

## **IAAF TASKFORCE REPORT TO IAAF COUNCIL, 26 NOVEMBER 2017**

1. I am pleased to present this Taskforce report on the progress that RusAF has made since the last IAAF Council meeting to satisfy the conditions that the Council has set for the reinstatement of RusAF's membership of the IAAF. Everyone is aware that there is a broader context, with decisions having been made by WADA and about to be made by the IOC. I am happy to discuss that broader context if anyone wants to do so when it comes to questions. First, though, let me tell you where we have got to with track & field in Russia. You have a copy of the report in front of you with all the detail; I will only read out the highlights.

2. As a reminder, the IAAF Council suspended RusAF from membership in November 2015, after a WADA Independent Commission concluded there was a systemic and deeply-rooted culture of doping in Russian athletics. The Council decided that, in order to be reinstated to membership, RusAF must demonstrate that: (i) RusAF complies in full with the World Anti-Doping Code and IAAF Anti-Doping Rules; (ii) the IAAF and RUSADA (the Russian national anti-doping organisation) are able to conduct their anti-doping programmes in Russia (in particular, drug-testing) effectively and without interference; and (iii) as a result, the reintegration of Russian athletes into international competitions will not jeopardise the integrity of those competitions (the '**Reinstatement Conditions**').

3. A number of specific '**Verification Criteria**' were identified that would have to be met as part of this task. And in April 2017 the Council approved a '**Roadmap**' proposed by the Taskforce that identified six specific conditions to be met in order for the Taskforce to be able to recommend RusAF's reinstatement.

4. All of the conditions imposed are designed to ensure that RusAF establishes a culture of zero tolerance towards doping in Russian athletics, and that RusAF, RUSADA, and the public authorities in Russia, working in cooperation, create an anti-doping infrastructure that is effective in detecting and deterring cheats, and therefore provides reasonable assurance and protection to clean athletes both inside and outside of Russia.

### **Progress since August 2017**

5. Rozle Prezelj, Jon Taylor and I met with RusAF President Dmitri Shlyakhtin and Ministry of Sport official Artem Yakubov in Oslo on 30 October 2017 to review progress since our last meeting (which had been in June 2017 in Moscow). It was our impression that Mr Shlyakhtin is genuine in his desire to avoid any repetition of what happened previously. He identified a number of useful initiatives that RusAF is pursuing towards that end. In particular:

- RusAF has initiated a campaign on social media and elsewhere, fronted by national team head coach Yuriy Burzakovskiy and national team athletes, pledging their commitment to clean sport.
- RusAF has made it compulsory from 2018 on for all athletes participating in the under-18 national competitions to complete an on-line anti-doping training module.
- To make up for its lack of authority over coaches (who are contracted not by RusAF but by the Centre for Sports Preparation, an agency of the Ministry of Sport), RusAF is introducing a system whereby a coach will only receive prize money for the performances of his/her athletes in competitions sanctioned by RusAF if he holds a RusAF licence. The coach will need to complete an on-line anti-doping education module to get a RusAF licence, and he will lose it if he commits or if two or more of his athletes commits an anti-doping rule violation.

- Various new measures have been put in place to try to ensure that (a) all athletes are aware of which athlete support personnel have been banned and therefore must not be associated with; and (b) all event organisers throughout Russia are aware of which athletes and athlete support personnel are banned for doping and therefore must not be permitted to participate in any way in any event.
- In June 2017 RusAF advised that there was at that point only one Russian track and field athlete in a Registered Testing Pool who lives in a closed city (to take care of her elderly parents). It advised it had rented an apartment for her next to (but outside) the closed city, and has provided the address to RUSADA so that it can continue to test her.

### **Current status**

6. The current status (in summary) is that most but not all of the Verification Criteria have been met (meeting them all is the first condition in the Roadmap). Of the five remaining conditions in the Roadmap, one has been fully met to date (support for the Clean Sport Movement), two others have only been partly met (satisfactory testing, and a solution to the problem of enforcement of provisional suspensions of coaches), and two have not been met at all (acknowledgement of McLaren findings; reinstatement of RUSADA).

7. The detail supporting that analysis is as follows:

7.1 The first condition is that all outstanding Verification Criteria must have been satisfied, and those Verification Criteria that are ongoing -- such as the requirement of full cooperation with the French criminal authorities -- must continue to be satisfied moving forward.

As to the first Roadmap condition, most of the Verification Criteria have now been completed (and the Taskforce understands that the Russian authorities are continuing to cooperate with the French criminal authorities). Only a small number of Verification Criteria remain outstanding, and most of them require action from the Ministry of Sport rather than RusAF. I will be sending RusAF a letter listing the outstanding items later today.

One remaining Verification Criterion is that RusAF must reimburse the IAAF for all of the costs that the IAAF has incurred to date, and all of the costs that it will incur prior to and after the reinstatement of RusAF, as a result of the need to impose, enforce and assess compliance with the Reinstatement Conditions and the Verification Criteria. This has not yet been addressed by RusAF, which has stated that it is experiencing serious financial difficulties as a result of its suspension from membership of the IAAF and its consequent exclusion from international competitions.

7.2 The second condition is that the testing of Russian athletes (including not only IAAF testing of IRTP athletes but also national-level testing by or on behalf of RUSADA) must take place without any further adverse incidents or difficulties.

As to the second Roadmap condition, the Taskforce has not been advised of any adverse incidents or difficulties in the testing of Russian track & field athletes in the past few months, whether by the IAAF's Athletics Integrity Unit or at national level by RUSADA or its service providers IDTM/PWC.

In addition, the Russian authorities have agreed the following protocol with WADA to secure access for DCOs to so-called 'closed cities' to test athletes located there: (a) the Russian authorities have provided or will provide special access passes for Russian DCOs to access certain closed cities for

testing purposes; (b) the list of 'closed cities' for which such special access passes have been issued will be published on the RUSADA website; and (c) if an athlete in a Registered Testing Pool declares in their whereabouts filing that they will be staying in a closed city to which such special access has not been granted, they will immediately be given a whereabouts failure (three of which in 12 months constitutes an ADRV).

Following a WADA audit in September 2017, it was reported to the WADA Foundation Board in November 2017 that this protocol has been agreed and implemented, but the results of initial testing missions indicated that the protocol has not yet been fully communicated to personnel at the closed cities, and consequently in five or six cases the DCO was made to wait for several hours or even days before being given access to the athlete. The conclusion was that further testing of the system is required to ensure the protocol is being implemented properly in all cases.

The Taskforce would want to see the agreed protocol for DCOs to access 'closed cities' implemented and working properly in all cases in order to confirm this condition has been satisfied.

More fundamentally, however, as we have clearly explained on several occasions to RusAF, not only must the testing of Russian athletes be taking place without adverse incidents or difficulties. In addition, the amount of testing that takes place, and the nature of testing that takes place (for example, blood as well as urine being collected; no notice out of competition testing being conducted as well as in competition testing; a good ABP program), must be sufficient to provide reasonable assurance that Russian athletes seeking to compete in international competition will be competing clean. That means that the Russian NADO needs to be reinstated by WADA (as to which, see below), and the testing that is conducted of Russian athletes at national level needs to be greatly increased.

The Taskforce understands that the IAAF is currently testing 56 Russian athletes in its International Registered Testing Pool. According to RusAF, there are currently another 71 Russian track & field athletes in RUSADA's National Registered Testing Pool, and 43 more in RUSADA's 'extended' testing pool, and RUSADA has just agreed to add another 25 track & field athletes to its pools. RusAF has also advised that in the first ten months of 2017 RUSADA or IDTM or PWC tested 536 Russian track & field athletes (including some not in those pools), with 213 urine samples collected in competition and 543 collected out of competition, as well as 39 blood samples and 126 ABP samples. It is expected that RUSADA will train more DCOs and conduct more testing in 2018. The Taskforce understands RUSADA is planning 9,000 tests in total in all sports in 2018, compared to 6,000 tests in total in 2017.

We do not know how many of those tests are assigned to track & field, but we have made it clear to RusAF that it will need to ensure, as a condition of reinstatement, that an effective, intelligent and proportionate test distribution plan is being implemented for the testing of its athletes at the national level, consistent with the requirements of WADA's International Standard for Testing and Investigations. We recommend that the Athletics Integrity Unit should be the body that determines whether this requirement has been satisfied. This requirement should replace the condition currently set out in the Verification Criteria that a Russian athlete undergo at least three tests in the six months prior to international competition.

7.3 The third condition is that RusAF must deliver a written report that provides a rigorous root cause analysis of the legal and practical reasons why it has been unable to date to enforce the provisional suspensions imposed on Russian track & field coaches, and an explanation, supported by an independent legal opinion, of how in the future, whether through changes in the law, in contractual arrangements or otherwise, it will be able to enforce all suspensions (whether provisional or final) imposed on athletes and athlete support personnel under its jurisdiction in an effective and timely fashion.

As to the third Roadmap condition, RusAF has explained that there was previously uncertainty as to whether the Russian Labor Code permitted the suspension from employment of coaches who are charged with an anti-doping rule violation and provisionally suspended pending determination of the charge, but it has produced a legal opinion from external counsel asserting that there are provisions in the current Labor Code that could be used, and that changes have been proposed to the Labor Code that would make the point very clear.

The Taskforce has asked for more detail of these proposed legislative changes, as the Taskforce has only been informed about a proposed change that would permit termination of a coach's employment if he receives a final ban for an ADRV (not a provisional ban). RusAF has promised to provide a clarification of this point by external counsel, but it has not yet been provided yet, and therefore this condition has not yet been satisfied in full.

7.4 The fourth condition is that RusAF takes demonstrable objective and practical steps to cultivate the clean sport movement championed by Andrey Dmitriev and his colleagues, including having RusAF's leading officials, athletes and coaches speak in support of the movement, and providing financial and other practical assistance to the movement as appropriate.

As to the fourth condition, at the meeting in Moscow on 13 June 2017, Jon Taylor and I met with Mikhail Vinogradov, a key member of the Clean Sport Movement (and the associated Rocket Sport Project), and were advised of the following encouraging developments:

- The Clean Sport Movement and the associated Rocket Sport Project were founded in October 2016. They are dedicated to proving to Russian track and field athletes that doping is bad for their health and that they can succeed without it.
- They have started developing a presence on social media in Russia, and have set up a telephone line for people to provide information about doping in Russian track and field. In addition, RusAF has published an official letter supporting the movement, they have had a number of meetings to discuss how it can support the movement, and it is clear to him that RusAF's top officials are committed to changing the old culture of doping in Russian track & field. RusAF has also assisted the movement in getting support (including potentially financial support) from the Ministry of Sport, and the Russian Olympic Committee has also been supportive.
- As noted above, Russian national team head coach Yuri Borzakovskiy has been leading a series of activities (including a social media campaign) in support of clean sport, supported by about eighty national team athletes. Mr Vinogradov considered that this could have a huge impact, because Mr Borzakovskiy is a national hero and everyone respects him and listens to him. RusAF agreed to try to get Elena Isinbaeva to join the campaign too, because she has similar influence.
- RusAF President Dimitri Shlyakhtin also indicated a desire to assist athlete and whistle-blower Andrei Dmitriev, if he returns to Russia, to sort out his problems with the military draft board and to secure new employment that will enable him to continue with his training.

Based on this information, the Taskforce considers that RusAF is meeting this condition.

7.5 The fifth condition is that there must be an appropriate official response to the McLaren reports, specifically addressing Professor McLaren's findings that officials from the Ministry for Sport, the FSB, and the Centre for Sport Preparation were involved in the doping scheme, either by convincingly rebutting those findings or else by acknowledging and properly addressing them.

The fifth Roadmap condition (acknowledgement of the McLaren findings) has not been met:

- The Russian Minister of Sport, Pavel Kolobkov, attended our meeting in Moscow on 13 June 2017, and so we were able to explain to him directly how important it is that this requirement is properly satisfied, in order to demonstrate that the issues that led to RusAF's current problems have been properly acknowledged and addressed, and there will be no repetition of them. The Minister promised that the Russian authorities would respond to the findings in the McLaren reports in the coming weeks. However, the Taskforce received nothing from him or the Ministry after that meeting.
- At our meeting in Oslo in October 2017, Ministry of Sport official Artem Yakubov advised that the Ministry has corresponded with WADA and the IOC on this point, but that that correspondence is confidential and cannot be shared with the IAAF Taskforce. We expressed our extreme disappointment that the Russian authorities have not seen it fit to communicate directly with the Taskforce on this point, and I had the opportunity to repeat this point in person to Minister Kolobkov in Korea last week. Nevertheless, we have still received no official communication on this point from the Russian authorities to date. Instead, at our October meeting Mr Yakubov asked that this condition (and the next one, reinstatement of RUSADA) be dropped, on the basis that RusAF has done everything asked of it, it cannot control the other conditions, and it will really struggle, and may not even survive, if it continues to be suspended from participation in international competitions.
- On 8 November 2017, the Investigative Committee of the Russian Federation (appointed by President Putin to investigate the McLaren findings) reported that its investigation has *"refuted the arguments of WADA's independent expert McLaren on replacement of Russian athletes' positive samples with negative results in the Sochi anti-doping laboratory at the Olympics, as well as on existence of some sort of a state doping program in Russia to help athletes win as many medals as possible"*. However, it did not explain how the McLaren findings had been 'refuted' (i.e., disproved). Instead, it simply identified evidence it had gathered (denials by athletes, coaches and officials of any knowledge of a doping scheme; and expert evidence on the 'sample swapping' evidence) that it said contradicted Professor McLaren's findings, without explaining why that evidence should be preferred over the evidence he had provided, and without addressing some of the evidence he relies upon at all. With respect, therefore, the Taskforce does not accept that the Investigative Committee has refuted Professor McLaren's findings.
- At the WADA Foundation Board meeting on 16 November 2017, the President of the Russian Olympic Committee, Alexander Zhukov, said: *"We accept that our national anti-doping system has failed. It is also recognized by the country's top leadership. This failure was the result of the organized activities aimed at manipulations with doping samples of the Russian athletes by a group of individuals for their personal benefit. This group consisted of a number of managers within RUSADA, the Moscow anti-doping laboratory and other anti-doping institutions. The level of involvement and guilt of certain individuals will be determined by the Investigative Committee upon the end of investigation. At the same time we absolutely deny the existence of a state-sponsored doping system"*.
- As noted below, the WADA Foundation Board did not accept that this met the requirement of acceptance of the McLaren findings, in particular because it did not either refute or accept Professor McLaren's findings that the conspiracy was orchestrated by officials in the Ministry of Sport and carried out with the assistance of the FSB. The Taskforce agrees with the WADA Foundation Board on this point.

7.6 The sixth and final condition is that WADA must have determined that all of the conditions it has specified for the reinstatement of RUSADA as a truly autonomous, independent and properly-resourced national anti-doping organisation have been met, and so reinstated RUSADA as the official, Code-compliant NADO for Russia.

As to the sixth Roadmap condition (reinstatement of RUSADA), at its meeting on 16 November 2017 the WADA Foundation Board decided that RUSADA should not be reinstated until the outstanding conditions in 'RUSADA's Roadmap to Compliance' have been met, including in particular (i) that the responsible authorities for anti-doping in Russia must publicly accept the reported outcomes of the McLaren investigation; and (ii) that the Russian Government must provide access for appropriate entities to the stored samples and electronic data in the Moscow laboratory relating to analysis of samples from 2011 to 2015.

The WADA Foundation Board noted that WADA has obtained a copy of a database from the Moscow laboratory containing a lot of the relevant data, which may corroborate Professor McLaren's finding that prohibited substances were detected on initial screening of samples but then covered up (so-called 'disappearing positives'). However, the Russian authorities have questioned the authenticity of that database, making access to the data in the Moscow laboratory even more important, so that the authenticity of the database obtained by WADA can be determined, and (if it is determined to be authentic) decisions made as to whether to bring ADRV proceedings against individual athletes based on data in the database.

At the 16 November meeting, the Russian authorities asked the WADA Foundation Board to drop these two conditions (acceptance of the McLaren findings and access to the samples and lab data), arguing that RUSADA is now fully compliant and these two requirements are not linked to its compliance but instead are 'political'. The WADA Foundation Board rejected that request on the basis that satisfaction of those conditions was necessary to ensure that the wrongdoing of the past was fully addressed and would not be repeated, so that (in WADA President Sir Craig Reedie's words) Russia *'can benefit from a fully robust and independent anti-doping system, which operates within a healthy and supportive environment'*.

Therefore this condition (reinstatement of RUSADA by WADA) has not yet been met either.

### **Recommendation**

8. Based on the above, the conditions established by the IAAF Council for reinstatement of RusAF to IAAF membership have not yet been met in full. Instead several material conditions remain outstanding, either in whole or in part.

9. As noted above, the Russian Ministry of Sport has asked the Council to drop the last two conditions in the Roadmap (acceptance of the McLaren findings, and reinstatement of RUSADA). The Taskforce does not agree that those conditions are 'political' and irrelevant to RusAF's compliance with IAAF membership obligations. Even if RusAF has made progress in changing the doping culture within Russian track and field, it depends for its success in that regard on the support not only of a fully-compliant and reinstated RUSADA but also on the Ministry of Sport and other agencies fully respecting and supporting an independent RUSADA and RusAF, and not corrupting or undermining their anti-doping activities in the manner uncovered by Professor McLaren. Unless and until his findings are either convincingly rebutted or else properly acknowledged and addressed by the Russian authorities, the Taskforce's view is that there can be no comfort that such actions will not be repeated

in the future. The Taskforce therefore recommends that the Council maintain all of the conditions in the Roadmap, including these last two conditions.

10. In conclusion, the Taskforce unanimously recommends that the IAAF Council decides not to reinstate RusAF until all of the reinstatement conditions the Council has set have been met in full.

11. The Taskforce also recommends that the current Verification Criterion that a Russian athlete must undergo at least three tests in the six months prior to international competition be replaced with a requirement that RusAF ensure an effective, intelligent and proportionate test distribution plan is implemented for testing its athletes at the national level, with the Athletics Integrity Unit to determine whether this reinstatement condition has been met.

Rune Andersen, Taskforce Chair, 26 November 2017