

**Minutes of the WADA Executive Committee Meeting
11 May 2008
Montreal, Canada**

The meeting began at 12.45 p.m.

1. Welcome, Roll Call and Observers

The following members attended the meeting: Mr John Fahey, President and Chairman of WADA; Mr Torben Hoffeldt, representing Mr Brian Mikkelsen, Minister of Culture and Sport, Denmark; Professor Arne Ljungqvist, WADA Vice-Chairman, IOC Member and Chairman of the WADA Health, Medical and Research Committee; Ms Rania Elwani, Member of the IOC Athletes' Commission; Mr Tanaka, representing Mr Kenshiro Matsunami, Senior Vice Minister of Education, Culture, Sports, Science and Technology, Japan; Mr Scott Burns, Deputy Director of the ONDCP; Sir Craig Reddie, IOC Member; Mr Makhenkesi A. Stofile, Minister of Sport and Recreation, South Africa; Mr Clayton Cosgrove, Minister for Sport and Recreation, New Zealand; Mr Gian Franco Kasper, IOC Member and President of the FIS; Mr Francesco Ricci Bitti, President of the International Tennis Federation and Member of ASOIF; Mr Mustapha Larfaoui, IOC Member and President of FINA; Mr Bouchard, representing Helena Guergis, Secretary of State (Foreign Affairs and International Trade) (Sport), Canada; Mr David Howman, WADA Director General; Mr Rune Andersen, Standards and Harmonisation Director, WADA; Mr Jean-Pierre Moser, Director of the WADA European Regional Office; Ms Elizabeth Hunter, Communications Director, WADA; Dr Alain Garnier, WADA Medical Director, European Regional Office; Dr Olivier Rabin, Science Director, WADA; Mr Rob Koehler, Education Director, WADA; and Mr Olivier Niggli, Finance and Legal Director, WADA.

THE CHAIRMAN said that, as the members would recall, the previous day, the question of the IWF had been discussed and a decision had been made. It had been suggested that, by way of courtesy, he might inform the president of the IWF of that decision and seek comment before bringing the matter to the Foundation Board that morning. Members would note from their lack of papers that there was no proposal to be discussed by the Foundation Board. The meeting had taken place the evening before with Dr Aján, who had immediately produced a bundle of documents in response to requests made, and this had been seen in the context of the papers before the members the previous day. Clearly, consideration of those documents had been necessary, specifically their relevance to the issues of concern to WADA and which constituted the non-compliance spoken about the previous day. In that context, he felt that there was a need to not proceed with the decision made the previous day. It was probably appropriate for a quick picture of what it had been possible to go through in those documents.

MR NIGGLI said that, to make the issue very simple, there were two things being sought: one was that there had been a case whereby it looked as though the same urine had been provided by two different athletes and a DNA analysis had taken place to confirm the case. WADA had been asking the IF for the result of the DNA analysis. The second point was that there had been a case whereby a bribe had been offered to a DCO and WADA had asked the IWF to further enquire and report on that. Dr Aján had said that this had, in fact, been done and an answer had been received from Armenia stating that this had not been the case. Nevertheless, WADA would want to see the correspondence. Dr Aján had given a pile of paper, which WADA had never received

before. One of the WADA lawyers had gone through the paper that morning, and there was nothing in the paper containing a result and comparison of the analyses or a letter from Armenia; however, there was correspondence referring to DNA analysis with the Cologne laboratory (and there were even the invoices for the DNA analysis), which led one to believe that there had been DNA analysis and that it might be possible to get the result at some point. In summary, Dr Aján had said that other things had been done, and it seemed that there might be some other documents existing somewhere. WADA would now request these documents again unless instructed otherwise.

THE CHAIRMAN said that, that morning, when he had spoken to Dr Aján, he had requested Dr Aján's unequivocal assurance that, if WADA were to suspend the implementation of the previous day's decision, which was clearly a matter for the Executive Committee at the meeting, should further information be required, it would be forthcoming accurately and efficiently within seven days of such request going forward. Dr Aján had given that assurance. He asked the Executive Committee to consider a resolution that encompassed the aforementioned points: that the decision of the previous day should still stand, noting non-compliance, but that implementation of such decision be suspended pending further and proper examination of the information provided in the bundle of documents submitted the previous day and pending receipt of cooperation unequivocally on the part of the IWF within seven days of such request from WADA and that, subject to the ongoing enquiry and examination, the Executive Committee reconvene in September and consider whether or not to proceed with implementation or otherwise in accordance with the previous day's decision.

THE DIRECTOR GENERAL noted that it would be suspension of the recommendation, so the recommendation to the Foundation Board would not take effect until after the September meeting, meaning that the Foundation Board would not consider it until November.

THE CHAIRMAN said that the Executive Committee could look at it in September as an Executive Committee, but it would have to go forward ultimately to the full Foundation Board in November. In other words, the Executive Committee would endeavour to abide by the principles of natural justice and give every opportunity but, at the same time, the Executive Committee decision would be suspended as opposed to reversed or revoked.

MS ELWANI said that she thought that the previous day's decision had been to wait until the exact truth had been found out. She thought that the process was yet to start and that a strong term such as non-compliance would not be used, so that it would not be picked up by the media.

THE CHAIRMAN pointed out that he did not propose to tell the media. He thought that it was clear that the decision the previous day had been to have a finding of non-compliance, which would lead to Dr Aján not being a Foundation Board member as of that day and a letter being sent to the IOC advising it of that decision. The finding was that there was non-compliance; he believed that it was a clear finding, but sought further comments if he was mistaken.

THE DIRECTOR GENERAL said that the process was that the Foundation Board made decisions on non-compliance. The Executive Committee was suspending its recommendation to the Foundation Board, so no position would be put to the Foundation Board and it would not be made public.

MR RICCI BITTI fully supported the decision. However, what was the consequence of non-compliance? He believed that 90% of NOCs were non-compliant, because they did not know what compliance meant. He believed that there was a lot to be done to get some stability in the system. This was why he wanted to know what the consequences were. He fully supported what had been decided.

MR NIGGLI said that, in general terms, the Foundation Board would issue a report stating that a specific body was non-compliant, and this would be submitted to the IOC and stakeholders, and then it would be for those entities to decide what the

consequences would be based on their rules. As far as WADA was concerned, there would be consequences in terms of Foundation Board, Executive Committee or working committee membership.

PROFESSOR LJUNGOVIST expressed, on behalf of the Olympic Movement, support of the proposal made. He was not a lawyer, but he understood that the decision had to stand because, on the basis of the document submitted the previous day, the decision was inevitable. The reversal of such decision would depend on the new information that might come out of the investigation of the documents.

THE CHAIRMAN said that the consequences of the new documentation and any subsequent documentation would be reported to the Executive Committee in September. The ultimate decision would be taken by the Foundation Board.

MR LARFAOUI supported the proposal, but wondered whether the Foundation Board would discuss the item at all.

THE CHAIRMAN said that he hoped that there would be no more discussion on this issue until September. People read things in newspapers that they might not wish to see there, but he hoped that there would be no further comment on this matter until the Executive Committee reconvened in September.

MR TANAKA asked when WADA would ask the IWF to provide material.

THE CHAIRMAN replied that WADA would hope to give a response on the papers received the previous evening. There would be deliberation and, if further information was required, or if there was to be comment, it would be communicated to the IWF the following week. The process would be started in an orderly and efficient manner to move forward with further information, so WADA would be back on the case the following week.

MR LARFAOUI asked why the issue would be dealt with in September and not in November, since there would be no Foundation Board meeting in September.

THE CHAIRMAN replied that there would be a meeting of the Executive Committee. There would be further consideration of the matter in September as an Executive Committee, and then, if there was to be further consideration of the decision already taken, it would go forward from September to the Foundation Board meeting in November. For any decision to take effect, it would have to be following the decision of the full Foundation Board in November.

MR BURNS said that perhaps he was a lone voice in sympathy for the legal counsel. There was non-compliance and then there was non-compliance. There were issues of bribery, manipulation of the system, allegations of cover up and intentional actions, and he hoped that this was not setting some kind of precedence. He would hope that, in the future, if there were cases of this magnitude, the Executive Committee would support counsel when it made a request for documentation, and send word out that WADA was serious, and would not wait months. This took the life out of the motivation to support when management stalled and time killed this type of case. He expressed disappointment that it had not been possible to support the management more strongly and send a message that, when there were allegations of this nature, and they might be totally false, WADA would act swiftly and strongly and loudly.

THE CHAIRMAN said that he would endeavour to convey that strong message in his report back to Dr Aján.

MR TANAKA asked what action should be taken by WADA if no answer were submitted within seven days.

THE CHAIRMAN said that Dr Aján had assured him that he would respond to any request within that timeframe. That would be part of the report back to the Executive Committee in September. If there was no cooperation, the Executive Committee members would be informed and this would no doubt underpin their decision-making on

the issue in September. Could he proceed along the lines requested that the Executive Committee resolution be as mentioned previously? He appreciated the assistance of the Executive Committee members.

DECISION

Executive Committee decision of 10 May 2008 to stand, noting non-compliance, but implementation of such decision to be suspended pending further and proper examination of the information provided in the bundle of documents submitted the previous day and pending receipt of cooperation unequivocally on the part of the IWF within seven days of such request from WADA and, subject to the ongoing enquiry and examination, the Executive Committee to reconvene in September and consider whether or not to proceed with implementation or otherwise in accordance with the decision of 10 May 2008.

The meeting adjourned at 1.00 p.m.

FOR APPROVAL

JOHN FAHEY
PRESIDENT AND CHAIRMAN OF WADA