

Ponkin I.V., Redkina A.I. Critical Analysis of R. McLaren's Second Report dated 09.12.2016 «WADA Investigation of Sochi Allegations»

Introduction

The subject of this Critical Analysis is the content of the Second Report «WADA Investigation of Sochi allegations» dated December 9, 2016, prepared by Richard H. McLaren, referred to as «Independent person» (IP), at the request of the World Anti-Doping Agency (hereinafter – WADA) and submitted to the President of WADA (hereinafter – Second Report, R. McLaren's Second Report)¹.

The goal of this critical analysis is to evaluate legal and factual validity of the above R. McLaren's Second Report, legal possibility and justification for using this Report as the grounds (ex post facto) to ban the Russian Paralympics team from competing at the Rio 2016 Paralympics and a number of the Russian athletes from competing at the 2016 Rio de Janeiro Olympics, as the ground and reason of other current or future restrictive and repressive measures in respect of the Russian athletes, sports organizations, and national teams.

The present critical analysis was carried out with the use of the original text of the above Report, as well as its translation into the Russian language available to the authors of this work. Page numbering in respect of the quotations provided is accomplished as consistent with the original document in the English language.

The analysis of R. McLaren's Second Report revealed its multiple significant drawbacks similar to those found earlier in the first R. McLaren's Report, i.e. «WADA Investigation of Sochi Allegations» dated 16.07.2016, which, as we proved², was based on the information not subject to validation and authentication by any objective means by R. McLaren, did not contain any direct unmistakable proof and evidence of the conclusions made by R. McLaren, had plenty of discrepancies and guesswork,

¹ WADA Statement regarding conclusion of McLaren Investigation // <<https://www.wada-ama.org/en/media/news/2016-12/wada-statement-regarding-conclusion-of-mclaren-investigation>>; <<https://www.wada-ama.org/en/resources/doping-control-process/mclaren-independent-investigation-report-part-ii>>; <https://www.wada-ama.org/sites/default/files/resources/files/mclaren_report_part_ii_2.pdf>. Record date – 15.12.2016.

² Ponkin I.V., Grebennikov V.V., Kouznetsov M.N., Slobodtchikov V.I., Bogatyrev A.G., Botnev V.K., Redkina A.I. Juridical analysis of the WADA reports against the Russian sports in 2015–2016 / Analyse juridique des rapports de l'AMA contre le sport russe en 2015–2016. – Moscow: Consortium of specialists in Sports Law, 2016. – 230 p.

<http://moscou-ecole.ru/wp-content/uploads/2016/12/Book2016.pdf>

Ponkin I.V., Grebennikov V.V., Kouznetsov M.N., Botnev V.K. Falsified reports: Juridical analysis of the WADA reports in 2015–2016 about Russian sport. – Moscow: Consortium of Sports Law Professionals, 2016. – 66 p.

implemented a number of manipulative techniques, contained multiple arbitrarily speculative and false statements.

Similarly to the first R. McLaren's Report, it is reasonable to consider his Second Report dated December 9, 2016, unsubstantiated and falsified in its greater part. In what follows, we will provide exhaustive substantiation of this evaluation.

Main part (The body of the Critical Analysis)

1. Analysis of the Main Provisions (Key Statements) of R. McLaren's Second Report

In section «Key Highlights of the 2nd Report» describing the main provisions and conclusions of the Report, it is immediately (in the first paragraph) claimed that an institutional («within an organized infrastructure») large-scale criminal conspiracy existed across a number of government authorities of the Russian Federation (the Ministry of Sport, the FSB) for the purposes of encouraging gross doping misconducts and concealment of these misconducts:

«Institutionalised Doping Conspiracy and Cover Up. An institutional conspiracy existed across summer and winter sports athletes who participated with Russian officials within the Ministry of Sport and its infrastructure, such as the RUSADA, CSP and the Moscow Laboratory, along with the FSB for the purposes of manipulating doping controls. The summer and winter sports athletes were not acting individually but within an organised infrastructure as reported on in the 1st Report» (p. 1).

At the same time, it is claimed that these activities were **systematic and centralized** (i.e. controlled by one single center) and were refined over the course of their use: *«This systematic and centralised cover up and manipulation of the doping control process evolved and was refined over the course of its use at London 2012 Summer Games, Universiade Games 2013, Moscow IAAF World Championships 2013, and the Winter Games in Sochi in 2014»* (p. 1).

The above statements of the Second Report, as its analysis shows, actually pervade its entire contents, express the general concept and main conclusion of the Second Report, which R. McLaren tries to justify – in particular, an allegation that there exists a Russian government system (with participation of the officials) of illegal mass distribution among athletes and mass use of prohibited doping substances by Russian athletes, and a large-scale falsification of doping tests to cover up these facts.

The assumptions, reasons, and arguments are selected by R. McLaren to fit this general concept and all the circumstances described in the Report are interpreted

according to it. At the same time, the main conclusion is provided in various ways, for example:

«There was a program of doping and doping cover up in Russia, which may have been engaged in to enhance the image of Russia through sport. That doping manipulation and cover up of doping control processes was institutionalised through government officials in the MofS, RUSADA, CSP, the Moscow Laboratory and FSB, as well as sport officials and coaches... Together, all of these parties were implicated parts amounting to a conspiracy with a common goal – to use doping products, and then cover up their use. As has been fully described in this Report, each party had a role to play in the conspiracy» (p. 46–47).

«The IP has established that between 2011 and 2015 there was an institutionalised manipulation and cover up of the doping control process in Russia. The conspiracy and cover up involved Russian athletes in virtually all of the Olympic sports» (p. 35).

«The cover up and manipulation of doping control processes involved officials in the MofS, CSP, and FSB as well as other sport officials and coaches. Also included were both RUSADA and the Moscow Laboratory» (p. 34).

«By 2011 work had begun on what became the conspiracy in doping in Russian sport. The rudiments of what would become the well-oiled systemic cheating scheme to enable Russian athletes to compete while doping was being put in place» (p. 21).

«That manipulation came in various forms and was carried out by different parts of the sports infrastructure within Russia» (p. 18).

«...from 2012, the MofS was working to discipline athletes into taking the “cocktail”» (p. 63).

«country’s sports infrastructure, including the Ministry of Sport (“MofS”), the All-Russia Athletic Federation (“ARAF”), the Russian Anti-Doping Agency (“RUSADA”), the Federal Security Service (“FSB”), the Center of Sports Preparation of National Teams of Russia (“CSP”), the Moscow Laboratory and coaches were engaged in the development of a doping conspiracy» (p. 80).

«The cover up and manipulation of doping control processes involved officials in the Ministry of Sport (“MofS”), CSP, and Federal Security Service (“FSB”) as well as other sport officials and coaches» (p. 20–21).

Based on such statements (in fact, guesswork and assumptions made by R. McLaren), the following conclusion is made without any convincing and sufficient proof: **«4.8. Summary of Findings. The Russian Olympic team corrupted the London Games 2012 on an unprecedented scale, the extent of which will probably never be fully established. This corruption involved the ongoing use of prohibited substances,**

*manipulation of samples and false reporting into ADAMS. These activities were supported by senior Russian officials, including the Minister and Deputy Minister of Sport, senior and national team coaches, RUSADA, the CSP and the Moscow Laboratory. The preparation for the Games together with the WADA actions that occurred soon thereafter provided **instructive lessons** on how the doping cover up and manipulation required adjusting. **The desire to win medals superseded their collective moral and ethical compass and Olympic values of fair play**» (p. 77–78).*

In R. McLaren's Second Report it is also claimed that:

«Through the efforts of the MofS and Dr. Rodchenkov, the DPM was developed as a final failsafe mechanism, vastly improving upon the “in the field” practices and overall reducing the likelihood of doped athletes getting caught» (p. 51).

*«Throughout this period, **other new doping cover up methods were being developed by the primary participants the MofS, RUSADA, the Center of Sports Preparation of National Teams of Russia (“CSP”), the Federal Security Service (“FSB”), and the Moscow Laboratory which collectively form the coterie of conspirators in Russian doping manipulation and cover up scheme.** These processes and procedures are the subject of discussion in the chapters that follow. All of these developments were leading towards the penultimate scheme to cheat at the Sochi Games» (p. 52).*

*«The foundation of what ultimately would **become the well-oiled systemic cheating to enable Russian athletes to compete while doping** was being formulated and evolving following the introduction of the DPM. What follows in subsequent chapters is the discussions of the other moving parts of this picture that demonstrate the conspiracy of doping in Russian sport» (p. 59).*

«Ministry of Sport (“MofS”) to realise that the decentralised doping model operating “in the field” was under stress and vulnerable to detection. New developments in anti-doping detection and reporting were derailing the old doping model and, without the understanding of how the science was catching up, coaches were putting Russian athletes at risk of being caught. It became increasingly evident to the MofS that current methods of doping had to change. Control over doping had to become centralised and, from 2012, the MofS was working to discipline athletes into taking the “cocktail” of steroids trenbolone, oxandrolone and methenalone developed by Dr. Rodchenkov and distributed by others» (p. 62–63).

«MofS was trying to harmonise its doping regime and test the use of the Dr. Rodchenkov's “cocktail” ...» (p. 64).

However, no relevant verifiable proof that such system and arrangements exist, and that the persons identified by R. McLaren take part in them, is provided in the Second Report, nor even a minimum clear description of this system claimed to exist in

this Report is given. The sequence of the events described on pages 16–17 of R. McLaren's Second Report is mostly a simple citation of unrelated events.

The content analysis of R. McLaren's Second Report shows that the Ministry of Sport of the Russian Federation («Ministry of Sport», «MofS») is mentioned in R. McLaren's Second Report **54 times** (p. V, 1, 7, 15, 20, 22, 30, 34, 38, 42 – twice, 47, 49 – twice, 51, 52, 53 – twice, 57, 62, 63 – thrice, 64, 66, 70 – twice, 71, 80, 81, 82, 83 – thrice, 86 – thrice, 91, 92, 94, 95 – thrice, 96 – twice, 109, 110, 111, 115 – twice, 118 – twice, 119 – twice), **52 times** out of them in the negative sense (p. 1, 7, 20, 22, 30, 34, 38, 42 – twice, 47, 49 – twice, 51, 52, 53 – twice, 57, 62, 63 – thrice, 64, 66, 70 – twice, 71, 80, 81, 82, 83 – thrice, 86 – thrice, 91, 92, 94, 95 – thrice, 96 – twice, 109, 110, 111, 115 – twice, 118 – twice, 119 – twice). The Deputy Prime Minister of the Russian Federation, Vitaly Mutko, (former Minister of Sport of the Russian Federation) is mentioned in R. McLaren's Second Report **8 times** (p. 15 – twice, 50, 63, 74, 75, 78, 84), **6 times** out of them in the negative sense (p. 50, 63, 74, 75, 78, 84).

Almost the entire scope of the references to the sources of information unfoundedly positioned as «evidence» in the Second Report in respect of the statements relating to the Russian government authorities' involvement in illegal mass distribution among athletes of prohibited doping substances among athletes, encouraging mass use of prohibited doping substances by athletes in Russia, and large-scale falsification of doping tests to conceal such facts is reduced to references to:

– unfounded and, with a high degree of probability, falsified statements and documents of G. Rodchenkov, even though in Final Report № 1 dated 09.11.2015 drawn up by the commission of R. Pound, R. McLaren and others³, G. Rodchenkov was recognized and called (it is useful to highlight in this regard that he was recognized and called by the Report's authors including R. McLaren himself): 1) «*an aider and abettor of the doping activities*» (p. 12, 116, 278 of the Pound and McLaren Report), 2) «*integral part of the conspiracy... in order to cover up positive doping test results*» (p. 15, 213, 280 of the Pound and McLaren Report), 3) «*at the heart of the positive drug test cover-up is Dir. Rodchenkov*» (p. 13, 202, 279 of the Pound and McLaren Report), 4) a corrupt person – «*The IC further finds that at the heart of the positive drug test cover-up is Dir. Rodchenkov. He not only accepted, but also requested money in order to execute the concealment positive test results*» (p. 13, 202, 279, 200–201 of the Pound and McLaren Report), 5) «a liar» (p. 13, 204, 279 of the Pound and McLaren Report); and now G. Rodchenkov's statements become the reason for conducting some alleged laboratory tests;

³ The Independent commission Final Report № 1, November 9, 2015 // <https://wada-main-prod.s3.amazonaws.com/resources/files/wada_independent_commission_report_1_en.pdf>.

– equally unsubstantiated and falsified (as the analyzed Second Report) earlier provided R. McLaren's Report dated 16.07.2016 «WADA Investigation of Sochi allegations» based on the same unfounded and falsified G. Rodchenkov's statements and documents;

– abstract comments of a few other people, which do not convincingly and specifically confirm anything (as told by R. McLaren).

In fact, all the reasoning of the above statements is reduced (presumably, because of lack of any evidence) to the following: «*There existed a carefully orchestrated conspiracy, which included the complicity of Russian sports officials within the MofS, CSP, Moscow based Sochi Laboratory personnel, RUSADA, the Russian Olympic Organising Committee, athletes, and the FSB. While it will never be possible to establish the exact number of individuals involved or their specific roles, the sum of all their collective group efforts undoubtedly denied other competitors a level playing field which would generate an equal opportunity for a fair chance to win medals at Sochi*» (p. 95).

Therefore, actually, all the reasons provided by R. McLaren to justify his allegations that institutional large-scale criminal conspiracy exists across a number of government authorities of the Russian Federation (the Ministry of Sport, the FSB) for the purposes of encouraging systematic gross doping misconducts, that there exists a Russian government system (with participation of the officials) of illegal mass distribution among athletes and mass use of prohibited doping substances by Russian athletes, and a large-scale falsification of doping tests to cover up these facts are non-referential abstractions, false allegations, and/or outright speculations. No relevant and verifiable evidence of these speculations and outright lies is given in R. McLaren's Second Report whatsoever.

2. Unsound decision of the World Anti-Doping Agency to choose (appoint) R. McLaren as the person designated to conduct the «investigation»

This unsoundness makes oneself evident, first of all, in the fact that R. McLaren systematically and cynically lies. He lied multiple times in his first Report and does the same in the Second Report. R. McLaren's cynical disregard of the fact that, as the saying goes, he is being caught «red-handed» at manipulations and false allegations does not dismantle the problem, but only adds to it; the heart and reasons for this problem being utmost imperfection of the entire international system of countermeasures against doping use in sport.

The most vivid example of the false allegations is that in his Second Report R. McLaren claims: «*The fundamentals of what was described in the 1st Report have*

neither been the subject of criticism nor contested by anyone engaging in a careful and full reading of that report. *The world's media, including the Russian media, the various federations and organisations involved, and the Ad Hoc division of the Court of Arbitration for Sport ("CAS") at the Rio Olympic Games, have not disputed the essential findings or merits of the 1st Report*»] (p. 7–8); «No party has come forward to deny the description of the DPM contained in the 1st Report» (p. 52).

The foregoing statement made by R. McLaren is a blatant lie, considering the actually very significant volume of the critical documents in respect of the first R. McLaren's report released both in Russia⁴, and abroad (for example, a number of articles by an American lawyer Ron Katz⁵).

The fact that R. McLaren lies claiming a complete lack of criticism of the key conclusions and arguments of his first Report (or that he is not aware of such criticism), is confirmed by a number of stylistic peculiarities and fragments of his Second Report, expressly differentiating this Report from the first R. McLaren's Report (these significant content-related issues were missing in the first report, wherefore it was subject to fair criticism, which R. McLaren has allegedly not seen or read). These peculiarities and differences of the Second Report include:

– attempts to explain why G. Rodchenkov can be taken at his word (p. 12) (in fact, absolutely ridiculous and unconvincing attempts);

– attempts to give something as evidence i.e. on the website <<https://www.ipevidencedisclosurepackage.net>> containing and representing a base of the «evidence», to which R. McLaren refers in his Second Report (in fact, in the vast majority of the cases these are pretence and counterfeit products of evidence);

– attempts to somehow substantiate and justify his actions and statements, as well as inappropriate in terms of quality and fair practices Second Report as a whole by providing references to WADA's regulatory documents (p. 36 etc.)⁶.

⁴ See, for example: *Ponkin I.V., Grebennikov V.V., Kouznetsov M.N., Slobodtchikov V.I., Bogatyrev A.G., Botnev V.K., Redkina A.I.* Juridical analysis of the WADA reports against the Russian sports in 2015–2016 / Analyse juridique des rapports de l'AMA contre le sport russe en 2015–2016. – Moscow: Consortium of specialists in Sports Law, 2016. – 230 p.

<http://moscou-ecole.ru/wp-content/uploads/2016/12/Book2016.pdf>

Also refer to a number of publications and interviews by A.N. Peskov at <<http://rueconomics.ru>>.

⁵ See, for example: *Katz R.* Russia's Paralympics ban based on report unworthy of paper it's printed on – sports lawyer // <<https://www.rt.com/shows/sophieco/358758-russian-paralympics-ban-scandal/>>. – 09.IX.2016. *Katz R.* WADA Is «Broken» And Should Be Replaced // <<http://www.forbes.com/sites/rkatz/2016/09/13/wada-is-broken-and-should-be-replaced/#2212ad7420f2>>. – 13.IX.2016.

⁶ Actually, R. McLaren's Second Report dated 09.12.2016 **grossly violated** Clause 2 of Article 4 of the World Anti-Doping Agency Statute as of 2016 (as well as this document's version as of 2014), according to which one of the purposes of WADA is «to reinforce at international level ethical principles for the practice of doping-free sport», Clause 8 of Article 6 of the World Anti-Doping

In addition, it should be noted that there are solid grounds to doubt whether it was reasonable and legal to recognize R. McLaren, in WADA's documents terminology, «an independent person» (he systematically uses this term in respect of himself in the first and second reports) and grant him the relevant status, as well as to doubt whether it was reasonable and legal to recognize independence, impartiality, objectiveness of the activities of the «investigative team» actually headed by him (the involvement of a great number of other persons in the reports is pointed out many times both in the First and Second Reports), due to the fact that R. McLaren had participated in the work of the so-called “Independent commission” headed by Richard Pound, former President of the World Anti-Doping Agency. Therefore, a clear long-time relation between R. McLaren and WADA is observed in the period prior to drawing up the analyzed Second Report.

The reports by R. Pound's commission dated 09.11.2015 and 14.01.2016 were characterized by multiple critical drawbacks associated with lack of adequate validity and objectivity of their claims (including due to applying manipulation techniques). These reports were based on speculations, misrepresentations, and information which, judging by the contents of the reports, had not been objectively checked and validated, did not contain any sufficient direct relevant evidence of the main conclusions made in the reports. Consequently, it is reasonable to consider these reports as lacking objectivity, partial, unsubstantiated, and falsified in a substantial part. Therefore, R. McLaren's participation in preparing the two above reports by R. Pound's commission means that it is unreasonable to regard R. McLaren an independent and impartial person.

In addition, R. McLaren had been an arbitrator of the Court of Arbitration for Sport (Lausanne, Switzerland) for many years (this is mentioned in the first Report). In particular, he had been a member of the ad hoc Chambers of the Olympic Games Court of Arbitration for Sport repeatedly since 1998⁷. This means that he cannot (could not) act as an impartial investigator and expert, because, in actual fact, there was a conflict of interest in this case: R. McLaren is a person conducting the investigation, and at the

Agency Statute as of 2016 (as well as this document's version as of 2014), establishing the responsibility of members (of any level) and the World Anti-Doping Agency's representatives to «*respect the fundamental principles of ethics, in particular those with regard to independence, dignity, integrity and impartiality*», Clause 19.4 “Research procedure” of the 2015 World Anti-Doping Code, specifying that «*anti-doping research shall comply with internationally recognized ethical practices*», Clause 12.3.3 of the 2015 International Testing and Investigation Standard (which, according to the first paragraph of Article 1 of this document, is an integral part of the World Anti-Doping Code and is a mandatory International standard developed as part of the World Anti-Doping Program), setting the requirements of *fairness, objectiveness, and impartiality* when conducting investigations.

⁷ Prof. Richard H. McLaren (1945) / CAS // <<http://www.tas-cas.org/en/arbitration/list-of-arbitrators-general-list.html?GenSlct=2&AbrSlct=3&MedSlct=4&nmIpt=McLaren>>.

same time, he is one of the representatives of the sports arbitration (judicial) community (former representative who has not lost his connection with this community).

Moreover, an undisputed critical formal drawback of R. McLaren's Second Report, making the entire Report formally unfounded and defective, is involving an uncertain number of third parties in drawing up this document, without any guarantees of their impartiality, independence, appropriate qualification, and liability in case of possible falsification of the evidence they reveal. From the analyzed R. McLaren's Second Report and WADA's information about the procedure of its preparation, it is reasonable to believe that there are no grounds to consider all the persons involved in drawing up the report «independent» in procedural meaning of this term as a guarantee of objective investigation. Considering that R. McLaren himself was vested or actually unlawfully usurped a number of absolutely illegal powers on conducting the investigation⁸, the legal evaluation of this whole situation indicates significant drawbacks in the “investigation” procedure arrangement and drawing up R. McLaren's Second Report based on its results, as well as fundamental defects in the arrangement of WADA activities on anti-doping investigations in general. Therefore, presuming R. McLaren and the persons called in the Second Report as «investigation» participants, as «independent persons» does not have any compelling reasons. Consequently, a breach of the independence and fairness principle in R. McLaren's «investigation» shall be acknowledged.

3. Evaluation of the evidence provided or specified in R. McLaren's Second Report

R. McLaren's Second Report contains a number of strong statements aiming to make an impression of the alleged objectivity of R. McLaren's «investigations» and acceptability, validity of the methods he uses:

«The forensic testing, which is based on immutable facts, is conclusive. The evidence does not depend on verbal testimony to draw a conclusion. Rather, it tests the physical evidence and a conclusion is drawn from those results» (p. 2); *«The evidence reviewed up to the time of the 1st Report established, beyond a reasonable doubt the conclusion that a systematic cover up and manipulation of the doping control process was going on in Russia and at the Sochi Games»* (p. 7); *«The immutable forensic and scientific facts support and corroborate the interviews of Dr. Rodchenkov by the IP...*

⁸ Ponkin I.V., Grebennikov V.V., Kouznetsov M.N., Slobodtchikov V.I., Bogatyrev A.G., Botnev V.K., Redkina A.I. Juridical analysis of the WADA reports against the Russian sports in 2015–2016 / Analyse juridique des rapports de l'AMA contre le sport russe en 2015–2016. – Moscow: Consortium of specialists in Sports Law, 2016. – 230 p.

<http://moscou-ecole.ru/wp-content/uploads/2016/12/Book2016.pdf>

*The coupling of the **immutable facts** and this incentive» (p. 12); «While the narrative of how all these pieces fit together seems like fiction, the forensic testing, **which is based on immutable facts, is conclusive»** (p. 103).*

However, despite these R. McLaren's indoctrinations, the Second Report is just as proofless, with plenty of deliberately misleading statements, assumptions, manipulations, and outright counterfeits as his first report.

The following fragments of the Second Report are extremely telling, meaning that R. McLaren himself is unable to understand just how absurd many of his statements sound: «*What was required is that the IP identify **athletes who might have benefited from manipulations of the doping control process to conceal positive doping tests. Accordingly the IP has not assessed the sufficiency of the evidence to prove an ADRV by any individual athlete»*** (p. 18).

That is, in this piece R. McLaren gives away that, as he had been required to do (by WADA), he found out and proved only the possibility of committing doping misconducts, not the fact that these misconducts actually took place.

A similar statement (also without any reasonable motivation and relevant explanation) is found on page 35.

It is evident that R. McLaren's total disregard of the imperatives of strict line of argument and good reason behind the judgments does not allow considering his Second Report objective in the first place.

3.1. Microscratches on the sample bottles

One of the main «pieces of evidence» of R. McLaren's Second Report (just as the first one) is claimed to be microscratches on doping test sample bottles. The scratches are discussed on multiple pages of R. McLaren's Second Report (p. 3, 11–12, 14, 19–20, 26 and many more).

Thus, R. McLaren states: «*Twelve medal winning athletes (including the above 3) from 44 examined samples had scratches and marks on the inside of the caps of their **B sample bottles, indicating tampering»*** (p. 3); «*Their urine bottles showed evidence of scratches and marks indicating tampering»* (p. 19); «*Their urine bottles showed evidence of scratches and marks indicating tampering»* (p. 32); «*There are scratches and marks evidence on 25 of the B sample bottles. The remaining sample bottle was identified as not requiring to be opened because the laboratory analysis was only arguably positive»* (p. 33).

R. McLaren's Second Report does not give any answer to a quite logical and expected question about what gives the reason to believe that the presence of the

scratches and marks on the sample bottles necessarily means that they had been swapped or tampered with, not anything else.

For example, it can be stated with equal credibility that these scratches could be the result of R. McLaren's (or any of the third persons involved by him) manipulations with these sample bottles. This critical analysis has revealed the cases of R. McLaren's deliberate lies, which allows assuming that he could have lied in this case as well.

Moreover, R. McLaren contradicts himself stating in another part of his Second Report that «*The Winter Olympics in Sochi debuted the ultimate fail-safe mechanism in the Russian's sample swapping progression*» (p. 27). If this is «*the ultimate fail-safe mechanism*», where do the scratches come from?

R. McLaren persistently claims that FSB «magicians» (p. 30, 109, 117, 119, 120, 124) secretly removed the caps from the doping test sample bottles in some clever way, but he never said anything plausible about these methods in either of his Reports. At the same time, it should be noted that the word «magicians» used by R. McLaren vividly shows low level of scientific proof of R. McLaren's statements.

We suppose it is reasonable to question if it can be guaranteed that these microscratches had not been found on the sterile sample bottles prior to sample collection, when manufactured, that these scratches had not appeared the first time the samples had been collected. Moreover, it is not clear who checked that the scratches had been missing and how it had been done. Is there a documentary proof that these scratches were missing on the sample bottles prior to sample collection? However, these questions are ignored in the both R. McLaren's reports.

The other essential questions (asked, with our participation, by one of the organizations to the Berlinger Special AG company), also persistently ignored by R. McLaren are the following:

1. If one hypothetically assumes that there is some technical possibility to «unnoticeably» open and later seal the urine and blood containers produced by Berlinger Special AG and used in anti-doping control, is there a possibility that after this procedure there would be no microparticles (and it would be impossible to find them) left on the container (its body, marking sets, packaging, integrity control means) of the material from which the item used to hold (crimp and hold down) the container is made of in performing these manipulations i.e. opening and sealing (microparticles of human skin and other traces of biological character left by human fingers, in particular, fingerprints or DNA traces of G. Rodchenkov, or microparticles of rubber, fabric, metal or other material of the item used to hold down the container when performing different actions with it), or traces of detergents which could be used to remove the above microparticles?

2. If one hypothetically assumes that there is some technical possibility to «unnoticeably» open and later seal the urine and blood containers used in anti-doping control, is there a possibility that after this procedure there would be only microscratches left on the container (its body, marking sets, packaging, integrity control means), which can only be seen under the microscope (but not visible to the naked eye of a person with normal eyesight)? If so, where, in which places of the container exactly, its body, marking sets, packaging, integrity control means, could these be most likely found? Or there should necessarily be significant and clearly visible damage of these containers left as a result of such intervention?

3. If one hypothetically assumes that there is some technical possibility to «unnoticeably» open and later seal the urine and blood containers used in anti-doping control through the heat influence on the container (its body, marking sets, packaging, integrity control means), is there a possibility that after this procedure there would be no (and it would be impossible to find them) irremovable changes or damages (darkening or blurring (change of transparency) of the container's material (bottle), etc) left on the container (its body, marking sets, packaging, integrity control means)?

There is an unconvincing attempt to answer the last question on the website <<https://www.ipevidencedisclosurepackage.net>>, containing and representing the base of «evidence» to which R. McLaren refers in his Second Report, but it does not include anything relevant and convincing in this respect.

Let us also turn our attention to the following. R. McLaren's Second Report provides a reference (p. 45, 71, 82, 104) to Document EDP0902 posted on the above website.

The reason why this document appeared was explained as: «*No interviewed witness ever observed the removal of the bottle caps, which the IP in its 1st Report established, did occur. In order to verify the truth of Dr. Rodchenkov's disclosures, the IP engaged a world recognized expert in firearms and toolmarks examinations to conduct an experiment on its behalf on unused Sochi B bottles. The experiment verified that the removal and re-screwing of the cap onto the bottle could be accomplished without leaving visible signs of tampering to the untrained eye*» (p. 11–12).

Document EDP0902 is «a forensic report», where «an expert», who conducted the investigation, concludes that the sample bottle caps «*can be removed by inserting thin flexible strips of metal or plastic between the lid and the glass bottle*» (p. 21 of Document EDP0902, «expert's» conclusions). According to this «expert's» report, some traces (marks) found on the examined containers could result from using this tool. At the same time, in the foregoing text of the «forensic report» it is stated that when this approach is used with metal (or plastic strip) some «*process had to be repeated several times, stop by stop until there was sufficient clearance for the lid to turn freely. This*

was time consuming and required at least two people with the bottle clamped in a vice» (p. 10 of Document EDP0902). Then «the expert» claims that «*They (metal or plastic strips – a note by the critical analysis' author) may... have been arranged and fitted into a single tool for manipulation by one person. I cannot exclude the possibility that something similar had been used»* (p. 10 of Document EDP0902).

In R. McLaren's Second Report it is pointed out that «*During follow-up interviews with the IP, Dr. Rodchenkov recalled that he personally witnessed the actual tooling that was used laid out on the workbench of the FSB agent charged with removing the caps. He described instruments, no bigger than a traditional Mont-Blanc pen, and similar to the instruments that a dentist would use in examining teeth, with a handle and thin metallic portion that was bent at various angles»* (p. 82).

We assume that similar opinions that it took more than one person to use this tool, and very rough descriptions of the «opening» technique (in fact, nothing is ever clearly stated) does not prove the physical possibility of using this method (without rather noticeable damage to the container), let alone, the fact that this method was used in respect of these sample bottles in Russia.

It is quite possible that R. McLaren invented this method together with this «expert».

In addition, it is important to point out that the «forensic report» (Document EDP0902) is provided without any signature (it is written in the end that it is signed in hardcopy, but why hasn't it been scanned and made available?), plus all the information relating to the «expert» is painted black.

In R. McLaren's Second Report it is said referring to this «expert» that «*for reasons of security their details remain undisclosed»* (p. 13).

The above-said (along with multiple deficiencies in «expert's» explanations given in this document) critically reduces the level of trust for this document and objectively does not allow using Document № EDP0902 to prove R. McLaren's statements.

It should be noted that R. McLaren's Second Report generally uses manipulative techniques many times, which greatly devalues this entire Report as a whole as well as its conclusions. The fact that these techniques are utilized in the Report convincingly proves its initial bias, its orientation on creating visibility of arguments, actually, politically motivated conclusions made up in advance.

3.2. Salt content in the samples

Another key «evidence» of R. McLaren's Second Report (just as the first one) is claimed to be the fact that some differences in salt sample levels were found in anti-doping tests of some Russian athletes (p. 14, 19, 32, 38, 104–108 etc.).

Thus, it is stated: «*When the corresponding A sample bottles were analysed for salt concentration, 6 samples contained more salt than physiologically possible in the urine of a healthy human, and 2 samples contained salt concentration below what is physiologically possible in the urine of a healthy human. The results establish that the urine contents had been swapped or tampered with*» (p. 19).

We believe that at least some of the above results can be caused by other circumstances, not tampering with or swapping the samples.

We assume that R. McLaren is not aware that «salts» concept is used to refer to a wide range of chemical compounds, complex substances, and, consequently, there are plenty of salts. In his Second Report R. McLaren does not say exactly which salts (and concentrations) are meant. On p. 105 and in other places of R. McLaren's Second Report there are hints on explanations, but that is all.

R. McLaren's Second Report has references to website <<https://www.ipevidencedisclosurepackage.net>>, where some «documents» on the subject are available, but the content-related and logical gap between R. McLaren's Second Report itself and these «documents», as well as too much freedom in vocabulary and vague wording of R. McLaren's Second Report do not allow considering R. McLaren's statement as appropriately proved.

At the same time, it is important to note that apart from the unreasonably alleged falsification version, no other reasons of high or low salt concentration in athletes' samples are considered in the Second Report. And these other reasons are ignored. In fact, there could be plenty of reasons (including deliberate acts of third parties), but these reasons would prevent R. McLaren from making up a large-scale imaginary scenario as envisioned by him in the Second Report (just as in the first one), which is very far from reality.

R. McLaren ignores much more probable versions, including the version of improper activities of third persons, when some persons (it cannot be ruled out that it was G. Rodchenkov or his accomplices) cracked the sample bottles (they probably were unable to open them completely) open (using a technique, whether real or imaginary, described in one of the attachments to the Second Report), to carry out some manipulations with the doping tests (for example, add a salt solution), and this could be the reason of the scratches described in the same attachment to the Second Report.

3.3. G. Rodchenkov's statements as one of the information sources for R. McLaren's Second Report

A considerable proportion of statements contained in R. McLaren's Second Report is based solely on G. Rodchenkov's testimony. In the foregoing we have provided the negative judgments of G. Rodchenkov given in Final Report № 1 dated 09.11.2015 of the commission of R. Pound, R. McLaren and others⁹.

The content analysis of R. McLaren's Second Report shows that Rodchenkov's name is mentioned in the text of this document over 100 times.

G. Rodchenkov's testimony in R. McLaren's Second Report is almost never supported or confirmed by any other evidence.

On the other hand, R. McLaren's Second Report describes the way G. Rodchenkov's statements were verified: *«The immutable forensic and scientific facts support and corroborate the interviews of Dr. Rodchenkov by the IP. Also operating to ensure the truth of those interviews was the possibility of deportation from the United States should he be shown to have been untruthful to the IP. The coupling of the immutable facts and this incentive makes Dr. Rodchenkov a reliable witness within the context of the mandate of the IP»* (p. 12).

It is evident that this method is outright ridiculous and cannot be recognized as legally and actually substantiated, nor can it guarantee that G. Rodchenkov's testimony is truthful. In this case R. McLaren uses another manipulative «trick» of replacing fact with opinion. Here, the possibility of G. Rodchenkov's deportation from the USA (we would like to emphasize that it is a hypothetical possibility, that is why R. McLaren uses this word) is obviously absolutely falsely claimed to be a reliable efficient condition, which fully determines G. Rodchenkov's behavior and motivation as a witness. Note that in reality R. McLaren, a Canadian, could not possibly initiate or influence G. Rodchenkov's deportation in any way.

But even if G. Rodchenkov had actually been informed that there is *«a possibility that Dr. Rodchenkov would be deported from the United States if his testimony was proven false»*, his testimony given considering this notice, in terms of their legal consequence would not have been equal to sworn testimony, because for the US R. McLaren is not a person vested with a procedural status and relevant authorities in the migration field as well. Moreover, this R. McLaren's argument does not prove that the statements of G. Rodchenkov, who was basically called a criminal, corrupt person, and a liar in Final Report № 1 of the Independent commission of R. Pound, R. McLaren, and others dated 09.11.2015, are true.

⁹ The Independent commission Final Report № 1, November 9, 2015 // <https://wada-main-prod.s3.amazonaws.com/resources/files/wada_independent_commission_report_1_en.pdf>.

That is, in this case a clear R. McLaren's manipulation (replacing fact with opinion) mostly covers G. Rodchenkov's false statements.

For example, the next quote from the analyzed Second Report shows that R. McLaren basically refers to G. Rodchenkov's proofless testimony: «*In some manner unknown to the IP, at some point during the day, Rodionova became aware of the names of athletes who were to be tested on that particular day. Dr. Rodchenkov recalled that Rodionova gave him advance notice of those athlete's names. Thus, the names could then be matched later in the day with the corresponding sample numbers when the samples were provided*» (p. 98, 99). The vocabulary used is notable: «some manner», «at some point».

The way the samples had been prepared before they were replaced, described in detail in clause 6.4.1 of R. McLaren's Second Report, is also solely based on Rodchenkov's words.

For example, «*According to Dr. Rodchenkov, all the information related to an athlete's sample was communicated directly to either Rodionova or Velikodniy*» (p. 99).

Moreover, some details of the scheme, primarily described according to Rodchenkov, without any evidence whatsoever, are massively strange, like, for example, the statement that «*Kudryatsev would wheel the B bottles into the long term storage room where he would slip the samples designated for the evening swapping into his coat pocket and leave the other B bottles*» (p. 100).

Only the Sochi's laboratory floor plan is provided in this section as the only real evidence (p. 102) to illustrate entrances and exits from the laboratory, which, according to Rodchenkov («*He also pointed out to the IP*») (p. 101), were used by agent Blokhin. However, it is evident that the floor plan itself cannot serve as proof that the samples were swapped.

In clause 2.3 of R. McLaren's Second Report «*Dr. Rodchenkov's evidence linking a particular athlete to doping*» is referred to as «*reliable means*» for establishing the facts of doping use by the athletes, relating to the Independent person's investigation in terms of clause 3.2 of the World Anti-Doping Code (p. 36). Note again that no proof that this source of «evidence» is «reliable» is provided.

In addition, we shall note that the Second Report often indicates that G. Rodchenkov started recalling some things he «did not remember» at the time the first report was drawn up, which seems strange. For example:

«*During follow-up interviews with the IP, Dr. Rodchenkov recalled that he personally witnessed the actual tooling that was used laid out on the workbench of the FSB agent charged with removing the caps*» (p. 82);

«*The IP derived these names from the washout lists, intelligence from Dr. Rodchenkov where he specifically recalled swapping their samples*» (p. 92);

«Dr. Rodchenkov **recalled** that he swapped the samples for 4 or 5 athletes, including Tatyana Lysenko's sample» (p. 92);

«Dr. Rodchenkov **recalled** that Rodionova gave him advance notice of those athlete's names» (p. 98–99);

«Dr. Rodchenkov was provided... He **recalled** that several other athletes who were not on the list were added to the protected list on an ad hoc basis throughout the Games» (p. 100).

Another vivid and typical example of unreliability of G. Rodchenkov's testimony is the following statement, where it is expressly stated that there is no proof that G. Rodchenkov took part in certain activities, however, R. McLaren still refers to his information and opinion on the matter: «After Dr. Rodchenkov's return to take up his directorship, the **IP has no evidence of his being directly involved in distributing prohibited substances to athletes, medical, technical or coach officials. However, Dr. Rodchenkov was able to identify a number of athletes or athlete groups who he knew, or had strong reason to believe, were doping and whose dirty samples had been covered up**» (p. 50).

3.4. Anonymous «witnesses»

In R. McLaren's Second Report it is claimed: «The investigation focused principally on the following areas: Interviewing a number of witnesses **some of whom were reluctant or refused to provide information for fear of retaliation and abuse they might receive. Recognising the level of fear amongst direct witnesses, the IP sought out...**» (p. 12).

This is a very weak and fallible, consequently, and absolutely inappropriate argument.

3.5. E-mail communication

E-mail Communication is claimed to be one of the important sources of evidence in R. McLaren's Second Report.

For example, on p. 53 of R. McLaren's Second Report it is said that «The IP has extensive written communication evidencing the DPM», then an alleged part of e-mail correspondence between G. Rodchenkov and A. Velikodniy is provided, from which some of the confidential data were excluded.

On p. 56 of R. McLaren's Second Report it is indicated that «All e-mail communication in the IP's possession can be found in the Evidence Disclosure Package from EDP0078 through to EDP0882».

However, multiple «documents» (for example, under numbers EDP0882, EDP0078, EDP0080), which contain this e-mail correspondence, are visually only a black text against a white background. Nothing indicates that this correspondence is authentic, the way it should be verified; such correspondence could easily be falsified.

Some e-mail «documents» are not even related to the discussed matter. For example, «document EDP0770» is an alleged piece of e-mail correspondence between some E. Kudryavtsev and G. Rodchenkov having «*girls*» as the e-mail subject and the only content of the e-mail body is «*I'm waiting for a nod from... today we should screw them*» (some parts painted black in 2 places are in the attached message). It is impossible to understand why this lexical structure should be interpreted as indicating doping misconducts, not something else (more probable).

At the same time, on p. 42 of R. McLaren's Second Report the listed documents are named as «*DPM Emails*» («DPM» – «*Disappearing Positive Methodology*» (p. 21)).

3.6. Expressly proofless, mere allegations of R. McLaren's Second Report

The statements about the events, which are not supported by any facts or documents whatsoever, not supported otherwise, even by a reference to G. Rodchenkov, come up rather frequently in R. McLaren's Second Report.

Here are a few examples out of many:

«*Similar to the process that occurred leading up to the Sochi Games, the Moscow Laboratory was made aware through a telephone call or personal contact of certain high level Russian athletes*» (p. 115).

«*A solution to surreptitiously remove the caps on B bottles had become a project of the FSB as early as 2011, but finding a solution became more pressing following the incident of the 67 WADA directed samples. In the early part of 2013, the method for removing the caps of B bottles had been developed and perfected by the FSB*» (p. 71).

«*Below are the highlights that relate to the London 2012 Olympic Games... ii. The unexpected request by WADA to the Moscow Laboratory in October 2012 to forward the 67 A and B samples triggered an A bottle urine swap and was a catalyst leading to the initiation of the project on how to open the B sample bottles*» (p. 24–25).

In R. McLaren's Second Report it is stated that «*Aside from email, additional communication methods were found in connection with the DPM, (such as SMS messaging and Excel spreadsheets)*» (p. 22, 49). However, this statement is not supported by anything; no evidence that such SMS messaging is available is provided.

3.7. Other «evidence»

To confirm that his position is correct, the conclusions made in the Report are valid and convincing, R. McLaren states that «*No party has come forward to deny the description of the DPM contained in the 1st Report*» (p. 52). However, we believe that the argument given by R. McLaren (apart from its falsity shown above) does not absolutely prove that this method was indeed used by the Russian side.

4. Evaluation of the investigation method claimed by R. McLaren

4.1. General provisions

R. McLaren's Second Report (just like the first one) is characterized by significant drawbacks of the research technique and specific methods applied. Most critical drawbacks of McLaren's Second Report, revealed on this basis, were earlier found in his first report and were analyzed and described in detail in our previous critical analysis¹⁰ (including relating to arbitrary, legally unsubstantiated and incorrect self-vesting by R. McLaren of the authorities similar to government authorities), we will not repeat ourselves here.

The investigation methods described in clause 1.6 of R. McLaren's Second Report should be described.

These investigation methods are described by R. McLaren rather extensively, however, they basically include the following main approaches:

- interviewing a number of witnesses, which, according to R. McLaren's Second Report «was not always efficient» «*for fear of retaliation and abuse they might receive*» (p. 12);
- using «laboratory analytical evidence» and «forensic evidence»;
- using electronic records mainly obtained «*from hard drives and backups of Dr. Rodchenkov's laptop and access to emails*» (p. 13).

Out of the above evidence only forensic evidence, obtained in full compliance with the Procedural Law, in our view, could be credible. But since R. McLaren's Second Report does not describe, explain what this forensic evidence was, on which grounds and what procedural arrangements were used to carry out this examination, by whom, what their professional qualifications were, what equipment was used, these materials cannot be recognized as proper evidence either.

¹⁰ See: Ponkin I.V., Grebennikov V.V., Kouznetsov M.N., Slobodtchikov V.I., Bogatyrev A.G., Botnev V.K., Redkina A.I. Juridical analysis of the WADA reports against the Russian sports in 2015–2016 / Analyse juridique des rapports de l'AMA contre le sport russe en 2015–2016. – Moscow: Consortium of specialists in Sports Law, 2016. – 230 p.
<http://moscou-ecole.ru/wp-content/uploads/2016/12/Book2016.pdf>

Email messages (for example, documents №№ EDP0091, EDP0108, EDP0147, EDP0157, EDP0280, EDP0293, EDP0296, EDP0418, EDP0770, EDP0771, EDP0788), provided as evidence, are simply a black text against a white background, not even screenshots of these emails.

According to the Russian law (as well as the laws of many other countries), to recognize an e-mail as evidence, its authenticity shall be properly proved. This includes proper confirmation that this specific e-mail was actually sent from this specific e-mail account by its owner (claimed person), not a third person, who had illegally obtained access to this e-mail account.

That is, basically, the main source of information, on which the evidential base of the analyzed R. McLaren's Second Report is built on, is still G. Rodchenkov, who, we remind that, was basically called a criminal, corrupt official, and liar in Final Report № 1 dated 09.11.2015 of the commission of R. Pound, R. McLaren, and others.

The hard drives frequently mentioned in R. McLaren's Second Report, which were subject to the so-called «cyber analysis», also belonged to G. Rodchenkov. As R. McLaren states, he did not manage to analyze other similar information sources: *«The IP sought but **was unable to obtain** Moscow Laboratory server or sample data. On request, such computer records **were unavailable to the IP** and the samples in the storage area had been sealed off by the Investigative Committee of the Russian Federation»* (p. 12).

We believe that the described above profound lack of proof of R. McLaren's Second Report at the same time expresses his obvious disrespect for readers and other intended recipients of the report, and also poses a valid question about falsification of the Second Report's conclusions, about R. McLaren's lying.

We also note excessive self-righteousness and exaltation of R. McLaren's Second Report, which, in our view, is used to appeal to the emotions, reduce critical perception of the report, replace the expected relevant and convincing evidence with «quasi-evidence». For example: *«The Russian Olympic team corrupted the London Games 2012 on an **unprecedented scale, the extent of which will probably never be fully established**»* (p. 77); *«While the narrative of how all these pieces fit together seems like fiction...»* (p. 103); *«The different types of evidence provided with respect to any individual athlete are like strands in a cable. It will be up to each Results Management Authority to determine whether the provided strands of evidence, standing alone or together build a sufficiently strong cable to support an ADRV in an individual case»* (p. 35–36).

4.2. Imaginary ascribing of feelings, experiences, motivations, and intentions to the persons involved in R. McLaren's Second Report

R. McLaren's Second Report contains plenty of statements about the alleged feelings, experiences, motivations, intentions, and thoughts of specific people, which R. McLaren could not and cannot be aware of, as well as the actions of a number of the subjects, which are not proved by any evidence, or this evidence is falsified or obviously insufficient. R. McLaren frequently ascribes anthropomorphic qualities typical for an independent human being to companies.

In what follows we provide some examples (most of them are contained in Chapter 4 of R. McLaren's Second Report, some parts of which are written in a rather journalistic style and are proofless speculations presented by R. McLaren as assertions about the events, which had actually taken place):

*«This was not a **satisfactory situation as far as the MofS was concerned**, as it would be infinitely more difficult to continue a systematic manipulation and cover up of the doping control processes with a non-Russian Director»* (p. 49);

*«**Minister of Sport, Vitaliy Mutko, to reconfirm Dr. Rodchenkov in his position as Director, being fully aware and satisfied with his personal history**»* (p. 50);

*«The introduction of the ABP and Dr. Rodchenkov's knowledge of developments to detect long-term metabolites of oral turinabol combined with the lack of discipline of coaches and athletes in their doping programs, **caused the Ministry of Sport ("MofS") to realise that the decentralised doping model operating "in the field" was under stress and vulnerable to detection**»* (p. 62);

*«**It became increasingly evident to the MofS that current methods of doping had to change. Control over doping had to become centralised and, from 2012, the MofS was working to discipline athletes into taking the "cocktail" ...**»* (p. 63);

*«**Laboratory realised that it was sitting on a potential time bomb**»* (p. 66);

*«**The Laboratory had been operating under the assumption**»* (p. 67);

*«**The development of a method to surreptitiously remove the caps of the B bottles became a priority**»* (p. 70);

*«**There was a realisation that the absence of a centralised doping model and the lack of understanding, by the long term coaches and medical advisors, related to the Athlete Biological Passport was putting Russian Athletics athletes at risk of anti-doping rule violations**»* (p. 80);

*«**A decision had been made through the channels of the MofS, the FSB and the Moscow Laboratory Director to determine how to surreptitiously remove and rescrew the cap on the B bottles of urine**»* (p. 81).

«At the time, the *media had its own suspicions of what was going on in Russian Athletics at the time*» (p. 80).

4.3. Speculations in the form of presumptions and assumptions

R. McLaren's Second Report contains multiple speculations in the form of unsubstantiated assumptions including the subjunctive mood, which are not proved by evidence and cannot by themselves serve as evidence of anything.

Here are a few out of many examples of such speculations «*There is no Adverse Analytical Finding ("AAF") but likely would have been had the Moscow Laboratory completed its analytical work*»] (p. 41); «*The IP has identified one weightlifting athlete's sample which is a possible violation of WADA Code Article 2.1*» (p. 21).

These speculations in R. McLaren's Second Report are used to replace the expected convincing evidence and, thus, disguise, make the lack of real facts and relevant arguments less obvious.

Conclusions

The Second Report of R. McLaren «WADA Investigation of Sochi allegations» dated December 9, 2016, is largely based on the unconfirmed information and misrepresentations, on the data falsified to a large extent. This report is characterized by explicit lack of evidentiary support and unsubstantiated nature of most of its statements, using manipulative techniques, contains multiple contradictions, discrepancies and speculations, invented and false fabrications, is characterized by biased judgments and final conclusions. In general, it is reasonable to consider this R. McLaren's report partial, proofless, falsified, and deliberately false in the material particular, and R. McLaren's conclusions as in contrary to fact.

Considering the above, the conclusions made in R. McLaren's Second Report «WADA Investigation of Sochi allegations» dated December 9, 2016, should be recognized as null and void, and therefore, this Report cannot be legally and actually relevantly used as a ground and reason of applying any restrictive and repressive measures in respect of the Russian athletes, sports organizations, and national teams, neither can it have a prejudicial value for such purposes and activities.

22.12.2016

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