

La Conversion, 29 February 2016

To the Members of the
WADA Foundation Board

By e-mail only

Dear Members of the WADA Foundation Board,

Some weeks ago, on 10 December 2015, the IOC Executive Board adopted a declaration on good governance in sport and the protection of clean athletes, stating that *“recent incidents have shown that, in the interest of the credibility of all sports organisations immediate action to reinforce good governance is necessary”*.

As former president of the International Cycling Union (UCI) from 1991 to 2005 - a very difficult period when cycling had a serious doping problem - and former WADA Foundation Board member from 1999 to 2002, I am well positioned to understand and appreciate the importance of this declaration and the need for good governance in sport.

While I do that in the first place as an introspection and as a reflexion on what I could have done better, I do that also because there is an absolute need indeed for ethics, integrity and good governance in the world of sports - and in particular in the worldwide fight against doping -, not only at the level of the International Federations and National Anti-Doping Organisations, **but also at the level of WADA.**

I fully support the resolution of the IOC Executive Board that a worldwide testing and results management entity, as well as a professional intelligence gathering unit, are set up that are independent from the sports organisations. As I indicated for years in various letters and interviews, I have always been in favour of that myself.

I note that the IOC Executive Board wishes that these entities are set up under the leadership of WADA.

In my view on WADA's role and mission, I have no problem with that, but this supposes that WADA provides all guarantees that these entities work in an objective, neutral and independent way, unrelated to any personal preferences or political aims.

Just as the problems in sports and anti-doping that are at the basis of the IOC's wish, this additional responsibility of WADA - should the IOC's wish be fulfilled - shows once again the need for a mechanism that monitors and guarantees compliance with the principles of objectivity, neutrality, transparency and accountability. Such mechanism must provide for the possibility of independent investigations into any complaints that the work has not been done well and these principles have not been complied with.

A mechanism for an independent control of the work of WADA does not exist. This is really problematic: the more responsibilities are entrusted to WADA, the higher the need for absolute integrity, good governance, transparency and accountability. This is also, or even in the first place, to the advantage of WADA: where WADA is challenged, an independent control or appeal body, and not just the WADA leadership, can confirm that WADA acted correctly.

In an e-mail to the UCI dated 26 January 2013, WADA called itself the "absolute authority" in anti-doping. This has troubled me deeply: no authority should be absolute. In modern and democratic society an authority accepts checks and balances. That is also for its own good, as mistakes, blurring of standards and disputes of many years may be avoided.

The fight against doping is about ethics and integrity. The authority that is entrusted with organizing, managing and monitoring the fight against doping worldwide should be of the highest standards of ethics and integrity. For the credibility of the fight against doping and for the credibility and authority of WADA itself, in particular in the eyes of the athletes and the public, WADA must be seen and, more important, be trusted to act according to these standards.

Therefore WADA must be held to these standards and athletes and other stakeholders must have the possibility to hold WADA accountable.

The importance of the role of WADA cannot by itself confer a status of perfection, immunity or unassailability, precluding any investigation into possible wrongdoings or shortcomings.

However, as it is currently the case, WADA has no mechanism that may investigate, detect and correct any failing of its "absolute authority" and that may put disputes to rest.

WADA has no institutional checks and balances to ensure that WADA's operations are in line with the standards of ethics and good governance and that any fears and complaints of stakeholders are taken and examined seriously and independently.

It has already been clearly demonstrated that WADA is not without fault, to put it mildly.

And it is furthermore my absolute conviction that the WADA leadership has abused the lack of control.

I will illustrate this in the first place with some examples that I was involved in myself.

Since I left the WADA Foundation Board in 2002 there has been a campaign by WADA, and Mr Richard Pound in particular, of public naming and shaming against the sport of cycling, the UCI and myself, the ultimate aim of which was to harass me and to bring myself and my successor, Pat McQuaid, down. **Anti-doping**, including the suspicions on Lance Armstrong and accusations of corruption and complicity by myself, **has been used for personal and political purposes**, including the presidential elections at the UCI in 2013. It is cristal clear now that there was no corruption and no complicity in the UCI.

Compare that with the absence of any comment or action by WADA concerning athletics and IAAF in the past on the one hand and the findings that have been made public recently by WADA in “The Independent Commission Reports” of 9 November 2015 and 14 January 2016 on the other hand.

These constant attacks and false accusations against one sport as opposed to the kind silence where other sports had far more serious problems, show clearly that something is fundamentally wrong within WADA.

We already could find a clear sign of the political instrumentalisation of WADA and the fight against doping in a statement that Mr Pound made in an interview in 2006. Referring to the fact that he had not been elected IOC president in 2001, Mr Pound is quoted as follows :

“If someone had told me: here is a million dollars, take it and gamble, I would have put my money on Rogge. In my opinion I did know more about the IOC and the business aspect of the Olympics than he did, but so be it.....! No believe me, my attitude has nothing to do with my losing the IOC election. In the end, I mean more for the Olympic Movement as the head of WADA rather than as IOC President kissing baby’s heads all over the world, delivering medals and holding speeches. The Lord works in mysterious ways.” (laughs)
(interview with Sporta Magazine, November-December 2006, page 11 of the interview).

It is my conviction that Mr Pound - still having a decisive influence within WADA (!) - , but not only he, has used/abused his position in WADA - and therefore WADA itself - for his own political position and for settling personal accounts. He has also made WADA a victim of that.

There are far more disturbing illustrations of this critical danger for WADA and the fight against doping.

On my website in reaction to the report of the Cycling Independent Reform Commission (CIRC), a commission installed by the UCI to investigate allegations of corruption and complicity with doping, of February 2015 (www.verbruggen.ch, under tab “In-depth articles/ Vrijman report”) I list all the elements that show clearly that in 2005 WADA requested that doping samples taken at the 1998 and 1999 Tours de France be included in a EPO research project of the doping laboratory of Paris **without asking the consent of the athletes concerned**. WADA also requested the lab to include in its report on this research **the original sample code numbers** of the athletes. These are two clear violations of fundamental athletes’ rights, **that were strongly disapproved by Professor Denis Oswald as**

President of ASOIF (Association of Summer Olympic International Federations) and Mr Sergey Bubka, President of the IOC Athletes Commission¹.

The laboratory provided the data requested by WADA reluctantly and under the strict condition that they could not be used for disciplinary purposes. As was confirmed in the CIRC report, it was clear from the outset that the research findings of the laboratory were no valid proof of doping.

The research analysis results with the original sample code numbers were leaked to the French sports newspaper L'Equipe who identified Lance Armstrong, and Lance Armstrong only (!) as one of the riders in the samples of which the laboratory had found EPO following its research method. The then WADA leadership immediately endorsed the leak and used it to put public pressure on the UCI to conduct an investigation into the possibility to sanction Lance Armstrong, knowing that no such possibility existed on the basis of these research results. (Which is probably the reason why WADA never executed its threats to conduct its own investigation into the matter).

Of course I don't want to minimize any cheating by riders, but here the point is the unacceptable methods that were used by WADA. As is confirmed by the double violation of fundamental athletes' rights, the whole operation was set up by WADA to damage a sport and its leadership that was not liked by WADA, while cycling was certainly not the only sport with a serious doping problem and was, in addition, a pioneer in the fight against doping (the first sport that, for example, introduced the urinary EPO test and the athlete blood passport). To my knowledge WADA never asked doping samples of other sports to be included in a research project, let alone that WADA requested the samples to be analysed for research purposes without the prior consent of the athletes concerned and requested the research results to be reported under the original sample code numbers.

For me it is clear that anti-doping has been abused here and athletes' rights have been violated for political purposes.

WADA has dodged further investigation into this and refused to participate in a mediation procedure before CAS that was initiated by the IOC in 2006 with the excuse that the Paris laboratory, as a governmental institute, could not participate in private proceedings, although the laboratory offered to provide all correspondence and documents in its possession.

Another dreadful example, if need be, of what went wrong with WADA, is the following.

In 2010 cyclist Floyd Landis accused the US Postal cycling team and Lance Armstrong in particular of systematic doping. One of his statements and the main theme that has dominated the whole affair – and the presidential elections at the UCI in 2013 – was that Lance Armstrong had tested positive for EPO at the 2001 Tour de Suisse and that he had arranged with me/UCI to make it go away. In August 2010 the UCI showed to WADA by means of a list of all EPO-positives provided by all anti-doping Laboratories concerned, that **there was no positive test for Lance Armstrong**. Yet WADA, as did USADA, entertained the perception of corruption and in an interview² in December 2011 WADA's

¹ A copy of the correspondence between Messrs Oswald and Bubka and Mr Pound is attached (three letters dated 20 September, 23 September and 6 October 2005). Mr Pound did not answer the 6 October letter of Messrs Oswald and Bubka refuting Mr Pound's arguments.

² <http://www.cyclingnews.com/news/howman-landis-allegations-could-be-possible/>

director general, David Howman, even declared that it was possible that the statement of Landis was true, while Mr Howman knew for more than one year that it wasn't.

Of course WADA never asked any questions to UCI or to me.

I know from an absolutely reliable source that **WADA and USADA put pressure on Martial Saugy, the director of the Lausanne laboratory, to sign an affidavit confirming falsely that there had been a positive result for Armstrong at the 2001 Tour de Suisse and that the UCI had wanted it to go away.** From the same source I also know that as a retaliation for having told the truth and for not having accepted to sign such a (false) affidavit, **WADA and/or USADA sent a letter to the head of the CHUV (Centre hospitalier universitaire vaudois) in Lausanne asking or suggesting that they should take measures against Mr Saugy, e.g. removing him as the head of the Lausanne laboratory, not conferring him the position as a lecturer/professor, reconsidering the accreditation of the laboratory or the grant of research funds, etc.**

I would think that putting pressure on people to sign false affidavits and taking steps to break their career for the sole reason of them being honest, is not only a shame in terms of good governance but is close to criminal behaviour.

It is not conceivable for me that you would accept such practices as good governance of an entity as WADA . Neither is it conceivable for me that you would accept that such practices are possible and remain unaccounted for, and that the individuals concerned continue to play a leading role in WADA.

As I show more in detail on my website and was confirmed by witnesses³, the ultimate goal of WADA and USADA with the case against Lance Armstrong was not Armstrong: the aim was to bring down me and Pat McQuaid.

WADA was not created for that. The fight against doping is not meant for that.

Good governance implies that WADA is led by people whose sole aim is to fulfill WADA's mission in an objective way, without ulterior motives, and who have no personal or political agenda and don't use WADA as a vehicle for expressing personal feelings and settling personal accounts.

The above are strong illustrations of the fact that in my opinion **WADA committed serious wrongdoings**, and of the **need for an in-depth investigation into the good governance of WADA.**

Yet I will not ask here to undertake action regarding specifically issues that concern my own person. I will deal with them within the scope of the Olympic Movement.

³ If required I may provide further details.

In addition to the above illustrations there are indeed sufficient other alarming situations that fully warrant that the WADA Foundation Board takes the necessary steps to have them investigated in order to safeguard the good governance of WADA and the confidence of the athletes and the public in WADA and anti-doping.

I will give you indeed three striking examples of other WADA failures and shortcomings.

I THE FLOYD MAYWEATHER CASE

This case was revealed by journalist Thomas Hauser in two press articles⁴.

If it were not for these articles, the case probably would have passed unnoticed.

On Friday May 1, 2015, the day before his fight with Manny Pacquiao and the day of the weigh-in, a doping control officer for USADA went to Floyd Mayweather's Las Vegas home to conduct a doping test. The DCO was informed by Mr Mayweather that the latter was going to be administered an intravenous infusion (IV) after the weigh-in which was going to take place the same day. The USADA DCO kept the athlete under his supervision all the time, including during the weigh-in. Samples were taken before and after the weigh-in. The IV containing saline and vitamins was administered after the weigh-in, in the presence of the USADA DCO.

These facts correspond with USADA's own version that can be found in a comment by USADA⁵ on Mr Hauser's articles.

The IV is reported to have been administered for rehydration, which seems to be confirmed by USADA's specification that the IV contained saline and vitamins.

The administration of this IV was the use of a prohibited method under WADA's prohibited list.

A request for a **retroactive** Therapeutic Use Exemption for the IV was made by Mr Mayweather on May 19, almost three weeks after the test on May 1. The TUE was granted by USADA on May 20 according to Hauser and on May 21 according to USADA.

This raises serious questions.

It seems far from obvious that an IV for rehydration meets the conditions of article 4.1 of WADA's International Standard for Therapeutic Use Exemptions (ISTUE) for granting a TUE, the more that the IV was announced before the weigh-in and did take place after the weigh-in only: so it is questionable whether there was an acute or chronic medical condition, such that the athlete would

⁴ <http://www.sbnation.com/longform/2015/9/9/9271811/can-boxing-trust-usada>

<http://www.boxnation.com/boxing-news/was-floyd-mayweather-really-dehydrated-the-fallout-from-can-boxing-trust-usada/>

⁵ <http://www.usada.org/wp-content/uploads/USADAs-Detailed-Correction-to-SB-Nation-Article-by-Tom-Hauser.pdf>

experience a significant impairment to health if the prohibited method were to be withheld. Also WADA in its International Standard for Testing and Investigations (ISTI) instructs DCO's not to allow athletes to rehydrate excessively as this may impair the quality of the samples.

Furthermore, it seems also far from obvious that the conditions for a *retroactive* TUE referred to in article 4.3 ISTUE were met, in particular whether emergency treatment or treatment of an acute medical condition was necessary.

Surprisingly it took USADA just about 24 hours to examine all these issues and to grant a TUE.

In addition, although USADA's DCO was aware of the IV as from May 1, USADA did not inform Mayweather's sports governing body until 21 May.

As the granting of this TUE cannot have escaped WADA's attention, if only for the publicity it was given, the question arises whether WADA has reviewed USADA's decision to grant this retroactive TUE. Indeed, WADA may review any TUE decision at any time. If WADA did not review the granting of the TUE, **this is a serious fault of WADA and a discrimination of other athletes with an established medical condition which have been refused a TUE, including by WADA.** And if WADA did review the TUE, the question is why WADA has not reversed it. These issues have to be examined: **the above facts impose imperatively an investigation into whether WADA protected USADA from a finding that USADA violated the Code.** In addition WADA's silence in this case contrasts sharply with the harassment and public naming and shaming of cycling and riders by Mr Pound, making medical prescription and TUE cases in cycling front page news even many years after the facts (the Armstrong skin cream story, the inhalators of De Galdeano and Petacchi...).

USADA tested Mayweather and Paquiao following an agreement signed between USADA and these two athletes⁶.

The full text of the contract is publicly available⁷.

USADA is reported to have received an up-front payment of 136.487.72 \$ to test both athletes. This is not contested by USADA in its comments on Hauser's articles, where USADA specifies that in all 22 urine samples have been collected. This amounts to 6200 \$ per testing session.

In an interview of 8 January 2013⁸ concerning Lance Armstrong's gifts to UCI for the fight against doping in general, Mr Travis Tygart, CEO of USADA, declared that an anti-doping organization receiving a donation from an athlete is a clear conflict of interest.

Here Mr Tygart's USADA accepted 136.487.72 \$ from two athletes for 22 tests to be conducted on the same athletes.

Is this then good governance in anti-doping according to WADA?

⁶ <http://www.usada.org/mayweather-pacquiao-usada-testing/>.

⁷ https://cdn2.vox-cdn.com/uploads/chorus_asset/file/4037610/Mayweather-Pacquiao_Test_Summary_and_FINAL_UDADA_Contract.0.pdf

⁸ https://www.youtube.com/watch?v=S7Rw_QGfEJ8

II THE RUSSIAN ATHLETICS AND IAAF CASE

On 3 December 2015 the German television channel ARD aired the documentary “Top Secret Doping: How Russia makes its winners”.

Following this WADA undertook some action and set up an “independent” investigation commission (IC) headed - as usual - by former WADA President and current WADA Foundation Board member Richard Pound.

The IC found that the allegations that had been made were basically true and reported in particular:

- A deeply rooted culture of cheating: the acceptance of cheating at all levels is widespread and **long standing** (I/10)⁹ (emphasis added by me);
- Corruption and other improper conduct of certain IAAF key-persons (part I of the second IC report, dated 14 January 2016).

Isn't it alarming that WADA seemingly never perceived such a “deeply rooted” and “long standing” “culture of cheating” in a major sport (in fact the leading sport at the Olympic Games) and apparently needed a press report to start an investigation, resulting so quickly in such dramatic findings?

It strikes also that the IC's investigation was limited to the allegations made by ARD and did not investigate whether there were other problems. Likewise it remains unclear why the IC investigation did not go back further in time. I believe that a fully **independent** investigation body should examine why these two areas were left unexplored by the IC.

In fact it is difficult or even impossible to believe that WADA was not aware or did not have indications that there were problems in athletics long before the ARD documentary was broadcasted:

- According to WADA's own statistics Russia represents 35% of the overall athletes detected for ADRV through blood passport testing since 2010.

The data available to WADA in ADAMS should have alarmed WADA that something might be wrong. The IC reports many deficiencies in the submissions to ADAMS (I/ 118, 180). WADA must have noticed these deficiencies!

- In 2012 Mr Popov, former throwing disciplines coach of the Russian national team, alarmed WADA that in May 2012 Russian coach Melnikov (head coach for Russia for endurance) gave Mr. Rodchenkov, the director of the WADA-accredited laboratory of Moscow, a list of 67 athletes that Melnikov wanted to be “clean,” and then provided Rodchenkov with clean samples to be used in the event that any of the 67 athletes returned a positive sample (I/221-222). Rodchenkov was asked to swap any positive samples with the clean ones and for every swap it was agreed that Rodchenkov would receive a payment of 30,000 roubles. This amount was to be paid by the athletes. The IC report also states that Russian athlete Phishalnikova, who had paid for any positive sample of hers to be swapped but whose

⁹ The reference I/10 means page 10 of part one of the IC report.

sample was found positive when retested in Lausanne, became so angry that she sent a letter to WADA and the IAAF notifying them of the swapping issue. Later on she was allegedly forced by Russian officials to retract her statement.

What did WADA do with the alarming letters of whistle-blowers Popov and Phishalnikova? The IC mentions no other action by WADA than that WADA requested that all samples (both A and B) from the 67 athletes be delivered to the Lausanne laboratory for re-testing (I/221). It seems that WADA did not investigate into the allegation of corruption, in particular not after having received the complaint by Phishalnikova. **It should be investigated why WADA did not take this obvious action.**

The IC, set up by WADA, did not investigate into the follow-up that was given or not given by WADA to the information provided by these whistle-blowers, whereas WADA for the rest underlines the importance of whistle-blowers.

This issue is of particular importance as the swap arrangement had been put in place in view of the 2012 London Olympic Games.

- The IC writes (I/227) that a Mr. Vitaly Stepanov had “previously” written to WADA that a DCO employed by IDTM, a private doping testing organisation that also provides testing services to WADA and other IF’s, was providing advance notice to Russian athletes prior to testing that was supposed to be without notice. It is not clear from the IC report when Mr Stepanov would have written to WADA. Anyway the IC does not state what follow-up, if any, was given by WADA. **Both aspects must be investigated as this looks as a serious shortcoming of the WADA organisation and a serious omission of the IC chaired by Mr Pound.**
- The IC makes disconcerting findings on the WADA-accredited laboratory of Moscow, including involvement “in a widespread cover-up of positive doping tests” (I/202) and analysis of unmarked samples for monitoring drug use. A summary of the IC’s findings is on I/212-213.

In addition the IC points out that:

- Accredited laboratories are subjected to a regular review by WADA (I/ 273);
- WADA has the duty to monitor Code compliance by Code Signatories (I/274).

It is WADA that accredits, monitors and audits the anti-doping laboratories. The IC refers to an audit on the Moscow lab “prior to 2013” (I/207) and an audit in April 2013 (I/208).

Is it possible that WADA didn’t see or suspect anything? And if WADA didn’t see or suspect anything, how was that possible? This must be investigated by a commission that is really independent from WADA.

This is of particular importance regarding the 2014 Olympic Winter Games in Sochi.

The IC only reports that WADA discovered some analytical deficiencies of the Moscow lab and imposed corrective actions that were implemented only in part and with considerable delays. The IC states that *"it is understood by the IC that despite the substandard performance of the laboratory, **there was a distinct desire not to revoke the accreditation of the laboratory prior to the Sochi Olympics.** A temporary solution was, therefore, reached for the period of the Olympics, with further actions to be approved by the WADA Laboratory Committee following the Games. Such remedial actions remained uncompleted well after the established deadline."* (I/209) (emphasis added by me).

On page I/ 210 the IC writes: *On 11 January 2014, leading up to the Sochi Olympic Winter Games, WADA Science Director, Olivier Rabin and Moscow laboratory Dir. Rodchenkov met informally following a meeting in Sochi, during which they discussed the Johannesburg hearing. During this unsolicited meeting Dir. Rodchenkov affirmed Dr. Rabin's assessment of the Moscow laboratory having external interferences with the analytical operations. Dir. Rodchenkov stated he was operating in a system where he was forced to do things in his position. Dir. Rodchenkov would not elaborate what he was forced to do.*

What follow-up was given by WADA to this alarming information? Did WADA inform the IOC of this, as the Olympic Games in Sochi were directly involved?

This should be investigated. The IC, appointed by WADA, didn't. **The conflict of interest of WADA, in the first place in defining the IC's terms of reference, is obvious.**

In this respect it strikes that in the WADA Independent Observers report on the Sochi Games, that shows also the key role of RUSADA in the organisation of anti-doping in Sochi, nothing can be found on the problems that were brought to the attention of WADA and/or that are dealt with in the IC report. Isn't that surprising? **Are these observers really independent?** They may be independent from the organizer of the event, but are they independent from WADA? If WADA appoints "independent" commissions and observers that shield WADA, nobody will take – and some already don't take - these commissions and observers seriously. In terms of good governance the appointment as an independent observer may not be allowed either to become a favour of the WADA leadership that is reserved to those who are on good terms with it.

- The IC writes that "at least some of the members of the IAAF Council could not have been unaware" of the abuses and corruption within IAAF" (II/22); that there was far greater knowledge within IAAF (II/44) and that it is not credible that elected officials were unaware (II/46).

What about WADA itself? Why did the IC not report on whether WADA could not have had suspicions warranting an investigation?

In short, how is it possible that ARD had detailed information that was largely corroborated by the IC and that WADA was seemingly not aware or at least didn't undertake any action?

And did the IC investigate whether WADA had other information than the elements listed above? Apparently not. This should be made public: **what did WADA know before the ARD documentary was broadcasted?**

On page I/46 the IC writes under its recommendation number 5 that, recognizing the inherent conflicts of interest that exist within the WADA Executive Committee and Foundation Board, WADA should consider the establishment of an independent mechanism that will have the power to make or recommend such findings of non-compliance.

One cannot but agree with this recommendation.

But this applies also to WADA's so-called "independent commissions"!!

Mr. Pound, President of the IC, has been WADA's President from 1999 to 2007 and still is a member of the WADA Foundation Board: how can he be independent from WADA and neutral vis-à-vis WADA or be seen to be so?

One has to recognize that there is an inherent conflict of interest within WADA when it comes to investigating non-compliance issues where WADA is or may be involved. Where more than one party within WADA has a conflict of interest, common interests and tacit understandings may cover up an even greater number of inconvenient facts.

Only an independent mechanism, i.e. really independent from WADA, will be in a position to examine potential non-compliance, as non-compliance may concern WADA as well.

On page I/267 the IC writes that "a fair and unbiased investigation into the ARD and other allegations is not possible when an implicated party is conducting the investigation".

In view of the facts found by ARD and the IC and in view of WADA's mission to monitor compliance in the fight against doping, **it is obvious that WADA was and is an implicated party in the problems of anti-doping in Russia and in athletics.**

One can't but note that the IC did not investigate into any responsibilities of WADA. For me this is no surprise as WADA systematically shields itself from any investigation. WADA did so after the 2005 Lance Armstrong affair (see above) and WADA did so also in the CIRC investigation in cycling: none of the doings or deficiencies of WADA concerning the issues dealt with in the CIRC report, have been investigated by the CIRC (I refer to my website for a detailed demonstration of this).

However, as the IC puts it, rather sanctimoniously, "*leadership implies responsibility and acceptance of the consequence of non-compliance*" (I/35).

The fact that the IC did not apply that principle to WADA, says it all. The WADA Foundation Board will hopefully and for the sake of integrity and good governance, seek remedy for this.

III DISCRIMINATION BY WADA

Another aspect that strikes is the discrimination by WADA.

WADA has been publicly bashing UCI for many years and has maintained, in close cooperation with USADA, the accusations and perception of corruption and cover-up of positive tests, while there was no corruption and there were no cover-ups. We know what the situation in athletics is and I can't remember any WADA statements or action on that before the documentary of ARD and certainly nothing similar to what the UCI and I had to undergo.

I have many examples¹⁰ of this, but just to give you an idea, I give here three quotes of Mr Pound :

"Take cycling in 2006. If 2006 were to be measured in the Chinese cycle, it would be the Year of the Excrement.... In the Year of the Excrement, your sport may be flushed into the toilet"
The Ottawa Citizen, 09.08.06

"Our enemies are clearly identified. The athletes and the federations are on our side and that's essential. If I take out cycling and some elements within FIFA, all is well".
Reuters, 20.09.06

« 2006 has showed us how widespread the doping system is and how little the UCI has been able to achieve. Why? Because the riders are too smart? Or the UCI controllers too dumb? Or because they are in on it together, and want the entire thing covered up? »
Sporta-magazine, November-December 2006, page 11 of the interview

These bashing and discrimination go on till the day of today.

In spite of the CIRC's findings that there was no corruption and no cover-up; in spite of the fact that *"the CIRC is not suggesting that UCI leadership knowingly or deliberately allowed doping and high-profile dopers to continue within the sport knowing or suspecting them to still be doping"*¹¹ , Mr Pound still declares publicly and falsely that I knew during all these years that Lance Armstrong was cheating and that I covered Armstrong's cheating with all possible means (interview with the Dutch newspaper De Telegraaf that was published on 30 December 2015).

¹⁰ When UCI and myself took Mr Pound to court because of his false and insulting statements, or threatened to do so, Mr Pound retracted his statements and confirmed that UCI was serious on anti-doping. This confirms that the statements had no substance, but were meant only to damage cycling, the UCI and myself. I can provide the WADA Foundation board with the details.

¹¹ Page 9 of the CIRC report.

On the other hand I refer to the very discreet comments of WADA prior to the publication of the IC report on 10 November 2015: no names, not even the name of the sport :

WADA is aware of the ongoing criminal investigations relating to sport officials and allegations of corruption and money-laundering, as announced by the French authorities earlier today. These investigations are a result of information passed on by [WADA's Independent Commission \(IC\)](#) to the relevant authorities.

WADA will make no further comment at this time.

Whereas UCI was always Code-compliant, Mr Pound suggested in a statement to Reuters published on 15 January 2013¹² to take cycling from the Olympic Games:

A former head of the World Anti-Doping Agency, Pound said it was clear the IOC needed to take matters into its own hands in the wake of the Lance Armstrong doping scandal.

...

Pound said the IOC might be left with no choice other than to take drastic action if Armstrong was able to prove the International Cycling Union had acted improperly.

"We could say, 'look, you've clearly got a problem why don't we give you four years, eight years to sort it out," Pound said.

"And when you think you're ready come on back we'll see whether it would be a good idea to put you back on the program."

...

Now, after all its findings the IC, headed by the same Mr Pound, proposes not to declare IAAF non-compliant, let alone exclude or suspend IAAF from the Olympic Games, but to help IAAF to rectify the situation, underlining IAAF's role in the introduction of the EPO test and the athlete blood passport (and systematically ignoring that the UCI was the pioneer of both methods and that it was the UCI, and not WADA, that decided to bring and brought indeed the first athlete blood passport cases to CAS; ignoring also that IAAF did not recognize the sole urinary EPO test and on that ground in September 2001 lifted the provisional suspension of Olga Yeregova whose A sample was positive under the urinary EPO test but who had not delivered a blood sample; ignoring also that WADA, under Mr Pound, waited more than two years before approving in June 2003 the EPO test that had been introduced by the UCI in April 2001 and accepted by CAS in January 2002). So why are IAAF's efforts recognized and presented as "mitigating circumstances" while Mr Pound and WADA never gave similar credit to UCI for its pioneering role?

I am glad for the IAAF and I support this recommendation of the IC as a proper way of how WADA should help its stakeholders instead of bashing them, but at the level of WADA it still is a discrimination when one compares with how cycling was treated. And this has all to do with the issue whether you are considered as a friend by WADA/Mr Pound or not; whether you dare to be

¹² <https://uk.sports.yahoo.com/news/olympic-games-cycling-dropped-olympics-armstrong-admission-194605951.html>

critical of WADA or not. **Hence my conviction that Mr Pound used and still uses WADA for political reasons and settling political accounts.**

This discrimination by WADA also extended to the athletes.

On 11 September 2015 WADA published on its website a message by Mr Howman in support of athlete Paula Radcliffe after media had claimed that she had presented abnormal blood values.

"It is very unfortunate that any athlete should feel implicated and that they have to defend their reputation as a result. WADA has a clear and established process set out in the World Anti-Doping Code that protects athletes. If any athlete were to have a case to answer, it allows them a full hearing and an opportunity for their voice to be heard. Our actions must remain impartial.

...

WADA is committed to protecting the confidentiality of athletes; in particular, their private medical information. If any athlete feels their rights are being eroded or inappropriately challenged as a result of the ARD and Sunday Times reports, they must refer those concerns to the Commission. This is the correct channel versus trial by media."

It reminded me also of WADA's statement of 2 April 2007 in the case of a world famous swimmer :

« The World Anti-Doping Agency (WADA) today expressed its great concern and disappointment following a serious breach of confidentiality that occurred as part of the FINA World Championships in Melbourne, Australia. WADA is especially shocked that the name of an athlete was apparently given to the media while no adverse analytical finding has been determined at this point. The apparent provision of an athlete's name to the media when it should have been kept confidential is unacceptable. WADA will discuss with its stakeholders ways to further strengthen confidentiality provisions... »

The difference with which cyclists have been treated and publicly named and shamed as cheaters without evidence (De Galdeano, Armstrong – at the relevant times - , all participants of the Tour de France, ...) by WADA and by Mr Pound in particular, is striking.

For WADA a leak is unacceptable for a swimmer, but a welcome tool for WADA to accuse a cyclist publicly. For WADA attacking cycling was more important than ethics and good governance, and, in fact, its own image as a serious anti-doping organization. The CIRC president noted on the leak of Armstrong's research results in L'Equipe of 23 August 2005: *"such indiscretions certainly do not contribute to the credibility and standing of the anti-doping structures. This is certainly not to defend riders who have doped, but **an effective fight against doping cannot be conducted by endorsing targeted leaks in the press, in this way indirectly legitimising the existence of the underlying infringements**, rather than strongly condemning such leaks from the outset."* [page 191 of the CIRC report, my emphasis added]

Other example, when UCI found Floyd Landis positive for testosterone in the 2006 Tour de France, Mr Pound stated in the New York Times:

"You'd think he'd be violating every virgin within 100 miles. How does he even get on his bicycle?"

Besides, Mr Pound was condemned twice by the IOC Ethics Commission for having called publicly riders cheaters without evidence. But as shown by many other statements later on, he simply continued, ignoring the IOC Ethics Commission's rulings and nobody stopping him. (On the contrary, WADA appoints him as president of "independent" WADA commissions: ethics, rules and good governance apply to others only.

I refer in this respect also to the public statements by WADA President John Fahey who publicly called cyclist Alberto Contador a cheat after CAS had imposed a sanction for having consumed a contaminated food supplement, which is of course negligence and no cheating¹³.

And maybe there is another form of discrimination. UCI had to pay for the CIRC investigation itself. In the mail of 26 January 2013 that I referred to (where WADA calls itself the "absolute authority"), WADA wrote that if necessary UCI had to take a mortgage on the World Cycling Centre in order to raise the necessary money for setting up an investigation commission (which became the CIRC). **The CIRC confirmed that there was no corruption and no cover-up of doping tests in cycling.** Now the WADA-IC report confirms corruption, cover-ups, extortion of athletes etc. in athletics. Who is going to pay for the IC work? WADA and therefore indirectly all governments and all IF's?

A further aspect that cannot be left unnoticed is the privileged relationship between WADA and certain NADO's, in particular USADA.

I already mentioned the apparent absence of any review by WADA of the retroactive TUE granted by USADA to Floyd Mayweather. When I asked WADA president Reddie about this, he wrote me: ... "USADA issued their responses and I can only assume the matter is being dealt with by their Board" (!) while it is clearly WADA's task under the Code to review TUE's. Here also I refer to the opinion of the IC that "a fair and unbiased investigation... is not possible when an implicated party is conducting the investigation". Certainly, in WADA's vision, this applies to all, except when WADA and USADA are involved.....; then even, the USADA Board is a non-implicated, unbiased party if it has to judge USADA.....!!

There are other indications of a preferential treatment of USADA by WADA, hoping that they are not indications of undue influence by USADA on WADA:

1. The collaboration between WADA and USADA in the investigation and resolving of the Lance Armstrong affair, with public naming and shaming of the UCI and myself. It should be known that during the more than two years' Armstrong affair and investigation, WADA and USADA voiced hundreds of times publicly their devastating comments on cycling, the UCI and me, **whereas WADA nor USADA have ever asked questions or have ever consulted with the UCI or me.** Hard to believe but true, and a clear proof for the fact that the prime objective of Mr. Pound c.s. was NOT to know the truth but to damage persons and reputations!

¹³ http://espn.go.com/olympics/cycling/story/_/id/7550222/alberto-contador-cheat

2. The claim by WADA that UCI's Anti-Doping Rules on jurisdiction (for results management of the Armstrong case) ran counter to the World Anti-Doping Code and the public support of WADA for USADA's jurisdiction, whereas WADA had explicitly approved UCI's rules on jurisdiction.
3. The joint criticism and action of WADA and USADA against the truly Independent Commission set up by the UCI in November 2012, after USADA's Reasoned Decision in the Armstrong case.
4. The reward of Mr Tygart by Mr Pound who in April 2013 presented him in Time Magazine as one of the 100 most influential people in the world because of the Reasoned Decision.
5. WADA's initial decision to appoint Mr Tygart as head of the Independent Observer team at the Rio 2016 Olympic Games. I don't know the reasons why this decision has been changed, but it was questionable anyway, in particular in view of the Mayweather case and USOC's recent request to WADA to investigate in all Russian sports.

(Please note that I don't want to detract from USADA's merits in the Armstrong case leading to the Reasoned Decision showing Armstrong's cheating, even if the whole case was made possible because UCI had found Landis and Hamilton positive and the US Federal Department of Justice organized Grand Jury hearings, where the truth came out. I point out here the way in which the case was used to harm UCI and me).

This discrimination aspect is really important for the fight against doping and good governance : both WADA's mission and credibility risk to be impaired.

As to the sport of cycling I see here a story where Mr Pound and WADA have built an image and reputation for themselves by creating and publicly bashing an opponent, i.e. cycling, UCI and myself. However this self-serving focus on the problems of the personal enemy has apparently weakened the attention for (real) problems elsewhere. It certainly has resulted in an unbalanced use of WADA's resources and in a less than adequate fight against doping in the whole of sports and countries.

Once discrimination occurs the organisation's credibility is put in danger. Stakeholders, the athletes, the press and the public may wonder whether any other action or inaction is not resulting from another discrimination rather than good governance. In such a situation one has not to be surprised that the question is asked, for example, whether WADA is not hard against the Russian NOC and lenient towards the US NOC.

WADA has to fulfill its mission in a neutral and objective way, at an equal arm's length from all sports, countries, athletes, NADO's, laboratories etc.

I submit that all the above elements are a compelling ground for the WADA Foundation Board to undertake action leading to an **REALLY independent investigation** into :

1. **The role and possible responsibilities of WADA in reviewing or not reviewing the granting of the retroactive TUE to Floyd Mayweather;**
2. **The role and possible responsibilities of WADA in dealing or not dealing with the doping scandal affecting IAAF and Russia;**
3. **The role of the IC in the latter subject: were the IC's investigation and report complete and truthful regarding WADA's role and responsibilities? Why is it that the IC report doesn't say anything on the subject?**
4. **The way in which WADA fulfills its mission of monitoring and following-up Code-compliance by ADO's and in particular whether this is done in an objective, neutral and transparent way: is there any discrimination in the fight against doping of certain sports, federations, countries, NADO's, laboratories...? Are actions or inactions by WADA (also inspired by or used for political aims vis-à-vis sports, federations, countries, persons, laboratories? (There are indeed scaring rumours on discrimination by WADA of laboratoires that dare to be critical of WADA).**
5. **The possibility of a preferential relationship between WADA and USADA influencing unduly the fight against doping.**

Likewise I request the WADA Foundation Board to undertake steps in order to set up a **permanent independent mechanism, independent also from WADA, to monitor compliance by all anti-doping organizations (which includes WADA)** and that can deal with any complaints about non-compliance by any ADO, including WADA.

I thank you for your attention.

Yours sincerely,

Hein Verbruggen
IOC Honorary Member