

IPC Taskforce: progress report, December 2017

This report to the IPC Governing Board is provided on behalf of the IPC Taskforce and summarises the progress that the Russian Paralympic Committee (RPC) has made to date in meeting the conditions for reinstatement established by the IPC (available at www.paralympic.org/russian-paralympic-committee-suspension).

A. Outstanding requirements

1. Since the last Taskforce report to the IPC Governing Board in September 2017, the RPC has continued to make good progress towards meeting the outstanding reinstatement criteria, including finalising the RPC Anti-Doping Rules and providing additional information in relation to personnel and governance matters as requested.
2. At present, the Taskforce anticipates that it will be in a position to recommend the reinstatement of the RPC to membership of the IPC on the completion of the following outstanding matters (as detailed in the agreed roadmap for the RPC's reinstatement):
 - (a) The approval of the RPC's constitution by the IPC membership department (which work is ongoing).
 - (b) Completion of all budget-related aspects of the reinstatement criteria.
 - (c) Confirmation from the Russian Ministry of Sport that the required changes to the Russian legislation have been passed in order to allow for the proper enforcement of provisional and final suspensions against athlete support personnel (and reflection of those changes in the standard CSP agreements).
 - (d) The full reinstatement of RUSADA by WADA.
 - (e) The provision of an official response specifically and adequately addressing the findings made by Professor McLaren, including the findings of an institutionalised and wide-ranging doping conspiracy and cover-up, and the involvement in that scheme of (among others) officials from the Ministry of Sport, the Centre of Sports Preparation of National Teams of Russia, and the FSB.
3. The outstanding requirements in 2(a)-(c), above, are ongoing. However, as mentioned in the February, May and September 2017 reports, the Taskforce continues to have very significant concerns as to the lack of any material progress regarding the provision of an



official response from the Russian authorities adequately addressing the findings made by Professor McLaren. As has been repeatedly communicated by the Taskforce, Professor McLaren's findings (including the evidence released) must be specifically addressed, whether by acknowledging the findings and tackling the problems, or by properly rebutting the findings. The Taskforce considers this to be a fundamental requirement, as unless and until the problems that led to the RPC's suspension are fully understood and addressed, they cannot be fixed for the future. In that respect, the Taskforce refers to the findings of the CAS Panel in Russian Paralympic Committee v International Paralympic Committee, CAS 2016/A/4745, at paragraph 95:

'What has occurred in Russia was not a minor breach of an obligation or a random failure. Instead, this situation of noncompliance has been ongoing for many years ... The RPC has not established that there was at the time of the Decision, or now, a systemic cure for the systemic failure that occurred within the RPC jurisdiction and "on the RPC's watch" and that clearly demonstrated that there had, at the least, been a marked failure by the RPC to fulfil its obligations to ensure compliance with its Anti-Doping Policy.'

4. To date, the Taskforce notes that there has been no such acceptance of the McLaren findings, nor any proper rebuttal. The Taskforce has provided the Russian authorities with numerous opportunities to address this issue, and it is disappointing that they have chosen not to do so. In particular, despite several requests, the Taskforce has been provided with no information on the investigation allegedly carried out by the Russian Ministry of Sport (which is said to exonerate various individuals of any wrongdoing).
5. On 8 November 2017 the Investigative Committee of the Russian Federation issued a short statement regarding its ongoing investigation into Grigory Rodchenkov, the former director of the Moscow laboratory. The Investigative Committee stated that *'The assumptions of the independent WADA expert McLaren regarding the substitution of positive doping samples of Russian athletes for negative, during the Winter Olympiad by the Sochi Anti-Doping Laboratory as well as the existence of a certain state-sponsored doping program in Russia aimed at winning the maximum number of medals by athletes - were disproved. ... If there were any violations of the anti-doping rules, they were of a purely individual nature.'* However, the Investigative Committee did not provide any supporting evidence for its statement, or explain how specifically the McLaren findings had been 'disproved'. Instead, it simply stated that (among other things) it had interviewed various athletes, coaches and others (all of whom denied any knowledge of a doping programme), and that expert studies had disproved the sample swapping findings. None of that evidence has been made available to the Taskforce. Accordingly, the Taskforce does not consider that the Investigative Committee's statement properly rebuts the various findings made by Professor McLaren, and the evidence subsequently released



(and the Taskforce notes that both WADA and the IAAF have expressed similar views in relation to requirements in their own roadmaps).

B. Recommendations

6. Subject to the below, as the reinstatement criteria have yet to be met in full, the Taskforce is not presently in a position to recommend the reinstatement of the RPC and it therefore unanimously recommends that the RPC's suspension be maintained.
7. The Taskforce continues, however, to be greatly encouraged by the RPC's progress, and by the testing programme in place. The Taskforce accordingly recommends that the limited interim measure put in place by the IPC (allowing for the RPC to enter neutral athletes/support personnel in qualification events for the PyeongChang 2018 Paralympic Winter Games) should continue pending a further assessment at the IPC Governing Board meeting at the end of January 2018 (following which the interim measure may be withdrawn, maintained or revised, as appropriate).
8. In its recent report, the RPC has also requested that the IPC Governing Board remove the reinstatement criteria relating to the reinstatement of RUSADA by WADA and the provision of a response adequately addressing the McLaren findings. As explained above, the Taskforce considers these requirements to be fundamental to the reinstatement of the RPC, in particular so that the IPC can have confidence that the same thing will not happen again. Accordingly, the Taskforce unanimously recommends that the IPC maintain these reinstatement requirements.

Andy Parkinson
IPC Taskforce Chair