



INTERNATIONAL
CENTRE FOR
SPORTS STUDIES

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LATEST ISSUES IN ANTI-DOPING

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INTRODUCTION

PRESENTATION OUTLINE:

- a) Retests of samples from 2008 Beijing and 2012 London Olympic Games
- b) IC & IP (« McLaren ») Reports; IAAF, IOC & IPC decisions; Case study: IPC/CAS decisions
- c) McLaren Report – Sochi laboratory findings
- d) Anti-Doping and disciplinary activities during the 2016 Rio Olympic Games
- e) Other CAS activities in Rio

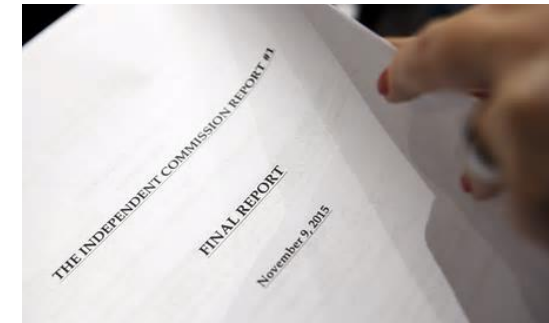
a) Retests of samples – Beijing & London OG

- Introduction
- Legal basis for retests
- Selection of athletes
- Process
- Challenges
- Results



b) IC & IP Reports

- Content & Consequences for 2016 Rio Olympic Games
- Legal approaches IAAF, IOC & IPC
 - IF decisions
 - CAS decisions
- Case Study: CAS Award – RPC vs. IPC



c) McLaren Report – Sochi laboratory



Sample swapping methodology during
2014 Sochi Winter Olympic Games

d) Anti-Doping & disciplinary activities – Rio 2016

- Results Management during Rio 2016 – CAS Anti-Doping Division (ADD)
 - 8 cases
- IOC disciplinary activities
 - 9 cases



e) Other CAS activities in Rio

- CAS ad hoc Division
 - 28 cases in total
 - 16 related to status/eligibility of Russian athletes



CASE STUDY: IPC – CAS Award

(CAS 2016/A/4745 RPC v. IPC)

I. FACTS

- McLaren Report: State-run doping programme by Russian Government
- IPC decision to suspend RPC
- Consequences: No Russian athletes at Rio Paralympic Games
- CAS Appeal

CASE STUDY: IPC – CAS Award cont...

II. LEGAL FRAMEWORK

Member's obligations under IPC Constitution:

- *„comply with the World Anti-Doping Code“ (Art. 2.1.1)*
- *„...the spirit of fair play prevails, ...and fundamental ethical principles are upheld;“ (Art. 2.2.6)*
- *„contribute to the creation of a drug-free sport environment....“ (Art. 2.2.7)*

CASE STUDY: IPC – CAS Award cont...

III. THE ISSUES

- A. Did RPC fail to comply with its membership obligations?
- B. Did IPC apply correct procedure in suspending the RPC?
- C. Was the decision to suspend RPC proportionate?

A. RPC - membership obligations?

1. Findings of IP Report

(i) Challenge made

- Moscow Laboratory: Disappearing Positive Methodology
- Sochi Laboratory: Sample Swapping Methodology
- Ministry of Sport directions

2. Consequences of IP Report

(i) No proof of complicity or involvement

(ii) Responsibility for non-compliance

B. IPC – procedures for suspension?

1. Challenge made

- Due warning under IPC „Suspension Policy“?
- Inadequate time to remedy matter (6 days)

2. Consideration by Panel

- IPC Letter - Notice of membership suspension proceedings
- deadline to „correct the deficiency“ identified
- CAS – *de novo* hearing

C. Proportionality?

1. Challenge made: Decision & Consequences „unwarranted and disproportionate“
2. Consideration by Panel
 - (i) Interests of Athletes not to be retained
 - (ii) The magnitude of the failure
 - (iii) The functioning of organised sport
 - (iv) The legal basis
 - (v) The damage caused
 - (vi) No obvious alternatives
 - (vii) No breach of statutory provision
 - (viii) Conclusion

D. Recent actions by RPC

1. Submission by Parties

- RPC remedial steps

2. Consideration by Panel

- No appropriate steps have yet occurred

CAS Decision

1. Appeal dismissed.
2. IPC Decision confirmed.

