Complicity** under Article 2.9 of the 2018 and 2019 IAAF ADRs.

Assisting, encouraging, aiding, abetting, conspiring, covering up or any other type of intentional complicity involving an Anti-Doping Rule Violation, Attempted or violation of Article 10.11.1 by another Person.

- (c) **Refusal or Failure to report an Anti-Doping Rule Violation** under Article 5.10.2 of the 2018 and 2019 IAAF ADRs

Where an Athlete or other Person knows or suspects that any other Athlete or other Person has committed an Anti-Doping Rule Violation, it shall be the obligation of the first Athlete or other Person to report such knowledge or suspicion to the Integrity Unit as soon as possible. The first Athlete or other Person shall have a continuing obligation to report any new knowledge or suspicion regarding any Anti-Doping Rule Violation to the Integrity Unit even if his prior knowledge or suspicion has already been reported. In case of refusal or failure to comply without acceptable justification, Article 12 shall apply.

Article 12 of the 2018 and 2019 ADRs provides at Article 12.1 as follows:

Where an Athlete or other Person refuses or fails without compelling justification to comply with any provision of these Anti-Doping Rules, but such refusal or failure does not fall within any of the anti-doping rule violations defined in Article 2, the Athlete or Athlete Support Person shall not be deemed to have committed an Anti-Doping Rule Violation and he shall not be subject to any of the Consequences set out in Articles 9 and 10. However, disciplinary proceedings may be brought against him before the Disciplinary Tribunal in accordance with Article 8, and if the Disciplinary Tribunal finds that there has been such refusal or failure without compelling justification then it shall impose upon the Athlete or Athlete Support Person such sanctions as it sees fit (which may include, if it sees fit, a period during which the Athlete or Athlete Support Person shall not be eligible to participate in the sport).

- (d) **Refusal or Failure to co-operate with investigations** under Article 5.10.3 of the 2018 and 2019 IAAF ADR

Athletes and other Persons must co-operate fully with investigations conducted pursuant to this Article 5 (and in cases of refusal or failure to do so without compelling justification, Article 12 shall apply).

104. The AIU reserves the right to amend or expand upon the Charge set out above (including to amend or expand the Charge to include one or more breaches of the IAAF Integrity Code of Conduct) depending on any further evidence or information that emerges concerning your involvement in the matter.

F. PROVISIONAL SUSPENSION AND PUBLIC DISCLOSURE

105. In accordance with Article 7.10.4 of the 2018 and 2019 IAAF ADRs, I have decided to impose a Provisional Suspension upon you with effect from the date of this Charge pending resolution of your

case. This means that you are barred temporarily from participating in any activity until this matter is fully determined.

106. Your Provisional Suspension will be notified as required under Article 7.12 of the 2018 and 2019 IAAF ADRs and will then be Publicly Disclosed by the AIU.
107. For the avoidance of doubt, your Provisional Suspension prevents you from participating in any capacity in any activity (other than authorized 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. This includes administrative activities, such as serving as an official, director, officer, employee, or volunteer of the organisations described above.

G. CONSEQUENCES

108. The Consequences to be imposed on you for a first anti-doping rule violation are specified below. They include:

A. Period of Ineligibility

109. Our records indicate that this is your first anti-doping rule violation. The AIU is seeking a period of Ineligibility of 4 years pursuant to Article 10.3.1 ADR, such period beginning on the date of your Provisional Suspension, *i.e.*, 21 November 2019.

B. Publication

110. This matter shall be immediately Publicly Disclosed by the AIU in accordance with Article 14.3 of the 2018 and 2019 IAAF ADRs. At a minimum, this means that information regarding this matter shall be placed on the AIU website.

H. RESPONSE TO THE CHARGE

111. You must now confirm how you wish to proceed with this matter **by no later than 12 December 2019** by selecting one of the following options:

A. Proceeding Without a Hearing

112. If you wish to admit the Charge, then this matter may be determined without the need for a hearing, as set out below:
- (a) You may admit the Charge and accept the Consequences set out in section G above. In these circumstances, there would be no need for a hearing to take place. Instead, the AIU shall issue a final decision recording the imposition of the Consequences specified in section G and shall Publicly Report that decision in accordance with Article 14 of the 2018 and 2019 IAAF ADRs.
- (b) If you would like to admit the Charge and accept the Consequences, we will send you an Admission of Anti-Doping Rule Violation and Acceptance of Consequences form and ask you to return it signed to the AIU by e-mail to rm@athleticsintegrity.org as soon as possible.

B. Request a Hearing

113. If you do not wish to admit the Charge, then you have the right to deny the Charge (or admit the Charge, but dispute or seek mitigation of the Consequences). In such circumstances, you have the right to request a hearing before the Disciplinary Tribunal ("the Tribunal") for the matter to be determined.
114. If you would like this matter to be heard by the Tribunal, you must submit a written request for a hearing to the AIU by e-mail to rm@athleticsintegrity.org and provide a copy to the Disciplinary Tribunal by e-mail to [REDACTED] as soon as possible, but in any event by no later than **12 December 2019**.
115. Your request for a hearing must specify how you wish to respond to the Charge (*i.e.*, whether you deny it or whether you admit it, but wish to seek mitigation of the Consequences).
116. If this matter proceeds to a hearing, the AIU will have the burden of proving the Charge to the comfortable satisfaction of the Tribunal. You will have the opportunity to challenge the evidence put forward by the AIU and/or to introduce evidence of your own that you believe shows the AIU cannot meet/has not met its burden of proof.

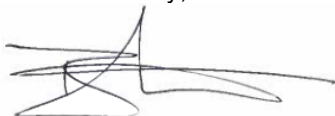
C. No Response

117. If you fail to respond to this Notice of Charge by **12 December 2019**, you will be deemed to have admitted the Charge and to have accepted the Consequences, including a period of Ineligibility of four years.
118. The AIU shall then issue a final decision recording the imposition of the Consequences specified in section G above and shall Publicly Report that decision in accordance with Article 14 of the 2018 and 2019 IAAF ADRs.

I trust that this letter is clear. We nevertheless remain at your disposal for any questions you may have in relation to the Charge, including the application of the ADR or the procedures applicable to this matter.

I look forward to receiving your response to this Notice of Charge, including confirmation of how you wish to proceed with this matter, by no later than **12 December 2019**.

Yours sincerely,



Brett Clothier
Head of the Athletics Integrity Unit

cc: Valentin V. Borodin

World Anti-Doping Agency
RUSADA
IAAF Disciplinary Tribunal