

IAAF TASKFORCE: INTERIM REPORT TO IAAF COUNCIL, 12-13 APRIL 2017

1. Due to a calendar clash, I regret I am unable to attend the Council meeting on 12-13 April 2017, and I am grateful to the President for allowing me instead to present this fifth Taskforce progress report to the Council in writing.

Progress since last Council meeting

2. At the last Council meeting, in February 2017, the Taskforce identified six milestones that it considers need to be reached before it will be able to consider recommending provisional reinstatement of RusAF. I set these six milestones out below in turn, and explain the progress that has been made towards reaching them since that meeting:

2.1 That all outstanding Verification Criteria have been satisfied, and those Verification Criteria that are ongoing -- such as the requirement of full cooperation with the French criminal authorities -- continue to be satisfied moving forward.

Most of the Verification Criteria have been completed; a small number remain outstanding. As far as the Taskforce is aware, the French criminal authorities are happy with the cooperation they are currently receiving from the Russian criminal authorities.

2.2 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) is taking place without any further adverse incidents or difficulties.

The IAAF has not encountered any problems in its testing of Russian athletes since February 2017, and the Taskforce has not been advised of any problems arising in UKAD-supervised testing of Russian athletes at national level. However:

- The amount of testing being conducted remains very limited: the IAAF Medical & Anti-Doping Department has increased the number of Russian athletes in the international registered testing pool to 61; but there are only about 100 Russian track & field athletes in RUSADA's national registered testing pool (as against approximately 1,000 national squad athletes across the different age-groups).
- The Russian Investigative Committee is still refusing to release ABP samples that have been screened at the Moscow lab, so that the IAAF can ship them to a foreign lab for further testing (despite several assurances from the Minister for Sport that this would be sorted out).
- The issue of access to athletes in 'closed cities' has still not been resolved (although again the Minister has said several times that it is close to resolution).

2.3 That RusAF has delivered 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.

RusAF has provided a short 'legal opinion on provisional suspension of coaches' (albeit that it is signed only by RusAF executive director A. Parkin), which Taskforce counsel Jon Taylor is currently reviewing. RusAF has also provided copies of correspondence indicating that, following CAS's imposition of a 10 year ban on the coach Vladimir Mokhnev (who was seen coaching athletes in the ARD documentary broadcast in February 2017), Mr Mokhnev no longer holds his previous position as a coach on the staff of the Yakovlev Olympic Reserve School of the Kursk Region.

On 7 February 2017, RusAF posted the following notice on its website: *'We appeal to all athletes, coaches and support personnel to follow the Verification Criteria, otherwise RusAF will not get reinstated to IAAF membership. We explain again that disqualified or suspended athletes and coaches may not and must not stay, coach and train (even at their own expense) at the facilities of physical culture and sports organizations of the Russian Federation, as well as at overseas facilities, where athletes of Russian national team have training events. These facts seriously undermine all of the reforms and make it impossible for RusAF to be reinstated to IAAF membership'*.

On 22 March 2017, ARD reported that it had evidence that Dr Sergey Portugalov (provisionally suspended since August 2015 for doping Russian athletes, and recently banned for life by CAS) was working until recently at a federal sports scientific institute in Moscow, and that in March 2017 a Moscow medical centre that its sports medicine department (which provides medical support to elite athletes) was run by Dr Portugalov (but when confronted it removed his name from its website and denied that he had ever worked there). We will ask RusAF to confirm it has taken appropriate steps to ensure that no track & field athletes are working with Dr Portugalov.

2.4 That there has been 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.

On 7 February 2017, RusAF 1st VP Andrey Silnov said that *'there are no facts there [in the McLaren Report], just assertions, and we're gradually proving that it's not a state structure, a system'*. Similarly, on 27 February 2017 ROC President Alexander Zhukov said it was *'clear that the serious evidence in the McLaren report does not exist'*.

On the other hand, in a meeting in Moscow in February 2017, Colonel Zherdev, a representative of the Investigative Committee of the Russian Federation, assured the Taskforce that the Committee would conduct an exhaustive investigation into the facts set out in the McLaren Report, and anyone found to have done wrong will be brought to justice. And on 7 February 2017 Deputy PM Vitaly Mutko said *'There were many abuses and breaches. Athletes broke the rules and many coaches don't understand how to work without*

doping, and it's high time for them to retire'; while on 17 February 2017 he said: 'We will achieve nothing until we call to account the people encouraging athletes [to dope]. Now we dismiss these people. We have dozens of coaches, who have been under investigation, how have lost the right to work in athletics, lost their status'. We will ask RusAF for details of the coaches who have been fired on these grounds.

Most significantly, in a speech on 1 March 2017, the President of the Russian Federation, Vladimir Putin, said that public officials should consider the results of the McLaren investigation *'despite its drawbacks', 'because we need to admit that some cases of doping have really been detected, as doping is completely unacceptable. This means that the current Russian anti-doping system has failed, and this is our fault', even if 'there has never been, is not and, I hope, will never be' any state-run doping program in Russia. President Putin reportedly pledged that a new anti-doping system would be established in Russia, under the control of an independent agency instead of the Ministry for Sport, and he said he hoped the Investigative Committee would complete its investigation into the McLaren Report soon, and identify 'those responsible for the current situation'. The Taskforce awaits the Investigative Committee's report.*

2.5 That RusAF has taken 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.

In January 2017 Russian 1500m runner Andrey Dmitriev spoke out publicly, first in an on-line blog and then on German television, about the continuing culture of doping in Russian track & field. Taskforce members met with Mr Dmitriev in Moscow in February 2017, and were impressed with the efforts he was making, with some colleagues, to start a public debate and a popular movement in support of clean sport.

On 24 January 2017, RusAF posted the following notice on its website: *'The All-Russian Athletics Federation considers the fight against doping to be a priority direction of its activity. In this regard, the president of the federation Dmitry Shlyakhtin said: "The Federation has worked to analyze the number of anti-doping rule violations in each coaching group. The Ministry of Sport of the Russian Federation and RUSADA will be informed of the results of this work for an appropriate response. It was decided that for each subsequent case of doping, a thorough investigation will be conducted with the application of sanctions not only to the athlete, but also to his trainer. We remind you that in accordance with the labor legislation the trainer is obliged to take measures to prevent violations of the all-Russian anti-doping rules and anti-doping rules approved by international anti-doping organizations by the athlete. VFLA welcomes the formation of an anti-doping environment in Russian track and field athletics as one of the criteria for restoring to the IAAF. The latest cases of zero tolerance of doping among athletes and informing the general public about it in the media and online resources are evidence of a belief in pure sport. The Federation is ready to react independently to objective cases of anti-doping rule violations. It is for this purpose that a hotline has been set up and an e-mail address (maria_t@rusathletics.com) has been brought to the entire track and field community to which you can send any*

information about doping violations and suggestions for improving anti-doping work. We believe that this way, constructively cooperating, we can minimize the use of doping".'

On 15 February 2017, Mr Shlyakhtin told me that *'his [Dmitriev's] statements to foreign media and absence of desire to contact with the Russian relevant authorities investigating similar situations and officials of the federation trying to fight against doping in sport and ready to support him seem very strange to us and indicated a kind of "game" from his side. However, we will take all the possible steps to support Dmitriev and other whistleblowers'*. Mr Shlyakhtin said that he and national team head coach Yuriy Borzakovskiy would speak at the National Indoor Championships in February 2017 *'in support of the formation of open anti-doping environment and will also give a positive comment on Dmitriev's statements concerning suspended coaches trying to participate in athletes' trainings'*. We await confirmation from Mr Shlyakhtin that that happened as promised. We have not seen any other public statement from RusAF that supports Mr Dmitriev or praises him for his actions.

We also understand that Mr Shlyakhtin, RusAF executive director Alexander Parkin, and RusAF sports director Mr Kruporushnikov have reached out to Mr Dmitriev and/or the 'Rocket Sport Project' (RSP) with which he was associated (even if to date it appears the support has taken the form of more words than tangible actions).

However, Mr Dmitriev himself has advised us that:

- various prominent people (including Deputy PM Vitaly Mutko, Elena Isinbayeva, RusAF national team coach Yuriy Borzakovskiy, and RusAF 1st VP Andrey Silnov) publicly criticised him for his actions, and he was branded a 'traitor' and a liar in the mass media. We ourselves have seen Russian media reports in which RusAF 1st VP Andrey Silnov said that the whistle-blowers were *'motivated by money'* and criticised Dmitriev specifically, suggesting that he had spoken out only out of spite because he had been bypassed by other athletes, and that the things he said *'do not affect anybody'*; RusAF executive director Alexander Parkin also suggested that Dmitriev had acted out of spite because others had been selected for the national team instead of him; and RusAF President Dimitri Shlyakhtin said that Dmitriev had not proved himself as an athlete and so *'is not the one who has a right to judge RusAF. Our work will be judged by the athletics community'*;
- with the honourable exception of hammer thrower Sergey Litvinov, none of the members of the current RusAF national squad have supported Mr Dmitriev or the clean sport movement (and one of them suggested to him that they have been told to stay silent);
- Elena Isinbayeva and Yuriy Borzakovskiy did not sign the pledge for clean sport at cleansport.org, nor did they join or endorse the 'Say NO to doping' group created by RSP on vk.com (the Russian equivalent of Facebook);
- in late January 2017, Dmitriev was advised by his coach that he had been fired by both of his employers: (i) the Center for Sports Training in Krasnodar, which is run by RusAF, and which employed him as an athlete; and (ii) the 'Urojay' Sports School for Children in

the Krasnodar Region, which is run by the Ministry for Sport of the Krasnodar Region, and which employed him as a coach/athlete. Sergey Litvinov intervened and got him reinstated to the first position, at the Center for Sports Training in Krasnodar (RusAF also wrote to them), but he was not reinstated to the second position. There had been no suggestion that he was going to be fired from these positions before the ARD documentary was aired. RusAF says that he was *'dismissed at his own request'*;

- he was told that officials from the Ministry for Sport were encouraging one of the coaches he accused in the ARD documentary of doping athletes to sue him for defamation, and even offered to give him their lawyer to take the case (RusAF say this is not true);
- he was required to attend an interview by a criminal investigator from the Investigative Committee to explain the allegations he made on the ARD documentary. He says she treated him as if he was the criminal, not the accuser, and called him a *'snitch'* and a *'slanderer'*, and noted that slander is a criminal offence in Russia; he says she said *'How are you feeling now being a snitch? Do you know that in Russia we don't like snitches? How are you going to live with that? Does your conscience allow you to be a snitch and you are feeling fine now?'*; and she called Rodchenkov and the Stepanovs *'traitors'*, and asked him how much he had been paid by ARD and WADA to speak out; and
- his relatives told him they had received phone calls from the police and the military, asking where he was, and on 23 February he was approached in a hotel where he was staying by four men, including an FSB agent, the head of the army recruitment office, and a policeman. They took his passport from him, and he only got it back after a struggle. They told him that he had to sign a document acknowledging that he was obliged to report to the army recruitment office on 27 February, or else he would be put in prison immediately. He had been registered with the army recruitment office where his parents live for many years, but they never previously made any attempt to find him or ask him to report for military service. He did not report, and as a result, according to RusAF, *'materials from the Crimean military administrative agency were transferred to law enforcement agencies to resolve the issue of criminal liability'*.

As a result of all of the above, Mr Dmitriev advised that he felt too isolated and at risk to continue with his fight for clean sport in track & field, and ultimately he felt it necessary to leave Russia entirely and take sanctuary abroad.

2.6 WADA has 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 on that basis has reinstated RUSADA as the official, Code-compliant NADO for Russia. (The current WADA roadmap contemplates full reinstatement of RUSADA by November 2017, but that depends on timely achievement of the various milestones on that roadmap. If there are delays/interference in achieving any of those milestones, then the timeframe for compliance will be delayed and the November date would, we understand, be unlikely to be achievable).

We understand that the international experts appointed by WADA have recruited a new cohort of Doping Control Officers, who are now being trained by UK Anti-Doping. The

objective remains for RUSADA to start its own testing again in May 2017 (it plans to conduct about 6,000 tests in total in 2017, including on track & field athletes), with a view to full reinstatement in November 2017.

On the other hand, the new RUSADA Supervisory Board elected Elena Isinbayeva as its chair. It is difficult to see how this helps to achieve the desired change in culture in Russian track & field, or how it helps to promote an open environment for Russian whistle-blowers, given that Ms Isinbaeva (i) called the original WADA Commission report '*groundless*' even though she had never read it; (ii) strongly criticised the original whistle-blowers, Vitaly Stepanov and Juliya Stepanova; and (iii) has also criticised Mr Dmitriev. My understanding is that WADA is currently discussing Ms Isinbaeva's election as chair of the RUSADA Supervisory Board with the Russian authorities.

Recommended action/next steps

3. Based on the above, the Taskforce is concerned that not much progress has been made since its last report, and in some instances the position has moved backwards. I am writing to RusAF President Dimitri Shlyakhtin, noting the issues mentioned above, asking for his comments, and for his view on when he thinks it will be worthwhile to schedule our next meeting.

4. In the meantime, **the Taskforce asks the Council simply to note the contents of this report.**

Participation of Russian athletes in international competitions as neutral athletes

4. Finally, earlier this month, while attending the WADA Symposium in Lausanne, I was approached by Russian Minister for Sport Pavel Kolobkov, who told me that the requirement that Russian athletes who are granted special eligibility to compete under Competition Rule 22.1A only compete as neutral athletes, and not for their country, has caused substantial dissent in Russia, including against Mr Shlyakhtin, who has been strongly criticised for not insisting that such athletes be permitted to compete for Russia. I subsequently received an email from Mr Shlyakhtin, confirming what the Minister had said, and asking that the requirement to compete as neutral athletes be reconsidered.

5. I told both Minister Kolobkov and Mr Shlyakhtin that they needed to direct their request to the IAAF Council, and I understand that Mr Shlyakhtin has since written to the IAAF President. It is of course a matter for the Council, but the Taskforce's view is that the restriction in question (that those granted special eligibility may only compete as neutral athletes) is important to ensure that the sanction carries sufficient weight to incentivise members to abide by their membership obligations. It is the loss of the right to enter athletes in international competitions that gives the sanction of suspension of membership its weight and its deterrent effect. If the athletes are still able to participate in international competitions in their national colours, then in the view of the Taskforce much of the force of that sanction would be lost.

Rune Andersen, Taskforce Chair, 8 April 2017