



## MEDIA RELEASE

### OLYMPIC WINTER GAMES BEIJING 2022 (8)

#### THE CAS AD HOC DIVISION DECLINES TO IMPOSE A PROVISIONAL SUSPENSION ON THE RUSSIAN FIGURE SKATER KAMILA VALIEVA

*Beijing, 14 February 2022* – The Ad Hoc Division of the Court of Arbitration for Sport (CAS) has issued its decision in the arbitration procedures relating to the Russian figure skater Kamila Valieva (the Athlete): the applications filed by the International Olympic Committee (IOC), the World Anti-Doping Agency (WADA) and the International Skating Union (ISU) have been dismissed.

The three Applicants had challenged the decision issued by the RUSADA Disciplinary Anti-Doping Committee on 9 February 2022 (the Challenged Decision) in which the provisional suspension imposed on Kamila Valieva following the detection of the banned substance trimetazidine in a sample provided by her was lifted, allowing her to continue her participation in the Olympic Winter Games Beijing 2022.

The applications were received at the CAS Ad Hoc Division in Beijing on Friday, 11 February 2022, and on Saturday, 12 February 2022 (Beijing time).

The three procedures:

CAS OG 22/08 International Olympic Committee (IOC) v. Russian Anti-Doping Agency (RUSADA)  
CAS OG 22/09 World Anti-Doping Agency (WADA) v. Russian Anti-Doping Agency (RUSADA)  
and Kamila Valieva

CAS OG 22/10 International Skating Union (ISU) v. Russian Anti-Doping Agency (RUSADA),  
Kamila Valieva and Russian Olympic Committee (ROC)

were handled together and were referred to the same panel of arbitrators:

President: Mr Fabio Iudica, Italy  
Arbitrators: Mr Jeffrey Benz, United States of America  
Dr Vesna Bergant Rakočević, Slovenia

A hearing was conducted by video-conference from the temporary CAS offices in Beijing, from 8:34pm on 13 February 2022 to 2:10am on 14 February 2022.

The CAS Panel has given the following reasons for its decision:

- 1) It has affirmed the jurisdiction of the CAS Ad Hoc Division in this matter and has overruled the preliminary objections raised by the Athlete and the ROC in this regard;



- 2) On the basis of the very limited facts of this case, and after consideration of the relevant legal issues, it has determined that no provisional suspension should be imposed on the Athlete due to the following exceptional circumstances:
  - a) The Athlete is a “Protected Person” under the World Anti-Doping Code (WADC);
  - b) The RUSADA Anti-Doping Rules and the WADC are silent with respect to provisional suspension imposed on protected persons, while these rules have specific provisions for different standards of evidence and for lower sanctions in the case of protected persons;
  - c) The Panel considered fundamental principles of fairness, proportionality, irreparable harm, and the relative balance of interests as between the Applicants and the Athlete, who did not test positive during the Olympic Games in Beijing and is still subject to a disciplinary procedure on the merits following the positive anti-doping test undertaken in December 2021; in particular, the Panel considered that preventing the Athlete from competing at the Olympic Games would cause her irreparable harm in these circumstances;
  - d) The CAS Panel also emphasized that there were serious issues of untimely notification of the results of the Athlete’s anti-doping test that was performed in December 2021 which impinged upon the Athlete’s ability to establish certain legal requirements for her benefit, while such late notification was not her fault, in the middle of the Olympic Winter Games Beijing 2022.
  
- 3) In conclusion, the Panel determined that permitting the provisional suspension to remain lifted was appropriate.

The CAS Ad hoc Division was requested to determine the narrow issue as to whether a provisional suspension should be imposed on the athlete. It was not requested to rule on the merits of this case, nor to examine the legal consequences relating to the results of the team event in figure skating, as such issues will be examined in other proceedings.