

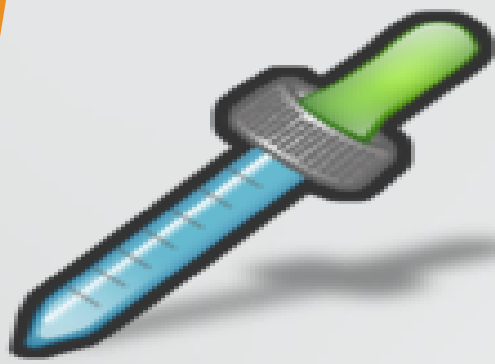


22nd Congress of the International Association of Sports Law (IASL)
November 17-19, 2016
Sochi, Russia

**WHAT LESSONS SHOULD WE LEARN
FROM THE RECENT DOPING SCANDAL?**

**ΠΟΙΑ ΜΑΘΗΜΑΤΑ ΜΑΣ ΔΙΔΑΣΚΕΙ ΤΟ
ΤΕΛΕΥΤΑΙΟ ΝΤΟΠΙΝΓΚ ΣΚΑΝΔΑΛΟ;**

Sergey A. Yurlov
Lawyer, Member of the IASL, Member of the NAOSL
Moscow, Russia



INTRODUCTION

- The recent doping scandal involving Russian high-level athletes has plunged modern sport into crisis.
- Certain international sports governing bodies (“**ISGB**”) have taken many decisions **obliging clean athletes to pay for wrongdoings of others** (for instance, *CAS Ad hoc Division – Games of the XXXI Olympiad in Rio de Janeiro CAS OG 16/09 Russian Weightlifting Federation v. International Weightlifting Federation, August 5, 2016*; *CAS Ad hoc Division – Games of the XXXI Olympiad in Rio de Janeiro CAS OG 16/13 Anastasia Karabelshikova and Ivan Podshivalov v. World Rowing Federation and International Olympic Committee, Russian Rowing Federation, Russian Olympic Committee, August 4, 2016*).
- Sports disputes resolution bodies (“**SDRB**”) sometimes do not apply basic principles of law (i.e. presumption of innocence).

LESSON NO.1:

CERTAIN SPORTS DISPUTES RESOLUTION BODIES DO NOT APPLY AND TURN BASIC PRINCIPLES OF LAW INSIDE OUT

Case CAS the Russian Olympic Committee, 68 Russian track & field athletes v. the International Association of Athletics Federations:

- SDRBs subjected athletes to liability for actions committed by others;
- In the absence of sufficient evidence SDRBs take decisions based on allegations which are yet to be verified;
- Athletes are presumed guilty unless they can prove they are innocent.

LESSON NO.1: POTENTIAL SOLUTION



SDRBs' codes and statutory acts **should contain the following provision:**

"In resolving sports related disputes ... should apply basic principles of law prescribed by international treaties and national legislation that take precedence over ISGBs' internal statutory acts. "

LESSON NO.2:

ALTHOUGH THE OLYMPIC CHARTER STIPULATES THAT PRACTICING A SPORT IS A HUMAN RIGHT, ATHLETES ARE PROHIBITED FROM FILING ENTRY FORMS ON THEIR OWN



Sanctioning (disqualification, suspension etc.) a national sports federation, an ISGB automatically deprives compliant (clean) athletes of their rights prescribed by the Olympic Charter. Therefore they become ***"slaves of a flawed sports system"***.

LESSON NO.2: POTENTIAL SOLUTION

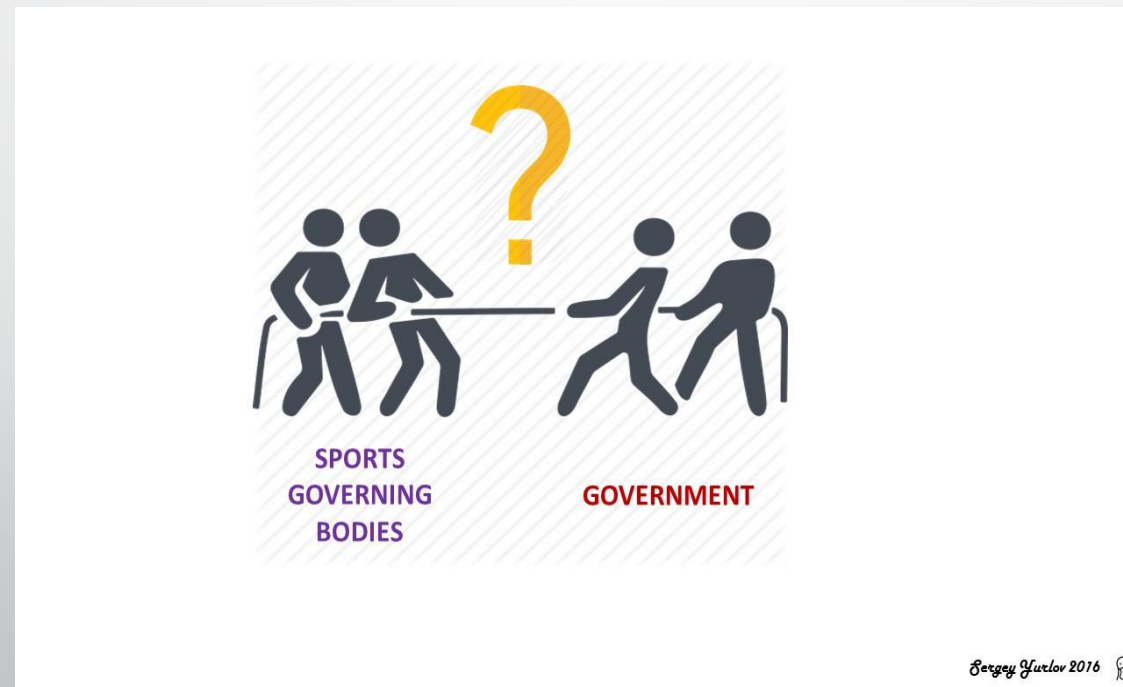


LESSON NO.2: POTENTIAL SOLUTION - 2



LESSON NO.3:

THE INTERNATIONAL OLYMPIC COMMITTEE SHOULD DRAW THE LINE BETWEEN INTERNAL REGULATIONS AND THE RULE OF LAW



LESSON NO.3: POTENTIAL SOLUTION

The International Olympic Committee should **restrict the autonomy** of ISGBs.



ANY QUESTIONS???

tommii125@Yandex.ru