

La Conversion, 16 June 2016

Sir Craig Reddie

President of WADA

*By e-mail only: Craig.Reddie@wada-ama.org*

Dear Mr. President, dear Craig,

Reference is made to your May 17<sup>th</sup> mail (attachment 1) that dealt (or didn't deal ...) with the issues I raised in my letter to the WADA Foundation Board of February 29<sup>th</sup> (attachment 2). Be informed that copies (in bcc) will be sent to a number of people, which explains why I add the attachments.

As to the responses to my requests, you informed me that "we agreed unanimously by the Executive Committee and the process further acknowledged by the Foundation Board". I conclude from this, and frankly I expected it, that you have used "the old trick": although my letter was addressed to the Foundation Board, you treated it in the EC and then just informed the FB "that all issues raised by Verbruggen have been exhaustively discussed in the EC and you (the FB) will appreciate that we will send the answers directly to Verbruggen..... Thank you". And of course, after some lobbying the day before, the FB agreed...

So, you hope (or even believe) that this is where it stays and that we won't hear about it anymore... Wrong, Craig, wrong, and naïve (if you allow me). Naïve because we live in 2016 and nothing, and definitely not serious issues, can simply be wiped off the table and disappear because you (WADA) ignore them and/or address them with simple, unsubstantiated denials. Virtually everything is on record nowadays, followed by a press that fortunately attaches more and more interest to good governance.

It is naïve to believe that you/WADA can just flush issues through the toilet (excuse me for returning the wording used by Mr Pound with reference to cycling) because you/WADA don't like them. I thought that recent experiences would have taught you/WADA differently but obviously you/WADA still believe that finding yourself an absolute authority (words of your predecessor John Fahey) is enough to be above the law and to "solve" WADA's wrongdoings.

So for the record:

1. Your answer regarding WADA's responsibilities in the TUE for Floyd Mayweather is rather peculiar. You seem to find it normal (as you do not comment on it) that WADA's "important partner USADA", while claiming that it was conducting for Mayweather and Pacquiao "*an independent testing program that is consistent with the World Anti-Doping Code*" (clause 28), undertakes anti-doping controls which in fact do not fall under the WADA Code thus,

controls of inferior quality. I'm sure that you will find this a major contribution by USADA to get the WADA Code globally accepted as the one and only Code, also by the American ProLeagues. "Peculiar" attitude of a WADA President, I would say.

Apparently you accept USADA to conduct testing that it claims to be consistent with the Code, while at the same time making exceptions that are at least embarrassing for WADA. I wonder whether you asked the attention of the FB members for this aspect. I am afraid you didn't, as it would expose the embarrassing situation of a TUE having been granted, as the elements publicly known indicate, without reason but under the cover of the Code. To put it simply: WADA accepts that a signatory to the Code, in spite of a signatory's obligation to "adopt and implement anti-doping rules and policies which conform with the Code" (article 20.5.2 of the Code) conducts anti-doping controls under reference to the Code but with exceptions/deviations that it agrees with the athletes to be tested and who pay it a large sum of money. In this particular case WADA accepts that the control of TUE's by WADA under the Code, which is meant to protect clean athletes and fair competition, is excluded.

2. Your answer on WADA's responsibilities in dealing (or not dealing) with the doping scandals affecting IAAF and Russia is "evasive", to put it mildly. You state that "prior to the ARD documentary, WADA had SOME INDICATION of issues within RUSADA". If it wouldn't be such a serious issue, one should be inclined to laugh pretty loudly! My comment is that in your text "some indication" ought to be replaced by "STRONG EVIDENCE" if I may believe last week's article in the Washington Post (attachment 3).

Your whole explanation that WADA had no right nor power to investigate independently is, with permission, nonsense. Your predecessor claimed WADA to be the "absolute authority" in the field of anti-doping. Also, your predecessor Mr Pound announced in 2005-2006 that WADA was conducting its own investigations into the 2005 Lance Armstrong affair. On 26 January 2013 WADA wrote to the UCI that, and I quote: "*WADA is the one body that has the authority and capacity to ensure a proper and effective enquiry....*" I suppose that your predecessor did not mean that WADA had that authority and that capacity for cycling only and for no other sport, although it would not surprise me.

By the way, as from the beginning the Code invested WADA with the task of monitoring Code compliance by signatories and ask explanations (articles 20.7.1 and 23.4). Also the 2009 Code provides that WADA shall advise governments on the implementation of the Code by signatories (article 23.4.1). What action was undertaken by WADA with RUSADA and the Russian government when it received mails from the whistleblower (the identity of which didn't have to be disclosed)? Any intervention by WADA might have prevented what eventually went wrong at Sochi (see point 3).

As from 2003 the Code provided clear and sufficient grounds for WADA to investigate any possible non-compliance. Where you invoke the new article 20.7.10 of the 2015 Code to justify the absence of investigations in the past, you will end up in making me wonder whether that article was not introduced for that purpose.

You/WADA are now telling the world that WADA did not even have the power to follow up on hundreds of mails from a whistleblower? Are you serious? Your answer to my request is a shame and it is even a bigger shame if it is true (Washington Post: attachment 3) that a WADA collaborator has sent the whistleblowers to Mr. Seppelt/ARD. So the question remains if you still believe that there is no reason to investigate in WADA's responsibilities in dealing (or NOT dealing!) with this scandal?

3. Your answer to the question: “were the IC’s investigation and report complete and truthful regarding WADA’s role and responsibilities”..., is NO ANSWER at all. To state that the IC “acted in complete independence” doesn’t address the issue. The issue is that the IC was just independent in name if you nominate Mr. Pound, a WADA FB member, as its chair (and again, if my information is correct, you/WADA tried to keep the last investigation inside, but this time you must have been told that that went a bit far, hence the nomination of Mr. McLaren). It is furthermore nice that there is a section of recommendations directed to WADA, but that doesn’t answer the question if WADA lived up to its full obligations with regard to the whistleblowers (see point 2) and - more importantly- with regard to the current Sochi drama with potentially some 15 suspected medal winners. What I mean is this: on page 1/210 the IC mentions that on January 11, 2014, Dr. Rodchenkov “*affirmed Dr. Rabin’s assessment of the Moscow laboratory having external interferences with the analytical operations*”. This was one month before the start of the Olympic Games. So what I (and I presume many others) would like to know is the following: why did WADA not immediately decide to have all samples taken at the Sochi Games analyzed outside Russia? Or, at the very least, give a full report to the IOC and emphasize the risks for “*external interferences with the analytical operations*” so that the IOC could take the measures it deemed appropriate? So it boils down to an answer to the question if WADA is (or isn’t) responsible for the fact that the IOC is now confronted with - potentially - some 15 fraudulent medal winners, not to speak about WADA’s responsibilities towards clean athletes being the victims of this sinister game. Now isn’t that a very relevant question which needs to be addressed? And why dodged Mr. Pound’s IC out of answering this very relevant question?
4. Your answer to the 4<sup>th</sup> question: “is WADA an objective, neutral and transparent organization” is the typical answer of an “absolute authority”. It is short and absolute: “these allegations are completely unfounded and unsupported by evidence”. I simply ask you to (re)read my letter, Craig. I presented 4 pages of supporting evidence. As suggested before, you/WADA seem to believe that by simply ignoring and not answering serious questions about apparent wrongdoings, these wrongdoings do not exist. Perhaps for you it is sufficient that you could avoid criticism in your FB by the “trick” I described above, but that isn’t as important as it seems. What is however important is that these non-answers and non-explanations are exactly confirming that the allegations are right and that the organization you lead has indeed discriminated sports and athletes. It is that what will stick in the mind of the neutral observers. It will reinforce also my request for investigation by the IOC Ethics Commission against WADA and its administrators. In addition you refuse to answer the allegation about (WADA’s) violations for political purposes of the athlete’s rights in the Armstrong/l’Equipe-case. I take this refusal as an admission of this very serious wrongdoing. And last but not least, you refuse to answer what I consider as an all-time low in WADA’s history, your collaboration with USADA in putting pressure on Martial Saugy to sign a false affidavit about a positive test of Armstrong (in 2001), followed by a letter to the head of the CHUV to take measures against Prof. Saugy since he refused to sign that (false) affidavit and corrected some false allegations by Mr Tygart. Again, no answer means for every neutral observer that you in fact admit that it happened, otherwise you would have denied it or at least – and better - have it investigated. What kind of an organization are you leading Craig? Trying to break someone’s career because he doesn’t accept to sign false affidavits? Not even a word of apology to Mr. Saugy? No, just ignoring and pray it will pass? Aside from this being in my view immoral, it is naïve to not take this seriously and to not investigate and take appropriate measures. It concerns you as President, Craig, and eventually it will work against you. It is all about transparency and you also have heard now many times from President Bach, how important that is for the Olympic Movement and the world of sports.

5. Your answer to the 5<sup>th</sup> question about “the preferential relationship between WADA and USADA” is of the same poor quality as the answer to question 4: short and absolute. I gave you 5 facts to prove the point but that doesn’t seem to bother you. My allegations are “completely unsubstantiated” and it is only the “shut up” that is missing. So again, the neutral observers can take the fact that you refuse to give any substantiation for your conclusion or to have my points investigated, as evidence that the preferential relationship does indeed exist.

Allow me furthermore to point out that no answer was given to my request for an appropriate independent body where one can address complaints concerning specifically WADA’s behavior. I am aware that WADA has an Ethics Panel, but it is there only to provide expert opinions on ethical aspects, especially in the medical field, of the fight against doping. Its terms of reference do not include the examination of WADA’s functioning or of any complaint in this respect. I suppose that otherwise you would have referred my complaints and requests to this Ethics Panel.

In fact, WADA’s “good governance” boils down to the following: when one has complaints or serious allegations concerning issues under the responsibility of the WADA executives, these executives themselves refuse on behalf of WADA that these complaints and allegations are investigated by a neutral and independent body (or even by the Foundation Board). Instead the case is closed with the simple answer from the executives that the complaints and allegations are unfounded. Where WADA is concerned, the denial of the “accused” is the proof of innocence: there is no need for an investigation, let alone a judge. This must be then the “good” governance of an absolute authority, whilst for others different rules apply? I refer to a statement by Mr Howman in an interview with Velonation that was published on 5 February 2012: *“Well, I think if people try to stop stuff happening, it means that there is something to be hidden. In very general terms, that would surprise me. If there is nothing to worry about, then surely everybody would be only too happy that evidence can be passed to people who can properly use it.”* <http://www.velonation.com/News/ID/11077/David-Howman-Interview-WADAs-director-general-speaks-about-ArmstrongUSPS-investigation.aspx>

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As said Craig, this is all just for the record since I know very well that you are not going to pursue any further on my requests to the FB. But perhaps you/WADA still want to pursue this silly plan to take legal action against me because I request some investigation into (potential) wrongdoings. Then having answered you will obviously serve my case. And I will send also copies to the IOC Ethics Commission who will later this year handle my complaint against WADA and others (although I heard rumors that some pressure seems to be exercised that the Ethics Commission should not handle my complaints.....)

Let me conclude with the following statement. There is an overwhelming amount of evidence that WADA in its current form (fill in yourself what is meant with “form”...) has not functioned well at all so that we cannot speak of an efficient fight against the doping scourge. WADA stumbles from blunder to blunder; it is even not necessary to give examples. IF’s and -in particular- athletes have lost the (little) confidence they held in WADA. At the same time, as WADA continuously confirms, the doping problem is increasing rather than the opposite. The reason for this non-functioning is very well known within the Olympic Movement but for political reasons nobody dares to say it publicly. So

let me do it! This anti-doping agency does not function because it has also, and perhaps even primarily, served other purposes than the fight against doping. This is demonstrated by facts such as:

- From the beginning the political side was split up in Europe on the one side and the other continents on the other side. That has not helped in finding the right people for the right jobs, to put it mildly. Mr. John Fahey, an outsider in anti-doping was handpicked by the non-Europeans to be a candidate against Mr. François Lamour, French Minister for Sports and candidate of the Europeans. The latter quickly understood and withdrew. An anti-doping insider was - for political reasons- replaced by an outsider. We have had 6 years to notice that... and we have lost 6 years.
- Having a Foundation Board as the only instrument for controlling WADA's functioning is totally outdated and inadequate. Too many people sit in there with clear conflicts of interest; this goes for presidents of IF's as well as for politicians representing countries. In addition there is a lack of interest for operational issues as noted by Mr Pound himself in his report on ineffectiveness: *"As WADA has moved from its formative stages to the ongoing operational fight against doping in sport, ministerial enthusiasm has waned and fewer Ministers are attending the WADA meetings. Whatever political appeal anti-doping may have had seems to have worn off and more and more states now send civil servants as their representatives. Many of the latter seem to measure their organizational success by how they are able to limit increases in budget contributions or to reducing such contributions, rather than to the effective accomplishment of the WADA mission."* (page 5/15). But I guess that you were happy with this lack of interest for the "effective accomplishment of the WADA mission" as it served you well in preventing the Foundation Board from discussing the points I have raised.
- Also for political reasons, WADA very quickly turned into the "repression mode". Controls and harsh sanctions were the main objectives since that provides reason for press conferences and releases. But, as I wrote in 1999 to the to be founded WADA (attachment 4; unfortunately still a very relevant document): what is the use of giving a 4 year-ban if we lack methods to avoid and detect doping - or if WADA is not even able to follow up on whistleblowers.....?
- The situation with the labs is a disgrace after 16 years of WADA-existence! I take that from the report produced by Mr. Pound in April 2013, stating on page 9/15 that not all labs are competent to analyze for all substances on the list, not all labs follow WADA's International Standard for Testing, many labs are poorly managed and some labs suffer pressures from governmental or sports authorities. (The reference to governmental pressures on labs made in 2012- 2013 is telling in the current context).
- Because of the emphasis on repression and the naming and shaming by the WADA leadership, the most basic elements for an effective anti-doping policy have never been adequately answered, beginning with the definition of doping (this "against the spirit of sport" test is straightforwardly ridiculous), not to speak about the list of prohibited substances and methods which till today continues to be a source of discussions and disagreements.
- Education, a very "quiet" but extremely important subject for which one gets little or no interest from the press, gets -probably as a consequence of the lack of media interest - also little or no interest from the WADA-leadership..... Is it true that WADA

spent \$20,749 or 0.07 per cent last year on education, as I could read in the press?  
Please reassure me it's not true!!

- And last but not least, WADA has been used for serving private agenda's and settling personal accounts as I document extensively on my website ([www.verbruggen.ch](http://www.verbruggen.ch)).

Just take a minute for the following simple thought: all the problems and urgencies and investigations currently on your plate, dear Craig, are caused by the serious deficiencies mentioned here above. But I'm afraid you fail to see and recognize that, at least publicly. And that is the greatest drama of all, the fact that this WADA, in spite of the efforts of many that are truly dedicated to its core mission, was not successful in protecting clean athletes. A drama indeed.

Sincerely,

Hein Verbruggen

Attachments