

Botnev V.K. Critical analysis

This critical analysis was drawn up at the request of a number of Russian athletes.

The subject of this study and the resulting opinion is Richard H. McLaren's Report dated 16.07.2016 «WADA Investigation of Sochi allegations»¹ (hereinafter – McLaren's Report) and the Final Report (No.1) of the Independent Commission of R. Pound, R. McLaren and others² dated 09.11.2015 (hereinafter – the Pound-McLaren's Report) in particular the details of Grigory Rodchenkov's activities, the former Head of the Moscow Anti-Doping Laboratory (Federal State Unitary Enterprise «Anti-Doping Center») and assessment of his activities.

The purpose of this study is to evaluate the quality of the evidence given in McLaren's Report, especially in its core part, details, and materials provided by G.Rodchenkov.

The analysis of these documents allows making clear and definite conclusions and estimates of G.Rodchenkov's unlawful acts, which according to these documents, were carried out by this person while holding the office of the Head of the Moscow Anti-Doping Laboratory (Federal State Unitary Enterprise «Anti-Doping Center»). In what follows we provide the most vivid examples of some parts of these documents. We do not give any judgments of G.Rodchenkov's actions but rather indicate the facts, estimates, and opinions given in the above mentioned documents.

McLaren's Report

1. According to the McLaren's Report, G.Rodchenkov has developed an original “cocktail” containing doping substances banned in sports and methods of its unlawful use, willfully encouraged its wide distribution in gross violation of anti-doping rules, unlawfully using and abusing his official powers.

«The Report has already referred to the doping program using the athlete cocktail developed by Dr. Rodchenkov. According to Dr. Rodchenkov athletes were competing “dirty” at Sochi using this cocktail» (p. 62).

«This control included providing athletes with PEDs through the cocktail developed by Dr. Rodchenkov ...» (p. 65–66).

«This supports Dr. Rodchenkov's evidence that Russian athletes were using his “cocktail” before the London Games» (p. 82).

«After he became laboratory director, and in furtherance of his responsibility to improve Russian sport performance by covering up doping, Dr. Rodchenkov developed

¹ McLaren Independent Investigations Report into Sochi allegations // <<https://www.wada-ama.org/en/resources/doping-control-process/mclaren-independent-investigations-report-into-sochi-allegations>>; <https://wada-main-prod.s3.amazonaws.com/resources/files/20160718_ip_report_final3.pdf>.

² 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>.

a steroid cocktail optimized to avoid detection. Initially, that cocktail consisted of Oral Turinabol (Dehydrochloromethyl-testosterone), Oxandrolone and Methasterone. The steroids were dissolved in alcohol (Chivas for the men and Vermouth for the women). The solution was then swished in the mouth in order to be absorbed by the bucal membrane and then spit out. Dr. Rodchenkov's research indicated that, with the laboratory technology available at the time, the detection window for the steroids in the cocktail would not exceed 3-5 days. After the London Games, the steroid Oral Turinabol was replaced in the cocktail with the steroid Trenbolone because long term metabolites of Oral Turinabol had become more easily detected. While Dr. Rodchenkov's "cocktail" may sound fanciful, the IP has confirmed with its scientific advisor that indeed steroids dissolve better in alcohol than in water, and that the administration of steroids through bucal absorption, as compared to injection or swallowing the drug, does shorten the window of detectability. Dr. Rodchenkov's evidence is that, although he designed the cocktail, he did not make it or distribute it. Rather, the cocktail was distributed to various sport federations by Irina Rodionova, who worked for the CSP, a subsidiary organization of the MofS. Rodionova nicknamed the cocktail "Duchess" after a traditional Russian drink. Dr. Rodchenkov's evidence is that by the time of the Olympic Games in London, many of Russia's top athletes were using the cocktail» (p. 49–51).

It is important to note, the verbal manipulation used in McLaren's Report aimed at manipulative rehabilitation of Dr. Rodchenkov. Actually, the author and developer of the illegal plan and illegal method is obviously an accomplice in the illegal activities, not an innocent stranger whose ideas were used to achieve negative goals. Besides, G.Rodchenkov could not have developed his "cocktail" without making it in practice.

However, McLaren's Report contradicts itself telling the readers that Dr. Rodchenkov was directly involved in distribution of this "cocktail" (it is unreasonable to reduce the "distribute" concept only to single handedly handing over the "cocktail" bottle to the athlete), encouraged its distribution:

«In addition to the scheme described above, Dr. Rodchenkov was able to advise the MofS on the PEDs that would have the least likelihood of detection during the London Games. Dr. Rodchenkov's "cocktail" of the steroids Oral Turinabol, Oxandrolone and Methasterone was administered to athletes prior to the London Games» (p. 77).

2. According to McLaren's Report, G.Rodchenkov willfully falsified the doping samples illegally using his official powers and abusing them, using the methods based on his ideas or improved by him technologies. Also, he was directly involved in illegal schemes implemented by other persons.

«Rodchenkov and laboratory staff then adjusted the clean urine with salt, diluted it with water» (p. 44).

«This control included providing athletes with PEDs through the cocktail developed by Dr. Rodchenkov, concealment of any positive results by the laboratory

[of Rodchenkov!], and having a bank of previously provided clean urine available for swapping» (p. 65–66).

«In a classical **doping cover up scheme**, samples are collected pre-competition to determine whether an athlete will test positive at an upcoming competition and should therefore be kept at home. Those samples are not collected in official anti-doping bottles and results are not reported into ADAMS or to the antidoping authorities... For the London Games however, a variation of this approach was used, but the purpose remained the same. Before the London Games, the pre-competition samples were collected in official doping control bottles. The analytical results were reviewed by the **Moscow Laboratory** to determine the likelihood that an athlete was in danger of testing positive at the Games. **That likelihood was characterised by Dr. Rodchenkov as either red where the athlete was going to test positive at the Games and should be replaced; yellow, meant the sample still showed traces of PEDs, but should be clear in time for the Games; and green meant the athlete was cleared to go to the Games**» (p. 76–77).

«Athletes, on instruction, would collect what were thought to be clean urine samples outside of the wash out periods for any PEDs they were using. Rodionova would receive these samples from athletes and arrange for their freezer storage at the CSP. **Dr. Rodchenkov would test some of these clean urine samples to ensure they were in fact not positive... Dr. Rodchenkov's role in the sample swapping scheme included ensuring that the substituted sample was manipulated to match as closely as possible the Specific Gravity (SG) indicated on the original Doping Control Form ("DCF") taken at the Sochi venue. This adjustment was accomplished by adding table salt to raise the clean urine SG or distilled water to dilute the clean urine sample so as to closely match the SG number on the DCF... The Sochi sample swapping methodology was a unique situation**» (p. 13, 15).

«**Dr Rodchenkov prepared a schedule of 37 athletes whose samples were potentially a problem if another accredited laboratory were to analyze them. A meeting was held with Deputy Minister Nagornykh in which the jeopardy of the laboratory was discussed were something not done to deal with the selected samples. The upshot of that meeting was that Deputy Minister Nagornykh resolved to call in the "magicians". That night the FSB visited the laboratory and the next day sample bottles were in the laboratory without their caps**» (p. 16–17).

«**With the protected athlete's clean urine and the B sample bottle cap removed, Dr. Rodchenkov and his team would go to work on the samples in the dead of night when there was little activity in the laboratory. The athlete's dirty urine was disposed of... After any adjustments to the clean sample were made, the caps would be replaced on the B bottles and the A and B bottles for each athlete would be passed back through the mouse hole in the wall. The bottles would be received in the aliquoting room. The standard laboratory procedure was later conducted on the swapped samples as with all other samples**» (p. 71–72).

Pound-McLaren's Report

1. According to Pound-McLaren's Report, G.Rodchenkov willfully falsified the doping samples illegally using his official powers and abusing them, using the methods based on his ideas or improved by him technologies Also, he was directly involved in illegal schemes implemented by other persons.

«The IC further finds that at the heart of the positive drug test coverup is Dir. Rodchenkov. He not only accepted, but also requested money in order to execute the concealment positive test results» (p. 13, 202, 279).

«Director Rodchenkov was also an integral part of the conspiracy... in order to cover up positive doping test results» (p. 15, 213, 280).

«WADA officials and IC members conducted two subsequent interviews of Dir. Rodchenkov on 26 March 2015 and 30 June 2015, where on both occasions, he admitted to intentionally destroying the 1,417 samples in order to limit the extent of WADA's audit and to reduce any potential adverse findings from subsequent analysis by another WADA accredited laboratory» (p. 13).

«There is strong corroborating evidence that the Moscow laboratory has been involved in a widespread cover-up of positive doping tests» (p. 15).

«There was collusion between the President of ARAF and the laboratory Director Rodchenkov to conceal positive drug tests by swapping clean samples for known dirty "A" samples at the Moscow lab...» (p. 25, 212, 291).

«Grigory Rodchenkov, director of the Moscow accredited laboratory was specifically identified as an aider and abettor of the doping activities» (p. 12, 116, 278).

«IC investigators spoke to another Confidential Witness (CW2) who holds a prominent position within Russian sport and routinely interfaces with Russian elite athletes and coaches. Through these contacts and associations, CW2 obtains pertinent information about doping within Russia... They are working like a Swiss clock. Someone inside the lab is corrupt... CW2 believed the reported corrupt person at the laboratory was Grigory Rodchenkov» (p. 200–201).

2. According to Pound-McLaren's Report, G.Rodchenkov committed corruption crimes, blackmailed, and took bribes. His illegal acts violating the anti-doping rules were attributed to receiving illegal income.

«Director Rodchenkov was also an integral part of the conspiracy to extort money from athletes in order to cover up positive doping test results» (p. 15, 213, 280);

«The IC further finds that at the heart of the positive drug test coverup is Dir. Rodchenkov. He not only accepted, but also requested money in order to execute the concealment positive test results, which makes him equally responsible for incidents where coaches or officials extorted athletes even if he was not personally made aware of the extortion» (p. 13, 202, 279).

«The Moscow laboratory Director [Rodchenkov!] was paid indirectly by one of the whistleblowers to conceal a doping test taken while the athlete was knowingly

competing dirty. The go-between who received the money is a known performance-enhancing substances trafficker» (p. 14).

«There was collusion between the President of ARAF and the laboratory Director Rodchenkov to conceal positive drug tests by swapping clean samples for known dirty “A” samples at the Moscow lab. Athletes paid both the President and the Director for the benefit of such services» (p. 25, 212, 291).

«Stepanova took a number of different prohibited performance enhancing substances... Mokhnev advised Stepanova that he had spoken with Moscow laboratory Director, Grigory Rodchenkov, and it was agreed that Stepanova would pay 30,000 roubles... to Rodchenkov to cover up the positive test result. This payment was paid directly by Stepanova to one of Rodchenkov’s friends.... Stepanova informed the IC that as a result of the payment, Rodchenkov reportedly called Mokhnev on the same day as the payoff, to report that Stepanova no longer had to be concerned about the positive test» (p. 141–142).

«Stepanova also described an incident where she was informed that she tested positive for erythropoietin (EPO) during the Russian National Athletics Championships... In response to her positive drug test, Stepanova was told the sample would not be reported to RUSADA if a 30,000 rouble payment was paid to the Director of Moscow laboratory, Grigory Rodchenkov. In August 2010 at coach Mokhnev’s direction, Stepanova provided a 30,000 rouble payment to a purported associate of Rodchenkov... Stepanova confirmed to the IC that the positive sample was never reported to RUSADA» (p. 199).

«Confidential Witness #1 (CW1), an elite Russian athlete ... provided information to the IC revealing that there was collusion between ARAF President, Valentin Balakhnichev, Moscow laboratory Director, Rodchenkov, and others to conceal positive drug tests... Rodchenkov was substituting “A Samples” at the laboratory. CW1 further advised that athletes paid 20,000 roubles to ARAF and 30,000 roubles to Rodchenkov to conceal positive drug tests» (p. 200).

3. According to Pound-McLaren’s Report, G.Rodchenkov allows himself to lie, confuse others, and make untrustworthy statements.

«The IC finds that Dir. Rodchenkov’s statements regarding the destruction of the samples are not credible» (p. 13, 204, 279). Pound-McLaren’s Report repeated the same thing three times, even though on a certain number of issues.

Conclusions

Therefore, McLaren’s Report and Pound-McLaren’s Report, actually, show and call G.Rodchenkov a criminal, a bribe taker, corrupt official, and blackmailer, “aider and abettor” in doping misconducts (the degree of substantiation of these estimates in respect of G.Rodchenkov was out of this study scope).

From McLaren’s Report, it obviously follows that G.Rodchenkov acted willfully, regularly, and proactively. This opinion in respect of G.Rodchenkov’s actions is even more convincingly and clearly confirmed by Pound-McLaren’s Report.

McLaren's Report does not give any convincing relevant evidence of pressure on G.Rodchenkov from the public authority representatives. Pound-McLaren's Report said that *«The IC concludes that there was direct intimidation and interference by the Russian state with the Moscow laboratory operations»* (p. 14). However, neither relevant evidence of this statement nor explanation of how it influenced G.Rodchenkov's intent in multiple illegal acts and how it vindicates him, were provided.

But at the same time, McLaren's Report describes G.Rodchenkov as a trustworthy person having complete moral honesty: *«Dr. Rodchenkov is **credible and truthful** in relaying to me the testimony... has been completely truthful in his interviews with me»* (p. 21); *«**Rodchenkov**, in the context of the subject matter within the IP mandate, **was a credible and truthful person»*** (p. 23); *«Therefore, I did not hesitate in coming to the conclusion that **within the context of the subject matter** that was my mandate **he is a credible and truthful person»*** (p. 21); *«Dr. **Rodchenkov**, in the context of the subject matter within the IP mandate, **was a credible and truthful person»*** (p. 86).

Consequently, there are fatal critical logical contradictions in McLaren's Report in the part relating to G.Rodchenkov's assessment. To make things worse, McLaren's Report contradicts Pound-McLaren's Report in this part. These contradictions enhanced by extremely negative estimations of G.Rodchenkov in fact turn the information and documents provided by G.Rodchenkov into fiction.

The citations given in this analysis convincingly counter the arguments of McLaren's Report (and those officials from the international sports organizations who made various decisions based on McLaren's Report) that the information and "documents" provided by G.Rodchenkov are trustworthy and authentic and G.Rodchenkov himself is a "credible and truthful person", and that G.Rodchenkov is not guilty because he was allegedly forced by some existing government system.

Consequently, there are no reasons to believe that G.Rodchenkov is a source of objective information in the investigation and/or description of actual or alleged violations of anti-doping rules in Russian sports. McLaren's Report in terms of basing it on the information and documents provided by G.Rodchenkov, is therefore and shall be considered false.

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