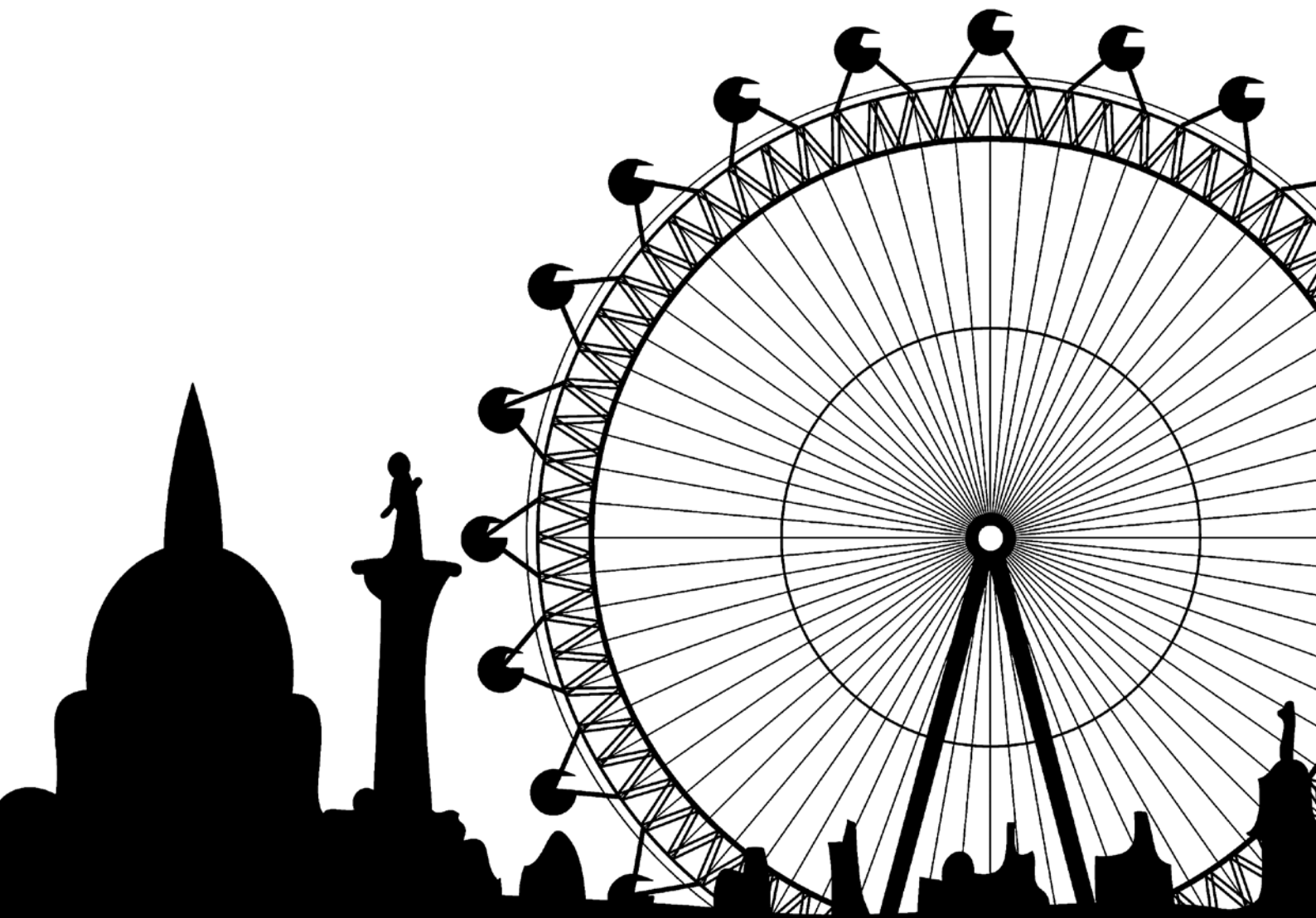




Report of the **Independent Observers**

London 2012 Paralympic Games



**WORLD
ANTI-DOPING
AGENCY**

MAIN CONCLUSIONS

The LOCOG doping control personnel was well trained and the overall picture was that the sample collection procedures were of very high quality.

IPC's strategic distribution of samples between sports and disciplines was based upon a risk assessment and was therefore well thought through. 35% of samples were conducted out of competition and 15% of the total samples were blood samples. The outcome for IPC was a well considered basis for target selection of athletes.

IPC managed to run an effective doping control program thanks to combining high quality doping control procedures with a well prepared selection policy, and the use of new laboratory analytical methods. This enabled IPC to detect doping and thereby create better opportunities for clean athletes.

ACKNOWLEDGEMENTS

The Independent Observers Team (IO Team) in London 2012 would like to specifically thank Dr Toni Pascual, Chair of the International Paralympic Committee (IPC) Anti-Doping Committee (ADC) and all its members, Dr Oriol Martinez, Chairperson of the IPC Medical Committee and its members, Dr Peter Van de Vliet, IPC Medical and Scientific Director, Ms Vanessa Webb, IPC Anti-doping Manager, Mr Jonathan Harris, the London 2012 Organizing Committee of the Olympic Games (LOCOG) Head of Anti Doping, and Mr Kevin Haynes, LOCOG Anti-Doping Deputy Manager and their staff, Richard Budgett, LOCOG Chief Medical Officer, and Professor David Cowan at the Drug Control Centre, King's College, London (the WADA accredited laboratory) all of whom afforded every cooperation to assist the Independent Observer's mission. A special thank you has also to be mentioned for all the Games Makers and volunteers who not only made these Paralympic Games possible but a great experience for all.

The Independent Observer Team

London 2012 Paralympic Games

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1. INTRODUCTION

The following report contains a summary of the Independent Observer (IO) Mission findings at the London 2012 Paralympic Games (the Games). It summarizes and underlines the strengths and areas for improvement of the anti-doping program which were shared with the International Paralympic Committee (IPC) and the London Organizing Committee (LOCOG) during the Games.

1.1 Agreement

An agreement was signed between WADA and the IPC which outlined the framework of the IO mission and specifically included Test Distribution Planning (TDP); Selection of competitors; Notification for doping control (DC); Therapeutic Use Exemption (TUE) procedures; Sample collection procedures; Transport and chain of custody of samples and Result Management (RM) process including all hearings.

The period of the observation was from the date of the Opening Ceremony, namely 29 August 2012, until and including the day of the Closing Ceremony, 9 September 2012.

1.2 Independent Observer Team

The IO Team was comprised of five individuals from various anti-doping backgrounds including National Anti-Doping Organizations (NADOs), an International Sport Federation (IF) and WADA, and also covered legal and medical expertise.

The WADA IO Team for the Games consisted of:

- Mr Anders Solheim – Chief Executive Officer, Anti-Doping Norway (Norway) – IO Team Chair;
- Dr David Julien – Manager, Program Development, WADA (Canada) – IO Team Manager;
- Mrs Urvashi Naidoo – Chief Executive Officer, International Federation of Netball Associations (Great Britain);
- Dr Michael Petrou – President, Cyprus Anti-doping Authority (Cyprus); and
- Ms Laetitia Zumbrunnen – Manager, International Federation Relations, WADA (Switzerland).

1.3 Objective

The IO program in London aimed to ensure that procedures followed during doping controls were compliant with the World Anti-Doping Code, fair and unbiased, leading to greater athlete and public confidence in the process. The task of the IO was to observe the different phases of the doping control process in a neutral and unbiased manner, to verify that appropriate procedures were followed and to provide their observations and recommendations in interim reports to the IPC and a final public report.

1.4 Methodology

The IO Team observed all Doping Control Stations (DCS) and the testing processes across all venues including the Athlete Village for a total of 45 sample collection sessions.

The Chair of the IO Team met daily with the IPC ADC, the IPC Management Team, and senior management members of the LOCOG Anti-Doping Team. The observations and

recommendations of the IO Team were presented at the daily meeting and then confirmed in writing. Further meetings took place to examine specific issues such as the TDP, TUEs and whereabouts.

The IO Team visited the Doping Control Command Centre (DCCC), the “Hub” (a sorting station in Chigwell which received and distributed the samples and paperwork) and the WADA accredited laboratory. The IO Team was also present at all anti-doping hearings that took place during the Games.

2. RULES AND PROCEDURES

The rules and procedures in place for DC during these Games were contained in the IPC Anti-Doping Code, the Doping Control Guide for the London 2012 Paralympic Games (Guide) and the Doping Control Manual produced by LOCOG (Manual). The IO Team observed that the World Anti-Doping Code definition of in-competition testing (ICT) and out-of-competition testing (OOCT) was maintained in the IPC Anti-Doping Code and applied during the Games.

Recommendation

- IPC should consider having an appendix to its Anti-Doping Code which would formalize the specific rules and procedures for the Games period. (This recommendation also applies to Results Management - see below).

3. TEST DISTRIBUTION PLANNING AND WHEREABOUTS

3.1 Risk Assessment and Test Distribution Planning

The Games involved 11 days of competition across 19 competition venues (some hosting multiple sports and some outside of London). The Games included 503 gold medal sessions including a total of 4,250 athletes. The anti-doping program ran from the date of the opening of the Athlete Village, 22 August 2012, through to the end of the day of the Closing Ceremony, the 9 September 2012.

The IO Team met with the IPC ADC which determined the TDP. Details were obtained on the total number of planned tests (1200 plus potentially an additional 50) with an ICT/OOCT ratio of 730/470. 15% of which were to be blood tests.

The IPC representatives gave a comprehensive rationale for the split of the urine and blood samples, both in-competition and out-of-competition. Further, the IPC gave a detailed rationale for the split between sports and disciplines, and also the selection of athletes in the OOCT program.

The IO Team was advised that, out of 470 OOC tests, only 11 OOC tests would be collected after the Opening Ceremony and during the remainder of the Games (98% having been completed before the Opening of the Games). This could have given athletes and delegations the impression that OOCT ended at the Opening Ceremony.

The IO Team also observed that there was limited contact with the NADOs and the IFs on intelligence sharing before the Games, With the exception of a few instances. Obtaining

such intelligence could have provided for better planning for target testing both in-competition and out-of-competition.

The IO Team was informed that no alcohol testing was planned during the Games.

Recommendations

- IPC should consider extending the OOC program throughout the period of the Games, when athletes' arrival schedules or competition calendars so require, in accordance with its own definition of OOC, so as to assist the detection of doping and to act as a further deterrent to athletes.
- The IO Team strongly encourages the IPC to consider contacting Anti-Doping Organizations (ADOs) such as NADOs and IFs to share information and collect data, but also to impress upon them the importance of focusing on athletes with a disability all year round.
- IPC should consider including alcohol testing for those sports where it is prohibited.

3.2 Whereabouts

The IPC ADC provided information about their requirements for whereabouts during the Games period (22 August to 9 September) in order to be able to locate the athletes for OOC. The IPC's whereabouts requirements were limited to arrival and departure times as well as rooming lists from the delegations during the Games. A number of delegations had to be reminded about their obligation to submit whereabouts.

Further, the IPC had delegated to LOCOG to use their best possible methods to find the athletes based on the information mentioned above. However the IPC did not require LOCOG to use ADAMS (Anti-Doping Administration & Management System) to get further information when needed. ADAMS had not been used by LOCOG during the period of the Games for this specific purpose.

During the Games the IO Team became aware of and observed a few situations where some athletes had only been located after several attempts for OOC based on the delegations' rooming lists.

The "IPC Overview" section of the Guide covers whereabouts. This section states that the IPC requests all National Paralympic Committees (NPCs) to *"ensure that athletes who are nominated to the IPC/IF/national registered testing pool (RTP) have provided accurate and detailed whereabouts information to the respective ADO"*. Further it is stated that *"in the event that the information received from the NPCs is incomplete, or when NPCs refrain from sharing the information with the IPC and LOCOG, the IPC has the right to ask the NPC to ask for more detailed whereabouts information [...] through ADAMS"*.

The IO Team acknowledges that a) looking for athletes based on the rooming lists is more practical and b) managing detailed whereabouts for all athletes present at the Games is a considerable task. However, our intention is to ensure that RTP athletes maintain their obligation of submitting detailed whereabouts (including the 60-minute time slot) during the period of the Games as described in the International Standard for Testing (IST) Article 11.3 *Whereabouts Filing Requirements* and that this information should be used when required.

Recommendations

- IPC should encourage all NPCs and/or athletes to comply with the whereabouts requirements in accordance with the IST.
- On occasions when athletes are not identified for OOCT in accordance with the provided rooming lists or when the rooming lists are not accurate and/or incomplete (athletes missing), the IO Team suggests to the IPC to first check whether this athlete is already in a RTP and had previously delivered whereabouts, and secondly to use its right to ask the NPC and/or athlete to provide detailed whereabouts in ADAMS.

The IO Team would like to point out that similar issues have been raised in previous Games, for example as outlined in the Vancouver 2010 WADA IO Report (p. 7).

4. SAMPLE COLLECTION AND TRANSPORTATION

4.1 Doping Control Personnel

The IO Team observed Doping Control Station Managers (DCSMs), Doping Control Officers (DCOs) and Blood Collection Officers (BCOs) and chaperones carrying out their responsibilities during the Games. The IO Team also attended a training workshop specifically designed for the Games informing the doping control personnel about modifications to the anti-doping procedures for athletes with disabilities.

The overriding impression was that DC personnel were well trained. In many cases the IO Team observed that the DCSMs were capable of resolving minor irregularities made by their personnel. The IO Team noted and appreciated that DCOs had been recruited from around the world and thus provided a diverse anti-doping workforce.

4.2 Doping Control Stations

The size, location and accessibility of the DCSs were appropriate for the testing conducted during the Games. The DCSs were very well organized and were well equipped. The equipment used met the requirements for sample collection equipment in accordance with the IST.

Anti-doping educational resources such as the "Doping Control Procedures in Brief" or the "Win Clean" flyers prepared by LOCOG and United Kingdom Anti-Doping (UKAD) respectively were present in the waiting areas of some DCSs. In some DCSs, the "Doping Control Procedures in Brief", which shows the different steps of the DC procedures, could also be found inside the processing room. However, this was not available at all times and in all venues.

Recommendation

- IPC should take advantage of the Games as an opportunity to provide even more education material to athletes and athlete support personnel in the DCSs.

4.3 Notification and Chaperoning of athletes

Notifications, which were carried out in accordance with the IST, were observed in-competition at all venues and out-of-competition at the Athlete Village. However, the IO Team observed, on several occasions, delayed verbal notifications post competition. Furthermore, on some occasions, written notifications could have been completed at an earlier point in the process. This matter was raised with the IPC during the Games and an improvement was observed.

The IO Team noticed that the issue of explaining rights and responsibilities was not always properly addressed. This was raised with the IPC and improvement was observed. The IO Team also noticed, on some occasions, that the chaperones were not observing athletes at all times after notification.

Recommendations

- IPC should ensure that chaperones complete the notification, both verbal and written, as soon as possible without delays.
- IPC should ensure that athletes are informed of their rights and responsibilities by chaperones and ensure that this requirement is not overlooked during the notification process.
- IPC should ensure that chaperones remain focused on the athlete at all times so that constant observation is maintained.

4.4 Sample collection process

The IO Team's overall impression was that the sample collection procedures observed were excellent for both urine and blood. DCOs and BCOs were very polite, professional and efficient.

The IO Team observed that the way in which some DCOs asked whether the athlete wished to declare a valid TUE during the completion of the Doping Control Forms (DCF) caused confusion. It was observed by the IO Team that, during the sample collection session, athletes were invited to write down their medications and comments in their own language on the DCF despite the presence of an interpreter. Therefore, there were some DCFs with writing in Arabic, Chinese, Japanese, Russian, etc. This issue was raised with the IPC. The IO Team observed during several hearings that the medications declared on the DCF had not been translated and the hearing panel had to ask the athlete representative/translator to translate this. This was changed during the course of the Games so that the IPC were translating the information necessary prior to the hearings.

Recommendations

- IPC should review whether the question of TUE declaration on the DCF is necessary as the information should already be available to them, ideally through ADAMS.
- IPC should ensure that there is a process in place for translating specific information written on DCFs when required (e.g. for hearings).

4.5 Transport of samples

After sample collection was complete, it was observed on several occasions in the DCS that the samples were stored in the transportation box instead of the refrigerator. Whilst the storage of samples in a refrigerator is not mandatory as per the IST, it was however indicated as a clear procedure in the Manual (Article 6.1) and the Guide (Article 6.2), presumably for security reasons, as the refrigerator was lockable. This was identified to the IPC and improvement was observed.

All samples were picked-up from each venue by a courier company contracted by LOCOG and transported to the company's "Hub". Samples were then taken from the Hub to the accredited Laboratory twice a day.

The IO Team monitored the time from sample collection until their arrival at the Laboratory and no delays were observed. In addition, the IO Team noted that the samples were transported in the required temperature and that no significant temperature variations were recorded.

4.6 Documentation

The DCF had been tailored specifically for the Paralympics. For example, a section was included to enable "modifications to the procedure" to be recorded.

All DCFs were reviewed by DCCC staff. The IO Team observed rigorous procedures in place and this, paired with qualified staff, proved to be a highly professional way of dealing with the documentation.

5. THERAPEUTIC USE EXEMPTION (TUE)

The IPC Guide states that *"IPC will require the respective NPC to have a copy of the TUE Certificate available"* and *"copies of the TUE Certificates have to be handed in at the IPC Medical & Scientific Department Offices in the Paralympic Village Polyclinic upon arrival of the Delegation in London"*. The IO Team observed that only a limited number of NPCs and delegations had fulfilled this obligation.

Although the IPC applies the principle of mutual recognition, the IO Team noted that TUEs granted by other ADOs were not systematically reviewed by the IPC. The IO Team was advised that this was because the IPC had no jurisdiction to appeal these decisions. However, according to Article 4.4.3 of the IPC ADC, the IPC does retain the right to review the granting or denial of any TUE and inform WADA if they have any concerns about any TUEs granted prior to the Games.

The IO Team reviewed certain TUE Certificates granted by the IPC Medical Committee prior to the Games and found that, in some cases, the TUE had been granted for a longer period and/or for a higher dose than requested by the athlete. Further, the IO Team observed that in some cases a TUE had been granted without supporting medical information on file or where medical information was in another language and had not been translated.

Recommendations

- The IPC should ensure that its members respect its rules and guidelines regarding the collection of granted TUE Certificates from all delegations. Should a delegation not have any Certificates, a formal declaration should be submitted stating this fact.
- The IPC anti-doping program could benefit from a more systematic review of all TUE decisions granted prior to the Games.
- The IPC should ensure that TUEs only be granted for the period of treatment and the dose requested by the athlete and not for a longer period and/or higher dose.
- The IPC should ensure that TUE applications include a comprehensive medical history and that the results of all examinations and laboratory investigations relevant to the application be translated in English (as indicated on the IPC TUE Application Form).

6. RESULTS MANAGEMENT

During their mandate in London, the IO Team noted six Adverse Analytical Findings (AAFs). Four resulted in hearings observed by the IO Team, one was closed after the initial review showed a valid TUE, and one was granted a retroactive emergency TUE. All processes were closely followed by the IO Team through examination of the necessary correspondence and documents related to the cases and attendance of the actual hearings.

Based upon the observations collected during four different hearings and the dialogue initiated with the IPC ADC, the IO Team has raised the following issues:

- The IO Team was concerned that the athletes were not able to present their case directly to the decision body (i.e. IPC Governing Board) during the process, but to a hearing panel which recommended a decision to the Governing Board (IPC Code 8.5.2).
- The IO Team observed that one athlete was asked to leave the room during his hearing to allow the hearing panel to question his delegation about possible links between the case and a second one implying the same substance, country and coaching staff. The IO Team considers that denying the athlete the right to be present throughout his own hearing could constitute a violation of the athlete's rights to a fair hearing.
- The IPC Rules are declared in-line with the WADA Code and state that mandatory provisional suspensions apply for non-specified substances and that optional provisional suspensions apply for specified substances (Article 7.5). However, the IPC "*I tested positive*" flyer, which aims to provide athletes with information and guidance in case they are tested positive, states that "*The IPC will normally impose a Provisional Suspension on you from the moment of notification until there is a final decision about your possible anti-doping rule violation*". It was later reinforced by the IPC ADC that this is 'normally' done for all type of substances unless fairness requires otherwise.
- In the final written decision given to the athletes there was no reference to their right of appeal.
- The IO Team has concerns about the impartiality of the hearing panel taking into consideration that the hearing panel consists exclusively of IPC ADC members. According to IPC ADC Terms of Reference, the function of the ADC is to "assist with the establishment of policies, guidelines and procedures with respect to the fight

against doping, including results management and compliance with internationally accepted regulations, including the World Anti-Doping Code". During the Games, the IO Team observed that the ADC was highly involved in operating the Games anti-doping program (policy establishment, informing NPCs on their anti-doping responsibilities, establishing the TDP, ensuring all processes were in place at venues, reviewing all forms, etc.). The fact that members of the ADC have to combine multiple roles could lead to perceived or real challenges related to their independence and impartiality.

On a different matter, during the Games an AAF was reported from a pre-Games national test on an athlete participating in the Games. The IPC offered to obtain the results management authority from the NADO with no success. The NADO then requested its NPC in London to withdraw the athlete from competition, even though he had not had a hearing on the AAF or been formally suspended at the national level as indicated by their national rules. This revealed a loophole in the current rules in place between different ADOs. The IO Team suggests that the IPC address this matter through the current WADA Code review process.

Finally, the IO Team observed that a retroactive TUE for salbutamol was granted to an athlete after returning an AAF for this substance. It is the IO Team's opinion that the athlete should have been requested to prove its claims through a controlled pharmacokinetic study to explain the AAF and therefore allow IPC to properly close the case.

Recommendations

- With regards to AAFs, the IPC Governing Board should delegate all its powers to the hearing panel. The said hearing panel should decide on the measures and/or sanctions to be applied.
- The IPC should review its results management processes and documents as well as how they are operated in practice to ensure that the rights of the athletes are fully protected (also see recommendation in Section 2. Rules and procedures).
- In all cases of Anti-Doping Rule Violations (ADRVs) the IO Team recommends that the IPC establishes a separate body to ensure the impartiality of the hearing panel, which should consist of members with no involvement in the management of the anti-doping program of the IPC.

7. SUMMARY

In summary, the IO Team would like to emphasize the excellent quality of the anti-doping program at the London 2012 Paralympic Games. Taking into consideration the various, and sometimes specific issues raised in this report, the excellence of the program can be summarized by the two following key aspects.

On the field, the anti-doping program facilitated by LOCOG was comprehensive, well planned, well organized and well executed. The facilities were very adequate and the staff was highly professional.

At a strategic level, the TDP outlined by the IPC ADC was well justified and appropriate. The targeted OOCT program, based on risk assessment coupled with more advanced methods for laboratory analysis, resulted in identifying various AAFs. Based on this, the IPC could review and consider carrying out even more OOCT throughout the event – not just at the start of the Games – and consider instigating more target testing based on intelligence.