

## Unfair decision based on wrong and untrue information

Yesterday morning our time, we were informed by the IOC Director General, Mr. Christophe de Kepper, about the decision of the IOC EB to not allow Yuliya to compete at the Olympic Games in Rio. The decision was also transmitted in writing as follows: <https://www.olympic.org/news/decision-of-the-ioc-executive-board-concerning-the-participation-of-russian-athletes-in-the-olympic-games-rio-2016>

We would like to react to this decision as follows.

### 1. Wrong and untrue statements

The decision is unfair as based on wrong and untrue statements.

Especially, the statement **“Since Mrs Stepanova declined to compete as a member of the ROC Team, the IOC EB had to consider the question of whether an exception to the rules of the Olympic Charter is possible and appropriate.”** does not reflect reality. In the telephone interview with the Ethics Committee last week Yuliya specifically confirmed that she is prepared to compete as part of a Russian team. The transcript (the interview was conducted in Russian and French) of the recording as of minute 49 reads as follows (the sound file is available under this link: <https://we.tl/OPMRdPrqYP>)

- **IOC Ethics Commission:** “Would you accept, under the hypothesis that the Russian national Olympic Committee would accept it on their side, to compete as part of the Russian national team?”
- **Yuliya Stepanova :** “The Russian committee has made an official declaration that I will not be part of the Russian national team, that the Russian athletes don’t wish to participate to the Games with me and to be in the same team with me. For this reason, I have really a hard time conceiving that this decision could change. However, if the Russian Olympic Committee says that it will support me, that it wishes that I am part of the Russian team, I would accept this, with the Russian athletes, as when I have said all that I knew, I did not wish to harm the other athletes, on the contrary I wished to make the sport more clean. I am not against the Russian athletes, I support them with all my heart, I am sorry for them because they are part of this system, they cannot escape it. If I had such an authorisation, yes, yes, I would be happy to be in the Russian national team.”

We assumed that there would be no chance that Yuliya could compete as part of the Russian team based on the statements made by the Russian sports authorities such as the following by

- Mr. Zhukov's (Russian Olympic Committee President) on 21 June, 2016: "She (Stepanova) cannot compete under the Russian flag. Russian Olympic Committee sends athletes to the Olympiad." (<http://tass.ru/sport/3388085>)
- Mr. Shlyakhtin (President of Russian Athletics Federation) on 21 July, 2016: "I do not think of Stepanova that she is a Russian athlete, so only Klishina will go (speaking about the Olympics-2016)" - Said Shlyakhtin by phone. ([http://rsport.ru/rio2016\\_athletics/20160721/9930816](http://rsport.ru/rio2016_athletics/20160721/9930816))

However, Yuliya made it absolutely clear that this was not based on her wish to not compete under the Russian flag, but rather on the hostile treatment and threats she had received since December 2014 up to yesterday. In fact these are some of the latest quotes from 24 July 2016:

[http://rsport.ru/rio2016\\_athletics/20160724/997661342.html](http://rsport.ru/rio2016_athletics/20160724/997661342.html)

Mr. Shlyakhtin: «It is correct that Stepanova was not allowed [to compete in Rio]. I support this decision.»

[http://rsport.ru/rio2016\\_athletics/20160724/997711895.html](http://rsport.ru/rio2016_athletics/20160724/997711895.html)

Yelena Isinbayeva: "As for Stepanova, the matter is that she should never have been allowed back into sports. She must be banned for life....I do not understand why such a fuss about a person who used doping and was banned for it. And to make her look like of hero - a stupid spit in the faces of all of us. So the fact that she will not perform at the Olympics is correct. At least one wise decision with regard to athletics was made! "

But also, the statement in the IOC media release **“It put this contribution into the perspective of Mrs Stepanova’s own long implication, of at least five years, in this doping system and the timing of her whistle-blowing, which came after the system did not protect her any longer following a positive test for which she was sanctioned for doping for the first time.”** must be rejected.

The IAAF charged Yuliya with blood-doping in January 2013 (officially ARAF informed her about it on 8 Feb, 2013), and she immediately accepted a two year ban, and served it in full, ending in January 2015. In February 2013, she sent a 10 page truthful statement to WADA in which she admitted that from 2007 to 2012 she took prohibited substance, including steroids and EPO. And, she also apologised for her use of doping and explained how she never tested positive, as she was part of the system that covered up doping use. Her abundant use of doping over five years has hence never been documented through a positive test, but rather through a statement to WADA that she made out of her free will and which is now being held against her as a long-term user of prohibited substances.

Also allow us to ask where Yuliya was supposed to go to and complain about doping use in Russia? The Russian Ministry of Sports, The Russian Athletics Federation, the Russian Police, The FSB, RUSADA? All of those organizations were involved in cover ups. The only appropriate place of providing the information was WADA, to which organization Vitaly had already started to provide information as of 2010, unfortunately with no success. It took the ARD documentary of Mr. Hajo Seppelt to start any action in December 2014. In fact the Russian doping system continued to protect Yuliya when she was sanctioned, as even the Russian Police continued to pay a salary to Yuliya in order to make sure she and other athletes do not expose the existing state organized corrupt system of doping use. The IOC Ethics commission could have known this, had it taken the time and made the effort to go through the relevant documents.

## **2. Motivation for whistle-blowing**

The IOC decision calls in to question the motives for our, especially Yuliya's whistle-blowing, which came after she herself was sanctioned for a doping offense. The IOC decision ignored two key facts: Yuliya did not ask for a reduced sanction under the WADA Code (to which she was entitled) for her substantial efforts to expose Russia's state-sponsored doping program. She insisted on serving the full ban, as she accepted responsibility for her actions despite the fact that as an athlete in a state-sponsored doping system, she had little choice but to comply.

Second, Yuliya has been interviewed exhaustively numerous times by officials of the WADA and IAAF, all of whom found her motivations and information provided to be sincere and fully credible and that the injury to her life and athletic career for whistle-blowing inured to the benefit of the international sporting community and to her considerable personal detriment. As an athlete, who is fully qualified to compete under IAAF rules, Yuliya asked to compete in Rio not to receive an extraordinary benefit, but to simply restore her to the position she would have been in had she never exposed Russia's systemic doping program. The IAAF and European Athletics recognised this and Yuliya was invited to the European Championships in athletics in Amsterdam at the beginning of July.

Not only WADA, IAAF and EA appreciated our motives. A week ago the German Doping Victims Aid (Doping Opfer Hilfe e.V.) awarded Yuliya the German Anti-Doping Award. It is a very unique distinction as it comes from an organisation born out of the experience of many former East-German athletes and hence also victims of state-sponsored doping. Ines Geipel, Chair of the DOH said: “The DOH honours Yuliya Stepanova as an active athlete with exemplary civil courage and a clear attitude, who dared dreaming her dream of a self-determined sport without deception and cheating regardless of her personal risk.”

## **3. Non-eligibility due to a former doping ban**

Yuliya's status as an athlete who was formerly sanctioned for doping has no ethical or legal relevance to the decision on her application to compete, as the WADA Code fully contemplates athletes returning to competition following a sanction for doping. The CAS has previously ruled on this issue

against the IOC (Rule 45 Case) in 2012, making it clear that imposing an additional ban on athletes for a previous doping violation is not permitted.

The IOC's focus on Yuliya's past sanction for doping shifts the spotlight away from the real issue, which is that the IOC took no action against Russia for punishing Yuliya for being a credible whistle-blower by refusing to put her on Russia's Olympic team. At no point did the IOC, unlike the IAAF, demand publicly from the Russian sports authorities that they recognise our whistle-blowing as an important and valuable contribution for clean sport in Russia. This amounts to political discrimination in direct violation of the Olympic Charter and was nowhere mentioned in the IOC's decision.

#### **4. Olympic Charter**

Contrary to the IOC's statement, we are of the clear opinion that the rules of the Olympic Charter do not prevent the IOC from recognizing athletes, who are not entered by an NOC. The recently named "Refugee Olympic Team" is one such example.

#### **5. Discouraging whistle-blowers**

By denying Yuliya the ability to compete in Rio while simultaneously inviting her to view the competition from the sidelines, the IOC sent a strong message to all athletes that if they expose doping, they will lose their opportunity to compete in the Olympic Games.

In the interview with the Ethics Commission, Yuliya made the following statement (transcript of recording as of 52 minutes 25 seconds; recording see above): "I would really like to go to the Olympic Games. This would be all my joy. These might be the only Olympics in which I can participate. And if I could go there, it would prove to me that I had taken the right decision and it would show an example to the other athletes that may find themselves in a similar situation as I was that it is necessary to say the truth, that one needs to fight the system. It would show that if they act with good intentions, they will be listened to and even the IOC will support them."

If the IOC intends to support us, this should not happen through an invitation to the Rio Games as guests, but rather through a steadfast support of all whistle-blowers fighting for clean sport.

#### **6. Thank you**

Our story has proven true and the WADA Commission of Prof. McLaren has confirmed that the situation in Russia was and is as bad as we had described it.

Yuliya is sorry for the past mistakes and regrets doping and not speaking up sooner. She was made to believe that doping was part of elite athlete training and was the only way to become an international level athlete. As the report released by Professor McLaren, doping was part of the Russian sports culture. We thought that all athletes did it. She has and would like to continue to apologize to clean athletes for her past mistakes. But she hopes that with her actions over the past 3 ½ years she showed that she has changed.

While Yuliya is disappointed that she will not be able to compete in Rio, she remains grateful that the IAAF has declared her eligible to compete as a neutral athlete in other competitions, and she looks forward to resuming her career as an athlete fully committed to clean sport.

Thank you to all the people that believed in us and to all those that supported and still support us.

We are especially touched by the great number of individuals and organisations that support us through the crowdfunding [www.future-stepanov.com](http://www.future-stepanov.com)

Yuliya and Vitaly Stepanov, 25 July 2016