Summary of Operation Jasmine
2022 – 007
16 August 2022
The Roles and Responsibilities of National Anti-Doping Organizations include cooperating with other Anti-Doping Organizations and discouraging domestic sporting bodies from not complying with the World Anti-Doping Code (“Code”) and the International Standards.

Following Notification by a duly authorised person, and in absence of a “compelling justification”, an Athlete must submit to Sample Collection. Failure to do so, contravenes Code Article 2.3.

Code Article 2.9 creates the violation of Complicity for any conduct which assists, encourages, aides, abets or conceals a violation (or an attempted violation) committed by another.
Investigation Summary

Operation Jasmine was a joint investigation by the Compliance Investigation Section (“CIS”) of the World Anti-Doping Agency Intelligence and Investigations Department (“WADA I&I”) and the International Testing Agency (“ITA”) into two allegations (the “Allegations”), namely:

(i) A high-ranking employee (the “ADOP Employee”) from the Anti-Doping Organization of Pakistan ("ADOP") and others directed four Pakistan weightlifters (the “Athletes”) to refuse Sample Collection during a Testing Mission conducted by the ITA in late 2021. (“Allegation One”)

(ii) Some elite Pakistan Athletes receive unjustified Advance-Notice of testing. (“Allegation Two”)

Legal Landscape

Roles and Responsibilities of a NADO

The roles and responsibilities of a National Anti-Doping Organization (“NADO”) are outlined in Article 20.5 of the World Anti-Doping Code (“Code”). Of which, the most relevant to Operation Jasmine were Articles 20.5.1, 20.5.3 and 20.5.16. More specifically:

(i) Article 20.5.1 requires the ADOP to be “independent in their operational decisions and activities from sport and government”.

(ii) Article 20.5.3 requires the ADOP to "cooperate" with other Anti-Doping Organizations - like the International Weightlifting Federation ("IWF")

(iii) Article 20.5.16 requires the ADOP take “appropriate action to discourage noncompliance with the Code and the International Standards” by any “sporting body over which it has authority”.

Advance-Notice Testing


The notion of “exceptional and justifiable” is not defined but discerned from the totality of the existing circumstances. That said, some guidance is found in the text of Article 5.3.1, specifically, its emphasis on the “need to know” principle and the primacy of testing Athletes without warning.

In choosing a specific 60-minute time slot when they are “available and accessible” for testing, an Athlete may choose a location with restricted access (e.g., gated community). However, the athlete must ensure that despite the restricted access, they remain accessible to testing with no advance warning.1

Refusing, Failing or Evading Sample Collection

Following Notification by a duly authorised person, and in absence of a "compelling justification", an Athlete must submit to Sample Collection. Failure to do so contravenes Code Article 2.3.

Complicity by an Athlete or Other Person

Code Article 2.9 creates the violation of Complicity for any conduct which assists, encourages, aides, abets or conceals a violation (or attempted violation) committed by another.

Allegation One

In late 2021, the ITA notified the Athletes of their selection for an out-of-competition Doping Control. The notification occurred at a national training venue in Lahore, Pakistan and was delivered in accordance with the ISTI.

Following the notification, a coach for the Athletes (the “Coach”) approached the Doping Control Officer (“DCO”) and complained that neither he nor the Athletes had been told in advance about the Sample Collection. The Coach then telephoned an employee from the Pakistan Weightlifting Federation ("PWLF") in protest. In response, a senior member of the PWLF (the “PWLF

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1 Per ISTI Article 4.8.8.3.
The PWLF Employee accused the DCO of being a “fake” DCO. The DCO produced his Letter of Authorization (to conduct the Sample Collections), the Mission Order and personal photo identification card. The PWLF Employee was not satisfied and telephoned the ADOP Employee.

During his telephone conversation with the ADOP Employee, the PWLF Employee handed the telephone to the DCO. The ADOP Employee then told the DCO that he would not allow the Sample Collections to occur until he (the DCO) produced to him the Letter of Authorization and other related documents. The ADOP Employee directed the DCO that they be sent to him via WhatsApp. The DCO refused and explained that he could not be sure the ADOP Employee was who he was claiming to be, and, moreover, the documentation being requested was confidential.

The DCO asserted that the ADOP Employee became verbally aggressive, threatening, and claimed that only the ADOP was allowed to test in Pakistan. In an unsuccessful attempt to resolve the matter, the DCO disclosed the Mission Order number to the ADOP Employee and invited him to attend the Training Centre where he would, if the Athletes consented, show him the documents he sought.

The ADOP Employee told the DCO he could not attend and then instructed the DCO to cease the Testing Mission, leave the Training Centre and return the following day when he (the ADOP Employee) could be present. The DCO refused.

The ADOP Employee then told the DCO that because neither he nor the Athletes had been told about the Testing Mission in-advance, he would instruct the Athletes not to provide a sample. The ADOP Employee, via the PWLF Employee, then directed the Athletes to refuse Sample Collection.

Despite being warned about the consequences of not providing a sample by the DCO, the Athletes complied with the directive of the ADOP Employee and did not provide a sample. The DCO later filed an Unsuccessful Attempt Report.

The Athletes and the PWLF Employee corroborated these events to Operation Jasmine.

The ITA, on behalf of the International Weightlifting Federation (“IWF”), have commenced proceedings against the Athletes for their possible violation of Code Article 2.3 (Refusing to submit to Sample Collection). Those proceedings remain ongoing.2

The ITA will also assess whether sufficient evidence exists to commence proceedings against any person who may have been complicit (per Code Article 2.9) in the Athletes’ alleged refusal to submit to Sample Collection.

Conclusion

Operation Jasmine has found compelling evidence in support of the allegation. However, given there are ongoing legal proceedings against the Athletes (and potentially others), Operation Jasmine will defer to the respective hearing panel in determining whether certain facts are substantiated or not.

These events suggest the ADOP has not fulfilled its roles and responsibilities as a NADO, more specifically, the requirements of Code Articles 20.5.1, 20.5.3 and 20.5.16. That said, final determination of such matters resides within the jurisdiction of the WADA Compliance Review Committee (the “CRC”).

Allegation Two

Some Pakistan athletes3 have confirmed to Operation Jasmine that they were routinely tested by appointment, meaning, they would be contacted directly by the ADOP and told where and when to present for Sample Collection. Moreover, in the case of weightlifting, the ADOP selected athletes for testing based on the instructions of the PWLF.

In explanation, the ADOP claimed that some Advance-Notice testing was justified because many of the elite Athletes in Pakistan are serving members of the Armed Forces. By consequence, they are often located in military compounds inaccessible to civilians, and therefore, Doping Control. Historically, this has been managed by the appointment of a “Sports Officer” within each armed

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2 As of 11 July 2022.

3 Identities withheld.
service who is responsible for coordinating any request for Sample Collection.

**Conclusion**

Operation Jasmine has found compelling evidence to suggest there are ISTI non-conformities with the ADOP’s Advance-Notice testing of athletes. That said, final determination of such matters resides within the jurisdiction of the CRC.

**Code Compliance Issues**

In addition to the matters identified in Allegation One, Operation Jasmine also discovered evidence to suggest that the ADOP has non-conformities with the Code and International Standards in the areas of education, statistical reporting, handling of anti-doping intelligence, and testing. Moreover, the significantly underfunding of the ADOP has contributed to these apparent non-conformities.

**Education Program**

The ADOP’s education program is, by its own admission, essentially non-existent. There are no educational links on its website and only the 2009 version of the Code is accessible via the ADOP website.

**Statistical Reporting**

The ADOP does not annually publish a general statistical report of their Doping Control activities. 4

**Handling of Anti-Doping Intelligence**

According to the ADOP, it excludes, without assessment, any information received from an anonymous source. This being despite a requirement within the ISTI that an Anti-Doping Organization “assess all anti-doping intelligence” it receives. 5

The ADOP claimed the exclusion of anonymous information was in-line with domestic law. 6

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4 This is contrary to the requirements of Code Article 14.4.
5 Per ISTI Article 11.3.
6 Per the Pakistan Public Interest Disclosures Act 2017, Section 3(5) (“Anonymous or pseudonymous disclosures shall not be entertained or processed by the Competent Authority”).

**Testing Requirements**

An ADO must develop and deliver a Test Distribution Plan that is proportionate to the risk of doping faced in the jurisdiction and be sufficiently effective to detect and deter doping. Moreover, the ADO must be sufficiently resourced to achieve these requirements. 7

The ADOP’s testing figures suggest it is deficient in this area. 8 For example, as the Testing Authority, between 1 January 2017 and 1 June 2022, the ADOP collected less than 150 samples from athletes with the ADAMS nationality of Pakistan. 9

**Case Finalization Meeting**

In accordance with the Intelligence and Investigation Department’s investigative practice, the ADOP Employee was offered an opportunity to respond to the findings of Operation Jasmine. The employee accepted the invitation and on 4 August 2022, he met with the Director and Deputy Director of WADA I&I.

While nothing was raised during the meeting which impacted the findings of this investigation, the ADOP Employee emphasised the following:

**Re Allegation One**

He did not instruct the Athletes to “not provide a sample. Rather, via the PWLF Employee, he told the Athletes to cooperate with the Sample Collection request if the DCO produced, for their inspection, the Mission Order and personal identification. However, if the DCO did not produce these materials, then the Athletes were not to provide the samples because they could not be sure whether the Sample Collection request or the DCO were legitimate.

**Re Allegation Two**

Athletes who serve in the military cannot be accessed without Advance-Notice because

7 Per Code Articles 5.4.1 and 23.3; and ISTI Article 4.1.1.
8 As of 1 July 2022.
9 In 2017, 51 samples were collected. Between 2018 and 2022, 98 samples were collected.
domestic law prohibits civilians from entering military or restricted areas without permission. That said, testing with Advance-Notice was better than no testing at all.

Generally, requests to test athletes who are in military service involves a 24-hour (one day) period of notification to the respective military service to make the athlete available for testing at a specific time and location.

**Recommendations**

Operation Jasmine recommends the following:

1. A copy of this report be provided to WADA’s President, Director General and Chief Operating Officer for their information.

2. A copy of this report be provided to the WADA Compliance Taskforce, and to the Compliance, Rules and Standards Department for their attention and response to the issues of potential Code non-conformities discovered by this report.

3. A copy of this report be provided to the WADA Education and Testing Departments for their attention and response to the potential deficiencies identified in the ADOP’s education and testing programs.

4. Relevant extracts of this report (*per Allegation One*) be provided to the ITA for their information and response in relation to any potential violations identified against the ADOP Employee and the PWLF Employee.

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