



Activities of the CAS Divisions at the Olympic Games Rio 2016

The Court of Arbitration for Sport (CAS) opened two temporary divisions to resolve legal disputes and doping cases on the site of the Olympic Games Rio 2016, from 26 July 2016 until the closing of the Games on Sunday 21 August 2016. The Presidents and arbitrators for each division were selected by the International Council of Arbitration for Sport (ICAS). The arbitrators retained for the CAS Divisions were all either lawyers, judges or professors specialized in sports law and/or arbitration and independent of the parties who appeared before the CAS. The secretariat in Rio was headed by the CAS Secretary General, Mr Matthieu Reeb, and staffed by CAS employees. In agreement with the Rio de Janeiro Bar Association, pro bono lawyers based in Rio were available to assist Games participants before the CAS Divisions.

The ad hoc Division of the Court of Arbitration for Sport (CAS) at the Olympic Games Rio 2016 was headed by Mr Michael Lenard (USA), President, and Justice Ellen Gracie Northfleet (Brazil), Co-President. It has registered 28 procedures since its opening, setting a new record of cases for an edition of the Olympic Games. However, such exceptional record must take into account the fact that 16 of these 28 procedures were related to the status/eligibility of Russian athletes, following the IOC Executive Board decision of 24 July 2016 in relation to the eligibility of Russian athletes for the Olympic Games Rio 2016.

For the first time in the history of the Olympic Games, the CAS was in charge of doping-related matters arising on the occasion of the Games as a first-instance authority. This new structure, called the CAS Anti-doping Division, handled doping cases referred to it in accordance with the IOC Anti-doping Rules. It had the power to impose provisional suspensions pending the conclusion of the procedure and its final decisions could be appealed before the CAS ad hoc Division in Rio (which did not arise) or before the CAS in Lausanne after the end of the Olympic Games. The Anti-doping Division of CAS, was presided over by Ms Carole Malinvaud (France) and Judge Ivo Eusebio (Switzerland) and registered 8 procedures.

Here is a summary of all cases registered by both CAS Divisions in Rio de Janeiro:

CAS ad hoc Division:

1) TAS JO 16/01 Ilnur Zakarin v. Comité International Olympique (CIO), Comité Olympique Russe (ROC) & Union Cycliste Internationale (UCI): eligibility case; the application was withdrawn and an order on termination was issued. Duration of the procedure: 52h40.

2) CAS OG 16/02 & 03 Vladimir Morozov and Nikita Lobintsev v. International Olympic Committee (IOC) & Fédération Internationale de Natation (FINA): eligibility case; the application was withdrawn; a hearing took place on 31 July 2016 and was adjourned; the IOC eventually determined that these two athletes were eligible to participate in the Rio Games after consultation with FINA and following a favourable recommendation of the neutral CAS expert. Duration of the procedure: 127h10.

3) CAS OG 16/04 Yulia Efimova v. Russian Olympic Committee (ROC), IOC and FINA: eligibility case; the athlete was disqualified from the entry list of the ROC for the Olympic Games; two hearings took place on 1 and 4 August 2016; the application was partially upheld on the limited ground that Point 3 of the IOC EB's decision was unenforceable; all other prayers for relief were rejected. Duration of the procedure: 130h45.

4) CAS OG 16/05 & 07 Mangar Makur Chuot Chep & South Sudan Athletics Federation (SSAF) v. South Sudan National Olympic Committee (SSNOC): eligibility case; the athlete challenged his non-selection for the Rio 2016 Olympic Games; a hearing took place on 3 August 2016; the Panel found that the athlete had not attained qualifying time for the Games in his event and that the SSNOC had acted in accordance with the IAAF Qualification System by choosing another male athlete to represent the country; the application was dismissed. Duration of the procedure: 83h30.

5) CAS OG 16/06 Viktor Lebedev v. Russian Olympic Committee (ROC), International Olympic Committee (IOC) & United World Wrestling (UWW): eligibility case; the athlete was disqualified from the entry list of the ROC for the Olympic Games; before a hearing took place, the IOC eventually determined that, as a result of the decision in CAS OG 16/04, the athlete was eligible to enter the Olympic Games; the application was withdrawn and an order on termination was issued. Duration of the procedure: 150h00.

6) CAS OG 16/08 Jason Morgan v. Jamaica Athletics Administrative Association (JAAA): eligibility case; the athlete challenged his non-selection for the Olympic Games; no hearing was held; the Panel found that the athlete was informed more than 10 days prior to the Opening Ceremony that he had not been selected; the dispute had therefore arisen before the timeframe stipulated in Art. 1 of the CAS ad hoc Rules; the application was found to be inadmissible. Duration of the procedure: 104h15.

7) CAS OG 16/09 Russian Weightlifting Federation (RWF) v. International Weightlifting Federation (IWF): disciplinary case; the RWF appealed against its ban by the IWF from participating in the Olympic Games; a hearing was held on 3 August 2016; the Panel dismissed the application, considering that the IWF could validly sanction a national federation which *“by reason of conduct connected with or associated with doping or anti-doping rule violations, brings the sport of weightlifting into disrepute”*. Duration of the procedure: 51h45.

8) CAS OG 16/10 Andrey Kravtsov v. IOC & International Canoe Federation (ICF): eligibility case; the athlete was disqualified from the entry list of the ROC for the Olympic Games; a hearing was held on 3 August 2016, during which the IOC informed the Panel that the athlete was admitted to compete at the Rio 2016 Olympic Games following a decision of its Review Panel; the application was withdrawn and an order on termination was issued. Duration of the procedure: 79h45.

9) CAS OG 16/11 Daniil Andrienko and 16 other rowers v. World Rowing Federation (FISA) & IOC: eligibility case; the athletes challenged the decision of the FINA Executive Committee to declare them ineligible for the Rio 2016 Olympic Games; a hearing took place on 2 August 2016; the Panel decided to dismiss the application considering that the FISA decision was in accordance with the IOC decision of 24 July 2016 setting forth the criteria for the admission of the Russian athletes. Duration of the procedure: 25h45.

10) CAS OG 16/12 Ivan Balandin v. FISA & IOC: eligibility case; the athlete challenged the decision of the FINA Executive Committee not to include him in the list of rowers declared eligible to compete at the Rio 2016 Olympic Games; a hearing took place on 3 August 2016; the Panel found that the information sought by and provided to FISA with regard to the athlete was sufficient to show that the athlete was “implicated” in the Russian State-controlled doping scheme; the application was dismissed. Duration of the procedure: 50h30.

11) CAS OG 16/13 Anastasia Karabelshikova & Ivan Podshivalov v. FISA & IOC: eligibility case; the athletes were disqualified from the entry list of the ROC for the Olympic Games; a hearing took place on 3 August 2016; the Panel found that Point 3 of the IOC EB's decision was unenforceable; the application was partially upheld on that limited ground but all other prayers for relief were rejected; the Panel eventually determined that the eligibility of the two athletes had to be considered by FISA without delay pursuant to Point 2 of the IOC EB's decision. Duration of the procedure: 27h30.

12) CAS OG 16/14 Karen Pavicic v. Fédération Equestre Internationale (FEI): eligibility case; the athlete alleged that a judge had given artificially high scores to another rider to ensure the latter qualified ahead of her for the Rio 2016 Olympic Games; no hearing was held; the Sole arbitrator found that, as the athlete had not exhausted all the internal legal remedies available to her with the FEI prior to filing her application with the CAS ad hoc Division, the latter had no jurisdiction to entertain the application. Duration of the procedure: 4h15.

13) CAS OG 16/15 Tjipekapora Herunga v. Namibian National Olympic Committee (NNOC): eligibility case; the athlete challenged her non-qualification for the Rio 2016 Olympic Games; no hearing was held; the Sole arbitrator found that the athlete was informed more than 10 days prior to the Opening Ceremony that she had not achieved qualification for the Rio 2016 Olympic Games and that, therefore, the dispute had arisen before the timeframe stipulated in Art. 1 of the CAS ad hoc Rules; the application was found to be inadmissible. Duration of the procedure: 70h20.

14) CAS OG 16/16 Daria Ustinova v. FINA, ROC & IOC: eligibility case; the athlete challenged the decision of the FINA Executive Committee not to include her in the list of swimmers declared eligible to compete at the Rio 2016 Olympic Games; a hearing was to be held on 6 August 2016, but on the same day, the IOC informed the Panel that the athlete was admitted to compete at the Rio 2016 Olympic Games; the application was withdrawn and an order on termination was issued. Duration of the procedure: 97h00.

15) CAS OG 16/17 Tima Turieva and 3 other weightlifters v. International Weightlifting Federation (IWF) & IOC: eligibility case; the athletes challenged the decision of the IWF Executive Board not to include them in the list of weightlifters declared eligible to compete at the Rio 2016 Olympic Games; in view of the award issued in case CAS OG 16/09 RWF v. IWF, the athletes withdrew their application and an order on termination was issued. Duration of the procedure: 29h15.

16) CAS OG 16/18 Kiril Sveshnikov and 2 other riders v. UCI & IOC: eligibility case; the athletes challenged the decision of the IOC Review Panel to declare them ineligible to compete at the Rio 2016 Olympic Games; during the proceedings, the athletes withdrew their action against the IOC; no hearing was held; the Panel found that the IOC had become an interested party; it also held that the athletes lacked standing to sue, as the UCI had not taken any decision that adversely affected their legal position; the matter was deemed inadmissible and the application dismissed in its entirety. Duration of the procedure: 50h45.

17) CAS OG 16/19 Natalia Podolskaya & Alexander Dyachenko v. International Canoe Federation (ICF): eligibility case; the athletes challenged the decision of the ICF to remove them from the list of canoeists declared eligible to compete at the Rio 2016 Olympic Games; a hearing took place on 6 August 2016; the Panel found that the evidence before the ICF and before it entitled to conclude that the athletes had been “implicated” in the Russian State-controlled doping scheme; the application was dismissed. Duration of the procedure: 78h45.

18) CAS OG 16/20 Vanuatu Association of Sports and National Olympic Committee (VANASOC) & Vanuatu Beach Volleyball Association v. Fédération Internationale de Volleyball (FIVB) & Rio 2016 Organizing Committee: eligibility case; the Applicants challenged the FIVB decision allowing the replacement of a doped player in a team and requested that the quota position of this team be reallocated to the Vanuatu team; no hearing took place; the Panel found that the regulations provided discretion on the part of the Rio 2016 Organizing Committee to authorise a replacement on a case-by-case exceptional basis; the application was dismissed. Duration of the procedure: 3h20.

19) CAS OG 16/21 Elena Aniushina & Alexey Korovashkov v. ICF & Russian Canoe Federation (RCF): eligibility case; the athletes challenged the decision of the ICF to remove them from the list of canoeists declared eligible to compete at the Rio 2016 Olympic Games; during the proceedings, the Panel was informed that Elena Aniushina was eligible to compete at the Rio 2016 Olympic Games; the athlete withdrew her application; with regard to Alexey Korovashkov, the Panel found that the athlete had been “implicated” in the Russian State-controlled doping scheme; the application was dismissed. Duration of the procedure: 128h00.

20) CAS OG 16/22 Czech Olympic Committee (COC) & Czech Cycling Federation (CCF) v. UCI: eligibility case; the COC and the CCF challenged the quota allocation of the UCI for road cycling women's events at the Rio 2016 Olympic Games; a hearing was held on 8 August 2016; the Panel found that the parties had been in dispute since 18 July 2016, that is, outside the timeframe stipulated in Art. 1 of the CAS ad hoc Rules; the application was found to be inadmissible and the whole claim dismissed. Duration of the procedure: 66h45.

21) CAS OG 16/23 Ihab Abdelrahman v. Egyptian National Anti-Doping Organization: doping case; the A sample of the athlete was found to contain testosterone; the athlete challenged the decision to provisionally suspend him pending the analysis of his B sample; a hearing took place on 11 August 2016; the Panel found that it had no jurisdiction to determine whether an ADRV had been committed; it also found that the athlete had not established the legal basis for the lifting of the provisional suspension; the application was dismissed. Duration of the procedure: 98h30.

22) CAS OG 16/24 Darya Klishina v. International Association of Athletics Federations (IAAF): eligibility case; the athlete challenged the decision of the IAAF Doping Review Board which revoked its previous decision declaring her exceptionally eligible to compete in international competitions, including the Rio 2016 Olympic Games; a hearing was held on 14 August 2016; the Panel found that the athlete had established that she was subject to fully compliant drug testing in- and out-of-competition outside Russia from 1 January 2014 to date; the application was upheld and the athlete was found to remain eligible to compete in the Rio 2016 Olympic Games. Duration of the procedure: 40h15.

23) CAS OG 16/25 World Anti-Doping Agency (WADA) v. Narsingh Yadav & National Anti-Doping Agency of India: doping case; the WADA challenged the decision of the NADA India to exonerate the athlete following two positive anti-doping tests with methandienone; two hearings were held on 16 and 18 August 2016; the Panel found that there was no evidence that the athlete had been the victim of sabotage, that he bore no fault for the ADRV and that the latter was not intentional; the application

was upheld and the athlete was sanctioned with a standard 4-year period of ineligibility. Duration of the procedure: 125h10.

24) CAS OG 16/26 Carvin Nkanata v. IOC: eligibility case; the athlete was challenging the IOC verbal decision to deny him access to the Olympic Village because he could not produce a Kenyan passport or identity card proving that he was a national of the country of the NOC which had entered him in the Rio 2016 Olympic Games; a hearing was held on 14 August 2016; the Panel found that the athlete was unable to prove that he is a Kenyan national and dismissed his application. Duration of the procedure: 9h00.

25) CAS OG 16/27 Fédération Française de Natation (FFN), Aurélie Muller & Comité National Olympique et Sportif Français (CNOSF) v. FINA: “field of play” case; the applicants challenged the decision of the FINA Jury of Appeal to reject the protest filed by the FFN against the disqualification of the athlete for unsporting act; a hearing was held on 19 August 2016; the Panel found that the “field of play” doctrine did not allow it to review the decision; the application was deemed admissible but was dismissed. Duration of the procedure: 53h00.

26) CAS OG 16/28 Behdad Salimi & National Olympic Committee of the Islamic Republic of Iran (NOCIRI) v. IWF: “field of play” case; the applicants challenged the decision of the IWF Jury overturning a decision of the referees of the clean and jerk weightlifting event (+105 kg) to accept the athlete's 2nd attempt at 245 kg; a hearing was held on 20 August 2016; the CAS Panel in charge of this matter retained jurisdiction but rejected the appeal. It has considered that the dispute was related to a “field-of-play decision” and has confirmed the CAS jurisprudence that CAS Arbitrators do not overturn the decisions made on the playing field by judges, referees, umpires or other officials charged with applying the rules of the game unless there is some evidence that the rule was applied in arbitrarily or in bad faith. Duration of the procedure: 56h00.

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CAS Anti-doping Division:

1) CAS OG AD 16/01 Pavel Sozykine & Russian Yachting Federation (RYF) v. World Sailing (WS) and IOC: eligibility case; a hearing was held on 6 August 2016; the ADD Panel found that it had no jurisdiction as the matter did not relate to an AAF arising during the period of the Rio 2016 Olympic Games. Duration of the procedure: 291h15.

2) CAS OG AD 16/02 IOC v. Tomasz Zielinski: doping case (nandrolone); weightlifting 94kg; a provisional suspension was imposed by the CAS ADD; no hearing was held; the ADD Panel confirmed the AAF; the athlete was declared ineligible to compete in and was excluded from the Rio 2016 Olympic Games; his accreditation was withdrawn and the responsibility for the athlete's results management in terms of sanction beyond the Rio 2016 Olympic Games was referred to the IWF. Duration of the procedure: 118h50.

3) CAS OG AD 16/03 IOC v. Kleber Da Silva Ramos: doping case (EPO CERA); cycling road race; the athlete accepted a provisional suspension on a voluntary basis and did not request a hearing; the ADD Panel confirmed the AAF; all results attained by the athlete in the Rio 2016 Olympic Games were disqualified with all consequences including forfeiture of all medals, points and prizes; the athlete was

excluded from the Rio 2016 Olympic Games; his accreditation was withdrawn and the responsibility for the athlete's results management in terms of sanction beyond the Rio 2016 Olympic Games was referred to the UCI. Duration of the procedure: 222h30.

4) CAS OG AD 16/04 IOC v. Silvia Danekova: doping case (EPO CERA); athletics 3000m steeple; the athlete was provisionally suspended; no hearing was held; the ADD Panel confirmed the AAF; the athlete was declared ineligible to compete in and was excluded from the Rio 2016 Olympic Games; her accreditation was withdrawn and the responsibility for the athlete's results management in terms of sanction beyond the Rio 2016 Olympic Games was referred to the IAAF. Duration of the procedure: 74h10.

5) CAS OG AD 16/05 IOC v. Xinyi Chen: doping case (hydrochlorothiazide); swimming, 100m butterfly; a hearing on provisional suspension was held on 11 August 2016; the athlete accepted a provisional suspension on a voluntary basis; a second hearing on the merits was held on 17 August 2016; the ADD Panel confirmed the AAF; all results attained by the athlete in the Rio 2016 Olympic Games were disqualified with all consequences including forfeiture of all medals, points and prizes; the athlete was excluded from the Rio 2016 Olympic Games; the responsibility for the athlete's results management in terms of sanction beyond the Rio 2016 Olympic Games was referred to the FINA. Duration of the procedure: 171h30.

6) CAS OG AD 16/06 IOC v. Kleber Da Silva Ramos: doping case (EPO CERA); cycling road race; the procedure was suspended pending the results of the procedure CAS OG AD 16/03; the ADD Panel confirmed the second AAF; since the athlete had already been excluded from the Olympic Games, the Panel only determined that the responsibility for the athlete's results management in terms of sanction beyond the Rio 2016 Olympic Games was referred to the UCI. Duration of the procedure: 215h00.

7) CAS OG AD 16/07 IOC v. Izzat Artykov: doping case (strychnine); weightlifting 69kg; the ADD Panel confirmed the AAF; all results attained by the athlete in the Rio 2016 Olympic Games (3rd rank, bronze medal) were disqualified with all consequences including forfeiture of all medals, points and prizes; the athlete was excluded from the Rio 2016 Olympic Games; his accreditation was withdrawn and the responsibility for the athlete's results management in terms of sanction beyond the Rio 2016 Olympic Games was referred to the IWF; the amendment of the official ranking of the men's 69kg weightlifting competition and the reallocation of the bronze medal was referred to the IWF and the IOC. Duration of the procedure: 137h15.

8) CAS OG AD 16/08 IOC v. Chagnaadorj Usukhbayar: doping case (testosterone); weightlifting 56kg; the ADD Panel confirmed the AAF; all results attained by the athlete in the Rio 2016 Olympic Games were disqualified with all consequences including forfeiture of all medals, points and prizes; the athlete was excluded from the Rio 2016 Olympic Games; his accreditation was withdrawn and the responsibility for the athlete's results management in terms of sanction beyond the Rio 2016 Olympic Games was referred to the IWF. Duration of the procedure: 43h00.