

HERBERT SMITH FREEHILLS GETS LIFETIME BAN REVERSED FOR THREE OLYMPIC ATHLETES

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Deals and cases

Herbert Smith Freehills' Moscow office has secured a successful annulment by the Court of Arbitration for Sport (CAS) for three Russian biathletes, after they were banned by the International Olympic Committee (IOC) from ever participating at Olympic Games in any capacity.

On 24 September 2020, the CAS handed down three awards in the appeal arbitrations between: Russian biathletes, Olga Vilukhina, Yana Romanova and Olga Zaytseva (the Athletes); and the IOC. It lifted the lifetime ban from participating at any Olympic Games subsequent to the Sochi Olympics for all three athletes and set aside all the sanctions imposed upon Olga Vilukhina and Yana Romanova.

In February 2014, the Athletes participated at the XXII Olympic Winter Games in Sochi, Russia. They won silver in the Women's 4 x 6km team relay. Vilukhina also won an individual silver medal in the Women's 7.5km sprint race.

Following allegations by Grigory Rodchenkov, the former head of the Moscow Anti-Doping Laboratory, and further investigations by Richard McLaren into the alleged organised doping scheme in Russia, the Athletes were accused of violation of anti-doping rules. They ultimately had their medals stripped on the basis of the decisions issued at the end of 2017 by the IOC Disciplinary Commission, chaired by Denis Oswald.

The Athletes, represented by Herbert Smith Freehills' Moscow office and Swiss law firm Libra Law, appealed these decisions in the CAS and Athletes denied any involvement into the alleged doping scheme.

Following a two-day hearing in March this year, a three-member CAS Panel chaired by Jacques Radoux alongside Philippe Sands QC and Petros C. Mavroidis fully upheld the appeals of Olga Vilukhina and Yana Romanova, and partially upheld the appeal of Olga Zaytseva.

The panel cleared the names of Romanova and Vilukhina, concluding that none of the acts alleged to have committed by them had been established to a comfortable satisfaction and it ordered the findings and sanctions imposed upon these biathletes should be removed and their results in individual events at Sochi Games reinstated. This means Vilukhina will have her silver medal back.

While the panel concluded that Zaytseva committed a violation of anti-doping rules, her lifetime Olympic ban was still annulled and she was declared ineligible only for PyeongChang 2018, meaning that she is eligible to be accredited in any capacity in the next Olympic Games and any going forward. Zaytseva intends to appeal the CAS award issued against her to the Swiss Federal Supreme Court and continue the attempts to clear her name.

The Herbert Smith Freehills team was led by Partner [Alexei Panich](#), supported by Associate [Polina Podoplelova](#).

These CAS awards enable the firm to continue the fight to clear the Athletes names' in the defamation proceedings against Grigory Rodchenkov in the Supreme Court of the State of New York, which were stayed pending the resolution of the Athletes' CAS appeals.

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