

IAAF TASKFORCE REPORT TO IAAF COUNCIL, 27 JULY 2018

1. I am pleased to present this report on the progress that RusAF has made since the last Council meeting to satisfy the conditions set by Council for RusAF's reinstatement to membership of the IAAF. You should have copies in front of you; I will only read out the highlights.

2. As a reminder, in November 2015 the IAAF Council suspended RusAF from membership, 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. A number of specific '**Verification Criteria**' were identified that 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 recommend RusAF's reinstatement. All of these requirements 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.

Engagement since the last Council meeting

3. I reported to the Council in March 2018 that there had been limited engagement from RusAF and the Russian authorities after the Council meeting in November 2017. Their focus appeared to be not on meeting the outstanding reinstatement conditions, but instead on trying to persuade the IAAF to drop two of those conditions on the basis they are beyond RusAF's control, namely (i) acknowledgement by the Russian authorities of the systemic doping conspiracy directed by Ministry of Sport officials, as identified by Professor McLaren; and (ii) reinstatement of RUSADA by WADA. The Council agreed with the Taskforce that these conditions must be met even if RusAF needs outside help to meet them, because they go directly to the issue of whether Russian athletes can be reintegrated into international competitions without jeopardising the integrity of those competitions. I also noted that if there was no meaningful progress following the March meeting, the Taskforce would consider whether to recommend to the Council at this meeting that it suspend further operation of the Taskforce, and consider taking further measures vis-à-vis RusAF, such as (for example) no longer permitting Russian athletes to participate in international competition as neutral athletes up to (ultimately) recommending the expulsion of RusAF from membership of the IAAF.

4. I am pleased to report that that statement had the desired effect, prompting a much higher level of engagement from RusAF and the Russian Ministry of Sport since March. Even though they still maintain that those two conditions should be dropped, RusAF in particular has worked very hard to meet and even to surpass the remaining requirements that are within its control. Taskforce representatives met with Minister Kolobkov and RusAF President Dmitry Shlyakhtin in Lausanne in March, the IAAF President and I met with Minister Kolobkov at his request in Monaco in April, and Taskforce representatives also met with Mr Shlyakhtin in Oslo in June. In addition, the Taskforce has received monthly updates from RusAF on its anti-doping reforms, and has also been in written and/or verbal contact with WADA, with RUSADA, and with the Russian Ministry of Sport.

Current status

5. Here is where we stand today:

5.1 **Roadmap Condition 1 (satisfying the Verification Criteria):**

5.1.1 RusAF has satisfied almost all of the individual Verification Criteria. The main criterion that remains outstanding is the requirement to reimburse all of the costs incurred by the IAAF in imposing, enforcing and assessing compliance with the Reinstatement Conditions and the Verification Criteria, including the Taskforce costs, the costs of the Russia-related cases that have been taken to CAS, and the costs incurred by the Doping Review Board from 1 January 2018 in dealing with applications from Russian athletes for neutral athlete status. RusAF has said that it needs to receive a formal invoice and supporting details in order to pay these costs, which are in the course of being prepared by the IAAF, but Mr Shlyakhtin has given the Taskforce a formal assurance that RusAF will pay all of the costs once those documents have been received.

5.1.2 It is also only fair to note that RusAF has gone further in various respects than required by the Verification Criteria and the Roadmap, including (1) introducing a licensing scheme for coaches, which licence would be withdrawn if athletes under the coach's control are found to have doped; (2) introducing on-line anti-doping education courses, which are mandatory for junior national team athletes, and encouraged for others, and which have reportedly been taken by more than 5,400 individuals to date; and (3) entering into a detailed cooperation agreement with RUSADA to ensure that RUSADA has all of the information, access and support it requires to conduct effective testing of RusAF athletes. In addition, RusAF has shown a commitment towards defending clean sport by (1) declining to support certain athletes' applications for neutral athlete status; (2) asking the IAAF to require RusAF to endorse any athletes proposed for international competition even after reinstatement (to help RusAF wield effective anti-doping authority over its regions); and (3) requesting continued cooperation with and support from the Taskforce post-reinstatement.

5.1.3 Against that, it is clear that some Russian coaches and athletes have still not got the message that the old doping culture has to change. In April 2018, RUSADA investigators found that Russian race walkers from Saransk were still training with Viktor Chegin, despite his lifetime ban from the sport; and there is also evidence that some national team athletes have been continuing to train with Vladimir Khazarin, even though he too has been banned for life from the sport. RusAF has responded by firing a national team coach who travelled with Chegin to the training camp in question, and by getting 650 national team athletes and 97 national team coaches to sign written acknowledgements that they are prohibited from associating with banned coaches.

5.2 **Roadmap Condition 2 (adequate testing of Russian athletes):** RusAF has pushed RUSADA to include more of its athletes in RUSADA's registered testing pools (there are currently nearly 250 RusAF athletes in such pools). In the past year, RUSADA has collected 1354 blood or urine samples from Russian national-level athletes; and the Taskforce has not been advised of any major adverse incidents or difficulties in the testing of such athletes in the past few months, whether such testing was by the AIU or by RUSADA or its service providers IDTM/PWC. The Taskforce has been in direct contact with RUSADA to understand its future plans for testing RusAF athletes, and we believe RUSADA will have the capacity to conduct sufficient testing to provide reasonable assurance that Russian athletes seeking to compete in international competition will be competing clean. However, it is likely that RusAF will have to pay for a considerable amount of that testing from its own budget, and this should therefore be required as a post-reinstatement condition.

5.3 **Roadmap Condition 3 (demonstrating that provisional suspensions of coaches charged with doping offences can be enforced effectively):** The Council will recall this has been a recurring

problem since RusAF was suspended in November 2015. RusAF has provided a letter from the Ministry of Labor and Social Protection and an opinion from an independent Russian lawyer, each asserting that Article 76 of the Russian Labour Law gives the employer of a coach the right to exclude the coach from employment where he has been provisionally suspended under the Russian anti-doping rules pending determination of a charge that he has committed an anti-doping rule violation. RusAF has explained that the previous failure to use this provision to enforce the provisional suspensions of the coaches charged based on the WADA Commission's 2015 report was due to a lack of familiarity with this process (since no Russian coach had ever been provisionally suspended before, by the IAAF or RUSADA). RusAF has confirmed that it will ensure that its regional members are familiar with this process, so that there are no difficulties in immediate enforcement of any provisional suspension of a Russian track & field coach moving forward. On this basis, the Taskforce's view is that this condition has been satisfied, but that it will be important to monitor this issue as part of the post-reinstatement conditions.

5.4 Roadmap Condition 4 (RusAF to take appropriate steps to cultivate and support the Clean Sport Movement and the associated Rocket Sport Project championed by certain individual Russian athletes and coaches): The Taskforce considers that this condition has been met to date.

5.5 Roadmap Condition 5 (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).

5.5.1 As I have already noted, the Council has previously agreed with the Taskforce that this condition is very important in terms of delivering assurance that reintegrating RusAF and its athletes to international competitions will not undermine the integrity of those competitions. Unless the McLaren findings are acknowledged and properly addressed, how can we feel confident that there will not further undermining of RUSADA's activities moving forward?

5.5.2 The Russian authorities have argued that requiring them to acknowledge the McLaren findings is inappropriate and unlawful, because those findings have been rejected by the Schmid Commission and by the CAS. The Taskforce strongly disagrees: neither the Schmid Commission nor the CAS rejected the McLaren findings; to the contrary, they endorsed them.

a. The Schmid Commission did not reject any of Professor McLaren's findings. To the contrary, it agreed with him that there was a '*systemic manipulation of the anti-doping rules and system in Russia, through the Disappearing Positive Methodology and during the Olympic Winter Games Sochi 2014*'; and it also agreed with him that the scheme was orchestrated from within the Ministry of Sport, going at least as high as Deputy Minister Yuri Nagornykh, as well as Natalia Zhelanova (anti-doping advisor to Minister Mutko).

b. The CAS did not reject Professor McLaren's findings either. The CAS decided that the evidence that the IOC's Oswald Commission presented against 39 Russian athletes established that 12 of those athletes provided clean urine in advance of the Sochi Games to enable the subsequent swapping of dirty samples they gave at the Sochi Games, and that the samples were swapped in Sochi, with salt being added to the clean urine to avoid detection of the substitution, exactly as Professor McLaren had suggested. Although the evidence presented by the IOC was held to be insufficient in the other 27 cases, in its reasoned decision the CAS Panel stated: "*The alleged doping scheme was, by its very nature, intended and designed to conceal evidence of wrongdoing to the maximum extent possible. .. The absence of direct evidence, therefore, is not necessarily indicative of innocence, but may equally be indicative that serious wrongdoing has been effectively concealed*". And in its conclusions the CAS Panel specifically noted: '*The Panel has not made a ruling on whether*

and to what extent the alleged doping scheme during the Sochi Games existed and how it operated even though it recognizes that there is significant evidence that it was in place and worked'.

5.5.3 Therefore there is no reason to drop this requirement. In fact, WADA has imposed the same requirement as a condition of reinstatement of RUSADA, and to date the Russian authorities have chosen to correspond with WADA on the point rather than the Taskforce. The Taskforce understands that in their most recent correspondence the Russian authorities acknowledged that the Pound, McLaren and Schmid Commissions had identified some '*unacceptable manipulations*' of the Russian anti-doping system, but did not acknowledge that it was high-ranking Ministry of Sport officials that had directed those manipulations, even though that is what both McLaren and Schmid found, based on the objective evidence. Furthermore, on 25 May 2018 Minister Kolobkov told the media that the Russian authorities rejected the McLaren report as '*unsubstantiated*', and insisted that the guilt of any individuals would be determined only by the Russian Investigative Committee (a body that reports directly to President Putin, whose investigation into this matter has been ongoing since 2016, with no end date yet in sight).

5.5.4 At this stage, therefore, in the view of the Taskforce this requirement has still not been met. However, the Taskforce understands that WADA has proposed a solution to the Russian authorities that could resolve this issue prior to the next meeting of the WADA Executive Committee, which is scheduled for 20 September 2018.

5.6 Roadmap Condition 6 (reinstatement of RUSADA as a truly autonomous, independent and properly-resourced national anti-doping organisation)

5.6.1 The Russian authorities have also argued it is inappropriate and unlawful to make this a condition of RusAF's reinstatement, because RusAF has no control over RUSADA. Again, however, the Taskforce does not agree. There can be no assurance that RusAF's athletes are being tested adequately within Russia unless and until RUSADA has been reinstated by WADA in conditions that guarantee its operational independence. It is therefore entirely appropriate to make RusAF's reinstatement conditional on RUSADA's reinstatement, even if RusAF depends on the help of the Russian Government to satisfy this condition. The CAS has confirmed, in the 2016 case RPC v IPC, that such a requirement is lawful and justified.

5.6.2 The Taskforce understands that two conditions imposed by WADA for the reinstatement of RUSADA remain outstanding: (1) acknowledgement of the McLaren findings; and (2) access to the samples and electronic data stored at the Moscow laboratory relating to analysis of samples collected from Russian athletes from 2011 to 2015. I have already addressed the first condition. The second condition is designed to resolve the controversy about the number of Russian athletes who were doped as part of the conspiracy. WADA's view is that it is not fair either to Russian athletes under a cloud of suspicion, or to the athletes they competed against, for uncertainty to remain about which athletes were doped.

5.6.3 The Taskforce agrees with WADA that it remains vital to the cause of clean sport that this condition be satisfied. RusAF and its athletes cannot be re-integrated into international competition when there remains a suspicion that some of those athletes may have evaded punishment for doping. WADA has transferred to the AIU details of suspicious findings recorded in the Moscow laboratory's internal database (**LIMS**) for 1800 samples collected by RUSADA from over 1000 Russian athletes between 2012 and August 2015. The AIU has been analysing that LIMS data to determine whether there are any adverse analytical findings that should be pursued as potential anti-doping rule violations, leading to bans on the athletes involved and disqualification of their tainted results. However, I have received a letter from AIU CEO Brett Clothier, explaining that in order to resolve those cases one way or another, the AIU needs help from the Russian authorities (1) to identify the

athletes who provided 12 of the samples referenced in the LIMS database; (2) to access the analytical data stored on the hard drives of the laboratory instruments that generated the summary findings recorded in the LIMS database; and (3) to facilitate re-testing of the underlying samples where required, following analysis of that data, to determine whether the athlete in question has a case to answer. Brett has asked for the Taskforce's help in obtaining this assistance from the Russian authorities, and we think that help should be provided.

5.6.4 To date, the Russian authorities have denied WADA and the IAAF access to the samples and the underlying data on the ground that the Moscow laboratory constitutes a crime scene in a live criminal investigation by the Russian Investigative Committee. However, the Taskforce understands that the Russian authorities have indicated access may be granted exceptionally even while the investigation remains pending, and therefore WADA has recently written to them specifying exactly what access is required and why providing it would not compromise the Investigative Committee's investigation. Again it is hoped that this will prompt a breakthrough before the WADA Executive Committee's meeting in September 2018.

Recommendation

6. Based on the above, **the Taskforce recommends that the Council does not drop the outstanding conditions, but instead maintains them as pre-conditions to the reinstatement of RusAF, i.e., (i) the Russian authorities must acknowledge the findings of McLaren and Schmid that Ministry of Sport officials were implicated in the scheme to cover up the doping of Russian athletes that is described in the McLaren and Schmid reports; (ii) RUSADA must be reinstated by WADA; and (iii) the Russian authorities must provide the information and access required by the AIU to resolve the suspicious findings set out in the LIMS database.**

7. The Taskforce hopes that the Russian authorities will now respond positively to WADA's recent communications, so that RUSADA is reinstated following the WADA Executive Committee's meeting in September 2018. If that happens, then provided that RusAF pays the outstanding costs mentioned above (once an invoice and supporting documentation have been received), and also provided there are no backward steps between now and then on any other Verification Criteria or Roadmap conditions, then the Taskforce would hope to come to the next Council meeting, in Monaco in December 2018, with a recommendation that RusAF be provisionally reinstated to IAAF membership. At that time, the Taskforce would also recommend a list of further requirements that RusAF should be required to continue to meet post-reinstatement.

Rune Andersen, Taskforce Chair
27 July 2018